

1. INTRODUCTION .....	9
1.1. Summary of ERRC Research Findings.....	10
1.2. The Nature and Structure of This Study.....	13
2. OBLIGATIONS OF STATES UNDER INTERNATIONAL HUMAN RIGHTS LAW .....	15
2.1. The Prohibition of Racial Segregation .....	15
2.2. The Prohibition of Racial Discrimination in the Enjoyment of the Right to Education .....	17
2.3. The Prohibition of Inhuman and Degrading Treatment .....	18
2.4. State’s Obligation to Ensure Full and Effective Equality .....	19
3. DATA ABOUT THE SEGREGATION OF ROMA IN EDUCATION.....	21
4. SEGREGATION OF ROMA IN SPECIAL SCHOOLS FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES .....	34
4.1. Denial of Equal Start: Direct Placement of Romani Children in Remedial Special Schools.....	38
4.2. Failure to Educate Romani Children: Transfer to Remedial Special Schools .....	42
4.2.1. Teacher Neglect at Regular Primary Schools.....	42
4.2.2. Racist Abuse of Romani Children by Teachers .....	44
4.3. Abuse of Parental Consent.....	46
4.3.1. Lack of Full and Informed Consent .....	47
4.3.2. Coercion to Consent to the Enrolment in Remedial Special Schools.....	48
4.4. Degrading Treatment: Diagnosing Children as Mentally Retarded.....	49
4.4.1. Racially-Biased Testing.....	49
4.4.2. Abuse of the Testing Procedure Leading to the Misplacement of Romani Children in Remedial Special Schools.....	50
4.5. Transfer to Special Education Without Testing .....	53
5. SEGREGATION OF ROMA IN MAINSTREAM SCHOOLS .....	55
5.1. Remedial Special Classes within the Regular Schools .....	55
5.2. Segregated All-Romani Classes in the Regular Schools.....	56
5.2.1. Pressure from Non-Romani Parents .....	57
5.2.2. Segregation as a Result of Abuse of Minority Education Policy .....	62
5.2.3. School Achievement as a Pretext for Segregating Romani Children.....	64

6.	SEGREGATION OF ROMA IN GHETTO SCHOOLS.....	67
6.1.	Ghetto Schools Based on Residential Segregation .....	68
6.2.	Ghetto Schools Based on Demographic Changes.....	70
6.3.	Ghetto Schools Resulting from “White Flight” .....	72
6.4.	Ghetto Schools within the Mainstream Schools.....	74
6.5.	Material Conditions in the Ghetto Schools.....	75
6.6.	Education in the Ghetto Schools .....	76
6.7.	Discriminatory Denial of Access to Regular Schools .....	79
6.8.	Discriminatory Exclusion from Schools: The Private Student Status in Hungary .....	80
7.	CONCLUSION .....	85
8.	DESEGREGATION OF ROMANI EDUCATION: ERRC RECOMMENDATIONS FOR GOVERNMENTAL POLICY.....	90
8.1.	Principles of the Roma Education Policy .....	90
8.2.	Legal Reform .....	91
8.3.	Education Policy Reform .....	92
8.3.1.	Integration of Students from Remedial Special Schools in Mainstream Education.....	93
8.3.1.1.	Phasing Out of the Remedial Special Schools .....	93
8.3.1.2.	Integration of Students Currently in the Remedial Special Schools.....	94
8.3.2.	Elimination of the Romani Ghetto Schools .....	94
8.3.3.	Elimination of the All-Romani Classes.....	96
8.3.4.	Prevention of Segregation of Romani Children .....	97
8.4.	General Measures to Ensure Successful Desegregation Policies on Roma.....	98
	APPENDICES.....	99
	Appendix 1. Bulgaria.....	99
	Appendix 2. Czech Republic .....	103
	Appendix 3. Romania.....	107
	Appendix 4. Slovakia .....	111
	BIBLIOGRAPHY .....	115

## ACKNOWLEDGEMENTS

This report was produced by the *European Roma Rights Center (ERRC)*. Endre Sebők coordinated the research and edited the draft country reports. The final draft of the report was written by Savelina Danova/Russinova. Claude Cahn copy-edited an earlier draft. Dimitrina Petrova copy-edited the final draft and authorised the publication of the final report. The report is based on the research and the country-specific reports which were produced by the following persons: Angel Blagoev, Kalinka Nikolaeva and Orhan Tahir of the Sofia-based Romani non-governmental organisation *Equal Access Foundation* did research into the segregation of Roma in ghetto schools in Bulgaria; Slavka Kukova of the *Bulgarian Helsinki Committee* did research in the remedial special schools in Bulgaria; Emil Cohen of the Sofia-based *Human Rights Project* wrote a paper on the status of the segregated schools in Bulgaria; Yveta Kenety of the Prague-based Romani non-governmental organisation *Athinganoi* and David Benák of the Office of the Governmental Council of the Czech Republic for Roma Community Affairs did research in the Czech Republic; Katerina Dobiášová of *Athinganoi* assisted the research in the Czech Republic; Erika Kurucz did research in Hungary; Monica Vladulescu did research in Romania; and Stefania Koskova of the Bratislava-based non-governmental organisation *Milan Šimečka Foundation* did research in Slovakia. The field research in Slovakia was co-funded by the Slovak Governance Institute. In addition, the following *ERRC* staff members, interns and volunteers contributed to the production of this report: Ana Balogh, Anita Danka, Margaret Hagan, Rita Izsák, Mona Nicoara, Susana Ricea, and Viktoria Veszelei. Krassimir Kanev, Chair of the *Bulgarian Helsinki Committee*, provided commentary on the statistical data used in the report.

*ERRC* is particularly indebted to a number of Roma who were willing to spend their time and describe the problems related to the education of Roma: Donka Panayotova of the Romani non-governmental organisation *Drom*, Bulgaria; Milan Nikolov and Andrei Iliev of the Romani non-governmental organisation *Amala-R*, Bulgaria. A number of Romani officials and local administration employees were also very helpful in compiling material on the human rights situation of Roma: Natasha Assenova, Advisor on Ethnic and Demographic Issues at the county administration of Pazardjik, Bulgaria, Antonín Lukáč, Romani advisor at the District Office of Kladno, Czech Republic, Zlatuše Tomášová and Štefan Tomáš, Romani advisors at the District Office of Teplice, Czech Republic, and Marta Pompová, Romani advisor at the District Office of Sokolov, Czech Republic.

The *ERRC* is grateful to the British Foreign and Commonwealth Office for the financial support for carrying out the research and for publishing the present report.

*“... all wear green,” said a soft but very distinct voice, beginning in the middle of a sentence, “and Delta Children wear khaki. Oh no, I don’t want to play with Delta children. And Epsilons are still worse. They’re too stupid to be able to read or write. Besides they wear black, which is such a beastly colour. I’m so glad I’m a Beta.” [...] “Alpha children wear grey. They work much harder than we do, because they’re so frightfully clever. I’m really awfully glad I’m a Beta, because I don’t work so hard. And then we are much better than the Gammas and Deltas. Gammas are stupid. They all wear green, and Delta children wear khaki. Oh no, I don’t want to play with Delta children. And Epsilons are still worse. They’re too stupid to be able...”*

Aldous Huxley, *Brave New World*

## **1. INTRODUCTION**

This report explores how Romani children in Bulgaria, Czech Republic, Hungary, Romania and Slovakia are denied equal dignity by a system of racially-based segregation in education. Racial segregation of Roma in education in these countries has persisted over the last several decades causing irreparable harms to generations of Roma: Roma have been raised with the stigma of inferiority; they have been denied equal education and life opportunities; and they have been prevented from enjoying the benefits of studying and living in a multicultural society. In some places, segregated school facilities for Roma appeared as a result of patterns of residential segregation. Racial segregation has also arisen as the effect of the operation of the educational systems in these countries which excluded Roma by virtue of their specific language and culture. Finally, racial segregation resulted from the conscious efforts of school and other officials to separate Romani children from non-Romani children for reasons ranging from their personal dislike of Roma to responding to pressure from non-Roma. To date, governments failed to implement desegregation policies. With the exception of Hungary, where recent measures were adopted aiming at the prevention of segregation in special schools and elimination of some forms of school segregation, none of the other governments of countries at issue in this report have undertaken any serious actions to desegregate the school systems.

## 1.1 Summary of ERRC research findings

### Bulgaria

According to the Bulgarian Ministry of Education and Science, in Bulgaria there are 106 schools and pre-school facilities in which the student body is 100% Roma. Most of these schools (hereinafter “Romani ghetto schools”) are located in or close to the segregated ghetto-like Romani neighbourhoods. According to experts’ estimations, around 70% of the Romani children of school age are currently educated in the Romani ghetto schools. In addition to that, according to a 2001 research there are over 300 schools in which the percentage of Roma in the student body is 50%–100%. Unlike the Romani ghetto schools, which were established especially for Romani children, a number of schools, primarily schools located in villages, have become predominantly Romani or all-Romani due to demographic shifts in the past decade. No matter how the segregated schools have been formed, however, the educational process in them is inferior as compared to schools in which non-Romani children are the majority of the student body. The inferiority of the educational process is particularly conspicuous in the Romani ghetto schools, which for a period of about 50 years since their establishment have gained notoriety for their poor quality. Although the all-Romani ghetto schools follow standard curriculum, and are formally categorised as regular schools, the material conditions and the quality of education in them are markedly inferior as compared to other mainstream schools attended primarily by non-Romani students. For about half a century since their establishment in the 1950s, the Romani ghetto schools have produced massive disparity in the educational achievement of several generations of Roma, condemning them to progressive exclusion from the mainstream society. Thus according to a recent World Bank study, the share of Roma aged 15 or above, who are without any education is 13.3%; 76.4% have only primary education; 10% have secondary education, and 0.2% have university or other post-secondary education. For comparison the respective figures among ethnic Bulgarians of the same age group are: 6.4% (without education), 28.1% (only primary education), 45.4% (with secondary education), and 20.1% (university education).<sup>1</sup>

Another serious problem facing Romani children in Bulgaria is their placement in remedial special schools for children with developmental disabilities.<sup>2</sup> According to unofficial estimates, Roma are grossly over-represented in these institutions, comprising between 80–90% of the entire student body.

1 See *Bulgaria. Poverty Assessment*. Report No. 24516-BUL. Document of the World Bank. October 29, 2002, table 6.1, p. 106, at: [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/12/06/000094946\\_02112204044990/Rendered/PDF/multi0page.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/12/06/000094946_02112204044990/Rendered/PDF/multi0page.pdf).

2 The term “remedial special schools for children with developmental disabilities” or just “remedial special schools” in this report stands for special schools which educate children with mild and mild-to-moderate mental retardation according to the classification of the degrees of mental retardation provided by the International Classification of Diseases.

## Czech Republic

According to the Czech government's own estimates, "around 75 per cent of Roma children are transferred to or directly enrolled in remedial special schools."<sup>3</sup> In these schools Romani children are subjected to a curriculum, which is inferior to the mainstream one and are practically denied the opportunity to continue their education in mainstream schools. Although there are theoretical chances for transfer to mainstream schools, in practice the allocation to special education is irrevocable in all but a handful of cases. Significantly, Czech educationalists continue to rely on intelligence testing as a primary means of evaluating children's abilities, despite the fact that this system has been proven to produce unreliable and racially biased results; psychological testing fails to account for linguistic and cultural diversity; broad individual discretion in the assessment of the psychological testing results allows for interference of racial and other irrelevant factors. In addition, parental consent is regularly secured by means implicating various degrees of coercion. The government's acknowledgement of the problem notwithstanding, its measures so far have not led to any significant reversal of the trend to place Romani children in schools for children with developmental disabilities. No compensatory education has been offered to children placed in remedial schools solely on racial grounds.

## Hungary

The segregation of Romani children in the Hungarian education system is pervasive. A wide range of mechanisms result in various forms of segregation at various levels of the school system. As elsewhere in Central and Eastern Europe, Hungary's system of remedial special schools for children with developmental disabilities has been used for about half a century as a repository for Romani children whom the regular primary schools could not or did not want to educate. Official statistics from 1993—the last year in which the state collected ethnically-based data—reveal that almost half of all children following the remedial special school program for the children with developmental disabilities were Roma. Follow-up research indicates that the tendency of overrepresentation of Romani children over the following years remained stable.

Other Romani children are segregated within regular primary schools, in separate classrooms. A widespread practice of segregating Romani children in Hungarian mainstream schools is based on a Ministry of Education decree from 1997 on the education of the national and ethnic minorities. The decree was used as a ground for segregating Romani children in all-Romani "catch-up" classes which are frequently substandard, offering poor quality education in spatially segregated areas. Most Romani children educated in "catch-up" classes are never mainstreamed into the normal school system, but rather finish their educational career in

3 See Committee on the Elimination of Racial Discrimination, CERD/C/372/Add.1, 14 April, 2000. *Reports submitted by States Parties under Article 9 of the Convention. Fourth periodic report of States parties due in 2000. Addendum Czech Republic, 26 November 1999*, para. 134.

the separate system, often as early as the 5<sup>th</sup> class. Mainstream schools also rid themselves of Romani children by putting pressure on Romani parents to place their children in the so-called “private student status”, which in effect is used to release the child from compulsory school attendance and to end the school’s obligation to educate Romani children adequately. Thousands of Romani children are also being taught in segregated ghetto schools, where non-Romani children are barely to be found, located in or near Romani settlements.

## Romania

A significant number of Romani children in Romania study in all-Romani ghetto schools located in Romani ghettos or in districts with a large Romani population. In addition to that, de facto segregated schools have emerged due to demographic processes and due to the withdrawal of non-Romani students from schools where the percentage of Romani students is high. Segregated Romani schools almost always offer lower standards of education when compared to schools where non-Romani children constitute the prevailing part of the student body. The physical infrastructure and the quality of teaching at these schools are usually poor, but more often deplorable.

Romani children are also segregated in separate classes within the mainstream schools, including classes for ethnic minorities and special classes following the curriculum of the remedial special schools for children with developmental disabilities. Although there are no legal obstacles to the establishment of classes on ethnic grounds to provide minority education, when it comes to Roma these classes are most often the result of racial discrimination. Non-Romani parents pressure the school to keep their children away from their Romani schoolmates, and the schools oblige by creating separate classes.

Discrimination of Roma in the Romanian education system has produced striking disparities in the educational achievement of Roma and non-Roma. Recent research suggests that Romani children, as compared to the general population, are four times more likely to not participate in pre-school education. In addition, the Romani children who attend school are 25% less in number (for elementary school) and 30% less in number (for secondary school) as compared to their non-Romani peers. Moreover, 80% of the children who are not enrolled in any form of education are Romani.<sup>4</sup> The outcomes are shocking, with almost 40% of the adult Romani population reportedly illiterate, a trend that has grown, not decreased, in the transition period.<sup>5</sup>

4 MEC (Romanian Ministry of Education and Research), ISE (Institute for Education Sciences), ICCV (Institute for the Research of Life Quality), UNICEF, ‘*Participation to Education of Romani Children*’, Bucharest, 2002, p. 8.

5 *Ibid.* p. 8.

## Slovakia

Slovakia has developed a system of segregating Romani children in education the most conspicuous form of which is segregation in schools for children with developmental disabilities. Various sources indicate that the number of Romani children in these schools is between 80–100%. Remedial special schools are so much associated with Roma in the popular consciousness that they are popularly called “Gypsy schools”. Intense anti-Romani racism in Slovakia conditions the ghettoisation of schools, which used to have ethnically mixed student body. In a number of schools the percentage of the Romani students has grown and is disproportionate to the percentage of Romani students in other schools within the same locality, as a result of the flight of non-Romani students from these schools. The formation of ethnically cleansed school facilities goes unchecked and is also amplified by socio-demographic processes, which have conditioned the decrease of the non-Romani population in the rural areas of eastern Slovakia.

### 1.2. Nature and Structure of This Study

This report is based on ERRC field research in Bulgaria, Czech Republic, Hungary, Romania and Slovakia in late 2002 and during 2003. In Bulgaria, the ERRC research of remedial special schools was conducted jointly with the *Bulgarian Helsinki Committee (BHC)* as part of *BHC*'s larger research into the situation of children in state institutions. ERRC/*BHC* team visited 46 out of the total of 74 remedial special schools in Bulgaria, and the remaining 28 schools were researched by the *BHC* (Appendix 1). In addition, the ERRC researched Romani ghetto schools and other forms of segregated education of Roma in: one big city—Pazardjik (Pazardjik county), one town—Provadia (Varna county), and one village—Bukovlak (Pleven county).<sup>6</sup> Research of the Open Society Foundation—Sofia in 2001/2002, established similar patterns of segregated education of Roma in the prevailing part of the 28 Bulgarian counties. (Appendix 1).

In the Czech Republic, ERRC field research focused on three towns—Teplice (Ustecký region), Sokolov (Karlovarský region), and Kladno (Středočeský region) located in regions with high numbers of Romani population according to the last Czech census (Appendix 2). The ERRC team visited all remedial special schools in the respective towns. In addition, the ERRC obtained information about the ethnic composition of most of the regular schools in these towns from the respective school authorities (Appendix 2).

<sup>6</sup> According to the administrative division in Bulgaria, the administrative units are county (*oblast*) and municipality (*obština*). Region (*kraj*) is the largest administrative unit in the Czech Republic, followed by district (*okres*) and municipality (*město/obec*). The same administrative structure applies to Slovakia: region (*kraj*), district (*okres*), and municipality (*město/obec*). In Hungary, the administrative units are region (*régió*), county (*megye*), and settlement (*megyei jogú város, város, község*). In Romania the administrative units are county (*judete*), town (*oras*) and commune (*comune*).



In Hungary, the ERRC conducted research in a city—Pécs (Baranya county); towns—Alsószolca (Borsod–Abaúj–Zemplén county), Komló (Baranya county), Nyíradony (Hajdú Bihar county), and Szentes (Csongrád county); and small towns/villages—Forró (Pest county), Gönc and Szomolya (Borsod–Abaúj–Zemplén county) in five different counties with high numbers of Romani population according to the latest census data. In addition, data about segregated education is provided by a 1998 research by Delphoi Consulting (Tables 3, 4, pp. 26, 27).

In Romania, research was carried out in one big city—Oradea (Bihor county); smaller cities—Hunedoara (Hunedoara county), Alexandria (Teleorman county), and Caracal (Olt county); towns—Zimnicea (Teleorman county), Somcuta Mare (Maramureş county), and Gyra Văii (Băcau county); and a village—Coroieni (Maramureş county) in six Romanian counties. In addition, research data are provided by a 1998 database compiled by the Ministry of Education and Research, the Institute of Educational Science and the Research Institute for Quality of Life (Appendix 3).

In Slovakia, ERRC research was carried in Košice and Prešov—the regions with highest concentration of Romani population (Table 6, p. 30). The research focused on 3 districts within these regions—Spišská Nová Ves district (Košice region) and Prešov and Bardejov districts (Prešov region). ERRC visited all remedial special schools in the respective districts (Tables 7, 9, and 11, pp. 31, 32, 33). In addition, the ERRC received information about the ethnic composition of 10 regular schools in each of these districts. The schools chosen have gained notoriety for being “Gypsy schools”—i.e., schools viewed by non-Romani locals as poor-quality schools because of the predominance of Romani children and/or located in close proximity to prominent, large Romani settlements (Tables 8, 10, 12, pp. 31, 32, 33).

The following chapter describes the most important state obligations related to the right to education. The third chapter of the report presents data about Romani children in the schools of the respective five countries covered by this research. Chapter four describes the special school system and the factors leading to the disproportionate placement of Romani children in the schools for children with developmental disabilities. Chapter five focuses on the segregation of Romani children in separate classes within the regular schools. Chapter six is about the Romani ghetto schools and the discriminatory denial of access of Romani children to regular primary schools. The report concludes with a policy statement regarding the desegregation of Roma in education.

## **2. OBLIGATIONS OF STATES UNDER INTERNATIONAL HUMAN RIGHTS LAW**

Bulgaria, the Czech Republic, Hungary, Romania and Slovakia are parties to the primary international and European human rights treaties prohibiting racial discrimination as well as racial segregation as a particularly extreme form of the latter, and committing states parties to ensure access to equal education for everyone. Moreover, constitutional provisions in each of these countries expressly incorporate such treaty obligations into domestic law and provide that such obligations have precedence over domestic law where international and domestic law contradict each other.<sup>7</sup> EU candidate States are further obliged as a condition of EU membership to respect human rights (as part of the political criteria established by the Copenhagen European Council<sup>8</sup>) and to adopt the EU anti-discrimination acquis.

Racial segregation of Roma in education—whether intentionally created or an unintentional result of other processes, is a breach of international human rights law. Racial segregation of Roma in education is a particularly vicious form of discrimination which contravenes a number of international human rights law instruments: Racial segregation is unequivocally banned under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); ICERD further prohibits racial discrimination in education; a specific ban on racial discrimination in education is contained also in the UNESCO Convention against Discrimination in Education. Finally international law prohibiting inhuman and degrading treatment is also relevant to the prohibition of racial discrimination because, as it was held by international judicial bodies, the latter may in certain circumstances constitute a form of inhuman and degrading treatment. States parties to these agreements are required to eliminate all forms of segregation and other racial discrimination and are encouraged to implement positive action to remedy their consequences.

### **2.1. The Prohibition of Racial Segregation**

Racial segregation is unequivocally prohibited under international law. The International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”) states at Article 3 that: “State Parties particularly condemn racial segregation and apartheid and

<sup>7</sup> See Constitution of Bulgaria, Article 5(4); Constitution of the Czech Republic, Article 10; Constitution of Hungary, Article 7(1); Constitution of Romania, Article 20; and Constitution of Slovakia, Article 11.

<sup>8</sup> For more information on the criteria for EU accession set by the Copenhagen European Council, see: <http://europa.eu.int/comm/enlargement/intro/criteria.htm>.

undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction”.<sup>9</sup> States obligations, elaborated under Article 2 of the ICERD, include the obligation to “prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization”. (Article 2(d), emphasis added) The normative content of Article 3 has been further elaborated by the United Nations Committee on the Elimination of Racial Discrimination in its General Comment 19 on “Racial segregation and apartheid (Article 3)”. This states:

“1. The Committee on the Elimination of Racial Discrimination calls the attention of States parties to the wording of article 3, by which States parties undertake to prevent, prohibit and eradicate all practices of racial segregation and apartheid in territories under their jurisdiction. The reference to apartheid may have been directed exclusively to South Africa, but the article as adopted prohibits all forms of racial segregation in all countries.

2. The Committee believes that the obligation to eradicate all practices of this nature includes the obligation to eradicate the consequences of such practices undertaken or tolerated by previous Governments in the State or imposed by forces outside the State.

3. The Committee observes that while conditions of complete or partial racial segregation may in some countries have been created by governmental policies, a condition of partial segregation may also arise as an unintended by-product of the actions of private persons. In many cities residential patterns are influenced by group differences in income, which are sometimes combined with differences of race, colour, descent and national or ethnic origin, so that inhabitants can be stigmatized and individuals suffer a form of discrimination in which racial grounds are mixed with other grounds.

4. The Committee therefore affirms that a condition of racial segregation can also arise without any initiative or direct involvement by the public authorities. It invites States parties to monitor all trends which can give rise to racial segregation, to work for the eradication of any negative consequences that ensue, and to describe any such action in their periodic reports.”<sup>10</sup>

A specific ban on racial discrimination in education is provided by the UNESCO Convention Against Discrimination in Education (“CDE”). Article 1(c) of the CDE prohibits discrimination in education, the definition of which includes “establishing or maintaining

9 Insofar as the ICERD also includes a separate ban on racial discrimination in the realisation of the right to education and training (Article 5(e)(i)(v)), the Article 3 ban on racial segregation is noteworthy in emphasising the particularly egregious harm of enforced separation based on race. By including the ban on racial segregation in a separate Article 3, ICERD emphasises the particularly degrading treatment suffered by victims of racial segregation.

10 See Office of the High Commissioner for Human Rights, “Racial segregation and apartheid (Art. 3): 18/08/95. CERD General recom. 19. (General Comments)”, at: [http://193.194.138.190/tbs/doc.nsf/\(symbol\)/CERD+Genera+l+recom.+19.En?OpenDocument](http://193.194.138.190/tbs/doc.nsf/(symbol)/CERD+Genera+l+recom.+19.En?OpenDocument)

separate educational systems or institutions for persons or groups of persons”.<sup>11</sup> Article 1(d) of the CDE further prohibits “limiting any person or group of persons to education of an inferior standard”. Thus the existence of de facto segregated schools in the Romani ghettos which provide inferior education as well as the channelling of Romani children to schools for the mentally handicapped, is a violation of the CDE. In the former case, none of the exemptions is in place: the Romani ghetto schools are not separate for “religious or linguistic reasons”, nor are they private schools offering educational services above and beyond those offered in standard state-sponsored schools. In the case of the schools for children with developmental disabilities, these schools violate CDE insofar as enrollment in these schools is ethnically-based.

## **2.2. The Prohibition of Racial Discrimination in the Enjoyment of the Right to Education**

A number of international treaties also prohibit discrimination based on race/ethnicity in the enjoyment of fundamental human rights, including the right to education.

Article 5 of ICERD obliges States Parties to prohibit and eliminate discrimination and to guarantee equality before the law in the enjoyment of the right to education. Racial discrimination is defined by Article 1 of the ICERD to include “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” The prohibition of both direct (by purpose) and indirect discrimination (by effect) is furthermore reiterated by the Committee on the Elimination of Racial Discrimination, which has interpreted the ICERD to include prohibition of overt discrimination as well as the prohibition of facially neutral acts that have “an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or

11 The CDE exempts from the ban on racial discrimination certain forms of separate education, specified under Article 2: “When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article 1 of this Convention:

- (a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
- (b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil’s parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;
- (c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.”

national or ethnic origin.”<sup>12</sup> Thus although national laws may prohibit racial discrimination and/or racial segregation, if the effect of the implementation of certain laws or practices confines Roma to inferior education, there will be a violation of the ICERD. In European law direct and indirect discrimination with respect to, among other things, the enjoyment of the right to education, is prohibited under Directive 2000/43/EC of the European Council of the European Union (Race Equality Directive). Article 1 of the Directive prohibits “direct or indirect discrimination based on the grounds of racial or ethnic origin”, including in the field of education, as defined by Article 3(g).

Discrimination on grounds of race and/or ethnic origin in the enjoyment of human rights is also prohibited by a number of other international instruments, including Article 2(1) of the Convention on the Rights of the Child; Article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR); and Article 26 of the International Covenant on Civil and Political Rights.

The United Nations Committee on Economic, Social and Cultural Rights (CESCR) commentary to Article 13 of the ICESCR indicates that one of the components of the right to education is that education be “accessible to all, especially the most vulnerable groups, in law and in fact, without discrimination”.<sup>13</sup> Furthermore, while many components of the right to education (like all rights in the ICESCR) are subject to progressive realisation, the prohibition against discrimination requires full and immediate application.<sup>14</sup>

The other international human rights treaties contain general guarantees of equal protection and prohibitions against discrimination that are applicable equally to education as to all other spheres of State action. Thus, Protocol 12 to the European Convention on Human Rights (ECHR) states at Article 1: “The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

### **2.3. The Prohibition of Inhuman and Degrading Treatment**

The European Convention on Human Rights (ECHR) (Article 3), the International Covenant on Civil and Political Rights (ICCPR) (Article 7) and the Convention on the Rights of the Child (CRC) (Article 37) all contain prohibitions on “inhuman and degrading treatment.” Racial discrimination in and of itself may in some instances constitute a form of degrading

12 See Office of the High Commissioner for Human Rights, Definition of discrimination (Art. 1, par.1): 22/03/93. CERD General recom. 14. (General Comments), at: [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CERD+General+recom.+14.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CERD+General+recom.+14.En?OpenDocument).

13 See Economic and Social Council. The right to education (Art.13): 08/12/99. (E/C.12/1999/10, CESCR General comment 13 para. 6 (b)), at: [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.1999.10,+CESCR+General+comment+13.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/E.C.12.1999.10,+CESCR+General+comment+13.En?OpenDocument).

14 *Ibid.*, para. 31.

treatment under international law. For instance, in a landmark decision against the United Kingdom, the European Commission of Human Rights ruled that “discrimination based on race could, in certain circumstances, of itself amount to degrading treatment” under Article 3 of the ECHR.<sup>15</sup>

#### **2.4. State’s Obligation to Ensure Full and Effective Equality**

International law provides for positive action to prevent and to remedy discrimination, including discrimination in education.

ICERD at Article 1(4) stipulates that: “Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.”

The Framework Convention on the Protection of National Minorities requires at Article 4(2) that the Parties “undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities. Furthermore, at Article 12 the Convention specifically stipulates that Parties should “undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.” At minimum, this suggests that the State must take some kind of affirmative steps to ensure an end to segregation of schools.

<sup>15</sup> See European Commission of Human Rights, *East African Asians vs. UK* 3 E.H.R.R. 76 (1981), para. 196. Ruling in the case in which East African Asian citizens of the United Kingdom and colonies challenged British immigration legislation which denied admission to UK passport holders of Asian descent resident in East Africa, the European Commission of Human Rights argued that “publicly to single out a group of persons for differential treatment on the basis of race might, in certain circumstances, constitute a special form of affront to human dignity” and that “differential treatment of a group of persons on the basis of race might therefore be capable of constituting degrading treatment when differential treatment on some other ground would raise no such question.” The Strasbourg organs have confirmed this principle on several subsequent occasions. (See European Commission of Human Rights, *East African Asians vs. UK* 3 E.H.R.R. 76 (1981), para. 207.) See also *Abdulazis, Cabales and Balkandali v. UK*, Commission Report, 6 E.H.R.R. 28 (1983), para. 113 (expressly affirming “its opinion in the East African Asians cases that the singling out of a group of persons for differential treatment on the basis of race might, in certain circumstances, constitute a special form of affront to human dignity”); *Hilton v. UK*, No. 5613/72, Admissibility Decision of 5 March, 1976 (allegation of racial discrimination by prison officers against prisoner raised an issue under Article 3); *Glimmerveen & Hagenbeek v. Netherlands*, 4 E.H.R.R. 260 (1979), Admissibility Decision, para. 19 (recalling holding of *East African Asians* that race discrimination could amount to degrading treatment). Additionally, the European Court of Justice has appropriated the reasoning of the Strasbourg organs: See *Vivien Prais v. Council of the European Communities*, Case 130/75, Decision of the European Court of Justice, 27 October 1976, p. 7 (referring to *East African Asians*).

Finally, the Race Equality Directive at Article 5 provides that: “With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.”

### 3. DATA ABOUT THE SEGREGATION OF ROMA IN EDUCATION

Comprehensive and accurate data on the education of Roma in the five countries subject to the ERRC research do not exist. In general, in a number of sectoral fields, data disaggregated by ethnicity is not systematically collected in any of the countries.<sup>16</sup> This fact renders the assessment of the status of Roma in the educational systems of the countries a very difficult task. Policies based on non-existent or scarce educational data are also bound to fail. Where statistical data about the state of Romani education exists, it underestimates the real numbers of Roma. The data provided by the ERRC below is varied in terms of its sources and scope: some data is provided by official statistical sources and is based on self-identification of Roma; other data is provided by the institutions of the local or central government and relies on the identification of Romani children by teachers and school directors; still a third type of data is

16 A number of international bodies have endorsed collection of data disaggregated by ethnicity as a crucial tool for developing effective policies. Ethnically-based data is not seen as threatening the principle of personal data protection. To that end, Recommendation No. R(97) 18 of the Council of Europe Committee of Ministers concerning the protection of personal data collected and processed for statistical purposes, distinguishes between “personal data” relating to an identified or identifiable individual and “anonymous” data where the individual is not identifiable. See Appendix to Recommendation No. R (97) 18, 1. Definitions, at: <http://cm.coe.int/ta/rec/1997/97r18.html>. The Committee of Ministers notes that “[statistical results] are not personal data, as they are not linked to an identified or identifiable natural person.” See Explanatory Memorandum to Recommendation No. R(97) 18 of the Committee of Ministers to Member States concerning the protection of personal data collected and processed for statistical purposes, adopted by the Committee of Ministers on 30 September 1997, at the 602nd meeting of the Ministers’ Deputies, at: [http://cm.coe.int/ta/rec/1997/ExpRec\(97\)18.htm](http://cm.coe.int/ta/rec/1997/ExpRec(97)18.htm).

The UN Committee on the Elimination of Racial Discrimination (CERD) has called on states to provide ethnically disaggregated data on several occasions. In its Recommendation IV(1973) CERD invited “States parties to endeavour to include in their periodic reports relevant information on the demographic composition of their population, in the light of the provisions of article 1 of the Convention, that is, as appropriate, information on race, colour, descent and national or ethnic origin.” See CERD, General Recommendation IV, Demographic composition of the population (Art. 9), (Eighth session, 1973), at: <http://www.unhcr.ch/tbs/doc.nsf/0/5786c74b85372739c12563ee003d8c89?Op=OpenDocument>. Furthermore, in its “General Guidelines Regarding the Form and Content of Reports to be Submitted by States Parties under Article 9, Para. 1, of the Convention, CERD stated: “The ethnic characteristics of the country are of particular importance in connection with the International Convention on the Elimination of All Forms of Racial Discrimination. Many States consider that, when conducting a census, they should not draw attention to factors like race lest this reinforce divisions they wish to overcome. If progress in eliminating discrimination based on race, colour, descent, national and ethnic origin is to be monitored, some indication is needed of the number of persons who could be treated less favourably on the basis of these characteristics. States which do not collect information on these characteristics in their censuses are therefore requested to provide information on mother tongues (as requested in para. 1 of HRI/CORE/1) as indicative of ethnic differences, together with any information about race, colour, descent, national and ethnic origins derived from social surveys. In the absence of quantitative information, a qualitative description of the ethnic characteristics of the population should be supplied. The remainder of this part should provide specific information in relation to articles 2 to 7, in accordance with the sequence of those articles and their respective provisions.” See CERD/C/70/Rev.5, 5 December 2000, para. 8.



collected by the ERRC researchers during their field research in the five countries. Nevertheless, the ERRC believes that, despite all its deficiencies, the available data presents a clear enough picture of the patterns of segregated education of Roma in the five countries.

## Bulgaria

Roma in Bulgaria number 370,908, or 4.7% of the population, according to the 2001 census results.<sup>17</sup> Various sources estimate the real number of Roma to be between 600,000 and 800,000, or 8–10% of the population. In the school year 2000–2001 the number of Romani students in the state school system was roughly 106,200, or about 10.5% of the total number of the students in Bulgaria, according to the Bulgarian Ministry of Education and Science.<sup>18</sup>

In 2000–2001, an estimated 70% of the Romani students attended schools located in the Romani neighbourhoods in which the student body was entirely Romani.<sup>19</sup> The total number of schools and pre-school facilities with close to 100% Romani students is estimated to be 106.<sup>20</sup> In addition, according to a 2001 study, in Bulgaria there were more than 332 schools in which the number of Romani children was between 50% and 100%.<sup>21</sup> (Appendix 1)

In the academic year 2000–2001, there were 138 special schools for children with physical and developmental disabilities in Bulgaria,<sup>22</sup> 74 of which were schools for children with developmental disabilities (hereinafter “remedial special schools”). In the school year 2001–2002 the total number of children in the remedial special schools was 9,348.<sup>23</sup> Official information about the ethnic composition of the student body in the special schools is not available. Some principals and teachers interviewed by the ERRC/BHC estimated the number of Romani children in their schools to be 80–90% of the total student body. Empirical information gathered by the ERRC/BHC researchers at 46 remedial special schools confirmed this information (Appendix 1). Most of the children interviewed by the researchers identified themselves as Romani. These children frequently indicated that they studied in the remedial special school because they were Romani. In areas with high numbers of Roma, the percentage of Romani children in remedial special schools is higher. For example, according to the

17 See Natsionalen statisticheski institut. Etnicheski sastav na naselenieto, at: <http://www.nsi.bg/Census/Census-i.htm>.

18 See Nunev, Yosif. “Analiz na sastoianieto na uchilishtata, v koito se obuchavat romski detsa.” In *Strategii na obrazovatelnata politika*. Ministerstvo na obrazovaniето i naukata. Sofia, 2001. The data of the ethnic origin of the students is based on identification by school directors and/or teachers.

19 *Ibid.*, p. 117.

20 *Ibid.*, p. 143.

21 See Denkov, Dimitar, Elitsa Stanoeva, and Vasil Vidinski. *Roma Schools in Bulgaria 2001*. Open Society Foundation. Sofia, available at: <http://romaschools.osf.bg/en/index.html>.

22 Natsionalen Statisticheski Institut. *Obrazovaniето v Republika Bulgaria za uchebnata 2000/2001*. Sofia, 2001.

23 Data provided by the department for integration of the children with special educational needs at the Ministry of Education and Science during the conference “Preparation of Specialists for the Education of Romani Children in the Integrated Schools in Bulgaria”, January 22–23, 2003, Sofia.

principal of the remedial special school in the town of Lom, about 80% of the children in the school were Roma.<sup>24</sup> She explained that fact with reference to the high number of Roma living in Lom and in the area.

## Czech Republic

According to the 2001 census 11,716 persons identified themselves as Roma. The Czech government's estimates, however, indicate that about 200,000 Roma live in the Czech Republic.<sup>25</sup>

During research in the eastern Czech city of Ostrava in 1999, the ERRC found that Romani children in Ostrava are 27.9 times more likely to be placed in remedial special schools than non-Romani children.<sup>26</sup> Although Roma represented fewer than 5% of all primary school-age students in Ostrava, they constituted over 50% of the remedial special school population. Nationwide, as the Czech Government itself conceded, approximately 75% of Romani children attend special schools.<sup>27</sup> Official estimates in the academic year 2001–2002, indicate that out of 28,151 students of remedial special schools, 25,336 students were of Romani origin.<sup>28</sup>

ERRC research in late 2002 in three Czech towns—Kladno<sup>29</sup>, Teplice<sup>30</sup>, and Sokolov<sup>31</sup>—revealed unchanged patterns of segregation of Roma in the schools for children with developmental disabilities since initial ERRC research in 1999.<sup>32</sup>

24 ERRC/BHC interview with Ms Dimitrinka Ivanova, 28 November, 2002, Lom.

25 See Committee on the Elimination of Racial Discrimination, CERD/C/419/Add.1 23 May, 2003. *Reports submitted by states parties under Article 9 of the Convention. Fifth periodic report of States Parties due in 2002*. Addendum Czech Republic, 20 December 2002, para. 2.

26 For a detailed account of the segregation of Romani children in special schools for the mentally handicapped in the Czech Republic, see the ERRC Country Report "A Special Remedy: Roma and Schools for the Mentally Handicapped in the Czech Republic", Country Reports Series No. 8, June 1999, at: <http://errc.org/publications/indices/czechrepublic.shtml>.

27 See Committee on the Elimination of Racial Discrimination, CERD/C/372/Add.1, 14 April, 2000. *Reports submitted by States Parties under Article 9 of the Convention. Fourth periodic report of States parties due in 2000*. Addendum Czech Republic, 26 November 1999, para. 134.

28 Ústav pro informace ve vzdělávání, *Statistická ročenka školství, 2001/2002 (Statistical Yearbook of Schooling, 2001/2002)*. The information is taken from the table on p. C-43, C3.3.

29 Kladno has 71,778 inhabitants, out of whom 456 citizens identified themselves as Roma in the 2001 census. According to estimates of the Romani advisor Mr Antonín Lukáč, there are 3,500–4,000 Roma living in Kladno. ERRC interview with Mr Antonín Lukáč, Romani advisor at the district office in Kladno, 4 November 2002, Kladno.

30 Teplice has 51,437 inhabitants, out of whom 151 officially declared themselves as Roma. According to estimates of Ms Zlataše Tomášová, there are about 8,000 Roma living in Teplice. ERRC interview with Mr Zlataše Tomášová, Romani advisor at the District Office in Teplice, 5 October 2002, Teplice.

31 Sokolov has 25,240 inhabitants, out of whom 301 declared themselves as Roma in the 2001 census. According to estimates, the number of Roma is around 6,000.

32 The data on the numbers of Romani children in the special schools was provided by school directors and other authorities and is based on identification of Romani children by these authorities.

In Kladno there are 2 remedial special schools for children with developmental disabilities and 1 remedial special school for pupils with multiple dysfunctions. As indicated by the figures in Table 1, Romani children comprised 72% (183 Roma out of 253 children in total) of all children in the remedial special schools for children with developmental disabilities.

*Table 1: Special Schools in Kladno*

School	Number of children 2002/2003	Number of Romani children
Special remedial school T.G.Masaryk <sup>33</sup>	141	123
Special remedial school Pařížská <sup>34</sup>	112	60
Special school for children with multiple dysfunctions Pařížská <sup>35</sup>	75	5

Additionally, according to estimates provided to the ERRC by the directors of Kladno's 15 regular primary schools and local Romani activists (Appendix 2), in the school year 2002–2003, Roma were 212 or around 3.2% of all students in the regular primary schools in Kladno. The estimated share of Roma in the town's population is above 5%.

In Teplice there are 3 remedial special schools, two of them private. Romani students constitute approximately 63% of the remedial special schools student body (Table 2) and are mainly concentrated in the public special school, which is 80% Romani.

*Table 2: Special Schools in Teplice*

School	Total number of children	Number of Romani children
Special remedial school U Červeného kostela <sup>36</sup>	250	200
Private remedial special school Krušnohorská <sup>37</sup>	62	6
Private remedial special school U Nových lázní <sup>38</sup>	25	6

33 Information provided by Ms Blanka Voráčková, school director, Kladno.

34 Information provided by Mr Antonín Lukáč, Romani advisor, District Office, Kladno.

35 Information provided to the ERRC by the school officials in questionnaire. The low number of Roma in this school is consistent with the manner in which Roma are generally segregated in a special school system, being relegated mostly to special schools for children with mental handicaps. Special schools for more severely mentally handicapped children or for children with other forms of disability tend to enrol those children that actually fit the profile of the school.

36 Information provided by Mr Štefan Tomáš, teacher's assistant, remedial special school U Červeného Kostela, 5 October 2002, Teplice.

37, 38 Information provided by school director in questionnaire sent to the ERRC.

According to information provided by the directors of the schools, 224 pupils, or 4% of the total number of students attending regular primary schools in Teplice, were Roma (Appendix 2). This estimate, however, includes also those Romani pupils who attend special classes at the regular primary schools.

In Sokolov, there is one special remedial school. According to unofficial data, in the school year 2002–2003, 115 children were enrolled in the remedial special school, out of whom the estimated number of Roma was 96, or 83% of all students in remedial special schools.

In addition, there are 8 regular primary schools in Sokolov. Estimates provided by the Regional Office of Karlovy Vary and Romani activists suggest roughly a little over 3,000 pupils in primary schools in Sokolov in the academic year 2002–2003, with under 300 Roma among them (Appendix 2). According to the Roma advisor responsible for Sokolov, one of the primary schools—Běžická—has a high number of Romani pupils.<sup>39</sup> This school has also a high number of remedial special classes. The school did not provide information to the ERRC on the numbers of students in these classes or on their ethnic affiliation.

## Hungary

According to the 2001 census, 190,046 people identified themselves as Romani, or approximately 1.8% of the total population.<sup>40</sup> Estimates put the number of Roma in the range of 550,000–600,000 or 5.3–5.8% of the population.

The most recent data about the educational status of Romani children in Hungary was gathered by the Ministry of Education in the school year 1992–1993. After the entry into force of data protection legislation in Hungary, official registers of the ethnic affiliation of students in the Hungarian schools were eliminated. A number of studies on Roma in the Hungarian educational system carried out in the years following 1993 were based on estimates.

According to a research in the school year 1998–1999 carried out by Delphoi Consulting, there were 986 primary schools (28.7% of all primary schools in Hungary) in which the number of Romani students was above 8.5%. Around one third of these (361 schools) were researched.<sup>41</sup> According to the research findings, over a six-year period between 1992 and 1998, the ratio of Romani students in schools with low percentage of Romani children has decreased, while the ratio of Romani children in schools with a high percentage of Romani children has increased.<sup>42</sup>

Also according to the Delphoi research, more than one quarter of the schools with a considerable percentage of Romani children (above 8.5%) are located in small settlements with a population below 1,000 people, while about 20% of these schools can be found in cities

39 ERRC interview with Ms Marta Pompová, Romani advisor, member of the Governmental Council for Roma Community 10 March 2003, Sokolov.

40 Népszámlálás 2001, Központi statisztikai hivatal, 2002, pp. 9–10.

41 See Babusik, Ferenc. *Survey of Elementary Schools Educating Romani Children*. Delphoi Consulting, 2000, at: <http://www.delphoi.hu/aktual.htm>.

42 *Ibid.*, p. 6.

with a population over 10,000 people.<sup>43</sup> With respect to the size of the schools, the research found that the majority of Romani children are educated in relatively small-size schools with a student body of between 120 and 200 students.<sup>44</sup> The small-size schools are located in smaller towns and villages. The survey proposed the hypothesis, based also on previous research, that the schools with a smaller number of students tend to be located on the outskirts because they are not considered to be elite schools.<sup>45</sup> It could be concluded therefore, according to Delphoi, that the majority of the Romani children attend schools on the outskirts of towns and cities and in smaller towns and villages.

The research further examined the ratio of Romani students in special remedial programmes. It was established that the higher the ratio of Romani students in the school, the higher the likelihood that the schools would initiate a remedial education programme.<sup>46</sup> Thus the schools which ran remedial programmes constituted 23.2% of the total number of schools where the percentage of Romani children was between 15% and 25%, 31% of the total number of schools where the percentage of Romani students was between 25% and 40%, and 36.6% of the total number of schools where the percentage of Romani students was above 40%.<sup>47</sup> Further, the research established that the higher the ratio of Romani children in the school, the more Romani children participate in remedial education. Romani students constitute the majority of students in remedial special programmes. As illustrated in Table 3 in almost all types of schools, regardless of the size of the school and the number of Romani students in it, Romani children comprise more than 50% of all students in remedial special education. In schools where the number of Romani children is more than 25%, the ratio of Romani children in special education exceeds 77%.

*Table 3: School Size and Concentration of Romani Children in Special Education I*

Size of the schools	Percentage of Romani children at school				
	0-9.99	10-14.99	15-24.99	25-39.99	40-100
	Percentage of Romani children in special education out of all children in special education				
Under 120 pupils	83.3		85.7	100.0	92.6
121-200 pupils	27.8	72.7	86.5	77.0	83.5
201-320 pupils	87.0	50.0	62.5	82.1	94.6
Above 320 pupils	35.1	60.6	69.4	79.9	95.9

43 *Ibid.*, p. 7.

44 *Ibid.*, p. 12.

45 *Ibid.*, p. 8.

46 *Ibid.*, p. 17.

47 *Ibid.*, p. 15.

Furthermore, with the increase of the percentage of Romani children at school, the percentage of those Romani children who follow special education also increases. It was established that more than 80% of all Romani children following special remedial programmes were educated in schools where Roma were more than 25% of the student body (Table 4).

*Table 4: School Size and Concentration of Romani Children in Special Education II*

Size of the schools	Percentage of Romani children at school				
	0–9.99	10–14.99	15–24.99	25–39.99	40–100
	Percentage of Romani children in special education out of all Romani children in primary schools				
Under 120 pupils	1.1	0	0	0	2.4
121–200 pupils	0.3	0.3	2.8	6.1	23.8
201–320 pupils	1.4	0	3.1	10	15.8
Above 321 pupils	0	0.6	6.4	19	4.8
Total	2.7	0.9	12.3	35.1	46.8

In a 2001 study conducted by the Hungarian Institute for Educational Research, 192 Hungarian elementary schools were examined, where on average 40% of the school population was Romani.<sup>48</sup> In the examined schools, the researchers found 157 classes with only non-Romani children and 311 classes with only Romani children. This means that 15.7% of Romani students were attending homogeneous Romani classes. Estimates based on this study suggest that on the national level 10% of Romani children attend homogeneous Romani classes and another 6 to 7% attend classes where Romani children are the majority. Moreover, the study suggests that almost every sixth class (17.2%) was a homogeneous Romani class in schools where the rate of Romani students exceeded 40%.<sup>49</sup> Based on extrapolations from this survey, the researchers estimated that there are approximately 700 homogenous Romani classes in the country.<sup>50</sup> The well-documented phenomenon of homogeneous Romani classes suggests that anywhere between 6,000–8,000 Romani children studying in the regular schools study in a completely segregated environment.

48 See Havas, Gábor, István Kemény, Ilona Liskó. *Cigány gyerekek az általános iskolában*. Oktatókutatató Intézet. Budapest, 2001.

49 *Ibid.*

50 Officials of the Hungarian Ministry of Education, including Minister Balint Magyar, have repeatedly made reference to this figure in recent months.

## Romania

According to the 2001 census in Romania, 535,250 people identified themselves as Romani, or about 2.5% of the population.<sup>51</sup> Estimates put the real number of Roma in the range between 1,800,000 and 2,500,000, or 8.4–11.7% of the entire population.

According to the information provided to the ERRC by the Romanian Ministry of Education and Research, in the school year 2002–2003, Romani students were 4.2% of all students in the country.<sup>52</sup> The data provided by the Ministry of Education indicates a steady decrease of the numbers of Romani students after the elementary grades. Thus the share of Romani students in pre-school education was 3.15% of all students; in grades 1–4 their share was 7.61%; in grades 5–8 their share was 4.51%; and in grades 9–13 their share was 1.04%.

On the basis of the database compiled in 1998 by the Romanian Ministry of Education and Research (MER), the Institute of Educational Science (IES) and the Bucharest-based Research Institute for Quality of Life (RIQL), an estimated 87% of the rural schools analysed had below 50% Roma in the student body; 6.4% had a Romani majority (Roma were over 50%), and in 5.8% of the schools, Roma predominated (Roma were over 70%). The number of Romani children who attended schools where the student body was more than 50% Roma was 38,334, or 12.2% of the total number of Romani children in all schools which were analysed.<sup>53</sup> According to the same database (Appendix 3), in 39 out of 40 Romanian counties, the schools with a student body of over 50% Roma were between 1.5 and 33.3% of all schools in the respective county. Schools with a student body of above 70% Roma were between 1.1 and 16.9% of all schools in 35 of the Romanian counties.<sup>54</sup>

## Slovakia

According to the 2001 census in Slovakia 89,920 people identified themselves as Roma, or 1.7% of the entire population.<sup>55</sup> More realistic estimates of the number of Slovak Roma indicate a figure between 480,000 and 520,000 or 8.9–9.6% of the entire population.

According to 1990 data of the Institute of Information and Education Forecasts, Youth and Sports, based on the identification of the Romani students by school directors and teachers, 21.4% of all Romani students attended schools for children with developmental disabilities. Roma at these schools constituted 65.2% of the student body at the special schools for children with developmental disabilities (Table 5).<sup>56</sup>

51 Romanian Institute of Statistics at: <http://www.recensamant.ro>.

52 Letter from the Ministry of Education, No. 9213/E, dated 16 June 2003, at file with the ERRC.

53 Surdu, Mihai. "The Quality of Education in Romanian Schools with High Percentages of Romani Pupils." In *Roma Rights* 3–4, 2002, at: [http://www.errc.org/rr\\_nr3-4\\_2002/noteb1.shtml](http://www.errc.org/rr_nr3-4_2002/noteb1.shtml).

54 The Ministry of Education and Research, The Institute for Educational Sciences, The Institute for Research on the Quality of Life, UNICEF. *The Participation to Education of Roma Children. Problems, Solutions, Actors*. Bucharest, 2002.

55 Slovak Institute of statistics at: <http://www.statistics.sk/webdata/english/census2001/tab/tab3a.htm>.

56 *Ústav informácií a prognóz školstva, mládeže a telovýchovy. Separát štatistickej ročenky školstva 1990*. Bratislava, 1990, p. 19 and p. 39. The year 1990 was the last year in which the government gathered ethnic data not based on self-identification.

*Table 5: Overrepresentation of Roma in Remedial Special Schools in Slovakia I*

1990	Total number of children	Children of Gypsy origin
Primary schools <sup>57</sup>	720,326	42,727
Special primary schools <sup>58</sup>	23,504	11,801
Special schools for children with developmental disabilities	17,901	11,682

In the 2001 publication of the Slovak Institute of Information and Education Forecasts (SIIEF), ethnically disaggregated data about education in Slovakia was based on self-identification of Roma.<sup>59</sup> According to this source, the number of Romani students in the school year 2000–2001 was 4,448. The data provided by the SIIEF, however, grossly underestimated the numbers of Roma in primary and special schools, as demonstrated by another study conducted by the Methodological Center of Prešov. The latter research relied on identification of Romani children by school directors and found that the number of Romani children in the Slovak school system in the school year 2000–2001 was 47,701, or about 8.28% of all pupils.

Despite the fact that the SIIEF data is based on an underestimation of the number of Romani children, the figures reveal serious discrepancies regarding the numbers of Romani children in remedial special schools as compared to the numbers of children from other ethnic groups (Appendix 4). According to this data, 38.4% of all Romani students go to remedial special schools. The respective share of children from the Slovak majority is 2.5%, and for children of the Hungarian minority it is 2.9%.<sup>60</sup> In the region of Prešov, which has the largest Romani community according to the 2001 census, the disparity of the numbers of Romani children in special schools is even more striking: Romani children in special schools represent 48.7% of the total number of Romani children at school in the region. The respective percentage of children from the Slovak majority for this region is 2.5%.<sup>61</sup>

As illustrated by Table 6, although in many regions, the share of Roma in the total population of the region is less than one percent, the numbers of Romani students in the remedial special schools are several times higher as compared to the number of Romani residents in the respective region. For example, in the region of Nitra, the percentage of Romani students in the remedial special schools is 12 times higher than the percentage of

57 The term “primary school/education” in this report refers to education from 1<sup>st</sup> to 8<sup>th</sup> grade; “elementary school/education” refers to education from 1st to 4th grade; and “secondary school/education” refers to education from 8<sup>th</sup> grade onwards.

58 The general category “special schools” includes both schools for children with physical disabilities and schools for children with developmental disabilities.

59 *Ústav informácií a prognóz školstva. Separát štatistickej ročenky školstva SR 2001*. Bratislava, 2001.

60 *Ibid.*

61 *Ibid.*



the Romani population in the region; in Prešov, 10 times higher; in Trnava, 15 times higher. Nation-wide, the percentage of Roma in remedial special schools is about 9 times higher than the share of Roma in the total population as provided by the official governmental data.

Table 6: Overrepresentation of Roma in Remedial Special Schools in Slovakia II<sup>62</sup>

Regions	Citizens	Citizens of Roma nationality	Citizens of Roma nationality (%)	Romani children in regular schools	All children in remedial special schools	Romani children in remedial special schools	% of Romani children in remedial special schools out of all children in remedial special schools
Bratislava	599,015	755	0.1	3	1,008	14	1.4
Trnava	551,003	3,163	0.6	216	1,680	155	9.2
Trenčín	605,582	1,547	0.3	92	1,055	0	0
Nitra	713,422	4,741	0.7	254	1,728	152	8.7
Zilina	692,332	2,795	0.4	51	1,330	8	0.6
Banská Bystrica	662,121	15,463	2.3	538	2,584	191	7.4
Prešov	789,968	31,653	4	1,978	4,412	1,892	42.8
Košice	766,012	29,803	3.9	1,316	4,784	363	7.6
Slovak Republic	5,379,455	89,920	1.7	4,448	18,581	2,775	15

ERRC carried out its own research in three Slovak districts in the autumn of 2002. The research established much higher shares of Romani children in the remedial special schools than the ones indicated by the official figures.

In Spišská Nová Ves district, Košice region, there are seven special primary schools for children with developmental disabilities. Two of them, Spišská Nová Ves and Kropachy schools, are located in towns, the rest are located in villages. Out of the 985<sup>63</sup> pupils attending all seven remedial special primary schools in Spišská Nová Ves district, at least 813, or 82.5% of all students, were Romani in the school year 2002–2003 (Table 7). From the six remedial special schools in Spišská Nová Ves district where ethnicity was known, with a total of 822 pupils, 813 students were Romani. That is, close to 99% of all pupils were Romani.

62 The data provided in this table is based on the Štatistický úrad Slovenskej republiky, available at <http://www.statistics.sk/webdata/slov/scitanie/tab/tab3a.htm> and on the Ústav informácií a prognóz školstva, *Separát štatistickej ročenky školstva SR 2001*, Bratislava 2001. The percentages are calculated by the ERRC.

63 The director of the special primary school in Spišská Nová Ves declined to provide data on the ethnic background of pupils at the school to the ERRC.

*Table 7: Roma in Remedial Special Schools in Spišská Nová Ves*

School	All	Roma	% Roma
Special primary school Letanovce	153	153	100
Special primary school Hrabušice	84	84	100
Special primary school Krompachy	154	152	98.7
Special primary school Markušovce	120	120	100
Special primary school Rudňany	199	198	99.4
Special boarding school Spišské Vlchy	112	106	94.6
Special primary school Spišská Nová Ves	163	N/A	
Total	985	813	82.5

In Spišská Nová Ves the ERRC received information about the ethnic composition of 10 regular primary schools out of 33 schools in the whole district. In 4 of them Roma comprised more than 50% of the student body. In the other 6 schools the Romani students comprised 13.9%, 15.8%, 32%, 37.9%, 40%, and 47.7% of the student bodies, respectively (Table 8).

*Table 8: Roma in Primary Schools in Spišská Nová Ves*

Spišská Nová Ves district primary schools	All	Roma	% of Roma
Primary school Letanovce	285	92	32
Primary school Markusovce	430	255	59.2
Primary school Spišský Hrusov	234	37	15.8
Primary school Rudňany	395	158	40
Primary school Smizany	907	344	37.9
Primary school Bystrany	530	494	93.2
Primary school Spišské Vlchy	182	182	100
Primary school Krompachy, SNP street	149	148	99.3
Primary school Hrabušice	402	192	47.7
Primary school Spišská Nová Ves, Lipova st.	574	80	13.9
Total	4,088	1,982	48.4

In Prešov district, Prešov region, there are 5 special primary schools for the mentally handicapped. Out of 694 pupils attending special primary schools for the mentally handicapped in Prešov district, at least 494, or 71% of all students, were Romani in the school year 2002–2003. Again, data on ethnicity was not available from one of the schools (special

boarding school Prešov). If special boarding school Prešov is discounted from the total, then out of a total of 591 pupils attending schools for the mildly mentally handicapped in the Prešov school district, 494—or around 84%—were Romani during 2002–2003 (Table 9).

*Table 9: Roma in Remedial Special Schools in Prešov District*

Name of school	All	Roma	% Roma
Special primary school Prešov	200	104	52
Special primary school Chminianské Jakubovany	290	290	100
Special primary school Rokycany	24	23	95.8
Special primary school Malý Slivník	77	77	100
Special boarding school Prešov	103	N/A	
Total	694	494	

*Table 10: Roma in Primary Schools in Prešov District*

Prešov district primary schools	All	Roma	% Roma
Primary school Žehna	68	68	100
Primary school Hermanovce	238	90 <sup>64</sup>	37.8
Primary school Mirkovce	93	93	100
Primary school Varhanovce	60	60	100
Primary school Svinia	333	213 <sup>65</sup>	63.9
Primary school Drienov	228	42	18.4
Primary school Petrovany	250	58	23.2
Primary school Kendice	225	93 <sup>66</sup>	41.3
Primary school Lemesany	345	79	22.8
Primary school Chminianska Nova Ves	445	95 <sup>67</sup>	21.3
Total	2,285	891	38.9

In Prešov district, the ERRC visited 10 regular primary schools out of 75 schools in the whole district (Table 10). In 3 of them, Roma constituted 100% of the student body; in one school the Roma were 63.9% of the student body; and in the remaining 6 schools the Roma were between 18.4% and 41.3% of the student body. In three of the schools which had less than 100% Romani students, there were special remedial classes for Romani students.

64, 65, 66, 67 Special classes for Romani children.

In Bardejov district, Prešov region, there are two special primary schools for the mentally handicapped and there were also special classes in two places. Out of 253 pupils attending special primary schools for the mentally handicapped in Bardejov district, 205, or around 81% of all students, were Romani in the school year 2002–2003 (Table 11).

*Table 11: Roma in Special Remedial Schools in Bardejov District*

Name of school	All	Roma	% Roma
Special primary school in Bardejov	129	82	63.5
Special classes in Raslavice	31	31	100
Special classes in Malcov	26	26	100
Special primary school in Zborov	67	66	98.5
Total	253	205	81

ERRC also visited 10 regular primary schools in the district of Bardejov out of 63 schools in the whole district. ERRC research established that Romani children constitute 100% of the student body in 2 schools, and in another 5 schools the percentage of Roma was higher than 50%. In the remaining three schools, the percentages of the Romani students were 4.7%, 17%, and 29.6% respectively (Table 12).

*Table 12: Roma in Primary Schools in Bardejov District*

Bardejov district primary schools	Total	Roma	% Roma
Primary school Zborov	377	200	53
Primary school Bardejov	847	144	17
Primary school Raslavice	525	25	4.7
Primary school Gaboltov	279	147	52.6
Primary school Malcov	429	127	29.6
Primary school Cígelka	33	33	100
Primary school Lenártov	61	43	70.4
Primary school Petrova	76	76	100
Primary school Hrabske	50	31	62
Primary school Nizny Tvarozec	45	26	57.7
Total	2,722	852	31.3

#### 4. SEGREGATION OF ROMA IN SPECIAL SCHOOLS FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES

In each country, apart from the mainstream schools, there is a complex parallel system of primary and secondary schools for children with physical and developmental disabilities. Children with developmental disabilities are educated in special primary schools and in special classes in the regular primary schools. The special schools for children with developmental disabilities (hereinafter “remedial special schools”) do not offer education of an equal standard as compared to the regular schools.<sup>68</sup> Remedial special schools permit the adjustment of the regular curriculum to a level considered appropriate for the children. For example, while regular school students in the Czech Republic learn reading comprehension, the entire Czech alphabet and counting to twenty in the first grade, special school students are not expected to acquire this knowledge until the third and fourth grade. In Bulgaria, Romania, and Hungary, the curriculum of the remedial special schools does not include foreign languages. In Slovakia, in the second grade, students in mainstream schools are taught orientation in numerical series up to 100 and computations with double-digit numbers. In special schools the orientation in numerical series goes up only to 10, and computations are also limited to numbers up to 10.<sup>69</sup>

68 The different standard of education provided in remedial special schools is recognised by the Slovak School Act. Article 33 stipulates that, “education completed in special schools, except for the education completed in schools for the mentally handicapped, is equal to the education completed in regular primary and secondary schools.” (Unofficial translation by the ERRC.)

Article 28(2) of the Czech Education Act also excludes special schools for children with developmental disabilities from the guarantee of equal education. While Article 28(2) of the Education Act makes clear that pupils with physical handicaps or emotional behavioural disorders should receive the same education as in mainstream schools, no provision is made for equal education for children with developmental disabilities. Article 28(4) of the Act which lists four types of special schools—special schools for mentally handicapped children, technical training centres, practical schools and auxiliary schools, does not provide a guarantee for an equal standard of education in the respective types of schools. (Unofficial translation by the ERRC)

Bulgarian legislation regulating special education also makes clear that the education in the special schools for children with developmental disabilities is not equal to mainstream education. Decree No. 6 of the Ministry of Education and Science on the Education of Children with Special Educational Needs and/or Chronic Diseases from 30 August 2002 explicitly stipulates at Article 29(1) that special schools for mentally handicapped children educate children according to special curricula. All other types of special schools regulated by the Decree use the standard curriculum. Furthermore, the provisions of Article 35(4) and (5) require, in case of transfer of pupils from special schools for mentally handicapped children to other schools, that the pupils pass exams the purpose of which is to define the grade of the mainstream school for which the pupil has accomplished the standard requirements. Similarly, students who have finished the eighth grade of special schools for mentally handicapped children can continue their education after passing exams, the purpose of which is to define the grade of the mainstream school for which the pupil has accomplished the standard requirements. (Unofficial translation by the ERRC)

69 Information provided to the ERRC by the Slovak educationalist Ms Eva Končoková.

The legal framework regulating special education, including education in schools for children with developmental disabilities, envisages reintegration into mainstream schools of children who are capable of achieving the education standards of the mainstream school. According to an instruction of the Czech Ministry of Education from 1999, children who have good marks at the end of the third grade of the special schools should be transferred to regular primary schools. According to the Bulgarian Decree No 6 of 2002 about the Education of Children with Special Educational Needs and/or Chronic Diseases, the transfer of children from remedial special schools to regular schools should be initiated after examination of the child to define her educational level and the grade in the regular school which she could attend. The specialised body which monitors the progress of the child in the special school is obliged to prepare a report at the end of each school year about the development of the child and the possibility for transfer to regular education. In Slovakia, the transfer of children from remedial special schools to other types of education is initiated at recommendation by the principal of the school. The Executive Order regulating special education, however, does not require regular re-testing of the children. Re-testing could be done at the recommendation of the psychologist at the school or on request of the parent/legal guardian, i.e. it is more a discretionary decision of the school itself. In Hungary, Decree 14/1994 of the Hungarian Ministry of Education obliges the specialised diagnostic body to conduct testing of the child enrolled in a special school after the first year and after that every two years until the child is 12 years of age. In case that the reason for the initial allocation has disappeared, the child should be transferred to a regular school.<sup>70</sup>

Remedial special schools, however, have no incentives to reduce their student body by recommending children for reintegration into mainstream schools. In addition, many Romani parents are reluctant to transfer their children from special to mainstream schools due to fear of harassment of the Romani children on the basis of their ethnicity as well as on the basis of the fact that the Romani children used to attend schools for mentally handicapped.<sup>71</sup>

Once a child is enrolled or transferred to a special school, the likelihood that the child will be reintegrated in regular school is close to zero. For example, the implementation of the 1999 Methodological Order No. 28498/99-24 “On Securing the Transfer of Successful Remedial Special School Pupils to Regular Basic Schools”<sup>72</sup>, issued by the Czech government has not ensured any significant transfer of children from the remedial special schools to normal schools.

70 See Methodological Instruction about the Transfer of Successful Children from Remedial Special Schools to Regular Primary Schools No 28.498/99-24 of the Czech Ministry of Education (unofficial translation by the ERRC); Decree No 6 of 19.08.2002 on the Education of Children with Special Educational Needs and/or Chronic Diseases of the Bulgarian Ministry of Education, Article 19(8) (unofficial translation by the ERRC); Article 45(1) of the Romanian Education Act 84/1995 (unofficial translation by the ERRC); Order on Special Schools No 212/1991 of the Slovak Ministry of Education, Article 16 (unofficial translation by the ERRC); Hungarian Ministry of Education Decree 14/1994 (VI.24) Articles 17(4) and 20(4) (unofficial translation by the ERRC).

71 Written comments provided for the ERRC by Ms Eva Bajgerova, regional Roma coordinator for the Ústí nad Labem region, January 27, 2004.

72 According to Dr Marta Teplá at the Department of Special and Institutional Education of the Ministry of Education, under this instruction it is recommended that children with good marks at the remedial special schools (up to an average of 1.5, 1 being the best mark, 5 being the worst) are transferred to regular schools after completion of the

According to an official at the Czech Ministry of Education, in the school year 1999/2000 a total of about 140 children were transferred to regular schools under this methodological instruction. The number of Romani children among the transferred is not available because the Ministry does not collect ethnic data. Furthermore, according to the same official, the Ministry of Education has discontinued the monitoring of the implementation of the Order shortly after its coming into force. Thus, after 2000, allegedly no data about the numbers of children transferred to mainstream education is available.<sup>73</sup>

ERRC research did not identify cases of transfers of Romani children from remedial special schools to regular schools. The regional Roma coordinator for Ústí nad Labem told the ERRC that:

Out of all the special schools here, I think that only at Střekovská, which is a small, pleasant, family-like special school, some children were transferred back to a basic school. There is a nice director there who likes children and who objectively judges children and when there is a good, smart child, they suggest the transfer.<sup>74</sup>

As of January 2004, according to the regional Romani coordinators in the regions of Zlín, Pardubice and Liberec, there have been no transfers of children from remedial special to regular schools in the respective region in the academic years 2001/2002 and 2002/2003.<sup>75</sup> According to representative of the Regional Office of Plzeň, in the school year 2002/2003 a total of three children were transferred from special to regular schools and in the school year 2001/2002 one child was transferred.<sup>76</sup> According to the regional Romani coordinator in the Ústí nad Labem region, in the school year 2000/2001 one child was transferred to a regular school.<sup>77</sup>

third grade of the remedial special school. The transfer should be approved by the psychologists office/educational psychologists' centre, which should also ensure that the child manages to keep up with the other children. Otherwise, it is also up to the regular primary school to make sure the child manages to follow the regular school curriculum. (ERRC interview with Dr Marta Teplá, February 17, 2003, Prague.) Article 5(2) of the Order states: "In cooperation with educational centres and the director of the remedial special school, from which the school transferred, as well as the pupil's parents, the primary school evaluates needs of the transferred pupil during the time the pupil is adjusting to the new environment. The transferred pupil may also follow an individual learning plan, should it be necessary for his or her successful integration into the mainstream basic school." Article 5(3) states: "In order to ensure a successful integration of the pupils at the time of their transfers from the remedial special school to a mainstream primary school, the primary school director may also ask for cooperation educational consultants, educators—teacher's assistants working in preparatory classes for socially handicapped pupils and other employees of the school, as well as the parents."

73 ERRC interview with Dr Marta Teplá, February 17, 2003, Prague.

74 ERRC interview with Ms Eva Bajgerová, regional Roma coordinator, February 11, 2003, Ústí nad Labem.

75 Information provided to the ERRC by Ms Jiřina Bradová, regional Roma coordinator in Zlín region, Ms Marta Válková, regional Roma coordinator in Pardubice region, and Mr Josef Holec, regional Roma coordinator of Liberec region, January 2004, Prague.

76 The ethnicity of the children has not been specified because the Regional Office does not gather data disaggregated by ethnicity. Information provided to the ERRC by Ms Jana Hanková, Department of Schools' Organisation, Regional Office of Plzeň region, January 2004.

77 Written statement by Ms Eva Bajgerova, regional Roma coordinator in the Ústí nad Labem region provided to the ERRC on January 26, 2004.

Theoretically, graduates from remedial special schools can continue their education in the mainstream schools after finishing the eighth grade at the special school and on the condition that they are able to meet the standards of the regular secondary schools. In the Czech Republic, a 2000 amendment to the Law on Education removed a legal prohibition which barred graduates of remedial special schools from taking the entrance examination for secondary school.<sup>78</sup> However, graduates from special schools are still excluded from enrolment in certain types of secondary schools.<sup>79</sup> Although no legal obstacles exist for the enrolment of children in regular secondary schools, statistics in the Czech Republic show that only an insignificant number of children who finished remedial special schools continue in regular secondary schools. For example, out of the total of 5,278 pupils who finished remedial special schools in the school year 2001-2002, 71.5% continued their education at technical training centres (designated for remedial special school graduates, usually lasting two years), 1.7% went to another type of secondary technical training centres (type of school mainly designated for mainstream basic school graduates usually lasting three years), 2.1% went to secondary schools, and 24.7 % were registered as unemployed, i.e. they did not continue on to any form of secondary education.<sup>80</sup>

Both available data and anecdotal evidence indicate that the system of remedial special schools for children with developmental disabilities functions as a de facto parallel substandard system of education for Roma. In some instances remedial special schools appear to have been established especially for Roma. Such are the schools located nearby Romani ghettos in Bulgaria, Czech Republic and Slovakia. Both in Slovakia and in the Czech Republic—the countries with the highest percentage of Roma in remedial special schools — territorial distribution of remedial special schools tends to correlate with the size of the Romani population in the respective administrative unit. For example, in Slovakia, in Bratislava and Trenčín—the regions with the lowest number of Roma recorded in the 2001 census—there are ten and fifteen remedial special schools respectively. However, in Prešov and Košice—the regions with the largest Romani communities—the numbers of the remedial special schools are respectively 28 and 30.<sup>81</sup> Similarly, in the Czech Republic, the regions of Visočina, Pardubice and Zlín, which have recorded the lowest number of Roma in the 2001 census, have the least number of remedial special schools—21, 25, and 20 respectively. Conversely, the regions of

78 Law no 19/2000 Coll. amending Law on Schools No. 29/1984, Article 19, Section 1 of the School Act.

79 Article 19(2) of the Czech Education Act stipulates that only those students who have successfully finished the fifth grade of the primary schools can be accepted into the first year of eight-year gymnasiums and eight-year conservatoriums with a specialisation in dancing. Furthermore, only those pupils who have successfully finished the seventh grade of primary school are accepted into the first grade of the six-year gymnasium.

80 Ústav pro informace ve vzdělávání, *Statistická ročenka školství, 2001–2002*. The information is taken from the table on p. C3.9, p. C-46.

81 See Appendix 4. The disparity in the numbers of special schools is obvious even though the regions of Prešov and Košice are among the most densely populated Slovak regions in general.



Ústí nad Labem, Central Bohemia, and Moravian Silesia, with the largest recorded Romani populations, have the largest number of remedial special schools—41, 48, and 53.<sup>82</sup>

A complex of systemic deficiencies in the structure and procedures of the education system; racially-biased assignment to special education; and widespread anti-Romani racism at various levels of society reinforce each other, with the effect of denying Roma equal education. Mainstream schools fail to integrate Romani children due to built-in unfairness in the treatment of Roma premised on ethnic “blindness”. This unfairness is demonstrated by the lack of institutional mechanisms ensuring that Roma have equal opportunities when they start school. Instead of creating conditions for Roma to improve their command of the language of mainstream education before school and help disadvantaged Roma to acquire the social skills that the majority children have acquired, the educational system assigns them to substandard education. Racially-disproportionate effects generated by the educational system are compounded by the racism of teachers and school authorities, who refuse to educate Roma and knowingly segregate them in special schools. Everywhere, ERRC met people who made statements similar or identical to the words of one Slovak specialist for special schools who told the ERRC: “We know they do not belong there [to the special schools].”<sup>83</sup>

Scholars date the emergence of the practice of placing Roma in special schools for children with developmental disabilities to shortly after the end of World War II.<sup>84</sup> Although documents of the period indicate that the policy of the communist parties has been to integrate rather than to segregate Roma<sup>85</sup>, a system of special schools and classes for Romani children was established and in the following decades, the numbers of Romani children in these facilities dramatically increased. For example, in Czechoslovakia after a 1976 school reform, which toughened school curricula, approximately every second Romani child was placed in special schools in the Czech lands by the mid-1980s.<sup>86</sup>

#### **4.1. Denial of Equal Start: Direct Placement of Romani Children in Remedial Special Schools**

Many Roma begin their education in remedial special schools without even having the chance to start at a regular school. The relevant legislation in Slovakia, Czech Republic, and Hungary

82 See Statistická ročenka školství—2001/2002, p. C-43, table C3.3 and Czech Statistical Office, Population and Housing Census 2001, Population by Nationality and Region.

83 ERRC interview with Mr Belanský, methodologist for special schools at the Prešov regional state administration office, 26 September 2002, Prešov.

84 See for example, Jurová, A.: “Dejiny rómskeho národa po roku 1945”, In: *Kaj Džas (Kam kráčaš)*. Nadácia Milana Šimečku. Bratislava, 2001, p. 41. See also, Kanev, Krassimir. *The First Steps: An Evaluation of the Nongovernmental Desegregation Projects in Six Bulgarian Cities. An External Evaluation Report to the Open Society Institute*, 2002, p. 13.

85 For more information, see Čaněk, David. *Roma and Other Ethnic Minorities in Czech and Slovak Schools (1945–1998)*, p. 11, at: <http://www.policy.hu/ipf/fel-pubs/samples/ResearchSample3a>.

86 *Ibid.*, p. 12.

allows for direct placement of a child in special education without prior enrolment in a regular school.<sup>87</sup> Moreover, in the Czech Republic, the process of misplacement of Romani children in special schools is encouraged by a provision of the 1997 Special Schools Decree, which leaves the door open for admission in the special schools of children who do not have any developmental disability. According to Article 6(1) of the decree: “[...] Provided that the number of children and pupils with health difficulties in a special kindergarten or remedial special school class is less than the maximum number of students [...] the number can be filled by the placement in the class of children and pupils without health difficulties, and priority is given to those with different work ability. Their number may not exceed a quarter of the provided maximum number of children and pupils with health difficulties in the class.”<sup>88</sup> The application of this provision has presumably resulted in the placement in remedial special schools of Romani children who did not have a developmental disability but have had difficulties at school due to, for example, poor command of the Czech language.

A recent amendment in the Bulgarian legislative framework regulating special education introduced a positive obligation on the mainstream schools to educate children with special educational needs, mandating that children should be referred to remedial special schools only when all other educational opportunities have been exhausted.<sup>89</sup> Although the changes were introduced in August 2002 and were immediately in force, ERRC/BHC research in early September 2002 found continuing enrolment of Romani children directly in remedial special schools.

In the Czech Republic and Slovakia many Romani children are not able to pass the school tests for the first grade.<sup>90</sup> Although the disadvantaged position of Romani children in terms of linguistic competence and social skills has been recognised by Czech and Slovak authorities, the measures that were undertaken to remedy such disadvantages have not, to date, had any

87 The Slovak Executive Order on Special Schools No 212/1991, for example, provides for direct placement of children with disabilities in special schools. Paragraph 14 of the Order states that: “Those handicapped pupils, who due to their health impairment are unable to learn in the primary schools, are transferred to or placed [emphasis added] in special schools.” (Unofficial translation by the ERRC.)

88 See Decree No. 127/97 Coll., on Special Schools, of the Ministry of Education, Youth and Sports of the Czech Republic.

89 See Public Education Act (in Bulgarian), at: [http://www.minedu.government.bg/normativni\\_doc/zakoni/narodna\\_prosveta.html](http://www.minedu.government.bg/normativni_doc/zakoni/narodna_prosveta.html)

Additionally, Article 2(2) of Decree No 6 of the Ministry of Education and Science of August 2002 states: “Children with special educational needs and/or chronic diseases shall be educated in integrated kindergartens, schools and other educational facilities.” Article 2(3) of the same Decree mandates, “In the special kindergartens, schools and other educational facilities shall be enrolled only children for whom all other educational opportunities have been exhausted and whose parents have explicitly consented.” (See Articles 2(1) and 2(3) of Decree No 6 on the education of children with special educational needs and/or chronic diseases. Published in Official Gazette, No 83, 30 August 2002. (Unofficial translation by the ERRC)).

90 School readiness tests in Slovakia measure gross and fine motor development, perceptual development: visual, auditory, tactile, gustatory and olfactory senses, intellectual development, including reasoning skills and general insight into everyday life, language development and comprehension skills through talking and listening, as well as emotional and social development.

serious impact on most Roma. Slovak legislation, for example, provides for the establishment of preparatory classes to help children meet the standard school criteria. The establishment of such classes, however, is not obligatory and is left to the discretion of the individual schools.<sup>91</sup> Many of the schools visited by the ERRC during the research in Slovakia did not operate preparatory classes and did not intend to start such classes. Preparatory classes established in remedial special schools may also stimulated the enrolment of Romani children in remedial special schools rather than in regular schools. In the Czech Republic, for example, about one-third of the preparatory classes are established in remedial special schools.<sup>92</sup> Due to the fact that remedial special schools are usually located in areas with high numbers of Roma, Romani families are inclined to send their children to a preparatory class at the remedial special school. Romani children attending these classes frequently get accustomed to the environment at the special school and feel comfortable there. A Romani family in the Czech Republic explained to the ERRC:

Pamela was going to pre-school classes at the remedial special school and the psychologist told us that going to the normal school would be much harder for her, and that the remedial special school's environment is familiar to her thanks to the pre-school classes, and so it would be easier there.<sup>93</sup>

When the time to decide where to send the child for first grade comes, the authorities at the remedial special school often suggest that the child should stay. Uninformed Romani parents, who see their child in a comfortable environment, and know of the hostility against Roma in many "normal" schools, often consent to what seems a natural process.

On many occasions, Romani parents and educationalists described to the ERRC situations which indicate that Romani children were routed to the remedial special schools as a result of conscious efforts by teachers and psychologists to keep the Romani children out of the mainstream schools. A special remedial school teacher in Hungary, for example, told the ERRC:

Romani children are usually enrolled in remedial special school without seeing the normal school. The transfer, in fact, is often based on the single opinion based on the 30 minute-long examination by the Rehabilitation and Expert Committee. Non-Romani children usually get two or three chances and have already failed the second or third year of the regular primary school several times when they are transferred to a remedial special school. By contrast, many Roma are placed there immediately.<sup>94</sup>

91 Slovakia School Act No. 29/1984, Section 2, paragraph 6, subsection 2.

92 According to information provided to the ERRC by the Czech Ministry of Education, in the academic year 2001–2002, 33% of the total number of 109 preparatory classes were established at the remedial special schools.

93 ERRC interview with Mr Bartoloměj Bodor and Ms Anděla Bodorová, 31 October 2002, Kladno.

94 ERRC interview with Ms Csilla Gintli, 18 November 2002, Budapest.

The belief that regular schools refuse to educate Roma and prefer to send them directly to the remedial special schools was also shared by many Romani parents the ERRC met. Mr Drevnjak, a Romani father from the Czech Republic, commented on how his older children ended up in the special school:

The school just sends the child to the psychologist's office. The psychologist says that the child is not ready for the first grade and suggests that the child goes to the first grade at the special school. This is how they make it easy for themselves.<sup>95</sup>

Targeted efforts at recruiting Romani children in remedial special schools were also documented by the ERRC/BHC team in Bulgaria. Some special schools seek to preserve their student body and, accordingly, their teacher staff and financial benefits, by persuading Romani parents to enrol their children in the special schools. ERRC/BHC research in Bulgaria found that Romani neighbourhoods are the primary target of the enrolment campaigns launched by the remedial special school authorities. According to some special school teachers and psychologists, authorities at the special schools try to attract pupils by providing additional services such as dormitories and free meals and textbooks. These services often help persuade parents to send their children to school. Some of the special schools have produced colour brochures with photographs of their facilities (for example the special school in Pazardjik), which look better than the homes that the children live in with their families. Other special schools distribute advertisements or attempt to attract pupils with commercials on cable television stations (for example the special school in Dimitrovgrad) or on the radio (for example the special school in Plovdiv).

The remedial special schools offer material benefits such as free school books, free lunches, etc., which partially alleviate Romani parents' economic hardship. Moreover, many remedial special schools are actually boarding schools offering conditions which are far better than the conditions in which Romani children live with their families. The additional financial assistance offered by special schools and the state to disabled children represent a very attractive incentive for poor families. Many Romani parents declared to the ERRC that the material support received from the special schools represents the only way to meet the basic needs of their children for attending a school.

Ms Dimitrina Stancheva, principal of the remedial special school in Vetren village near Stara Zagora, Bulgaria, stated that about 90% of the pupils in the school are of Romani origin.<sup>96</sup> She said that the teachers in the school go to the Roma neighbourhood in the village to talk to the parents of the children who do not attend the mainstream school they are enrolled in or who are about to start school. The teachers explain that the special school offers an easier curriculum and the children would have more success in acquiring knowledge there. The principal of the remedial special school in Sliven Mr Stefko Yovchev explained that

95 ERRC interview with family Drevnjak, 7 February 2003, Louny.

96 ERRC/BHC interview with Ms Dimitrina Stancheva, 25 September 2002, Vetren.

40% of the students are Roma and another 40% identify themselves as Turkish Roma.<sup>97</sup> He stated that one of the ways for identifying children with special needs is to go to the Romani neighbourhood to talk to the parents of school-age children who do not attend school. The information about these children is usually provided by the municipality.

Some educators with whom the ERRC spoke admitted that Romani children are often the victims of mercantile interests of the school authorities. Mr Vaclav Sneberger, director of Step by Step program in the Czech Republic and an ex-teacher at a remedial special school told the ERRC that:

Psychologists automatically send Romani children to special schools, which know how to deal with Romani children, where there already are Romani children. Schools get subsidies for each child, and so when there are not enough children in some school, they make a deal with the psychologists or basic schools to fill them in. [...] People now just would do anything to keep their positions.<sup>98</sup>

#### **4.2. Failure to Educate Romani Children: Transfer to Remedial Special Schools**

Many Romani children who manage to enrol in the regular primary schools face serious barriers to continuing their school career there. On the one hand, the regular schools do not provide adequate individualised care to meet the needs of the Romani children. On the other hand, racial prejudice prevailing in the majority communities has also infected the school environment. Many Romani pupils and parents whom the ERRC met complained that at the regular primary schools they have been exposed to neglectful and denigrating attitudes by teachers and non-Romani schoolmates alike.

##### **4.2.1. Teacher Neglect at Regular Primary Schools**

A survey conducted among primary school teachers in Slovakia indicated that 47% of the teachers believed that Romani children would not be able to succeed in school. Eighty-four percent of the teachers surveyed believed that Romani children are less mentally capable than their non-Romani peers.<sup>99</sup> Such attitudes prevail in many places. For example, Ms Sofia Dumitrescu, psychologist in the primary special School No. 1 in Bucharest, Romania, stated that she believes that “the majority of Romani children who attend special schools suffer from a social-cultural handicap; they belong to a sub-culture, living in an environment of poverty,

97 ERRC/BHC interview with Mr Stefko Yovchev, 26 September 2002, Sliven.

98 ERRC interview with Mr Vaclav Sneberger, 6 February 2003, Prague.

99 See Zelina, M., Valachova, D., Kadleřiková, Z., Butašová, A. (eds.). *Vzdelávanie romov*. SPN, 2002, pp. 44–61.

promiscuity and illiteracy, which does not make possible a normal physical and intellectual development".<sup>100</sup> Ms Dumitrescu considers this an "authentic form of handicap which can never be healed, but only ameliorated".<sup>101</sup> The belief that Romani children are incurable underlies widespread neglect on the part of the teachers and results in a deteriorating school performance of the Romani children. Romani children testified to the ERRC that teachers systematically ignore them in the educational process.

Teacher abuse was alleged to the ERRC by a Romani mother in northern Bohemia, Czech Republic:

Veronika started school attendance at a basic school in Prague. She learnt to count and read at four, and so we thought she would be a smart child and should go to a basic school, not to a remedial special school like all our older children. But her teacher did not like her. She did not like any Romani children. Soon I found out that Veronika often missed classes. So I went to the school to talk to her teacher and asked her why she did not like my daughter. She denied it and did not change her behaviour, even though our people talked to her again after she did not let another Romani child use the toilet and so he "did it" in the class. So then, we decided to transfer Veronika to the remedial special school because we thought it would be better for her than not going to school at all.<sup>102</sup>

Ms Florica Dobai, a single Romani mother of three children of school age from Oradea, Romania, told the ERRC about her nine-year-old son Eugen who repeated the second grade in the Romanian section of the regular primary School No.1 in Oradea. Ms Dobai said she was not satisfied with the school results of her son who cannot read and write after three years of school attendance. She blamed the teacher who did not pay any attention to Eugen, the only Romani pupil in the class. Ms Dobai told the ERRC:

I went to school several times to discuss this problem with the teacher, but with no result. Once I went during the Math class and I saw my son almost sleeping, with his head on the desk, while other children were solving exercises on the blackboard. When I talked to the teacher she argued that she cannot work only with Eugen since there are so many pupils in the class. She recommended me to send my son to a special school for the mentally disabled where he can be better looked after.<sup>103</sup>

In Bulgaria, ERRC/BHC attended the examination of children by the Stara Zagora diagnostic commission. One of the children who appeared before the commission, Sijka, was a Romani child who lived in a child-care institution. She was accompanied by the educator

100 ERRC interview with Ms Sofia Dumitrescu, 11 September 2002, Bucharest.

101 ERRC interview with Ms Sofia Dumitrescu, 11 September 2002, Bucharest.

102 ERRC interview with family Drevnjak, 7 February 2003, Louny.

103 ERRC interview with Ms Florica Dobai, August 2002, Oradea.

of the institution because her mother was not found. The educator claimed that the child had made no progress in academic achievement because the teachers in the mainstream school had no time for children like her. Sijka had studied in the mainstream school for one year at the first grade.

Some Romani parents with whom the ERRC spoke have become aware that their children will not be educated in the regular primary school. That is why they “voluntarily” transferred their children to special remedial schools with the hope that even though the children will be educated by an inferior standard in the special remedial schools, they will receive some education as compared to no education in the regular schools. For example, one parent in Slovakia told the ERRC the following:

My daughter was in the primary school, but she wasn't learning anything. The teachers were teaching only the white kids. They were communicating only with them and the Roma kids only sat there and watched. So I consented to transfer her to the special school.<sup>104</sup>

#### 4.2.2. Racist Abuse of Romani Children by Teachers

ERRC met many Romani parents who preferred to send their children to remedial special schools in order to avoid racist abuse in the regular schools. One Romani mother in Hungary expressed a view heard in many places throughout the region:

All of my children attend remedial special school but I do not mind it. They like it; they feel well there, because they are together with their friends and relatives. There are only a few non-Romani students in the school, so nobody tells them “you are dirty Gypsies!”<sup>105</sup>

In Bulgaria, for example, the ERRC/BHC team witnessed a case in which a Romani father brought his child before the diagnostic commission in Stara Zagora because the child's teacher in the regular school had told the other pupils that the child had lice and ordered him to go home. When the father had complained to the school principal, she had defended the teacher, and so the father decided to move his child to a different school. The physical education teacher from the special school, who is a Romani man, had suggested that he enrol his child in the special school. The father explained to the committee that he wanted to place his child in a special school because in the regular school he had been the object of racist insults. The commission refused to test the child. Similar reasons for enrolment in remedial special schools were given to the ERRC/BHC researchers by Romani children in the sixth grade in the

104 ERRC interview with Ms E.C., 31 October 2002, Letanovce.

105 ERRC interview with Ms András Lakatos, 26 September 2002, Szomolya.

remedial special school in Topolovgrad, who explained that they and their parents prefer that school since no one offends and beats them.<sup>106</sup>

Similarly, one Romani father from the Czech Republic shared with the ERRC the following experience:

We have four children, three boys and one girl. Denisa is 10 years old, she is in the fifth grade at the special school. We also have three boys, two of them finished special school and one is 8 and is at a special school now. The older children were at a basic school first but then were transferred to the special school. I went to see the director of the school. We did not agree to the transfer. But they were transferred anyway. So, when my younger children were starting school, we enrolled them in the special school. The director of the special school, where my children go now, called me and said Denisa should go to a basic school, that she is too good for special school. But I don't want her to go to a basic school, there is still that same director that does not like us, the Gypsies.<sup>107</sup>

Romani children who are subject to racist attitudes lose motivation to attend school and often prefer to join the special schools where among other Romani children they will feel more comfortable. In some instances, Romani children become defensive in response to racist attitudes and their behaviour is perceived by the teachers as problematic. ERRC interviewed Romani students who were transferred to remedial schools due to "behaviour problems". Pepa G., a Romani pupil from the Czech Republic, who was transferred to a remedial special school in the seventh grade, told the ERRC the reasons for his transfer:

I did not like going to the basic school. I was, for example, just sitting at the desk and the teacher kept asking me: "What are you doing there, [calling him by his surname]?" Even teachers who were not teaching me were complaining about me to the director of the school, but I never even spoke with them. They said that if I kept being disrespectful, they would send me to the foster home. But it is not only me having problems at that school, I know of other Romani kids having similar problems there. The director did not like me either. He called the police once when some money got lost and blamed me. I did not do it. This is when they suggested that I be transferred. They said that once I am fifteen and something gets stolen again, I would go to prison for five to ten years. But they never proved that I stole anything. Nevertheless, the director said that he would do everything to get me out of the school. He said that it would be for my own good.<sup>108</sup>

106 ERRC/BHC interview with Romani children in the sixth grade of the Topolovgrad special school, 21 November 2002, Topolovgrad.

107 ERRC interview with Mr Nistor, 10 February 2003, Ústí nad Labem.

108 ERRC interview with Pepa G., 15 October 2002, Kladno.



### 4.3. Abuse of Parental Consent

Parental consent to the placement in or transfer of a child to a special school is obligatory according to the legal regulations on special education in all five of the countries surveyed in this report.<sup>109</sup> When it comes to Romani parents' consent to the assignment of their children to remedial special schools, however, full and informed consent is often a hollow concept.<sup>110</sup> In many cases Romani parents consent to the assignment of their children to special education faced with the choice between the evils of a dead-end school system and the exposure of the child to systemic humiliation and abuse at the regular school. Among the parents who give their consent to special education for their children are those who have become aware that substandard education in the special school is better than no education in the mainstream school. In these and other situations, parental consent cannot be considered to be taken in conditions absent coercion. In the cases when Romani parents make a choice to send their children to special education themselves, their choice is often not motivated by their preference for special education over mainstream education. Romani parents who choose special education for their children are often those who live in extreme poverty and cannot afford the costs of regular school and who prefer to send their child to a school where the living standard is better than their own. Many times Romani parents choose to send their children to a remedial special school, with the assumption that the special school will provide racism free and comfortable environment for the children, who will be among other Romani children—usually the majority of the students body at a remedial special school. Moreover, ERRC research indicates that few Romani parents who choose to enrol their children at a remedial special school are aware of the fact that the special school offers substandard education and practically blocks the child's way to higher levels of education. Parental choice made under such circumstances is not free and informed.

109 See Article 2(3) of Decree 6 of the Bulgarian Ministry of Education and Science, published in Official Gazette, No 83, 30.08.2002; Article 7(1) of the Special Schools Decree of the Czech Ministry of Education; Article 13(1) of the Hungarian Public Education Act and Article 15(1) of the Hungarian Ministry of Education Decree 14/1994 (VI.24); Article 45(2) of the Romanian Education Act 84/1995; and paragraph 14 of Executive Order on Special Schools No 212/1991 of the Slovak Ministry of Education.

110 At international level, the standards for informed consent are defined by human rights treaties in relation to patient's rights. In the 1997 Council of Europe Convention on Human Rights and Biomedicine, these requirements are premised, among other things, on "the need to respect the human being both as an individual and as a member of the human species and recognising the importance of ensuring the dignity of the human being". The Explanatory Report on the Convention on Human Rights and Biomedicine, pertaining to Article 5, elaborates on the interpretation of informed consent by stating that "patient's consent is considered to be free and informed if it is given on the basis of objective information from the responsible health care professional as to the nature and the potential consequences of the planned intervention or of its alternatives, in the absence of any pressure from anyone." Furthermore, "this information must be sufficiently clear and suitably worded." (See Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine. Explanatory Report, paragraphs 35 and 36, at: <http://conventions.coe.int/treaty/EN/cadreprincipal.htm>.)

ERRC research has also identified patterns of deliberate abuse of Romani parents' consent on the part of school authorities. In some cases, the consent given to special education is not fully informed. In extreme cases consent is coerced or not sought at all.

#### 4.3.1. Lack of Full and Informed Consent

Romani parents who consent to the enrolment or transfer of their children to remedial special schools are often not properly informed about the nature of these schools. ERRC research established that school authorities are frequently eager to advertise the advantages of remedial schools but tend to withhold information regarding their disadvantages. ERRC/BHC research in Bulgaria provides evidence of this phenomenon. On 9 and 10 September 2002, the ERRC/BHC attended the examinations carried out by the diagnostic commission in Stara Zagora. There were 19 children to be examined, 12 of whom were Romani.

Most of the Romani parents who brought their children to the commission in Stara Zagora were former pupils of the special schools. Apparently, their decision to have their children diagnosed and placed in the schools had been influenced by their own experience. Another group of parents who brought their children before the commission for diagnosis were Roma who had never attended any school and did not speak Bulgarian fluently.

ERRC/BHC research revealed that many parents of the children being examined did not understand the nature of the special schools. During the diagnostic commission meeting, the members of the commission tried to persuade the Romani parents to enrol their children in the special school. The representatives of the special school described to the Romani parents only the benefits of the special school—free food, free textbooks, dormitories, and the low ratio of pupils to teachers in the special schools, which theoretically guarantees more individualised work with the pupils.

The special schools' representatives did not explain to the parents the negative consequences of enrolling their children in special schools—such as the fact that upon graduation, the children would receive only a certificate showing that they completed the eighth grade, which is not a legal equivalent to a diploma for secondary school, or the fact that with a special school record their children would have limited opportunities to continue their education after the eighth grade and to find work in the future.

Similarly, ERRC research in Hungary established that Romani parents whose children studied in special remedial schools were not aware of the nature of the schools. By the time they do understand, it is often too late. A Romani mother reported to the ERRC:

For a long time, I did not know what remedial special school was, and what my son loses and misses out if he attends such a school instead of a normal primary school. Nobody told me in detail. When my son graduated from remedial special school he wanted to go on studying in Gardonyi Secondary School in Eger. He applied but he was not accepted, as he did not speak any foreign language, and he received much lower education in remedial school. My son was crying, saying: 'Mum, they spoiled

my life with this remedy'. That was definitely the minute when I understood in fact what remedial school means.<sup>111</sup>

#### 4.3.2. Coercion to Consent to the Enrolment in Remedial Special Schools

School authorities often pressure Romani parents to consent to the transfer of their children to special schools. In Slovakia, for example, many Romani parents complained that teachers and directors of the regular primary schools where their children studied would often call them to school and explain to them that their child is not for this type of school and would be better off at the special school. If the parents did not agree, teachers would allegedly create further difficulties for the child to continue in the regular school. Many parents were thus forced to transfer their children to remedial special school.

In the Czech Republic, the ERRC documented a case in which a child was examined in the educational psychologist's office and, although the child was evaluated as capable of attending the mainstream school, under pressure from school authorities, he nonetheless ended up in the remedial special school:

Our son Karel was the only Romani child in the class in the regular school and he never had any problems. When he started seventh grade, the educational psychologist proposed psychological evaluation, claiming he was having problems keeping up with the others. From the results of the testing it was concluded that Karel should stay at the regular school. The educational psychologist, as well as his teacher went on putting pressure on us, trying to persuade us to transfer the child. She refused to understand us and she was arrogant. Finally, we understood that if he stayed at the primary school, he would have a hard time both from the teachers and the schoolmates because they had started to laugh at him and he felt very humiliated. Therefore, we agreed with the transfer in the end. Our son started there in the academic year 2000–2001 in seventh grade. Now he is in ninth grade, and his teachers really hope he will be able to continue his education after graduating.<sup>112</sup>

The fact that in some cases, the Romani parents' decision as to what type of school their child should attend is a mere formality, was illustrated by the testimony of a Romani parent from Teplice, Czech Republic:

When our son was in kindergarten, the local psychologist from the educational psychologists' office invited us to come together with our son to their office for examination. During the examination, she asked us to which type of school we would like to send our child. We said we would prefer a regular primary school. However,

111 ERRC interview with Ms Kálmán Horváth, 3 September 2002, Szomolya.

112 Ms Helena Timočová and her son Karel Timoč, written statement to the ERRC, 7 October 2002.

all the papers were sent directly to the remedial special schools despite the fact that neither I nor my wife approved of this. We decided we would protest. We went back to the educational psychologist's office and complained. The psychologist said she decided that our son should go to the remedial special school and that was that. She justified the decision by accusing us that we did not teach our child to think. I insisted on transferring him back to basic school. In the end he did transfer to basic school but after 14 days returned back to remedial special school because the teachers there encouraged other children to mistreat him and mock him about the fact that he is from the remedial special school.<sup>113</sup>

#### **4.4. Degrading Treatment: Diagnosing Children as Mentally Retarded**

The determination of whether a child has a developmental disability and should be placed in a remedial special school is generally undertaken by a diagnostic body, which conducts psychological testing of the child. In all of the surveyed countries, IQ tests are used as a diagnostic criterion. If a child's test results are below a certain number of points (usually 70), the child is categorised as having a mild mental retardation and is recommended for a remedial special school. The reliability and the appropriateness of these tests in general have been frequently questioned by specialists with whom the ERRC spoke. Academics also criticise the psychometric testing as a means of detecting a child's capability.<sup>114</sup> The ERRC's position is that psychological testing, currently undertaken as an effort to make final decisions about the intelligence and the abilities of children, including sometimes extremely young children, is a degrading process resulting in a life-long stigmatisation of the children who have been categorised as mentally handicapped. ERRC believes that psychological testing should be undertaken as an auxiliary to fully mainstreamed education, with the single purpose of defining the specific needs of each child to provide a basis for the individualised approach to teaching.

##### **4.4.1. Racially-Biased Testing**

Apart from undermining the dignity of the child, psychological determination of the mental capability of the child has proven to produce racially disparate results. Large numbers of Romani children who are subjected to psychological testing in each of the five countries return results, which place them in the category of children with mild mental retardation. Many educationalists and psychologists with whom the ERRC spoke during the research in the five

113 ERRC interview with Mr Ivan Gizman, Romani activist, 5 October 2002, Teplice.

114 See for example, Closs, Alison. "Proces vzdělávací inkluze v České republice. Srovnání dětí s poruchami učení a romských dětí: pohled 'odjinud'". In: *Pedagogika roč. LI*, 2001, Universita Karlova, Pedagogická fakulta, p. 29.

countries have admitted that the tests used and the process of testing itself do not account for the linguistic and cultural difference of Romani children and hence do not provide reliable information about the Romani child's capacities. In the Czech Republic, the ERRC spoke with Mr Petr Klíma, a psychologist who participated in the standardisation of a psychological test introduced by the Czech government with the explicit aim of reducing the number of Romani children who are placed in remedial special schools.<sup>115</sup> He stated that regardless of what test was applied, "When testing Romani children, the tests are certainly not acceptable due to the children's cultural handicaps."<sup>116</sup> A similar view was expressed by Mr Victor Sekyt from the Office of the Governmental Council for Roma Community Affairs, who said that: "The new tests [used in the Czech Republic] are much more objective but they still cannot distinguish between mental handicap and socio-cultural handicap which is the case of many Romani children."

ERRC is concerned about both recasting racial difference as mental handicap, and the language used by educational psychologists themselves, defining racial differences as "cultural" or "socio-cultural handicap".

#### 4.4.2. Abuse of the Testing Procedure Leading to Misplacement of Romani Children in Remedial Special Schools

The inherent inappropriateness of psychological tests for measuring the mental capacity of Romani children is further aggravated by the failure of individual psychologists and educationalists to comply with legal and ethical requirements while conducting the testing of Romani children.

Abuses of the testing procedure are sometimes based on sheer racial prejudice. For example, one psychologist at the Stara Zagora County Educational Inspectorate, Ms Partenova, told the ERRC/BHC team that children from Romani families frequently have genetic defects that lead to mental retardation. She explained that this is the result of incest, which is common in Romani families as well as of the parent's use of alcohol during conception and pregnancy.<sup>117</sup>

This belief in the genetic burden on Romani children has apparently informed the decisions of the diagnostic commissions throughout Bulgaria. In almost every examination

115 Government Resolution No. 686 of 29 October 1997, stated: "III (e) the Ministry of Education shall prepare new material for testing children when transfer to remedial special schools is recommended, in which specifics of Romani children would be taken into consideration, and so prevent current practice of frequent allocation of Romani children to remedial special schools without sufficient assessment of their intellectual and learning disabilities." According to the Ministry, the new test WISC III was chosen because it is not culturally biased like the other tests currently used in the Czech Republic. The test was standardised by the Institute of Pedagogical and Psychological Consulting which cooperated with other 120 psychologists from educational psychologists' offices.

116 ERRC interview with Mr Petr Klíma, director of the educational psychologist's office in Prague 3, 30 October 2002, Prague.

117 ERRC/BHC interview with Ms N. Partenova, 9 and 10 September 2002, Stara Zagora.

report seen by the ERRC/BHC, the diagnostic commission specialists indicated that at least one of the child's parents or siblings had been diagnosed with a mental disability. The latter was determined in interviews when the parents were asked whether other family members suffered from mental disabilities or mental illnesses and the parents indicated that either they or their other children had studied in the remedial special school. This fact alone was sufficient reason for the commission members to record in the examination reports the presence of mental disabilities or illnesses in the family history. Once a family history of mental disability is established, it is easier for the commission to diagnose the child in question with a similar disability. This situation explains the fact that 10 members of the same Romani family were enrolled in one remedial special school in Vidin.<sup>118</sup> In other remedial special schools visited throughout Bulgaria, the ERRC/BHC team also discovered that all or most of the Romani children in each family attended or had attended the remedial special school.<sup>119</sup>

The discretion that prevails in the evaluation procedure leaves ample room for arbitrary decision making, especially when the outcome of the testing is open to doubt, for example in the so-called 'borderline' cases. Typically in such cases the discretion has a disproportionate negative impact on Roma. Mr Belanský, the regional methodologist for special schools in the Slovakia's Prešov region, told the ERRC that borderline cases involving Roma are always placed in remedial special schools.<sup>120</sup> In Chminianske Jakubovany in Slovakia, which is an all-Romani special school, the most common diagnoses of the children is a light brain disfunction (for example, dyslexia) which is not a mental retardation. They also have children with sensory impairments. However all of these children, regardless of the nature of their handicap, are attending school for children with mild mental disability.<sup>121</sup>

In some cases, the process of testing of Romani children by the specialised bodies is a mere formality. ERRC/BHC researchers reviewed some of the examination reports filled in by the diagnostic commission after the examination of Romani children in Bulgarian remedial special schools. These documents leave no doubt that the examination of the Romani children was pro forma. ERRC/BHC established that only a few categories were filled in and those that were filled in contained only brief and unclear information. They did not explain what documents the diagnostic commissions had looked at, nor did they explain what methods were used during the initial tests or the commissions' examinations. The examinations lasted

118 ERRC/BHC interview with children in the special school in Vidin, 19 September 2002, Vidin.

119 ERRC/BHC interviews with the principals in the special school in Chirpan, 23 September, 2002 and the special school in Sliven, 26 September, 2002.

120 ERRC interview with Mr. Belansky, 26 September 2002, Prešov.

121 ERRC interview with Ms Darina Lažová, 17 October 2002, Chminianske Jakubovany. As noted in a report by the London-based non-governmental organisation *Save the Children*, in instances where the result of the IQ test reveals a borderline case (between 75–80), Romani children are much more likely to be sent to remedial special school than their non-Romani peers. See *Save the Children. Denied a Future: The Right to Education of Roma/Gypsy and Traveller Children*. London, p. 189.

approximately 15–30 minutes per child.<sup>122</sup> In some cases, the commission failed to record even the child's IQ test results.<sup>123</sup>

Many Romani parents who were not present at the testing of their child were not informed about the results of the tests. Their children were tested by the diagnostic body and the results sent directly to the remedial special school. The parents consented to the transfer of their children without actually seeing the results of the psychological examination.

The standard procedure for psychological testing of children with special educational needs places Romani children at a severe disadvantage due to their insufficient command of the language in which the tests are conducted. Many Romani children speak Romani at home, and at the time they reach school age, their command of the respective majority language is worse than that of non-Romani children. This fact, compounded by the non-attendance of kindergarten or attendance of segregated all-Romani kindergarten, places linguistic barriers before the Romani child. ERRC/BHC research in Bulgaria found that many Romani children had been tested by the specialised bodies regardless of the fact that they did not know the Bulgarian language well and were not accompanied by an interpreter. The examination record of Romani children reviewed by the ERRC/BHC in Topolovgrad, for example, indicated that the child lived in a bilingual environment (Romani/Bulgarian) and that the verbal communication with the child was difficult. This conclusion notwithstanding, the diagnostic commission proceeded to diagnose the child without the assistance of an interpreter.<sup>124</sup>

Children who do not speak fluent Bulgarian are usually accompanied to the tests by a parent who is supposed to interpret for them or by a classmate from a higher grade. Romani children frequently do not know certain words in Bulgarian, and when someone translates for them into Romani language, they typically do understand the concepts. ERRC/BHC researchers found, however, that in many cases Romani parents themselves have difficulties interpreting due to poor command of the Bulgarian language. In cases when the tests are timed, the children lose points because of the time that is lost for the translation. Moreover, many of the questions are not adapted for the Romani cultural environment, and this fact also conditions the poor results at the tests. The examination of the 8-year-old Romani girl Zanka Ismailova by the Stara Zagora county diagnostic commission on September 9, 2002 which was attended by ERRC/BHC researchers provides a clear example of the problems facing Romani children during such examinations. Zanka was accompanied by her mother. The mother

122 Psychologists interviewed by the ERRC agreed that it is not acceptable if the evaluation lasts less than 60 minutes. According to a psychologist, Jana Vymětalová, a standard psychological examination, the aim of which is to decide on sending a child to remedial special school should last about 60 to 90 minutes. Ms Vymětalová says that she does not rely only on one examination, especially not in these important cases, when the examination may affect the future of a child. (ERRC interview with Ms Jana Vymětalová, psychologist, 24 October 2002, Prague.)

123 ERRC/BHC visits to remedial special school in Aitos, 31 October 2002 and remedial special school in Slavyanovo, 19 November 2002.

124 On 21 November 2002, ERRC/BHC visited the remedial special school in Topolovgrad and examined the records of first and second grade children. Most of the records contained such information.

spoke Bulgarian with difficulty and understood only some of the questions that she was asked. She said she was illiterate. Zanka has never attended kindergarten or school and has not had interactions with Bulgarian children.

Zanka had previously undergone an initial psychological examination with the psychologist from the diagnostic commission. The result of Zanka's IQ test was 65, which the commission interpreted as "mild to moderate mental retardation". The speech therapist asked Zanka to tell the names of the objects she saw in pictures of a hedgehog and a crab. She answered in the Romani language and her mother translated for her. When she saw a picture of 3 cherries, she said that they were candies. Zanka's next task was to tell a story based on five pictures, which she had to put in order herself. The pictures suggested a popular children's fairy tale. The child was not able to handle the task on her own and the speech therapist began to help her. But Zanka only repeated what she heard after the speech therapist said something. The speech therapist diagnosed Zanka with "echo disorder".

Zanka's next task was to repeat a sentence after the speech therapist. Zanka was not able to do this. The psychiatrist asked the child to point to her eyes. The mother translated the question and the child did so, but before that she had not understood the question in Bulgarian. Next, Zanka had to count to 10, but was not able to do so. When asked, "How old are you?" Zanka could not answer, and her mother said that she was 8 years old.

During Zanka's psychological evaluation many conversations went on at once: the psychiatrist spoke to Zanka's mother, and the speech therapist spoke with psychologist, the chairman of the commission, and with the child. The commission recommended that Zanka be placed in the first grade in a special school.

In Hungary, a recent report by the Parliamentary Commissioner for National and Ethnic Minorities noted that the evaluation considers the lack of Hungarian language knowledge as a negative factor during the assessment of a child's skills. Moreover the Commissioner was critical of the fact that neither translators nor other bilingual individuals were even considered for use during the evaluation. He commented that the linguistic deficiencies in the testing raise the question of "whether as such the evaluation committee can arrive at trustworthy conclusions regarding the skills of the child under evaluation."<sup>125</sup>

#### **4.5. Transfer to Special Education Without Testing**

In some extreme situations Romani children are assigned to special education without any testing. In the Slovak village of Svinia, Prešov district, for example, the ERRC learned that Romani children are enrolled directly in the special classes of the primary school. Psychological testing is carried out after the enrolment of the children and, according to the statement of the deputy principal of the school, around 60% of the Romani children remain in the special

125 See "Diszkriminatív eljárások a pátkai iskolában". In *RomNet*, 2 February, 2003, at: <http://www.romnet.hu/hirek/hir0302047.html>.



classes.<sup>126</sup> The segregation of Roma in the primary school of Svinia is absolute. Not only do Roma attend segregated classes, but the classes are physically separated in a separate building from the classes attended by non-Roma. Roma are also separated from non-Roma in the school canteen. In the canteen, the Romani children are accepted on condition that they occupy a separate area in the dining hall, and use their own cutlery and crockery. In addition, the Romani children attend an all-Romani after-school club and non-Romani children attend a separate one.

126 ERRC interview with the deputy principal of the primary school in Svinia, 17 October 2002, Svinia.

## 5. SEGREGATION OF ROMA IN MAINSTREAM SCHOOLS

### 5.1. Remedial Special Classes within the Regular Schools

Some regular primary schools have also opened special classes for children with developmental disabilities, which follow the curriculum of the special remedial schools. ERRC research indicates that these classes are also all-Romani or overwhelmingly Romani in composition. In theory, children should go to these classes if they cannot manage the regular ones. However, ERRC research indicates that Romani children are often directly enrolled in such classes.

Special classes in the regular schools are abused by some school authorities as a tool of ridding mainstream classes from Romani children. Thus Romani children are transferred to remedial special classes without prior testing and without the consent of their parents. For example, the parents of the Romani pupil J.S. from the Czech Republic provided the ERRC with a decision regarding the child's transfer to a special class at a basic school of 16 May 2002 which lacked parental consent. The document also lacked any information explaining that a special class provides an education of different and inferior standards than normal classes. The document explained the following reason for the transfer: "the director [...] assessed the mental abilities of the concerned pupil based on submitted documentation, as well as educational psychologist's examination and decided that his mental disabilities prevented him from being educated at a regular basic school, which is why the pupil was transferred to a special class at the basic school." The decision has information on the appeal possibilities but the name of the institution and the appeal procedure is described in a confusing and incorrect manner.<sup>127</sup>

Similarly, in Slovakia, ERRC research revealed that parental consent is abused when children are transferred to special classes. A mother of three children, two of whom attend special classes, recalled that children brought some papers from the school for her to sign and then they took them back the next day.<sup>128</sup> The teacher made copies and sent them to her. She showed the papers to the ERRC. The papers contained the decision about the transfer to special class, dated 2 February 2001, half a year after her son Milan had already started to attend the special class. She was told for the first time by ERRC researchers that what she had signed was a consent for the transfer of her son Milan to special class.

In Slovakia, the ERRC interviewed Mr Zdeno Čonka, a 19-year-old from Hermanovce, who told us the following:

127 The document was provided through Ms J.K.. The family did not want their identity to be disclosed.

128 ERRC interview with Ms Helena, 1 April 2003, Malcov.

I passed the tests before I entered the primary school. I was a good pupil, I had good marks, but in second grade, they transferred me to a special class without any tests. The only tests I did were before I entered the school. I do not know why they transferred me. And I was not alone; a few other kids from the settlement were transferred as well. Now, no one from our settlement goes to white school.<sup>129</sup>

ERRC research in the Czech Republic revealed that many schools prefer to open special classes and channel Romani children to them rather than appoint assistant teachers who could help the Romani children in the regular classes. For example, the director of the Buzulucka regular primary school, where there are about 50 Romani children, most of them in special classes, told the ERRC that the school “does not need assistant teachers because Romani students comprise less than half of the children in the special classes.”<sup>130</sup>

The ERRC has also learned that the option of opening special classes is increasingly used by schools with a decreasing student body in order to avoid reduction of the number of classes and teaching staff respectively. Special classes allow the school to maintain classes with a lower number of students than the minimum for regular classes. The director of the primary school in Klobuky, in the Czech Republic, told the ERRC that the decision to open more special classes is based primarily on the fact that there is no remedial special school in the area and children have to commute a long distance. However, the other factor in the decision is that it allows them to lower the required minimum of pupils in the class.<sup>131</sup> The same director was planning to have the pupils with special needs in the same class during the coming school year, but in the following years she was planning to open separate classes.<sup>132</sup>

## **5.2. Segregated All-Romani Classes in the Regular Schools**

ERRC research revealed strong tendencies for segregating Romani children in separate classes within the mainstream schools.

129 ERRC interview with Mr Zdeno Čonka, 26 February 2003, Hermanovce.

130 ERRC interview with Mr Kaborek, 4 February 2003, Teplice.

131 Normally, under the 1991 Basic School Decree class size is 17 to 30. However the 1997 Special School Decree for special schools and classes has provisions for class size ranging from 4 to 12, depending on the grade.

132 ERRC interview with Ms Vyskočilová, director of the basic school in Klobuky, 11 March 2003. Despite the fact that the director is planning to start education of pupils under Remedial Special School Program fairly soon, she was not very well informed of the procedure. In order to be able to open a special class, the school director should discuss the plan and conditions with the relevant founding institution (in case of special schools it is the municipality) but the director only mentioned announcing the plan to the municipality. She also did not know the required minimum number of pupils in the class or what is necessary for opening a special class and did not give the ERRC any information on where to find such information saying that she did not know herself.

### 5.2.1. Pressure from Non-Romani Parents

School officials in mixed schools most often set up separate Roma classes as a result of racial prejudice of the non-Romani parents, who demand that their children be educated in a Roma-free, or Roma-reduced environment. Faced with these pressures, school officials employ what on the surface seem to be objective criteria for creating separate classes.

The management staff of schools No. 4 and No. 6 in Alexandria, Teleorman county in Romania, both of which have a mixed Roma and non-Roma student body, told the ERRC of the pressure they face from non-Romani parents to segregate.<sup>133</sup> The decision to segregate was reportedly taken in order to maintain the number of non-Romani pupils in school, thereby saving it from becoming a 'ghetto school'. The issue is not formulated in terms of segregation or integration, but in terms of which form the segregation of Roma should take. For the management of schools with a mixed Romani and non-Romani student body, the bottom line is that segregated classes are better than becoming segregated schools.

The vice-school director of basic School No. 4 in Alexandria, Mr Ancuta Florea, reported a total number of 859 pupils enrolled in November 2002 for the school year 2002–2003, out of which 288 were Roma<sup>134</sup>. The school has entirely segregated classes for Roma and also organises classes where Roma constitute the prevailing number of the student body in some classes and an insignificant portion of it in others. The vice-director told the ERRC about the problems created by the high percentage of Roma at the school:

We are losing children every year, because their parents don't want to let them study together with Roma. Only this year we lost 38 non-Roma pupils in the first grade who, although they live in the neighbourhood and were registered by our teachers,<sup>135</sup> preferred to enrol in other schools.<sup>136</sup>

The organisation of an exclusive Romani first grade class in the academic year 2002–2003 was justified by the school management with the explanation that non-Romani parents prefer certain teachers. The vice school director told the ERRC that because the teacher of the 1C Roma class will retire next year, the non-Romani parents did not want their children to join this class. According to the vice director, the reason for this preference was the importance the parents attributed to stability and the attachment of their pupils to certain teachers. However, this privilege is only offered to non-Romani children. The school management does not consider the preferences of Romani parents. The vice director of the school himself told the ERRC that many Romani parents complained about the organisation of a segregated class and

133 ERRC interview with Ms Gabriela Goran, 12 November 2002, Alexandria.

134 ERRC interview with Mr Ancuța Florea, 13 November 2002, Alexandria.

135 The elementary level teachers in regular basic schools in Romania have the responsibility every year to register all children of school age in the area allocated to that school, children who are expected to start school in the next academic year.

136, 137 ERRC interview with Mr Ancuța Florea, 13 November 2002, Alexandria.

wanted their children to be transferred to mixed classes, where they could study together with non-Romani pupils, but the school management refused their request on the grounds that if they transfer some Romani children then they would have to transfer all of them.<sup>137</sup>

A similar situation was identified by the ERRC at the basic School No. 6 in Alexandria, Romania, where the school management also justified the organisation of classes with a reduced number of Romani as a response to the preferences of non-Romani pupils for some teachers. This way the school is able to avoid the transfer of non-Romani pupils by their parents to other schools. Mrs Elena Otelea, vice-director of the school, told the ERRC:

We have to consider the preferences of the [non-Romani] parents. Otherwise they go to other schools.<sup>138</sup>

Ethnically-based segregated classes were also documented by the ERRC at the primary School No. 3 in Zimnicea, Teleorman county, Romania. This school has classes from grades 1 to 8 and is a school where Romani children continue their studies after completing fourth grade in the nearby elementary School No. 4, which is a ghetto school. School No. 3 is also attended by non-Roma children who reside in the district of School No. 4, but they move at the primary level (grades 1–4) to School No. 3 in order to avoid studying together with Roma. The ethnic structure of classes in School No. 3 in Zimnicea in the academic year 2002–2003 reveals that almost every grade from 5 to 8 has at least one class from which Roma are mostly excluded. In class 5A, for example, 14 of 26 pupils are Roma; in class 5B there is only 1 Roma in a class of 28, while in 5C 22 of 23 students are Roma. The pattern repeats itself in the other grades.<sup>139</sup>

The presence of segregated classes at School No. 3 in Zimnicea is justified by school authorities with arguments concerning the school's initiative in preserving the continuity of the class body in the fifth grade for Romani pupils who transfer from School No. 4, which ends after the fourth grade. However the non-Roma classes are said to be a response to the wishes of non-Romani parents.<sup>140</sup> Indeed, prejudices at school No. 3 are clearly at work. According to the declaration of a member of the teaching staff from School No. 4 in Zimnicea, many teachers from School No. 3 make fun of the Romani pupils who have transferred there, calling them the stupid ones from No. 4.<sup>141</sup> Also, a teacher at the primary level in School No. 3 told the ERRC, that “We can only teach them [Roma pupils] the basic elements of the school program. Our goal is that pupils learn to read, write and count till the fourth grade.”<sup>142</sup>

138 ERRC interview with Mrs Elena Otelea, 14 November 2002, Alexandria. Class 1A had 16 students of which 14 were Roma, while 1B had 25 pupils including 6 Roma, and 1C had 17 pupils of which 7 were Roma.

139 For instance, the school gave the ERRC data showing the composition of classes of the previous year's eighth grade. Class 8A had 7 Roma in a class of 27; 8B had 1 Roma in a class of 25; while in class 8C 25 of 27 pupils were Roma.

140 ERRC interview with Mrs Lidia Nitulescu, secretary of School No. 3 in Zimnicea, 16 December 2002, Zimnicea.

141 ERRC interview with the teaching staff of School No. 4 in Zimnicea, 16 December 2002, Zimnicea.

142 ERRC interview with Mr Emil Dudu, 16 December 2002, Zimnicea.

The situation is similar in Slovakia. ERRC research revealed that school authorities tend to segregate Romani children in order to prevent the flight of non-Romani children from the schools. In the primary school of Gaboltov, Bardejov district, for example, the distribution of Romani children in the fifth and sixth grades was as follows during the 2002–2003 school year:

5 <sup>th</sup> Class	Romani children	Non-Romani children
A	5	12
B	17	0
C	18	0

6 <sup>th</sup> Class	Romani children	Non-Romani children
A	0	18
B	15	0
C	15	0

According to the school principal, Romani children from six neighbouring villages come to study in the Gaboltov primary school from grade fifth, “forcing non-Romani parents to send their children to the schools in the neighbouring Bardejov”.<sup>143</sup>

In another Slovak town, Bardejov, the distribution of Romani children per class also reveals patterns of segregation. The distribution of Romani children in the first grade of the Bardejov 1<sup>st</sup> primary school<sup>144</sup>, for example, was as follows during the 2002–2003 school year:

Class	Romani children	Non-Romani children
A	0	16
B	6	20
C	7	12
D	18	0
E	18	0

The all-Romani classes D and E are also physically separated from the main building of the school. They are held in a separate building located next to the Romani neighbourhood Poštárka.

143 ERRC inetrview with Mr Knap, school principal, September 11, 2002.

144 According to teachers, the number of Romani children in the school is 144 and the total number of children is 703.

Similarly, in the town of Provadia, Varna county, Bulgaria, the ERRC team established that Romani children attend separate classes within the mainstream schools. Thus, for example, in the Ivan Vazov school (grades 1–8), where the percentage of Romani children is about 30%, Romani children are separated from the rest.<sup>145</sup> According to the school directors, the 3<sup>rd</sup> A class has 1 Romani child and 21 non-Romani children, while the third B class has 16 Romani and 2 non-Romani children. Despite visible disproportionality of the distribution of Romani children in the various classes, local officials deny segregation. Thus, according to Ms Penka Radeva, director of the school, Roma were over-represented in the 3<sup>rd</sup> B class because their parents did not point in the applications that the children would like to study English language from the first grade. In addition, the first A grade, which now is the third A grade, included children who studied English language in the kindergarten.<sup>146</sup> Other officials from Provadia municipality with whom the ERRC spoke also claimed that the disparities are not the result of any conscious effort on the part of the school to segregate Romani children.<sup>147</sup> However, Ms Radeva stated to the ERRC team that parents started withdrawing their children from Ivan Vazov School in the recent years because of the growing number of Romani children in the school, and, in order to attract non-Romani children, the school decided to start a programme for English language from the first grade. According to Mr Yanko Yankov, Expert on Ethnic and Demographic Issues in the Provadia municipality, the Romani parents were not informed of the opportunity for their children to study English from the first grade, and this is the reason why all Romani children ended up in a separate class. Mr Mergul Kemryan, a Romani parent from Provadia, told the ERRC that at the first meeting of parents of the 1A class, when it started in 1999, a teacher named Ms Radka Kraveva declared that the best class is one including only ethnic Bulgarian children.<sup>148</sup>

The existence of homogenous Romani or non-Romani classes in regular schools has been justified in a number of ways. Dividing classes allegedly based on the capability of students is perhaps most common. School officials can introduce more advanced classes with special programs for talented pupils. Conversely, catch-up classes can be established for students who are having difficulties in keeping pace with the regular curricula.

In fact, the segregation of Romani and non-Romani pupils in different classes of the same school rarely has anything to do with objectively measured capabilities of the children. In most cases it is the outcome of racial prejudice, with non-Romani parents refusing to allow their children to be taught together with Roma. As a town clerk in Forró, northern Hungary told the ERRC:

145, 146 ERRC interview with Ms Penka Radeva, School Director of Ivan Vazov School, 21 November 2002, Provadia.

147 ERRC interviews with Ms Nikolina Daskalova, Chief Officer at the county inspectorate of the Ministry of Education and Science in Varna county, 22 November 2002, Varna.

148 ERRC interview with Mr Mergul Kemryan, 21 November 2002, Provadia.

The Hungarian children must be kept together; this is the only way to keep them here.<sup>149</sup>

A school can employ special pedagogical methods to educate certain children in some of its classes. These programs may demand a written test or a financial contribution for entry, which decreases the chances that Romani students will participate—often the goal of such measures. This was the situation the ERRC discovered on a visit to a school in Nyíradony, a small town in eastern Hungary. According to the mayor, the population of the town approaches 8000 people and approximately 15–20% are Romani. Most of the Roma live together in a settlement on the edge of town. According to the mayor of the town Mr László Tasó, in 2002, 44% of the 100 first grade students of the main primary school were Roma.<sup>150</sup>

Yearly the school launches a special pedagogical program, called the “Value Following Program”—a curriculum for especially talented children—reportedly in order to gather at least some of the non-Romani children into one homogeneous class. Non-Romani parents initiate this selection process. Also, there is a sports class every year, which usually ‘attracts’ only a small number of Roma. Thus, of the four first-year classes, two are for the most part non-Romani classes, which leaves the proportion of Roma in the remaining two classes very high. These percentages change little as the years progress. The mayor of the town explained to the ERRC:

At the beginning of the first year the teachers select the most talented students to follow a special program, the so-called “Value Following Program”, based on Zsolnay’s special pedagogical methodology. Obviously Romani students are never able to get into these classes.<sup>151</sup>

By referring to a special programme for talented children, the school is able to create a completely homogeneous non-Romani class. The other class is a sports class, which only few Romani students attend. Most of the Roma entering the school are distributed into the two other classes, in which they make up nearly 80% of the students.<sup>152</sup> Local business owners reportedly put pressure on the school to set up a homogeneous class in order to have their children educated separately from Romani children. The school director and the overseer of the school (the local government) are afraid that if they do not comply with the request of these influential people, they will take their children to school in another town. Moreover, since the state provides financial support to a school on the basis of the number of enrolled children, a significant withdrawal of pupils would mean a significant loss of funding for the school.

149 ERRC interview with Dr Marianna Pályi Nagy, 28 October 2002, Forró.

150, 151, 152 ERRC interview with Mr László Tasó, 3 October 2002, Nyíradony. The mayor was able to refer to exact data for this statement.



### 5.2.2. Segregation as a Result of Abuse of Minority Education Policy

In some countries such as Hungary and Romania, the implementation of legal provisions for the education of national minorities is sometimes reduced to a mechanism of segregating Roma from non-Roma. In Hungary, for example, the implementation of Decree No 32/1997 of the Ministry of Education<sup>153</sup> on the education of national minorities resulted in the formation country-wide of large numbers of homogenous Romani classes. According to the decree, the Romani minority education program differed from the education programs for the other Hungarian minorities in that it contained, in addition to the minority culture component which was common for all other minority groups, a component meant to teach Roma social and communication skills, aimed at reducing the possible disadvantages faced by Roma in Hungarian schools. In addition to the stigmatising effect of the decree—which explicitly linked Romani ethnicity to lack of social and other skills—the decree served to legitimise the segregation of Roma at school. In many schools throughout Hungary, the motives for establishing the so called “catch-up” classes for Roma rarely had to do with teaching Roma an ethnically based programme or helping them catch-up and stay level with the regular curriculum.<sup>154</sup> For the most part, such classes were used to segregate Roma from their non-Romani peers.<sup>155</sup>

In Romania too, there are optional Romani language and literature classes within the mainstream schools. While the opportunity to form these classes exists for the benefit of the minority, it has been observed that school officials have ‘adapted’ the measures to provide a cover for racial segregation, whereby the Romani language is not taught at all.

ERRC research in Romania also identified a case of segregation of Romani children based on the fact that they are Hungarian-speaking. For example basic School No.1 in Oradea, the capital city of Bihor county, has both Romanian and Hungarian sections for elementary and secondary levels (grades 1–8), as well as a special remedial section within the Hungarian

153 No. 32/1997. (XI.5.) MKM rendelet a Nemzeti, etnikai kisebbség óvodai nevelésének irányelve és a nemzeti, etnikai kisebbség iskolai oktatásának irányelve kiadásáról. (Ministry of Education Decree on the issuance of the guideline on the education of children of national and ethnic minorities in kindergarten and the guideline on the education of members of national and ethnic minorities in school.)

154 The Hungarian Parliamentary Commissioner for National and Ethnic Minorities noted a list of problems with Roma minority education. In particular, many of the applications of the programs lacked any ethnic teaching, and even the catch-up teaching was applied in a haphazard way, often pushing such subjects like foreign language and technology off the syllabus. Teachers were found to be unqualified, and the separate classes where the programs were taught were often the most dilapidated and unlighted in the school. Moreover, although the establishment of the classes required the consent of the parents, this was regularly not sought, and in one case the program was organised without the knowledge of the parents. Where consent was sought, details were rarely provided. See *Report on the Activities of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities*, 2000, section 3.3. <http://www.obh.hu/nek/en/reports/reports.htm>.

155 For details, see *Roma Rights 2/2002*, Snapshots from around Europe/Hungary, [http://errc.org/tr\\_nr2\\_2002/snap14.shtml](http://errc.org/tr_nr2_2002/snap14.shtml).

section. According to the data provided by the school, there are a total of 110 Roma in the normal Hungarian classes, grades 1–8, and 37 Roma in the remedial Hungarian section, all in elementary grades. There are no children from the Hungarian ethnic minority attending the school. The director of the school told the ERRC:

Hungarian children usually enrol in School No.2 because their families do not accept sending their children to school among Roma. Even in the Romanian section there are problems sometimes, because the Romanian parents are bothered by the presence of Romani pupils in the class. Fortunately there are only two or three Romani children in every class.<sup>156</sup>

The segregation of Roma in the school is made total by the physical isolation of the Hungarian section in a separate building, located 500 meters away from the main building of the school, where the Romanian section is housed. The building allocated to Romani pupils is smaller and older than the main school building. According to a teacher at the Hungarian remedial section, the building where the Romani children study used to be in very bad condition until a few years ago. Starting with the academic year 1999–2000, the building was renovated and the classrooms refurbished with the support of some non-governmental organisations. However, the building remains too small to be able to provide acceptable conditions for learning, and classrooms remain overcrowded. There are four classrooms for twelve classes of Roma, who study in shifts in the morning and in the afternoon.<sup>157</sup>

Moreover, according to the school management, the turnover of teaching staff in the Hungarian (Roma) section is higher, and their level of qualification is usually lower as compared to the teachers in the Romanian section. Most of the teachers are non-titular, and many of them leave after one or two years. Some of the teachers from the Romanian section are made to teach in the Hungarian (Roma) sections, due to the fact that, as the headmaster says, “they do not have any choice if they want a workplace.”<sup>158</sup> The management team of the school explained to the ERRC:

Teachers from the Hungarian section do not want to become titular here, to ‘be buried’ in this section. Although we advertise vacancies for this section every year, teachers know in general that there are many Gypsies in the school, especially when the Hungarian section is mentioned...<sup>159</sup>

156 ERRC interview with the school director of primary school No. 1 in Oradea, 23 August 2002, Oradea.

157 ERRC interview with Ms Roserica Orsos, 23 August 2002, Oradea.

158 ERRC interview with Ms Roserica Orsos, 23 August 2002, Oradea. When teachers have a choice, they prefer to avoid the Roma section. The headmaster gave the example of a teacher of biology who in the academic year 2001–2002 taught four classes per week in the Roma section in order to complete her teaching horarium, because she did not have enough classes in the Romanian section. For the academic year 2002–2003 this teacher was offered to take some classes in another school and she chose to teach in two different schools rather than work in the Roma section.

159 ERRC interview with the management of basic school No.1 in Oradea, 23 September 2002, Oradea.

The vice-director of the school told the ERRC that, in his opinion, bringing the Hungarian (Roma) section into the main building would mean “the end of story for the school”. He stated to the ERRC:

If we bring them [Romani pupils] here, [non-Romani parents] parents would not send their children to this school anymore. We would lose half of our pupils. Even now a lot of pupils transfer to other schools in the fifth grade, and many do not enrol here anymore in the first grade because of the Gypsies here so we at least keep them in different yards.<sup>160</sup>

### 5.2.3. School Achievement as Pretext for Segregating Romani Children

Segregation of Romani children at school is also undertaken through rigid streaming processes. The director of a primary school in Komló, Baranya county in Hungary, explained to the ERRC that children at his school are divided according to weak, good and advanced groups each year. This is decided by a test and revised each half year. One of the teachers at the school told the ERRC:

While in class B there are hardly any Romani students, about 2–3 students in a class of 20, Class A has a lot more Roma, in some classes up to 60% or even more. In my Class 6A, there are 26 students and 17 are Romani. The fact that there are more Romani students in class A can be explained by the difficulties Roma children have in socialisation, also in language socialisation. While in Hungarian families children are taught from an early age on to stay silent and pay attention, they are given books to look at and are taught certain behavioural rules, this socialisation development does not take place in many Romani families.<sup>161</sup>

One Romani parent of children at the Komló school told the ERRC that her children were placed in the classes for less talented students without any test, immediately at the beginning of the school year:

I am very upset. Both my children were originally put into Class B, which is the better class. It was just before the my son’s second school year started, in fact at the opening ceremony that I was told my son was transferred to Class A. I was told this was because of lack of room in Class B. But the school director paid no attention to me when I wanted further explanation. She did not want to talk to me at all. She told me she had guests from Germany and had no time for me now. I know that Class B is for the better students, and my son was a good student. He had mostly

160 ERRC interview with Mr Ciprian Moraru, 23 August 2002, Oradea.

161 ERRC interview with Mr József Kópicz, 25 November 2002, Komló.

grade 5<sup>162</sup> in his previous year's certificate. That's why I wanted my son to keep studying in Class B.<sup>163</sup>

Teachers in these weaker classes often aim at providing Romani children, who attend these classes in large proportion, only with the bare minimal standards of education because they believe this is all they are capable of learning. A non-Romani teacher from Szomolya, Borsod-Abaúj-Zemplén county, told the ERRC:

Romani people live only for the present and they do not care about the future, therefore school is not important for them. Romani children need to learn only the basic things that other students actually know already, so remedial education is appropriate for them. They would only impede others from learning new things and progressing. Roma have to learn to use appropriate language, to behave politely, to practise self-control and to plan for the future.<sup>164</sup>

A substandard education is typical for the slower classes in Hungary. Romani students studying in these classes are generally less likely to be offered language learning opportunities and limited (or restricted) use of computer labs. A teacher in one such school, in which Romani children generally attend Class B and non-Romani children Class A, told the ERRC:

While children studying in Class A have the opportunity to study two foreign languages at the same time, in Class B they can choose only one language. Instead of the other language lesson, they have a technical lesson.<sup>165</sup>

Examining the ethnic profile of the school by class, the divergent number of Romani students in Classes A and B is striking.

*Profile of Upper Primary Classes*

	Class A		Class B		Class C	
	Total	Romani	Total	Romani	Total	Romani
Fifth class	26	2	25	10	10	10
Sixth class	30	1	24	10	—	—
Seventh class	29	0	26	12	—	—
Eight class	27	0	17	11	—	—

162 Children in Hungarian schools receive marks from 1 to 5, 5 being the best.

163 ERRC interview with Ms Mária Orsós, 25 November 2002, Komló.

164 ERRC interview with Mr János Papp, 14 September 2002, Szomolya.

165 ERRC interview with Ms Zsuzsanna Nyíri, 13 November, 2002, Gönc. A technical lesson ("technika óra"), consists of the preparation of small items, such as bookmarks or bowls, and practice techniques such as drilling and carving.

A Romani boy in Class 7B told the ERRC:

There is a huge difference between Classes A and B. Students in Class A can choose to study one or two languages (English and German), but in Class B we can study only one language. Since fifth grade students in Class A have computer sciences lessons 2 hours a week, but Class B plays in the first hour and learns only in the second hour.<sup>166</sup>

One Romani mother explained to the ERRC:

I have six children, five daughters (6, 10, 11, 12, and 16-years-old) and a son (4 years old). I was very angry. They put all my children into Class C right away. That is the class for the stupid. They call it a play class. There they study everything in a playful manner because their brain does not have the capacity to study better. They tested my 6-year-old daughter without me knowing about it. She knew already how to read when she went to school; still she was put in Class C. Now she teaches the others in her class.<sup>167</sup>

Another Romani mother reported the following case of how prejudice can lead to segregation:

My daughter started the first school year in Class A. She was the only Romani child in her class. All the other Romani children were placed in Class B. Teachers say that children with lower learning ability attend there. She attended the fourth class, when a non-Romani child claimed that he lost his book. The teachers did not say directly that she was the thief but all children and teachers stressed that actually she was the only Romani student in the class, so she felt that everybody was suspecting her. Soon after this event, her math teacher graded her suddenly 2 at the end of the semester, although she had always 4 at math. Based on her math grade, the director of the school claimed that she was not so clever and directed her to continue her studies in Class B, together with all the other Romani pupils. She felt really awful and stigmatised, because it was so unjust.<sup>168</sup>

An almost identical case was reported by a 16-year-old Romani student:

We get to feel in the school that we are Romani. First I went to the proper class, but there I was accused of stealing the earring of a Hungarian girl, and then it turned out that it had been her girlfriend's fault. But I was transferred to the slower class where most of the children are Romani anyway.<sup>169</sup>

166 ERRC interview with Mr Roland Hersics, 20 October 2002, Gönc.

167 ERRC interview with Ms Gölles, 24 November 2002, Pécs.

168 ERRC interview with Ms Mária Ferenc Gulyás, 20 October 2002, Gönc.

169 ERRC interview with Mr Attila Bancsók, 28 October 2002, Forró.

## 6. SEGREGATION OF ROMA IN GHETTO SCHOOLS

High numbers of Romani students attend inferior quality schools in which the overwhelming majority of children are Romani (hereinafter called “Romani ghetto schools”). Although there is no legal distinction between the Romani ghetto schools and the rest of the schools in each country at issue in this report, there is a marked difference in the quality of education provided in the two types of schools. Romani ghetto schools, usually known locally as “Gypsy schools”, are generally inferior in material conditions and quality of education—school buildings are run-down and ill-equipped to provide for quality education, teachers lack basic qualifications, textbooks are out-of-date, and teaching aids are lacking. In some cases material deprivation at schools is extreme and some barely function.

Romani ghetto schools have emerged as a result of two general factors: residential segregation of Roma and withdrawal of non-Roma from schools where the percentage of Roma is high. The process of ghettoisation of public schools is also influenced by racially-motivated denial of access of Roma to regular schools. Also, one natural reaction on the part of many Romani parents to racial prejudice and abuse has been preference for schools where the majority of the student body is Romani.

The emergence of segregated schools based on residential segregation dates back to the years of the Communist regime in Central and Eastern Europe. In Bulgaria, for example, alongside the formation of the Romani urban ghettos in the 1950s, a system of segregated schools was developed as a result of the school-districting system which made the free choice of school impossible. Communist authorities’ assimilationist efforts, which among other things aimed at the elimination of Romani neighbourhoods and schools<sup>170</sup> were largely unsuccessful. The segregated schools in the Romani neighbourhoods were created as schools for pupils “with a backward way of life and a low cultural level.” Their main goal, was “basic literacy and the development of work habits and vocational abilities.” Thirty-one of these schools “emphasised vocational training,” which meant that in addition to the elementary academic program they were assigned a plan to produce various things for sale.<sup>171</sup> Even so, the official policy of the Communist authorities, which was recorded in several party and state resolutions, was to constantly increase the quality of education in the Roma schools.

170 In October 1978 the Secretariat of the Central Committee of the Bulgarian Communist Party passed Resolution 1360, which provided for the gradual elimination of Roma neighborhoods and which banned the founding of segregated Roma schools. See Marushiakova, Elena and Veselin Popov. *Tsiganite v Bulgaria*. Sofia, Klub 90, 1993, pp. 90–91.

171 See Marushiakova, Elena and Veselin Popov, pp. 90–91.

## 6.1. Ghetto Schools Based on Residential Segregation

Patterns of residential segregation of Roma are pervasive in the five countries subject to the ERRC research.<sup>172</sup> Romani ghetto schools based in the Romani ghettos exist in cities, towns and villages.

Many urban Roma live in ghettos on the margins of towns and cities or in the inner parts. Although there are various reasons for the appearance of the urban Romani ghettos, in all countries they have common characteristics—they are overcrowded and have substandard housing facilities.<sup>173</sup> One such example is the Iztok neighbourhood—a Romani ghetto in the Bulgarian city Pazardjik, which is a centre of the municipality of Pazardjik with 127,918 inhabitants. The Iztok ghetto, which has about 30,000 inhabitants, hosts two schools—one for grades 1–4 and the other one for grades 5–8. A third school located at the border of the Romani ghetto has an estimated 55% Romani students. An estimated 1,600 Romani students are educated in the ghetto schools, and the remaining 500 attend mainstream schools.<sup>174</sup>

The situation is similar in the Hungarian town Szentes, Csongrád county. The town's population is 31,638 people, 165 of whom identified themselves as Roma, according to the 2001 census. The actual number of Romani people, however, is much higher, estimated to 1,400 people. One of the town's 8 primary schools is a ghetto school, serving the Romani community which lives primarily in a settlement on the town's outskirts. The school is actually about 2 kilometres from the settlement, and there is a paved road for the children to use. The children make the round trip every day regardless of weather conditions and are forced to cross both a railway line and a busy roadway. The ghetto school's student body is approximately 90% Roma. Over 50% of the Romani children attending primary school attend the ghetto school. Of the 7 other schools, only one has a sizeable Romani student body—the special remedial

172 According to the Czech government, "An alarming fact is the high proportion of Roma inhabitants of those facilities [segregated housing], which, in a number of cases, exceeds 80%." (See Committee on the Elimination of Racial Discrimination, CERD/C/419/Add.1, 23 May 2003, Reports submitted by states parties under Article 9 of the Convention, Fifth periodic report of states parties due in 2002 addendum Czech Republic, 20 December 2002, para. 38.) According to research data in Romania, as of 1998 there were about 30% homogenous Romani communities in Romania; about 30% of communities had prevailing non-Romani population, and above 10% were exclusively non-Romani communities. (See Surdu, Muhai. "The Quality of Education in Romanian Schools with High Percentages of Romani Pupils." In *Roma Rights* 3–4, 2002.) According to a World Bank report, about one-fourth of Roma in Slovakia live in segregated settlements. (See World Bank. *Poverty and Welfare of Roma in the Slovak Republic*, 2002, p. 12.) In Hungary, according to a sociological survey, 29% of the Romani population live in completely segregated circumstances; 23.3% of the Romani families live in neighbourhoods where the majority of the population is Romani; 34.1% of the Romani families live in ethnically mixed neighbourhoods; and 13.6% of the neighbourhoods have only ethnic Hungarian families. (See Havas, Gábor, István Kemény, and Ilona Liskó. *Cigány gyerekek az általános iskolában*. Oktatókutatató Intézet, 2001, Budapest.)

173 For more information regarding the patterns of residential segregation of Roma, see Zoon, Ina. *On the Margins. Roma and the Public Services in Slovakia*. Open Society Institute, New York, 2001, pp. 90–94. Ladanyi, J. 1993. "Patterns of Residential Segregation and the Gypsy Minority in Budapest." *International Journal of Urban and Regional Research*. Vol. 17, No. 1, pp. 30–41.

174 ERRC interview with Ms Natasha Assenova, Junior Expert of Ethnic and Demographic Issues at the County administration of Pazardjik, 15 November 2002.

school Damjanich János, where 24% of the children are Roma. In none of the other schools do Roma make up more than 5% of the student body.<sup>175</sup>

Romani ghettos exist also in smaller towns like the Romanian town Gura Văii, Băcau county, with a population of about 6,000 people. According to the town's mayor, there are three schools—one hosts grades 1-8 (which some Roma attend), one hosts grades 1-4 (no Roma go there because they live far away from it) and one in the Romani settlement that hosts grades 1-4 (no Romanian children go there). The mayor stated that, "Students in Gura Văii are sent to the school to which they live closest."<sup>176</sup>

The Hungarian town Alsószolca, Borsod-Abaúj-Zemplén county, has 6,044 inhabitants, 912 of whom identified themselves as Romani in the 2001 census. The real number of Roma is estimated to 1,400 people.<sup>177</sup> The town has three primary schools. Out of the three, School No.1 is the furthest from the Romani settlement. Only some Romani students succeed in enrolling there, but it is this school which has the highest requirements and educational standards. School No.2 has regular educational standards, and the rate of Romani students in the school is between 25-30%. School No.3 is the closest to the Romani settlement; it is a typical segregated ghetto school or a so-called "Gypsy school". Although the number of pupils is nearly as high as in the other two schools, the school building is the smallest of all. Moreover, as the director explained, the school has, since its establishment in 1989, operated special classes, following the program of the special remedial schools for the mentally handicapped. The association of the Romani ghetto and lower educational standards is almost automatic. The director told the ERRC:

There are 200 Romani students out of the 206 pupils of the school. Furthermore, within the school there are two kinds of curricula: a normal one and an altered [in fact remedial] curriculum. In the normal class, students do not study less than in a regular primary school, but teaching is based on different method. In fact, in classes with an altered curriculum, the education level is significantly lowered. Romani students coming from the poor, underprivileged Romani settlement, with illiterate parents or families with weak ability to assert their rights, certainly end up in this school in the remedial classes.<sup>178</sup>

In the Romanian city Hunedoara, in Hunedoara County, where the estimated number of Roma is about 10,000, or about 7% of the city's population, the pattern of segregated schools is also related to patterns of residential segregation.<sup>179</sup> The city has 12 primary schools (grades 1-8), three of which are ghetto schools—with a Romani student body above 70%. School No.

175 ERRC interviews with Mr Norbert Lakatos, member of the Gypsy Minority Self-Government in Szentes and with Romani parents, 17 November 2002, Szentes.

176 ERRC interview with Mr George Andreescu, Mayor of Gura Văii, 11 October 2002, Gura Văii.

177 Information provided to the ERRC by the local Gypsy minority self-government in Alsószolca.

178 ERRC interview with Mr István Ráki, 27 October 2002, Alsószolca.

179 Information provided to the ERRC by Ms Susana Ricea, Head of the Social Support Bureau of the Social Assistance Service in Hunedoara, Romania, May 2003, Budapest.



9, located close to a Romani ghetto of about 2,000 people, is a ghetto school. According to information provided to the ERRC by local officials, School No. 11 is located close to another Romani ghetto of approximately 1,000 people and has about 90% Roma in its student body. Romani students prevail in the student body of School No. 12, despite the fact that the school is located in an area populated by approximately equal numbers of Roma and non-Roma. In the other schools, the percentage of Roma is between 0 and 50%.

Residential segregation of Roma in rural areas is also a cause for the emergence of Romani ghetto schools. For example, the Romani settlement Ponorâta of the Vălenii Lăpuşului village, Maramureş County in Romania, is home to about 700 Roma, around 300 of which are children. About 110 of them go to the elementary school (grades 1–4) based in the settlement which is attended exclusively by Romani children in the settlement.<sup>180</sup>

## 6.2. Ghetto Schools Based on Demographic Changes

Another process which conditions the emergence of ghetto schools in the rural areas is the increase of the percentage of Roma among the local population resulting from the demographic trends and economic emigration from the rural areas. The increase of Roma among the general population is reflected in the student body of village schools, many of which are gradually becoming predominantly Romani in composition. Such is the case, for example, with many Slovak schools in rural areas.

Throughout Slovakia and especially in villages in the Prešov and Košice regions, there are schools which provide education from grades 1–4 (the so called “restricted grade schools”). These schools usually consist of joint classes attended by students from first and third grades and second and fourth grades. The demographic dynamics in Slovakia characterised by declining number of births and ageing of the population, as well as the depopulation of the villages, has conditioned a declining number of school-age children.<sup>181</sup> Restricted grade schools in many villages were closed, and the few children in them were transferred to schools in neighbouring villages or towns. In a number of villages in Prešov and Košice regions however, the restricted grade schools have been preserved. The student body in them is predominantly Romani, reflecting the demographic characteristics of the Romani population,<sup>182</sup> as well as, in

180 ERRC field research, 9 October 2002, Ponorâta. For more information about the living conditions in the Ponorâta Romani settlement, see *Romanian Roma: Two Years After the Adoption of the Government Strategy. No Visible Change*. In Roma Rights, 1–2/2003, at: [http://errc.org/rr\\_nr1-2\\_2003/field\\_report.shtml](http://errc.org/rr_nr1-2_2003/field_report.shtml)

181 For more information on the demographic characteristics of the Slovak population see Infostat—inštitút informatiky a štatistiky výskumné demografické centrum. *Prognóza vývoja školstva SR do roku 2050*. Edícia: Akty, Bratislava, November 2002.

182 According to demographic estimates, Romani population in the country is generally younger as compared to the majority population, and this fact accounts for the increasing share of Roma in the student body of village schools in the rural areas with high percentage of Roma. For more information on the age structure of the Romani population in Slovakia, see Infostat—inštitút informatiky a štatistiky výskumné demografické centrum. *Prognóza vývoja rómskeho školstva v SR do roku 2025*. Edícia: Akty, Bratislava, November 2002, p. 6, at: <http://www.infostat.sk/vdc/pdf/prognozas2025rom.pdf>

some instances, as a result of blocked freedom of movement where Roma are at issue. Mobility of Roma in some cases has been deliberately restricted by the Slovak authorities.<sup>183</sup> In addition, such schools are sometimes used to segregate Romani children from non-Romani children. For example, the Romani children from the village of Mirkovce, Prešov district, after completing the fourth grade in the local school should continue their education in the primary school in Šarrišské Bohdanovce. Since the school in Šarrišské Bohdanovce does not have the capacity to accommodate all the children, school authorities reportedly placed all Romani students from fifth and sixth grade in the school in Mirkovce. As a result Romani children from Mirkovce continue to be educated in segregated environment after the fourth grade.

A similar trend of formation of all-Romani schools as a result of the demographic dynamics and economic mobility of non-Roma from the rural areas exists in Bulgaria.<sup>184</sup> For example, the village of Archar, Vidin county, has about 2,900 residents, 1,100 of whom are Romani. Due to migration of the non-Romani families to the neighbouring city of Vidin and other parts of the country, the local school is almost all Romani—out of 394 students, 315 are Romani according to estimates made by the school authorities. Similar is the situation in the village of Bukovlak, Pleven County, which has about 4,000 inhabitants, an estimated 2,500 of whom are Roma.<sup>185</sup> There is one local primary school which is predominantly Romani. According to the school director, only 30 students of the total of about 460 students enrolled in the 2002-2003 school year are ethnic Bulgarians.<sup>186</sup> Local Romani parents told the ERRC that almost all Bulgarian families enrolled their children in the schools in the city of Pleven.<sup>187</sup>

In many villages throughout Bulgaria, despite the general decrease of the population and the respective reduction of the school population, local schools have been preserved. In order to attract students, some of these schools offer various benefits. For example, the school in the village of Vrav, Vidin county, has become a boarding school, providing free accommodation and food for children. The school has total of 28 students, 23 out of whom are Romani and all come from neighbouring villages to attend this particular school because of the full board offered.<sup>188</sup>

183 For more information on blocked migration of Roma, see ERRC. *Time of the Skinheads. Denial and Exclusion of Roma in Slovakia*. January 1997, pp. 57–59.

184 See Tomova, Ilona. *Tsiganite v prehodniya period. Mezhdunaroden tsentar po problemite na maltsinstvata i kulturnite vzaimodeistviya*. Sofia, 1995., pp. 26–30.

185 Estimates provided by Mr Andrei Iliev, Romani activist from Pleven, ERRC interview, 27 November 2002.

186 ERRC interview with Ms Nedyalka Nikolova, 28 August 2002, Bukovlak.

187 ERRC interview with Romani parents from the village of Bukovlak, 28 August 2002.

About 50 Roma students from the village of Bukovlak are enrolled in the desegregation program for “Providing Equal Access to Roma Children in Pleven”, which is initiated by the local Romani non-governmental organisation “Amala-R”. The children are bussed to mainstream schools in town, where they have a mediator who is from the same village. According to the team managing the desegregation program, most of the pupils are successful in school, and school attendance is reportedly regular.

188 The village of Vrav does not have Romani residents. Most of its residents are of the Vlah minority. Information provided for the ERRC by the Vidin-based Romani non-governmental organisation “Drom”.

### 6.3. Ghetto Schools Resulting from “White Flight”

Ghetto schools emerge also as a result of the withdrawal of non-Romani children by their parents from schools where the percentage of Romani children is rising. High numbers of Romani students in a school is associated with lower levels of education. Ms Géza Szabó, deputy director of a school in the Hungarian town Forró, Borsod–Abaúj–Zemplén County, told the ERRC:

It all began around 1990. Since then, parents have had a chance to choose a school for their child on their own. They don't tell us why they take away their children from our school, but we believe it is because of our Romani pupils. This is too bad since for the Romani kids, it would be essential to have non-Romani fellow pupils, to see good models. There has been a steady process whereby the number of Romani kids has risen here.<sup>189</sup>

Elementary School No. 4 in the Romanian town Zimnicea, Teleorman County, Romania, is a typical illustration of this phenomenon. The school is situated in an area where the majority population is predominantly ethnic Romanian. However, according to figures provided to the ERRC by the director of the school, Ms Elena Velcea, of the 88 students enrolled in the school year 2002–2003, 77 are Romani.<sup>190</sup> The school used to have a mixed student body in the early 1990s, when the number of Romani pupils was about 50%. The few non-Romani children in the school belong to extremely poor families who do not have high expectations of the school, which is generally known to be inferior to the other schools in town.<sup>191</sup>

As the proportion of Roma in the school has been growing, the quality of education has been declining. Due to the reduced number of non-Romani students, the size of the student body has decreased significantly, which also translates into a reduction of funds allocated to the school by the town council. This fact is reflected in the poor physical conditions present in the school, which has dilapidated furniture and outdated books. The school lacks a proper heating system and in the winter is forced to use wood stoves. Ms Velcea told the ERRC that many times she paid workers for cutting wood for heating from her own money because the school did not have the funds. Moreover, the teaching staff at School No. 4 in Zimnicea changes almost yearly.<sup>192</sup> The number of children who do not move up to the next grade in the school is

189 ERRC interview with Mrs Géza Szabó, 28 October 2002, Forró.

190 ERRC interview with Ms Elena Velcea, 16 December 2002, Zimnicea. All Romani pupils in school are Rudari—a group who do not speak Romani language and consider themselves different from other Romani groups.

191 ERRC interview with school staff, 16 December 2002, Zimnicea

192 As the school director explained, the high turnover of the teaching staff further influences the preferences of non-Romani parents for schools with a lower number of Roma and a more stable teaching staff. School regulations allow teachers to work two years as “detached teachers” in other localities and come back to teach for at least one year in their school, after which they are again allowed to change their workplace for another two years. Due to this fact, in schools which are predominantly Romani such as school No 4 teachers change almost every year, a situation which

quite high—about 5 per class every year, according to the school director. A first grade teacher at the school had only managed to teach the children the first six letters of the alphabet and the first eight numbers since the beginning of this academic year.<sup>193</sup>

The same processes are at work in School No. 6 in another Romanian town—Caracal, Olt County. According to the deputy director, of 736 pupils in the school, about 500 are Roma, although most teachers considered that the number of Roma in school is more than 90%.<sup>194</sup> Like many other ghetto schools, School No. 6 became a school with a Romani majority in recent years due to the gradual migration of non-Romani pupils towards other schools in town. The school has a generally lower level of performance compared to other schools in town, and the school program has reportedly been adapted to the level of the pupils.<sup>195</sup>

The ERRC visited 10 out of 63 primary schools in Bardejov district, Prešov region. The 10 schools visited hosted 27% of all students in the district.<sup>196</sup> According to estimates provided by the school authorities in these schools, the Romani students in them comprised about 84% of all Romani students in the district. ERRC research established that Romani children constitute 100% of the student body in 2 schools and in 5 schools the proportion of Roma was higher than 50%. In the remaining 3 schools the percentages of the Romani students were 4.7%, 17%, and 29.6% respectively. The ghettoisation of these schools in the Bardejov district is mainly the result of the flight of non-Romani children from schools where Romani children attend. This process is accelerated by the fact that the distances between the towns and villages in the district are not big, and children who live in one town can easily attend school in the neighbouring town. This is the case with the primary school in the town Gaboltov, which is the biggest local school, attended by all the children (grades 5–9) from the neighbouring villages. There are no Roma living in Gaboltov, and only 14 Romani children from the neighbouring villages attend grades 1–4. But starting from fifth grade, about 119 Romani children from 6 neighbouring villages commute to Gaboltov. In response, non-Romani parents send their children to school in the town Bardejov.<sup>197</sup> Similarly, in the village of Žehna, Prešov district, which has around 600 inhabitants, half of the population is Romani. According to the school

creates discontent among non-Romani parents who are aware of the importance of the continuity of teaching staff for the education of their children, especially at the elementary level. As a result, non-Romani parents do their best to keep their children away from school No. 4. Teachers usually try to avoid working in this school because it has a bad reputation of a ghetto school.

193 ERRC interview with Ms Elena Velcea, 16 December 2002, Zimnicea.

194 ERRC interview with Mr Emil Tudor, deputy director, 13 December 2002, Caracal.

195 Besides running vocational and apprenticeship classes, the school also has a kindergarten with 40 Romani pupils divided in two equal groups: middle and advanced, pre-school group, supervised by two unqualified teachers. The kindergarten has two small and overcrowded rooms, and since September 2002 the electricity has been cut off. The 100% Roma composition of the kindergarten is explained by the fact that the kindergarten is located in a Romani neighbourhood and by the unwillingness of non-Romani pupils to attend such a place, according to the declaration of the teaching staff. (ERRC interviews with Ms Marcela Chivu and Ms Alina Gongea, 13 December 2002, Caracal.)

196 See *Ústav informácií a prognóz školstva. Separát štatistickej ročenky školstva SR 2001*, Bratislava, 2001.

197 ERRC interview with Mr Knap, director of Gaboltov primary school, 11 September 2002, Gaboltov.

authorities, the student body in the local primary school used to reflect this composition. In the school year 2002–2003, however, none of the non-Romani children attend the school in Žehna. The previous year, there was only one non-Romani student, but the school advised his mother to transfer him to a different school, so that he did not fall behind.<sup>198</sup>

#### **6.4. Ghetto Schools within the Mainstream Schools**

In several countries, ERRC research established the phenomenon of formation of Romani ghetto schools within the mainstream schools. This is the case of mainstream schools which have more than one building. The existence of more than one building has made it possible for school authorities to separate Romani children in the frequently older, not renovated building. Such is the case of the school in Hermanovce, in eastern Slovakia.<sup>199</sup> The school used to have a single building up until 1990. After that, a new building was constructed and all non-Romani children were transferred to the new building, while the Romani children remained in the old one. The two buildings located next to each other and known locally as “the black one” and the “white one” greatly differ in material conditions, the “black one” being much worse. Furthermore, ERRC research established that due to lack of space in the all-Romani building, the Romani first graders who are supposed to follow the regular curriculum are placed in the same class with other Romani children who repeat the first grade and follow special curriculum.<sup>200</sup>

Similarly, the prevailing number of Romani students in Hajdúhadház, Hajdú-Bihar county, Hungary, attended classes in separate buildings from the building where the non-Romani children were during ERRC research in 2002. While the central building of the Bocskái Istvan school in Hajdúhadház had predominantly non-Romani students, the buildings in Kossuth street, Kazinczy street and a fourth building where special remedial classes were organised had mostly Romani students. The Romani children in the annexes to the school attended “catch-up classes” and part of them attended classes for borderline mentally handicapped children. Similar was the situation in the Földi János primary school. The school’s central building had almost no Romani students while the buildings in Szabó Gábor and Földi János streets hosted an almost entirely Romani student body.

198 ERRC interview with the deputy director of Žehna primary school, 29 October 2002, Žehna.

199 According to information provided to the ERRC by the Bratislava-based non-governmental organisation Milan Šimečka Foundation, the total population of Hermanovce is about 1,500 people, 370 of who are Romani.

200 ERRC interview with Ms Paula Tománková, community worker, 5 March 2003, Hermanovce.

### 6.5. Material Conditions in the Ghetto Schools

Field research by the ERRC revealed huge discrepancies in the physical infrastructure of schools attended predominantly by Roma and other schools. In the Ponorâta Romani neighbourhood, next to the town Coroieni, Maramureş County, in Romania, which is attended only by children from the settlement, the entire school consists of two extremely small rooms, measuring approximately 4x4 square metres each. There are glass windows and doors, but only one of the rooms has a wood stove, so in the winter only one of the rooms is functional as a classroom. The classroom with heating has seating for approximately 15 children, while the other room, without any heat source, is capable of seating roughly the same number. These conditions exist despite the fact that the school is attended by 110 pupils from the community. Instruction is reportedly carried without any possibility for dividing the children according to grade.<sup>201</sup> There is no electricity in the school. There are some textbooks, but they are not enough for the number of students in the school. Though the school is supposed to be open every day, when the ERRC visited the school classes were not being held. According to one resident of the neighbourhood, the community tried to appeal to the mayor of the district to which the settlement belongs for help but the mayor refused to help them improve their conditions:

Around 700 people live here. There are about three hundred children. We all live in about 100 houses. There is no water source in our community. On 15 September 2002, Mr Ioan Faur, the mayor of Vălenii Lăpuşului, came to the community and saw that we have no heat or electricity in any of the houses or in the school. We asked him for help, and he said that he couldn't do anything to help us. Then we told him that we would give him 500,000 lei (approximately 14 euro) per person for electricity but he said to us, "Never. You will never get light here."<sup>202</sup>

When the ERRC visited the school in the Romani settlement in Gura Văii, Băcau County, it found the same pattern of dilapidation. The school that the Romani children attend is in the middle of the settlement. When the ERRC visited the school in the early afternoon on a regular school day, the doors to the building were locked from the inside. Inside the school it was already dark and difficult to see. The school itself consisted of only 2 rooms. In one room there was seating for 22 students while the other had 24 seats for students. Despite the cold temperature on the day the ERRC visited, there was no heat in the school, although there was a wood stove in the corner of one of the classrooms. There were no lights in either of the rooms or the entrance and, in fact, no electricity in the school. The Romani children were in class during the ERRC visit; however there were no books in either of the rooms, no textbooks for the children, no notebooks in front of the children, no pencils, no pens or any school supplies of any kind. There were few signs to indicate that the class was supposed to be a learning

201, 202 ERRC interview with Mr G.L., 9 October 2002, Ponorâta.

environment. One of the teachers, who would not give her name, told the ERRC that 160 children were registered in the school and a total of 4 teachers worked there.<sup>203</sup>

The situation was markedly different at another school in the same town which is attended by the Romanian children. The school was much larger, with at least 4 classrooms. The school had electricity and heating, and the children were not forced to sit in their jackets to stay warm, as in the Romani school. Although the class the ERRC visited had no Romani children in it, the mayor of the town said there were a few Roma enrolled at the school.<sup>204</sup> The classroom was large, and the desks that the children sat at were in much better condition than those at which the Romani children were sitting. The children in this school all had textbooks, notebooks, pens and pencils in front of them. There were plants all around and artwork that the students had produced, as opposed to the barren walls in the Romani school. There was a playground in the schoolyard (there was no yard at the Romani school) with soccer and basketball nets. There was also a caretaker for the school.

A resident of the neighbourhood told the ERRC that despite the fact that Romani parents are obliged to pay for repairs to the ghetto school, its condition never improves:

I have three children. Twice per year, we all have to pay 50,000 lei (approximately 1.7 euro) per child for school repairs. We get our papers for receiving child allowance from one of the teachers in the school, which we then take to the post office to get the money. When she gives us the papers, she asks for the money for the repairs and we have to give it to her after we've received our money. This has happened for ten years now, and I have never seen repairs to the school.<sup>205</sup>

The situation is not the same with repairs to the Romanian school. The mayor of Gura Văii told the ERRC of the way in which funds are distributed to those on social aid. According to the law, those receiving social aid are required to do community work:

About 300 people in Gura Văii get social aid. I don't send Gypsies and Romanians to do the same work to receive social aid. We make a monthly list of what needs to be done and send people out according to their skills. Gypsies typically dig ditches, clean weeds from fields, but 7 Gypsies helped restore one of the (Romanian) schools in the commune. The Romanians all work on the schools.<sup>206</sup>

## 6.6. Education in the Ghetto Schools

Romani children who finish ghetto schools stand little chance of acquiring the skills required to compete with pupils in other schools and making their way to high school.

203 ERRC visit to Gura Văii, 11 October 2002.

204 ERRC interview with Mr George Andreescu, mayor of Gura Văii, 11 October 2002, Gura Văii.

205 ERRC interview with Mr Gheorghe Mihai, 11 October 2002, Gura Văii.

206 ERRC interview with Mr George Andreescu, mayor of Gura Văii, 11 October 2002, Gura Văii.

One study in Romania, for example, established that the percentage of rural educational institutions in which non-schooling children are over 5% of the children at school age in the area of the respective school is almost double in the case of schools with Romani students, as compared to all rural schools in Romania. If we take into account the rural schools with over 50% Roma students, the percentage of schools in which non-schooling children are over 5% of all children at school age is almost 4 times bigger as compared to all rural schools. According to the same study, the percentage of rural school institutions, which recorded dropout cases was higher in the case of schools with Romani students, as compared to all rural schools. The biggest difference is at the level of primary education: almost twice as big, if we compare the total number of rural schools with Romani students, and almost three times as big, in the case of rural schools with more than 50% Romani students.<sup>207</sup>

During its field research, the ERRC met with numerous teachers, Romani parents and Romani children who acknowledged the inferior education in the ghetto schools. Many Romani children drop out of school in the early grades; those who manage to finish school are often illiterate or have acquired only rudimentary reading and writing skills. An educational expert in Bulgaria told the ERRC: “It is usual to see a child in the fourth grade in G.S. Rakovski School not being able to read and perform elementary calculations.”<sup>208</sup> During the ERRC visit at the G.S. Rakovski School in Pazardjik, the ERRC team was invited to attend lessons in the third and fourth grades. In the third grade lesson, the ERRC witnessed one child who demonstrated uneven reading. When the ERRC left the school, we could see the third and fourth graders whose lessons we had attended on their way home, although they were supposed to have four more lessons. They asserted that teachers had dismissed them.

Romani children who study from grades 1–4 in the ghetto schools are usually unable to continue their education in regular schools because the knowledge they have acquired is not equal to the knowledge of their peers who attended regular schools. For example, in the town of Gura Văii, Băcau County, upon completing the four years of elementary school in the settlement’s ghetto school, Romani children are unable to continue their education. This experience was reported by numerous children in the settlement. One Romani girl in Gura Văii told the ERRC:

I graduated fourth grade here in the school and when I was done, I wasn’t allowed into the other school because I wear a long skirt and I can’t read or write.<sup>209</sup>

207 See The Ministry of Education and Research, The Institute for Educational Sciences, The Institute for Research on the Quality of Life, UNICEF. *The Participation to Education of Roma Children. Problems, Solutions, Actors*. Bucharest, 2002, p. 64.

208 ERRC interview with Ms Maria Tochkova, Chief Expert in Primary Education at the Regional Inspectorate of the Ministry of Education and Science, 15 November 2002, Pazardjik. School “G.S. Rakovski” she refers to is a Romani ghetto school, located in the Iztok Romani neighbourhood in Pazardjik.

209 ERRC interview with 12-year-old Irina Stanescu, 11 October, 2002, Gura Văii.



After finishing fourth grade in the ghetto school based in “Iztok” neighborhood in Pazardjik, Bulgaria, some of the Romani students drop out of school. The rest usually transfer to the other ghetto school, St. St. Kiril i Metodiy.<sup>210</sup> Georgi Velev, an eighth grade Romani student at St. St. Kiril i Metodiy school, said, “I applied here as I found it easier to pass the exams. I have peers who do not know Bulgarian, and it is difficult for them to study anywhere else.”<sup>211</sup>

The low educational achievement of Romani students in the ghetto schools is in great part caused by teacher neglect. Pavel Kostov, a fourth grade Romani student from the Bulgarian village of Bukovlak, Pleven County, used to study in the ghetto school Kliment Ohridski in Bukovlak. He told the ERRC that teachers were not strict about school attendance and the pupils “attended classes if they decided to.” Pavel further testified that, “In the Kliment Ohridski school there were teachers who put makeup on in front of pupils. Or they would ask students about the films they watched in the evening and discuss them in class.”<sup>212</sup> A former director of a school in the city of Pleven, Mr Boris Vrabevski, said that in the school year 2001-2002 when he was still director, he could see that Romani children, transferred from the ghetto school in the village of Bukovlak to his school as a result of non-governmental desegregation action, were lagging behind their peers in the mainstream school.<sup>213</sup>

A Romani father in the Hungarian town of Alsószolca similarly told the ERRC:

Two of my sons attend School No. 2, and the other two attend School No. 3. One of them used to attend School No. 2, but he failed two times, and he insisted on going to School No. 3, in which his brother studied. I let him do so. He has better grades now and he feels much better. In School No.2, there are fewer Romani children, and teachers are more committed to education.<sup>214</sup>

Poorly motivated teachers in ghetto schools often give better grades to children than they deserve because it is an easier way of coping with the challenges to instruction to teach pupils from disadvantaged backgrounds.

The low quality of education in the ghetto schools is also caused by a prevalence of unqualified teachers in these schools. Research data in Romania demonstrated that in 1998, unqualified teachers were present in every rural school that had a student body of more than 50% Roma. There was a correlation between the percentage of Romani pupils in a school and the ratio of unqualified teachers. For example, the rate of unqualified teachers ranging between

210 The school St. St. Kiril i Metodiy is a former Professional Vocational School (PVS), and although its legal status was changed to a regular secondary school, students are still educated according to the curriculum of the PVS. (ERRC interview with Ms Natasha Assenova, Junior Expert of Ethnic and Demographic Issues at the County administration of Pazardjik, 15 November 2002.) The academic subjects in the PVS are reduced and substituted by vocational training. The students acquire vocational skills in, for example, furniture-making.

211 ERRC interview with Mr Georgi Velev, 15 November 2002, Pazardjik.

212 ERRC interview with Mr Pavel Kostov, 28 August 2002, Bukovlak.

213 ERRC interview with Mr Boris Vrabevski, 28 August 2002, Pleven.

214 ERRC interview with Mr Tibor Balogh, 27 October 2002, Alsószolca.

50 and 75% per school was approximately three times higher in schools with more than 50% Romani children as compared to all rural schools; in schools where Roma make up nearly the entire population, this ratio was roughly five times higher than in the total rural school system. The rate of unqualified teachers of more than 75% per school was approximately four times higher in schools with more than 50% Romani students than in the whole rural school system and about ten times higher in schools where Roma make up nearly the entire population than for the rural school system as a whole.<sup>215</sup>

### 6.7. Discriminatory Denial of Access to Regular Schools

Although residential segregation has preconditioned the appearance of segregated ghetto schools, it is not the sole reason for their existence. For example, in Romania research data indicated that, as of 1998, more than half the schools with at least a 50% Romani student body were located less than 3 kilometres from neighbouring schools of the same level with predominantly non-Romani children. Almost three quarters of the schools where 50% or more of the students were Romani were less than 5 kilometres from schools with another ethnic enrolment.<sup>216</sup> Despite the legal right of parents to enrol their children in a school of their preference, in many instances Romani children who attempt to enroll in schools outside the Romani ghettos are denied access to these schools.

In Romania, a Romani father in the Calea Mireşului Romani neighbourhood in the town of Şomcuta Mare told the ERRC of the difficulties encountered in enrolling children from the settlement in the nearby high school:

Last year, two children from the settlement had problems enrolling in the high school in Şomcuta Mare, which is 3 or 4 kilometres away. They were not well received at the high school and were told that there were no places for them in the school. However, they were enrolled after I met with the school director and I said that they would be in trouble if the children were not allowed to enrol. We want our children to go to regular school from fourth grade so that it is easier for them to integrate.<sup>217</sup>

The ERRC also learned of the case of Papara Florin, a 6-year-old Romani boy whose parents wanted him to attend the mixed School No. 3 in Zimnicea, Teleorman County, instead of School No. 4, which is a ghetto school. The child was refused by the management of School No. 3, who reportedly told his parents that their school was full even while the registration process was still very much open to non-Romani children.<sup>218</sup>

215 Surdu, Mihai. "The Quality of Education in Romanian Schools with High Percentages of Romani Pupils." In *Roma Rights*, 3–4, 2002.

216 *Ibid.*

217 ERRC interview with Mr Boldijar, 8 October 2002, Calea Mireşului.

218 ERRC interview with Ms Elena Velcea, teacher at school No. 4, 16 December 2002, Zimnicea.

In Bulgaria, for example, according to information of the Sofia-based non-governmental organisation *Romani Babt*, at least 15 Romani first graders from the Fakulteta Romani neighbourhood of Sofia were denied enrolment in three schools outside the neighbourhood in the period 1 to 16 September 2002, prior to the beginning of the school year. Administrators at the three schools—No. 17 Damian Gruev, No. 28 Aleko Konstantinov and No. 123 Stefan Stambolov—reportedly obstructed the filing of enrolment applications by the parents of the 15 Romani children. According to *Romani Babt*, school guards prevented Romani parents from entering the school premises on several occasions. On other occasions, Romani parents were allowed into the school buildings only to be forced to leave by school personnel before they could submit applications for enrolment. Eventually, the Romani parents managed to submit applications verbally to the directors of the schools or to authorised teachers but reportedly received immediate negative verbal responses to their applications. According to *Romani Babt*, the parents were informed that either the maximum number of children in the respective school had been reached or that the Romani children did not have right to apply to a school outside the municipality where they were registered. Field investigation performed by *Romani Babt* also revealed that, while the Romani parents were prohibited from enrolling their children, non-Romani children had been enrolled without any problems after the Romani applicants had been rejected.<sup>219</sup>

#### **6.8. Discriminatory Exclusion of Romani Children from Schools: The Private Student Status in Hungary**

One practice which has made it possible for school authorities in Hungary to rid regular primary schools of Romani children is the so-called “private student status”. As a result of its implementation, many Romani children were physically separated from the regular schools for the whole course of their compulsory education. The results were similar to the results of segregation proper: denial of the opportunity for equal education. The Hungarian Education Act provides for an opportunity for children to suspend their regular school attendance while still retaining their legal relationship with the school and thus fulfilling their compulsory education obligations.<sup>220</sup> The child’s parent decides how their child should fulfil their compulsory education. However, if the school director does not believe that the private student status is beneficial for the child, this can be stated to the district administration, which

219 For more information on the case see “Romani Children Denied Enrolment in Bulgarian Schools”, in Roma Rights 3/4, 2002, at: [http://www.errc.org/tr\\_nr3-4\\_2002/snap7.shtml](http://www.errc.org/tr_nr3-4_2002/snap7.shtml).

220 Act on Public Education, Article 6(3) declares that students must attend school until the end of the school year in which they turn 16. In the case of handicapped children, the compulsory age may be prolonged until 18. Article 6(5) states that in the case of children who started school in or subsequently to 1998/99 the law raises the compulsory school-leaving age to 18. Act on Public Education, Article 11(1)(m).

will make the ultimate decision.<sup>221</sup> Private student status can be given in case the child suffers from some form of physical or developmental disability, behaviour problems or problems with integrating in the class, learning difficulties or for children in particular situations.<sup>222</sup> According to the scheme, private students are exempted from regular school attendance but continue to have a legal relationship with the school from which they were exempted and is required to take exams in each semester or school year in order to be able to graduate.<sup>223</sup> Schools that have private students are supposed to guide them towards graduation and are given the opportunity to provide an extra 10 hours of lessons per week to private students, in after-school classes.<sup>224</sup>

Like other legal mechanisms available to separate students on an “objective” basis, the status of the private student has also been used to separate Romani children from non-Romani children. In particular, school officials have adapted the scheme as a means to rid themselves precisely of those Roma who would require extra attention to successfully complete their schooling. ERRC research revealed that school authorities put pressure on Romani students and parents to accept private student status. Once the Romani student becomes a private student, the school usually ceases to take an active role in the child’s education. Consequently, Roma are pushed out of mainstream education into a form of inferior quality, segregated education which invariably translates into limited opportunities for further education and poor prospects for employment.

Recent surveys have demonstrated that Roma are over-represented among pupils with private student status. For example, one survey which examined 192 schools showed that of all the Romani students in those schools, 3% had private student status, while for non-Roma the rate was a mere 0.1%.<sup>225</sup> Another recent study concluded that: “Becoming or being a private student strictly corresponds to the proportion of Roma pupils at a specific school. The higher the proportion of Romani pupils, the higher the rate of private students and the higher the rate of Romani private students. In schools with a proportion of Romani pupils higher than 25% this rate can reach 80%.”<sup>226</sup> ERRC field research in the eastern Hungarian town of Berettyóújfalu in 2000 revealed that all nine of the children involved in “private schooling” programs in the town were Romani and that many were repeatedly failing periodic examinations. The effect of coercing Romani children into “private student” arrangements is to force them out of the school system.

221 Act on Public Education, Article 7(1–2).

222 Act on Public Education, Article 69(2) and Article 120(1).

223 Act on Public Education, Article 66(1)

224 Act on Public Education, Article 52(13).

225 Havas, Gábor, István Kemény, and Ilona Liskó: *Cigány gyerekek az általános iskolában*. Budapest, 2001. A survey from 1997 revealed the same trend, with half of the schools examined having private students, and of those private students nearly all were Roma. (See Girán, János, Lajos Kardos. *A cigány gyerekek iskolai sikertelenségének háttere*. Iskolakultúra, 1997/10.

226 Babusik, Ferenc. *Survey of elementary schools educating Romani children*, Delphoi Consulting, Budapest, 2000, p.28, at: <http://www.delphoi.hu/aktual.htm>.

School officials see private school status as a means to rid their schools of Romani children, often pressuring parents to accept their decision. Once out of the school, physically removed from the building and separated from classmates, Romani students set down the road of poor education and missed opportunity. Research by the ERRC reveals that far from maintaining regular contact and support for private school students, the educational system often ignores and even abandons these Roma children. A 15-year-old Romani boy's mother reported to the ERRC:

My son became a private pupil last year. He was attending the sixth grade. His school had advised me that his behaviour problems, his physical aggression made it necessary for me to petition granting the status of private pupil for him or else he would be failed. My son first was happy not to have to go to school and felt relieved that he was not exposed to his teachers' and fellow-pupils' dislike. He was happy with his extended free time, but soon came to realise its challenges. For a year, his days passed uselessly, and in boredom. He had to report to school for examination every month, but received no support for studying by himself. The school provided no assisting classes. In the various subjects, he was failed repeatedly month after month. Before the end of the year, a new deal was offered to me: if I take him to another school, he will be allowed to pass, even though he has performed insufficiently, or else he would be failed. I went to look for a new school. Only at some distance from our place did I find a school that was willing to enrol my son. In this school the percentage of Romani students was high; teachers were prepared to face their conflicts and did not treat them with hostility.<sup>227</sup>

Racial harassment of Romani students on the part of non-Romani teachers and classmates is also a reason for Romani parents to "choose" the private student status. One Romani parent told the ERRC:

My elder daughter is very depressed. She broke down when one of the teachers, who picks on all the Romani children, shouted at her, and my daughter could not bear that. She has missed school for months now, and is going back on a private student basis in many subjects.<sup>228</sup>

Many Romani students are "offered" private student status due to a temporary health problem. However, once out of school, they do not get the sufficient attention which enables them to return to the normal education system. As a consequence, they get stuck in the private student status, excluded from the normal education system and denied their right to quality education. To compensate for its own failures, the school typically lowers the level of final

227 ERRC interview with Mr Roland Pusztai, 23 March 2002, Budapest.

228 ERRC interview with Ms Etelka Bancsók, 28 October, 2002, Forró. Private student status can be granted with full or partial exemption from compulsory school attendance. Act on Public Education Article 69(2).

examinations so the private student can formally pass. One Romani girl reported a typical case to the ERRC:

When I was 14, I contracted hepatitis so I was given private student status. After recovering from my illness, I visited lessons voluntarily while I was still exempted from attending school. I had to sit at the back and was told to be silent. I was not allowed to raise any questions on the lessons despite expressing my will to keep up with the others. Teachers usually said: “Don’t bother!” But they did not teach me. After a while, I considered this type of school attendance useless, because I did not understand and teachers did not explain anything. So I gave it up. I did not get any extra lesson during the year but at the end of the year I was obliged to take a final exam that I passed, only because the level of the exam was incredibly low. I was not prepared at all, had no help from the school, and I knew nothing. I did not return to normal school, as the school did not offer it as a possibility.<sup>229</sup>

The private student scheme applied to one child from a family often results in the school trying to use this argument to force brothers or sisters into the same arrangement. This happened with the brother of the Romani girl quoted above:

I became private student in sixth grade, and my younger sister became a private student when she was 7-years-old, because of her heart problems. My brother is 13-years-old, and teachers claim it is difficult to get on with him because of his behaviour. The school director forced my parents to register him also as a private student. They argued that my sister and I were private students, too. My parents did not give their parental consent, so the school sent him to a psychologist, to have a reason to transfer him to remedial special school. But the psychologist did not diagnose any deficiency. Now the teachers are again trying to convince my parents to remove my brother from class, and as a compromise they ‘offered’ 10 extra lessons a week for him if they accept the private student status.<sup>230</sup>

Schools often succeed in persuading the parents so well that the child will have a better time as a private pupil than the parents feel they decide on their own, and in the child’s interest. Neither parents nor pupils are aware of the consequences, and readily accept the “solution for a way out”, as offered by the school. A Romani mother told the ERRC:

I lived in Medgyasszó, but I could not stand the atmosphere there so I returned to Csobád with my children. My son attended school there, but the teacher did not treat him well, did not help him, and he frequently failed examinations in school. When we settled down in Csobád, my son really liked school here, and he became a good student. After the fourth year he went on studying in Encs, and problems concerning

229, 230 ERRC interview with Ms Kitti Balogh, 30 October 2002, Nyíradony.

his studies returned again. The director summoned me to discuss opportunities for my son. She suggested that my son should be a private student so he should not have to come every day, only one time a week. She said this would be the only solution, I had to accept it.<sup>231</sup>

Applied to Roma, the private pupil status only makes it more difficult for them to study certain subjects and thus complete school successfully. Even if they are allowed to pass their exams, it is often on the whim of the school, instead of on the basis of the child's actual progress. In the end, while the private student scheme has its peculiarities as a mechanism of segregation, the result is predictable. It is a denial of quality education which leaves Romani children undereducated, severely limiting their job prospects and reinforcing the general mechanisms of social exclusion.

231 ERRC interview with Mrs R.B., 18 October 2002, Csobád.

## 7. CONCLUSION

Pervasive patterns of segregation of Roma in education in the five countries surveyed are not confronted with adequate legislative and policy measures by most governments. A prohibition of racial segregation has only recently been introduced in Hungarian and Bulgarian legislation.<sup>232</sup> Although governments generally admit the problems facing Roma in the field of education, an explicit commitment to desegregate the school systems can be found only in few policy documents.<sup>233</sup> More commonly, governments deny racially-based segregation

232 A prohibition of segregation has been included at Article 4, paragraph 9(c) of the Hungarian Public Education Act as amended in August 2003. The Act uses the term “illegal segregation” and prohibits it as a form of direct discrimination. Additionally, Hungarian Act on Equal Treatment and the Furtherance of Equality of Opportunities, adopted in December 2003, prohibits discrimination on ethnic basis in education, stating at Article 27(3) that “It is an infringement of the requirement of equal treatment especially when a person or group is: a) illicitly segregated in an educational institution, or in a division, class or group created within; b) limited to a form of education or training, or the establishment and maintenance of an educational or training system or institution, the level of which does not reach the requirements laid down in the issued professional requirements, or does not meet professional rules, and as a result of which, does not provide the opportunity required to pursue studies, taking state examinations, or the opportunity of training and preparation expected in general.” (Unofficial translation by the ERRC.) The Hungarian Act on Equal Treatment and the Furtherance of Equality of Opportunities is available in Hungarian at: <http://www.complex.hu/kzldat/t0300125.htm/t0300125.htm>.

Similarly, the Bulgarian Protection Against Discrimination Act, adopted in 2003, prohibits, among other things, racial segregation (Article 5) and imposes a positive obligation on the Minister of Education and Science, and local government bodies to “take such measures as are necessary to exclude racial segregation in educational institutions” (Article 29(1)). Article 1(5) of the Additional Provisions defines racial segregation as “the issuing of an act, the commission of an action, or an omission leading to forced division, separation, or isolation of persons on grounds of their race, ethnicity or skin colour.” (Unofficial translation by the ERRC.) The Act is available in Bulgarian at: <http://www.bcnl.org/doc.php?DID=357>.

233 Such for example are the Bulgarian Framework Program for Equal Integration of Roma adopted by the government in April 1999 and the “Instruction for the Integration of Minority Children and Pupils” of the Bulgarian Ministry of Education from September 2002. The Framework Programme states: “A long term strategy must be developed for the removal of segregated Roma schools in Roma areas and decisive measures taken to ensure free admission of Roma children to the ‘normal’ schools and prevent segregation of Roma children into separate classes...” See “Framework Program for Equal Integration of Roma in Bulgarian Society”, Part Two, Section V. (Unofficial translation.) The Programme is available in Bulgarian at: <http://www.ncedi.government.bg/>.

With respect to Roma, the 2002 Ministry of Education and Science instruction identified the isolation of the Romani children in the schools based in the Romani settlements, the routing of normally developed children to schools for mentally disabled children, the manifestation of racism in the class room, the unavailability of mother tongue instruction at school, and high levels of illiteracy and few qualifications among the elderly Roma, as the most serious problems Romani children face. The Instruction envisages the preparation of a process of removing the children from school facilities in the Romani settlements and creating possibilities for equal access to quality education, as well as eliminating the existing practice of routing Romani children to schools for mentally disabled children. The aim of the Instruction is to eliminate gradually the isolation of Romani children in education and to ensure their access to quality education in integrated schools.



of Roma in education. The Czech state has admitted the fact of overrepresentation of Roma in the schools for the developmentally disabled children but refused to qualify this state as de facto racial segregation. For example, in its most recent periodic report to the UN Committee on the Elimination of Racial Discrimination, the Czech government failed to acknowledge the interference of racial factors in the assignment of Romani children to special education.<sup>234</sup> In 1999, in response to a lawsuit filed on behalf of a number of Romani children by the ERRC and local counsel, the Czech Constitutional Court also refused to find a violation of Czech and international law.<sup>235</sup> The Slovak government representatives have also denied racial segregation of Roma in education. For example, during a recent review by the UN Human Rights Committee of the implementation of Slovakia's commitments under the International Covenant on Civil and Political Rights, the representative of the Slovak government told that Committee that "We cannot speak of racial segregation in schooling because we take an individual approach to the needs of the pupil."<sup>236</sup>

Government action aimed at desegregating the school system is even more half-hearted. In many cases, governments pursue the problematic policy of improving the quality of education within the segregated school environment. Actions aimed at the improvement of Romani education without desegregating it, for example, are the launching of preparatory classes in remedial special schools in the Czech Republic; the appointment of assistant teachers in all-Romani ghetto schools in Bulgaria, the Czech Republic and Slovakia; and the launching of pre-school education programmes in the Romani ghetto schools in Bulgaria.

Another example of government action which does not address the root cause of segregated education of Roma and therefore is ineffective as a long-term solution is the 2001 "Modification of the Education Programme for Specific Needs of Children with Social or Cultural Handicaps"<sup>237</sup> by the Czech Ministry of Education, Youth and Physical Education.

234 The Government stated: "Thus, the grounds for the transfer of a Roma minority child from primary to special school do not lie in his/her Roma nationality, but in the language handicap at the time of enrolling in a primary school, which represents a serious obstacle to future education. Beside the language barrier, there is also the different dynamism of personal development, different hierarchy of values and social and cultural feelings of Roma families. An important role is played by the fact that the special school environment is familiar for the generation of parents, many of whom thus direct their children automatically to the same educational environment which they themselves had experienced. [...] The first step towards the elimination of the negative impacts concerning mainly the Roma community children due to their different social and cultural circumstances has been a change in the method of diagnosis used to test the overall ability of the child and its structure." See Committee on the Elimination of Racial Discrimination. *Fifth periodic report of States parties due in 2002. Addendum. Czech Republic*. 20 December 2002, paragraphs 119 and 120, at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/312713d34f4af18dc1256d560048aaf7?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/312713d34f4af18dc1256d560048aaf7?Opendocument).

235 The lawsuit is currently pending before the European Court of Human Rights. For more information see "The ERRC Legal Strategy to Challenge Racial Segregation and Discrimination in Czech Schools." In *Roma Rights* 1/2000, at: [http://www.errc.org/rr\\_nr1\\_2000/legalde1.shtml](http://www.errc.org/rr_nr1_2000/legalde1.shtml).

236 See ERRC notes during the discussion of Slovakia's second periodic report on the ICCPR, 7 July, 2003, Geneva, at file with the ERRC. See also United Nations Press release, Human Rights Committee Reviews Situation of Civil and Political Rights in Slovakia, 18.07.2003, at: <http://www.unhchr.ch/hurricane/hurricane.nsf/NewsRoom?OpenFrameSet>.

237 See document reference No 13365/2001–22.

The “Modified Programme”, designed essentially for Romani children, is meant to keep problematic pupils out of remedial special schools by making it possible, as an option, for mainstream schools to reduce the content of the regular curriculum. The reduced content is based on the standard curriculum but is given a more practical focus. According to one school administrator, the reduction concerns the subjects Czech language, foreign language, mathematics, chemistry, physics, natural science, geography, history, and social studies. Other subjects such as family education, music, sports, arts and practical classes are not modified.<sup>238</sup> The authors considered some learning material unnecessary for children who have no intention to continue their education at, for example, gymnasium (a form of specialised high quality secondary school usually preparing students for university education). The “Modified Programme” also recommends including some information about Romani ethnicity under this program. Ms Marie Rokosova from the Research Institute of Education informed the ERRC that children taught under the programme receive a statement to this effect on the record of their marks.<sup>239</sup>

The effect of the “Modified Programme” in keeping Romani children out of remedial special schools has been minimal at best. Moreover, the implementation of the Programme appears to promote rather than eliminate segregation because the Programme is applied primarily in all-Romani school facilities. The six regular primary schools in Prague, Ústí nad Labem, Sokolov, and Brno where the Programme had been underway at the time of the ERRC research had almost 100% Romani student body.<sup>240</sup>

While measures which do not address the root causes of segregated education of Roma may lead to temporary or even long-term improvement of the quality of education received by Roma, such measures will not eventually guarantee equal education opportunities for Roma.

Some encouraging steps towards desegregating the school system have so far been undertaken solely by the government of Hungary.<sup>241</sup> According to information provided by the Commissioner for Integrated Education at the Ministry of Education, the National Integration Programme of the Hungarian Ministry of Education envisages integration of schools and classes by 2008. The Ministry of Education increased the financial assistance allocated to schools who educate students of disadvantaged background.<sup>242</sup> Additionally,

238 ERRC interview with Mrs Volfová, deputy director of school at Havlíčkovo náměstí, February 21, 2003, Prague. Mrs Volfová gave the following example from the practical orientation program: “so that the children understand what a “kilometre” means, they walk a distance that is a kilometre long.”

239, 240 ERRC interview with Mrs Marie Rokosova, the Research Institute of Education (Výzkumný ústav pedagogický), “First educational group”, Feb.13, 2003, Prague.

241 Following elections in 2002, the Hungarian government appears to have made something of a quantum leap in its political will to address the serious human rights situation of Roma in Hungary. In the first place, a number of Roma were hired to key positions in the public administration: Mr Laszlo Teleki was appointed as Political Secretary for Romani Issues in the office of the Prime Minister, Ms Viktória Mohácsi took up the post of Ministerial Commissioner for Integrated Education in the Ministry of Education, and Ms Éva Orsos Hegyesiné became Deputy State Secretary in the Ministry of Health, Social and Family Affairs.

242 The Hungarian Integration Programme does not make a specific reference to Roma where separate educational facilities are referred to but uses the term “disadvantaged children” instead. However, the Programme recognises that the pupils who can benefit from learning together are mainly Romani.

schools are offered government and Phare Programme funds to improve the quality of their services and make their educational programmes more attractive. A National Educational Integration Network will award model institutions which have eliminated the segregated schooling. The integration programme targets students attending “catch-up” classes, schools in villages where “the percentage of less disadvantaged families is less than 20%”, and schools in large villages and towns where “disadvantaged children are gathered in one or two schools or classes”. The government’s efforts in the area of desegregating the remedial special schools are mainly preventive in the sense that the government planned to enforce more strictly the criteria for admission to remedial special schools and prevent the admission of non-handicapped children in these schools. The actions planned do not envisage integration in mainstream schools of children already enrolled in remedial special schools.<sup>243</sup>

However positive these measures of Romani inclusion may be, they are clearly necessary but not sufficient to guarantee the right to equal education in Hungary. Indeed, developments in 2003 in the course of Ministry-led efforts to desegregate the Hungarian school system have given some ground for concern. On August 1, 2003, during an effort to enrol 101 Romani children at a private school in the town of Jászladány, Jász–Nagykun–Szolnok County, established with the complicity of the local government apparently for the explicit purpose of providing a segregated non-Romani school for children whose parents opposed schooling with Roma, at least one person was physically assaulted and the enrolment effort failed.<sup>244</sup> It remains to be seen what measures the Hungarian government will adopt to overcome entrenched opposition to integrated education in many areas in Hungary.

At the international level, major donors have recently enhanced their efforts to remedy the situation of Roma in Europe. In July 2003, the Open Society Institute and the World Bank launched an initiative for a Roma Inclusion Decade, supported by 9 Central and Eastern European governments and the European Union. It is aimed at creating political will to raise the profile of actions to integrate Roma in the societies where they live and to set targets for governments to hold themselves accountable by measuring that progress quantitatively. The Decade seeks to address systemic sectoral reform in a few critical areas: education, employment, health and housing with gender, discrimination and income poverty as cross-cutting issues. It will take place at the country level under the aegis of national governments. To address the issue of education of Roma, the establishment of a Roma Education Fund is envisaged. The objective of the proposed Roma Education Fund is to ensure the sustainability of initiatives to improve the educational status and performance of the Roma population in Central and Eastern Europe by providing additional finance for programs that will help reduce the gap in

243 See Viktória Mohácsi, Ministerial Commissioner for the Integration of Disadvantaged and Romani Children of the Hungarian Ministry of Education. *Discriminatory Treatment of Roma Children in Education: What Can Be Done About It?* Background Paper for the Regional Seminar of Experts for Eastern Europe. Office of the United Nations High Commissioner for Human Rights. HR/Prague/Sem.4/2003/BP8, 31 July, 2003, pp.5–11.

244 For more details on the efforts of local authorities in the town of Jászladány to segregate Romani students in the locality by establishing a private school, see “Private School in Hungary Declared Unlawful.” In *Roma Rights* 3–4, 2002, at: [http://errc.org/rr\\_nr3-4\\_2002/snap20.shtml](http://errc.org/rr_nr3-4_2002/snap20.shtml).

access to quality education between Roma and non-Roma and for which effective demand has been demonstrated to exist. Whether these initiatives, involving serious international donors, will have any impact, depends entirely on the determination of governments to pursue their commitments. Without clear government commitment both in terms of providing co-funding and establishing the relevant legal and policy framework, these initiatives are unlikely to overcome the weakness of other action taken before.

## **8. DESEGREGATION OF ROMANI EDUCATION: ERRC RECOMMENDATIONS FOR GOVERNMENTAL POLICY**

In each of the countries dealt with in this report, the majority of Roma are excluded from the mainstream educational system and denied access to the benefits of education enjoyed by other citizens. To remedy this situation, governments should intervene immediately by designing and implementing comprehensive long-term educational policies targeting Roma. Primary goals of these policies should be eliminating the barriers to equal educational opportunities for Roma and achieving of educational results which are comparable with the educational results of the majority population. In particular, governmental educational policies should be aimed at:

- Ensuring that Roma participate at all levels of mainstream education—primary, secondary and higher education. Roma participation in education should be equivalent to that of non-Roma;
- Ensuring that the achievement of the Romani students at school is as high as that of their non-Romani peers;
- Ensuring that the education of Roma leads to their general integration in society.

Although educational and other environments in all five countries covered in this report vary, when it comes to Romani education, there is one characteristic common to all five—Roma are segregated in the educational systems on the basis of their ethnic background. Desegregation of Romani education and prevention of further segregation should be the backbone of governmental educational policies towards achievement of equal educational opportunities. Without integrating education, educational policies on Roma have no chances to succeed as has been demonstrated during the past several decades. Desegregation policies should be comprehensive, i.e. they should include measures aimed at all relevant actors affected by the process of education: Romani students and their parents; teachers and school administrators; local authorities; non-Romani parents and local non-Romani communities.

### **8.1. Principles of the Roma Education Policy**

ERRC recommends that the national policy on Romani education should be *a rights-based policy of desegregation, based on the following principles:*

- (i) *Non-discrimination*—all children must enjoy their right to equal treatment in the area of education.

- ii) *Positive action*—governments should take special measures to eliminate the disadvantage of Roma in education, and maintain these measures as long as it is necessary to reach equality of opportunity.
- iii) *Free and informed choice*—Romani parents should enjoy the opportunity to choose freely the school for their child, on the basis of clear and full information regarding all available options which are not a breach of the child’s fundamental rights.
- iv) *Roma participation*—in drafting and implementing educational policy at the national and local level, Roma should not only be consulted but be involved as key decision-makers.
- v) *Equal start*—free and mandatory pre-school education should be available to all children and pre-school institutions should meet exit criteria for school preparedness.
- vi) *Use of race/ethnicity statistics*—educational policy must be based on accurate and reliable demographic and educational statistics disaggregated on the basis of ethnicity, gathered and processed in compliance with laws protecting personal data.
- vii) *Comprehensive approach*—to ensure a coherent and sustainable effect, policy reform should include and specify roles for all relevant actors, such as Romani students and their families, local and central authorities, teachers and pedagogues, social workers, scholars, non-Romani classmates and non-Romani families, the media, etc.
- viii) *Educational support*—desegregation must not be approached as a mechanical enrollment or transfer of Roma in ethnically mixed schools, but be implemented only as part of a package containing relevant educational support programs, such as teacher training, anti-bias education of teachers and the community, curriculum development, mediation, social work, involvement of teacher assistants, extracurricular support to those in need including homework assistance, and community awareness raising.
- ix) *Adequate resources*—governments should create by law a specific funding mechanism molded to meet local needs, stimulate public institutions and private associations to work towards the desegregation policy goals, and ensure the financial sustainability of desegregation projects.
- x) *Independent evaluation*—to counteract actions by stake-holders in the desegregation process that pursue their own institutional interests in ways contrary to the success of the policy reform, and measure the progress of its implementation, independent evaluation must be performed on an ongoing basis.

## **8.2. Legal Reform**

Sustainability of governmental policy for equal educational opportunities should be ensured through the adoption of relevant legislation. National legislation should reflect and promote

the goals of the equal educational opportunity policies. In particular, governments should undertake the following:

- i) Adopt and enforce in full in conformity with the Council of the European Union Directive 2000/43 “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin” a comprehensive body of legislation prohibiting discrimination in all fields of public life and providing civil, criminal and administrative remedies for breach thereof.
- ii) Proceed with speedy ratification of Protocol No. 12 to the European Convention on Human Rights with a view to its timely entry into force.
- iii) Declare, pursuant to Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, that the State accepts the competence of the Committee on the Elimination of Racial Discrimination to consider communications from individuals and groups concerning violations of the Convention.
- iv) Define and prohibit racial segregation in education in domestic law.
- v) Amend legislation introducing a limitation to parents’ preference for a school, with a view to avoiding racial segregation. School authorities should not be obliged to comply with parental preferences for schools if admissions would be conducive to racial segregation. School authorities which do not observe this principle should be liable for a breach of anti-discrimination laws.
- vi) Amend legislation introducing a positive obligation for educational and local government authorities to act to counter racial discrimination and segregation.
- vii) Amend legislation introducing an obligation for school directors to compile detailed statistical information, in a form readily comprehensible to the public, as to the ethnic profile of the schools they administrate, as well as any other information relevant to the issue of racial segregation in schooling.
- viii) Amend national legislation to provide for positive action on part of the state aimed at equalising opportunities of disadvantaged minorities, including Roma, in education. In particular, establish by law mechanisms for support of the equal access to education of disadvantaged minorities, including Roma. One such mechanism is the establishment of a special fund for supporting initiatives aimed at the desegregation of Romani education.

### **8.3. Educational Policy Reform**

ERRC urges the governments of Bulgaria, the Czech Republic, Hungary, Romania and Slovakia without delay to undertake thorough-going desegregation of Romani education. The outcome of the desegregation action should be:

- a) phasing out of the remedial special schools for children with developmental disabilities and integration of the students from these schools into mainstream schools;

- b) mandatory first year enrolment in mainstream classes—no more first year students in remedial special or other separate and substandard classes and/or schools;
- c) enrolment in mainstream secondary education of graduates from primary special schools and ensuring their successful adaptation;
- d) elimination of all-Romani schools, pre-school facilities and classes;
- e) achievement of racial/ethnic balance in the composition of the student bodies in the schools and classes in each municipality comparable to the demographic characteristics of the respective municipality.

### **8.3.1. Integration of Students from Remedial Special Schools in Mainstream Education**

#### *8.3.1.1. Phasing Out of the Remedial Special Schools*

ERRC defends the position that segregated education for children with developmental disabilities is fundamentally degrading and should be eliminated as such. Remedial special schools should be phased out and children should be taught the regular curriculum in an integrated environment. Due to the fact that the student bodies of the remedial special schools are currently primarily Romani, simply converting the remedial special schools into regular schools through their re-categorisation, would not eliminate segregation of Romani children—the schools, whether remedial or regular, will remain all-Romani or predominantly Romani ghetto schools. Along with the introduction of the regular curriculum in the so far remedial special schools, authorities should undertake to achieve ethnic balance in the composition of the student bodies of the respective schools (see discussion under subsection 3.2). The learning ability/intelligence measurement tests currently in use provide a basis for categorising children as mentally disabled and separating them in education. The purpose of testing should be reformulated and tests used as a basis of providing individualised teaching for children who cannot meet the standard educational requirements. The learning ability/intelligence measurement system should undergo at a minimum the following changes:

- Learning ability/intelligence measurement tests should be designed with the involvement of specialists from the Romani community and other minority communities, in a way which accounts for the cultural diversity of the children in each country;
- Tests should be conducted in the language in which the child is most fluent;
- Tests should be standardised by using a sample of children from various ethnic groups, including Roma;
- Romani pedagogues and/or Romani individuals who are familiar with the family background of the Romani children should be involved in the testing of the Romani children.



### 8.3.1.2. *Integration of Students Currently in the Remedial Special Schools*

The integration of students from primary special schools for children with developmental disabilities into mainstream schools should be accomplished with a view to the years spent by the child in the remedial special school. ERRC recommends that students who have studied up to 3 years (first through third grade) in the special school should be transferred to mainstream primary schools. The transfer of the children should be preceded by testing designed to define the level of mainstream school standards covered by the child. On the basis of the test results, educationalists and school psychologists should develop supplementary educational programmes to help the children integrate into the mainstream school. These programmes should be applied after the transfer of the children to the mainstream schools and should be terminated after their goals have been achieved.

Students who have studied more than three years in the special school (after the third grade) are likely to have accumulated many disadvantages and to need significant time in order to reach the educational level of their peers in the mainstream schools. These students should be compensated for the harm sustained by their placement in special education, by being offered the chance to enrol in mainstream secondary education. The parents of such children should be allowed to make a choice whether their children will continue in mainstream secondary schools or in secondary schools for children who finished remedial special schools. If the parents choose mainstream secondary education, the children should be offered a free of charge educational programme to upgrade their knowledge and skills in order to be able to continue in mainstream education. Those students who choose not to continue their education after the eighth grade should be given the chance to pass an upgrading training and be issued a mainstream school diploma for the primary stage.

### 8.3.2. **Elimination of the Romani Ghetto Schools**

The elimination of the all-Romani schools and pre-school facilities should be done according to the specifics of the situation in each country. ERRC proposes the following general models based on the findings of common patterns of segregation in the five countries:

#### **Model 1.**

*Ghetto schools in the urban and rural Romani ghettos:*<sup>245</sup> This model of desegregation pertains to the all-Romani schools which were formed as a result of residential segregation. In particular, the model is applicable to all-Romani schools located in Romani urban ghettos. ERRC's

<sup>245</sup> This model has already been successfully applied by the Romani non-governmental organisations in several cities throughout Bulgaria. For more information on the desegregation of local Romani ghetto schools, see Roma Participation Program, *RPP Reporter: Special Desegregation Issue*, at: <http://www.osi.hu/> and Kanev, Krassimir. *The First Steps: An Evaluation of the Nongovernmental Desegregation Projects in Six Bulgarian Cities. An External Evaluation Report to the Open Society Institute*. Open Society Institute, 2003.

position is that the schools in the Romani ghettos should be closed down. Given the intense anti-Romani prejudices in each country, it is not realistic to believe that non-Romani children will come to school to the Romani ghettos. The Romani ghetto schools will thus remain fundamentally segregated and their maintenance will contravene the states obligations under international and domestic law. The Romani ghetto schools are also unlikely to improve in quality to a satisfactory level. These schools have been burdened with the stigma of inferiority for nearly half a century, and this fact poses an all but unsurmountable obstacle to guaranteeing sustained high quality education in them. The all-Romani schools in the ghettos should be closed down and the Romani children transferred to the mainstream schools in the respective town or in close proximity to the respective town. The distribution of the Romani children should be done in such a way as not to lead to further segregation. At a minimum, this model requires the implementation of the following measures:

- Regular and free transportation for Romani children (for those who live at a distance from the new target school) from their homes to the mainstream schools and back;
- Implementation of educational support programmes to enable Romani children who have attended the inferior segregated schools to achieve academic results comparable with the other students' results;
- Monitoring of the Romani children's achievement at school and provision of academic support for those who lag behind;
- Introduction of financial and other appropriate stimuli for schools which integrate Romani children according to objective criteria of school success of Romani children;

### **Model 2.**

*Ghetto schools formed as a result of demographic changes:* This model pertains to schools in villages, which have become predominantly Romani as a result of demographic changes. Where Roma prevail among the population, their number in the student bodies of the local schools would also be higher. The quality of education in such de facto segregated schools also tends to decline. Moreover, in many places, village schools are maintained by the local authorities although the schools do not have sufficient number of students. To remedy the situation, the national authorities should undertake two types of actions depending on the specifics of the place:

- A) Close village schools in localities where the student body has been significantly reduced. Romani and other students should be provided with free transportation to the closest school in the county/district.
- B) Where village schools have sufficient number of students, but they are predominantly Romani due to the fact that the population of the respective village is predominantly Romani, authorities should ensure that Romani parents who want to enrol their children in a school outside the respective village have the proper support to do so. At a minimum, the Romani children of socially disadvantaged families should receive financial support

covering their transportation costs and daily allowance costs. Simultaneously, local authorities should be encouraged to implement targeted programmes to enhance the quality of education in the local school which may also attract students from neighbouring villages.

**Model 3.**

*Ghetto schools resulting from “white flight” processes:* Schools which in the years after 1990 have become predominantly Romani as a result of the withdrawal of non-Romani pupils from them exist both in towns and villages. In each of the five countries ERRC found evidence that non-Romani parents avoid schools with a high percentage of Roma. School authorities respect the parents’ choice because by law parents are entitled to enrolling their children in a school of their choice. In schools which gradually become predominantly Romani, the quality of education declines. To eliminate this pattern of segregation, local and school authorities in each area where this problem exists should adopt policies to achieve racial/ethnic balance in the student bodies of their schools within the shortest possible term. The Romani students in each school in a given town/village should reflect proportionately the percentage of the Romani students among all students in the given town/village. To reach this balance, each school should be obliged to carry out an admission policy which leads to racial/ethnic balance. Schools with a higher number of Romani students should reduce or stop the enrolment of more Romani students and conversely, schools with higher numbers of non-Romani students should enrol more Romani students each year until a balance in the numbers of Romani and non-Romani students is reached. Each school should specify and announce publicly the numbers of the Romani and the non-Romani students who will be enrolled each school year.

The introduction of “quotas” for Romani and non-Romani children who will be enrolled in the schools of a given municipality each year, would mean that school authorities should decline parents’ applications for enrolment in some schools if admission would destroy the ethnic balance in the school. To ensure coherence between local regulations and the national legislation (usually allowing free choice of school), the latter should be amended and the right to freedom of the parents to choose a school for their child should be respected on condition that the freedom of choice of school is limited by requirements of a policy of ethnic balance in the student body.

Until the balance between the numbers of Romani and non-Romani children is reached, in schools where currently the student body is prevailingly composed of Romani students, there should be targeted investments aimed at improving the material conditions, attracting qualified teachers and increasing the quality of education.

**8.3.3. Elimination of the All-Romani Classes**

Segregated all-Romani classes should be eliminated and prohibited. National education acts should be amended to prohibit the placement of higher number of students from one ethnic group in any class of a given grade for the whole course of the primary education. The

implementation of this requirement will rule out the formation of homogenous Romani classes within the mainstream schools with the purpose of separating Romani from the non-Romani students. The elimination of the all-Romani classes should be undertaken also in schools with separate buildings which host the all-Romani classes.

#### 8.3.4 Prevention of Segregation of Romani Children

Governments should ensure that new placement of Romani children in segregated schools, pre-school facilities and substandard all-Romani classes does not occur.

To prevent further segregation, governments should introduce universal, free and obligatory pre-school programmes with a duration of at least 10 months that will prepare children, including Romani, for the mainstream school. These programmes should be designed to eliminate linguistic barriers as well as barriers arising from the social deprivation of impoverished or otherwise excluded Romani children and guarantee that Romani children are as prepared for school as their non-Romani peers. All pre-school programmes for Roma should be implemented in integrated school institutions and pre-school or other preparatory classes in remedial special schools or other segregated facilities should be eliminated and prohibited.

### 8.4. General Measures to Ensure Successful Desegregation Policies on Roma

In order to carry out successful desegregation policies, governments should implement the following measures:

#### *Social Support*

- 1) Implement programmes to remedy the negative impact of the social deprivation of Roma on their educational achievement. Governments should immediately address basic socio-economic needs of those Romani families who have children of school age in order to prevent non-attendance and academic failure. As a minimum, governments should ensure that low income Romani families have access to:
  - free transportation for school purposes
  - free textbooks
  - school allowances providing for clothing and meals

#### *Curriculum Reform*

- 1) Remedy the current dearth of information about Roma in the school curriculum and ensure that all children have a chance to learn about the contributions Roma have made to their societies.

- 2) Implement programmes promoting respect for cultural diversity in the schools.
- 3) Successful integration of Romani children in the mainstream schools can be achieved where the school environment is receptive of and tolerant towards Roma. Governments should ensure that widespread prejudice and hostility towards Roma are effectively challenged by designing and implementing national anti-bias training programs for teachers and school administrators. Anti-bias subjects should also be introduced in the curricula of the teacher colleges and universities.

#### *Awareness Raising*

- 1) Launch public awareness campaigns to ensure that the integration of the Romani children in the mainstream schools is not impeded by prejudice on part of the non-Roma.
- 2) Widely publicise government measures in the area of Romani education and adequately communicate these measures to the general public. The implementation of these measures should not be done in a way, which additionally stigmatises Roma and reinforces negative stereotypes for them in society at large.
- 3) Immediately take steps to end the inhuman and degrading treatment of Romani children at school. Where racially-based incidents of harassment and violence are reported immediate responsibility should be sought from the perpetrator. Policies should encourage mutual respect between Roma and non-Roma.

#### *Monitoring*

- 1) Establish a body of experts, including Romani individuals, with the mandate to monitor the implementation of desegregation action and to receive complaints from parents related to segregation.
- 2) Establish regional/county commissions to monitor admissions to remedial special schools tasked also with carrying out educational campaigns among Romani parents aimed at explaining to them the nature of special schools, the procedure for placement and the possibilities for transfer to mainstream education.
- 3) Ensure cooperation with Romani and non-Romani NGOs active in the field of education on the part of the school administration.

## APPENDIX 1

### Bulgaria

County	Total number of children*	Number of Romani children*	Number of all-Romani schools and pre-school facilities*	Number of schools with 50–100% Romani children**
1. Blagoevgrad	51,604	2,344 (4.5%)	2	13
2. Burgas	57,581	6,246 (10.8%)	4	24
3. Varna	59,691	7,259 (12%)	4	36
4. Veliko Tarnovo	37,620	3,238 (8.6%)	3	28
5. Vidin	15,154	2,735 (18%)	2	14
6. Vratsa	29,248	4,802 (16.4%)	1	N/A***
7. Gabrovo	17,274	1,386 (8%)	3	N/A
8. Dobrich	29,968	1,131 (3.7%)	5	12
9. Kardjali	25,221	1,524 (6%)	4	12
10. Kiustendil	21,505	1,606 (7%)	3	N/A
11. Lovech	21,517	1,003 (4.6%)	0	N/A
12. Montana	23,185	6,231 (27%)	6	13
13. Pazardjik	36,736	6,930 (19%)	10	13
14. Pernik	19,006	1,524 (12.5%)	0	N/A
15. Pleven	40,199	5060 (12.5%)	4	12
16. Plovdiv	77,129	10,315 (13.4%)	5	9
17. Razgrad	21,776	2,068 (9.5%)	0	12
18. Russe	34,147	3,113 (9%)	2	6
19. Silistra	17,076	1,922 (11.3%)	5	3
20. Sliven	29,492	5,645 (19%)	5	13
21. Smolian	22,443	231 (1%)	0	0
22. Sofia (city)	146,526	2,405 (1.7%)	6	4
23. Sofia (area)	31,290	5,192 (16.6%)	6	4
24. Stara Zagora	50,209	7,228 (14.4%)	6	14
25. Targovishte	19,099	3,122 (16%)	6	29
26. Haskovo	23,628	4,871 (21%)	5	5

County	Total number of children*	Number of Romani children*	Number of all-Romani schools and pre-school facilities*	Number of schools with 50–100% Romani children**
27. Shumen	29,008	4,063 (14%)	5	30
28. Iambol	20,212	2,972 (15%)	4	26
TOTAL:	1,007,544	106,166	106	332

\* Data provided by the Ministry of Education and Science. See Nunev, Yosif. “Analiz na sastoianieto na uchilishtata, v koito se obuchavat romski detsa.” In *Strategii na obrazovatelnata politika*. Ministerstvo na obrazovaniето i naukata. Sofia, 2001. The data of the ethnic origin of the students is based on identification by school directors and/or teachers.

\*\* Data provided by the Open Society Foundation—Sofia (OSF). The data was collected in 2002 and is an update of an earlier research by the OSF. (See Denkov, Dimitar, Elitsa Stanoeva, and Vasil Vidinski. *Roma Schools in Bulgaria 2001*. Open Society Foundation, Sofia, available at: <http://romaschools.osf.bg/en/index.html>.) The data is collected on the basis of information provided by the Regional Inspectorates of the Ministry of Education and Science as well as on the basis of the information collected by school directors.

\*\*\* Data is not available.

ERRC/BHC research in September–November, 2002, established the following facts related to special schools in Bulgaria:

Special school (SS)	Total number of children	Number of children with light mental retardation	Number of children who had finished 8 grade/academic year	Percentage of Romani children
<b>2 SS Sofia</b>	138	92	11 (2000/01)	40%
<b>3 SS Sofia</b>	160	127	15 (2000/01)	30%
<b>SS Pernik</b>	138	116	8 (2000/01)	No data
<b>SS Ahmatovo</b>	87	77	8 (2000/01)	35%
<b>SS Byala Slatina</b>	271	75%	no data	80%
<b>SS Chokmanovo</b>	96	no data	no data	60%
<b>SS Dimitrovgrad</b>	103	89	13 (2000/01)	80%
<b>SS Nova Zagora</b>	160	no data	16 (2000/01)	70%
<b>SS Rakitovo</b>	100	89	8 (2000/01)	50%
<b>SS Shumen</b>	268	over 50%	no data	43%
<b>SS Stan</b>	45	45	11 (4 grade) (2000/01)	93%
<b>SS Assenovgrad</b>	63	60	11 (2000/01)	19%
<b>SS Karnobat</b>	88	79	6 (2001/02)	84%
<b>SS Kazanlak</b>	132	132	16 (2001/02)	30%
<b>SS Stara Zagora</b>	198	198	15 (2001/02)	60%

Special school (SS)	Total number of children	Number of children with light mental retardation	Number of children who had finished 8 grade/ academic year	Percentage of Romani children
<b>SS Godech</b>	85	70	9 (2001/02)	50–60%
<b>4 SS Sofia</b>	161	over 50%	11 (2000/01)	over 50%
<b>5 SS Sofia</b>	125	125	8 (2001/02)	60%
<b>SS Sredets</b>	130	127	6 (2001/02)	40%
<b>SS Brestovica</b>	120	32 %	9 (2001/02)	70%
<b>SS Burgas</b>	153	122	12 (2001/02)	15%
<b>SS Svishtov</b>	52	80%	8 (2001/02)	6–7 in each grade
<b>SS Novi Pazar</b>	158	91	8 (2001/02)	51%
<b>SS Ruse</b>	97	45	15 (2000/01)	11%
<b>SS Ruse</b>	208	168	17 (2001/02)	5%
<b>SS Velingrad</b>	107	77	no data	16%
<b>SS Pazardzhik</b>	200	most of the children	16 (2001/02)	50%
<b>SS Haskovo</b>	130	no data	8 (10 grade)	50%
SS Petrich	109	90	11 (2001/02)	77%
SS Kranevo	158	over 50%	10 (2001/02)	no data
SS Kavarna	140	70%	17 (2001/02)	49%
SS Dolno Draglishte	115	over 50%	15 (2001/02)	55%
SS Blagoevgrad	168	160	9 (2001/02)	80%
SS Goce Delchev	194	below 50%	16 (2001/02)	80%
SS Yambol	90	over 50%	no data	8%
SS Elhovo	146	over 50%	19 (2001/02)	70%
SS Stob	115	over 50%	18 (2001/02)	74%
SS Lozno	120	106	14 (2001/02)	over 50%
SS Kurdzhali	108	77	8 (2001/02)	34%
SS Vratsa	246	221	23 (2001/02)	85%
SS Veliko Turnovo	106	86	8 (2001/02)	25%
SS Novo selo	108	104	5 (2001/02)	0
SS Mindia	84	80	7 (2001/02)	no data
SS Lom	230	220	no data	80%
SS Davidovo	102	70	9 (2001/02)	over 50%
SS Targovishte	84	69	8 (2001/02)	over 50%



Special school (SS)	Total number of children	Number of children with light mental retardation	Number of children who had finished 8 grade/ academic year	Percentage of Romani children
SS Popovo	89	87	5 (2001/02)	over 70%
SS Gabrovo	84	74	7 (2001/02)	50%
SS Careva Livada	71	66	10 (2001/02)	over 50%
SS Roman	119	109	15 (2001/02)	82%
SS Parvomaici	64	59	6 (2001/02)	below 50%
SS Samokov	102	88	12 (2001/02)	46%
SS Dolni Dubnik	166	144	14 (2001/02)	64%
SS Pleven	143	112	11 (2001/02)	33%
SS Lovech	61	30	no children	10%
SS Berkovica	103	no data	12 (2001/02)	over 50%
SS Ajtos	98	88	7 (2001/02)	82%
SS Vetren	123	<b>Almost all children</b>	8(2001/02)	90%
SS Sliven	192	no data	no data	40%
SS Harmanli	313	299	23 (2001/02)	41%
SS Svilengrad	162	137	9 (2001/02)	60%
SS Topolovgrad	124	119	8 (2001/02)	86%
SS Vidin	80	72	8 (2001/02)	70%
SS Muglzh	48	48	4 (2001/02)	80%
SS Chirpan	68	<b>Almost all children</b>	3 (2001/02)	80%
SS Silistra	121	114	16 (2001/02)	50%
SS Radotina	99	91	8 (2001/02)	63%
6 SS Sofia	109	81	9 (2001/02)	1%
SS Slavyanovo	88	79	9 (2001/02)	70%
SS Oseneec	105	98	8 (2001/02)	42%
SS Krivnya	75	69	8 (2001/02)	79%
SS Varna	102	77	19 (2001/02)	12%
SS Pernik, Carkva	107	74	7 (2001/02)	77%
SS Kubrat	187	150	13 (2001/02)	48%
TOTAL:	9,399			

\* ERRC in cooperation with the Bulgarian Helsinki Committee (BHC) visited 46 special schools for the lightly mentally retarded (marked in bold). The rest of the schools were visited by the BHC.

## APPENDIX 2

### Czech Republic

Region	Number of citizens <sup>246</sup>	Number of Roma <sup>247</sup>	Number of remedial special schools <sup>248</sup>
City of Prague	1,169,106	653	33
Central Bohemia	1,222,473	1,416	53
Southern Bohemia	625,267	613	28
Plzen	550,688	599	19
Karlovy Vary	304,343	753	22
Ústí nad Labem	820,219	1,905	41
Liberec	428,184	615	31
Hradec Králové	550,724	722	30
Pardubice	508,281	477	25
Vysočina	519,211	258	21
Southern Moravia	1,127,718	631	31
Olomouc	639,369	868	25
Zlín	595,010	439	20
Moravian Silesia	1,269,467	1,797	48
Total:	10,230,060	11,746	427

246 Sčítání lidu, domů a bytů. Obyvatelstvo podle národnosti a krajů k 1. 3. 2001. <http://www.czso.cz/cz/cisla/1/10/2002/data/29/2906.xls>.

247 Sčítání lidu, domů a bytů. Obyvatelstvo podle národnosti a krajů k 1. 3. 2001. <http://www.czso.cz/cz/cisla/1/10/2002/data/29/2906.xls>.

248 Statistická ročenka školství. 2001/2002, p. C-43, table: C3.3.

*Regular primary schools in Kladno*

School	Number of pupils 2002/2003	Number of Romani pupils 2002/2003
Církevní	139	3
C. Boudy <sup>249</sup>	496	0
Pařížská <sup>250</sup>	385	49 (58) <sup>251</sup>
Vodárenská	602	3
Plzeňská <sup>252</sup>	254	0
Amálská <sup>253</sup>	520	1
Vašatova <sup>254</sup>	345	0
Moskevská <sup>255</sup>	541 <sup>256</sup>	13 <sup>257</sup>
Brjnaská <sup>258</sup>	517	39
Školská	500	39 <sup>259</sup>
Velvarská	224	16 <sup>260</sup>
Ukrajinská	656	0 <sup>261</sup>
Norská	619 <sup>262</sup>	28 <sup>263</sup>
Zd. Petříka <sup>264</sup>	420	N/A <sup>265</sup>
Doberská <sup>266</sup>	287	12 <sup>267</sup>

249 Foreign languages school.

250 This school has strong multicultural emphasis, running a project called “Multicultural integrated education”. The chairperson of the School Board is a Romani parent.

251 The number in the brackets is an estimate provided by Anton Lukáč, Romani advisor, District Office, Kladno.

252 School specialised in physical education. Pupils with severe learning or behaviour disabilities are integrated in regular classes following individual plans prepared together with parents.

253 Has physically handicapped pupils with individual learning plans prepared together with parents.

254 Director stated in the answer sheet: “All of our children here have Czech nationality”. Pupils with specific learning difficulties are educated according to individual learning plans.

255 School specialised in physical education and music. Pupils with specific learning difficulties are educated according to individual learning plans.

256 Information provided by the school director on March 4, 2003.

257 Estimate provided by Anton Lukáč, Romani advisor, District Office, Kladno.

258 Most teachers are qualified, 1 special pedagogue, pupils with specific learning difficulties have individual care.

259, 260, 261 Estimate provided by Anton Lukáč, Romani advisor, District Office, Kladno.

262 Information provided by the school director on March 5, 2003, confirmed by the Municipality of Kladno.

263 Estimate provided by Anton Lukáč, Romani advisor, District Office, Kladno.

264 Integrated pupils educated according to individual plans prepared together with psychologists’ office.

*Regular primary schools in Teplice*

School name	Total number of pupils 2002/2003	Total number of Romani pupils 2002/2003
Na Stínadlech	316	8
U Nových lázní 1102	515	20
Metelkovo nám. <sup>268</sup>	652	0
Verdunská <sup>269</sup>	505	0 (20)
Koperníková	558	18
Maršovská <sup>270</sup>	580	15
Edisonova <sup>271</sup>	688	50
Buzulucká <sup>272</sup>	752	1 (50)
Plynárenská <sup>273</sup>	566	30–40
M. Švabinského <sup>274</sup>	343	3
Total:	5,475	224

265 Data is not available.

266 The school has physically handicapped pupils with individual learning plans for children with specific learning difficulties.

267 Estimate provided by Anton Lukáč, Romani advisor, District Office, Kladno.

268 School with an advanced programme for foreign languages.

269 According to the response of the school officials, “no Romani pupils attend our school if judged by nationalities”. The estimate of the Romani children (the number provided in the brackets) was provided by Ms Zlatuše Tomášová, Romani advisor at District Office in Teplice. The school has special classes for pupils with special learning difficulties.

270, 271 Information provided by the Municipality of Teplice, Schooling Department, November 12, 2002. The estimate of the Romani children is provided by Ms Zlatuše Tomášová, Romani advisor at the District Office in Teplice.

272 School with advanced programmes in mathematics and natural science. The school also has special classes for mentally handicapped children. According to Ms Zlatuše Tomášová, Romani advisor at the District Office in Teplice, most of the children in the special classes were Roma. She also estimated the total number of Romani children in the school to be about 50. ERRC interview with Ms Zlatuše Tomášová, October 5, 2002. According to the school director, only one child identified as Roma. ERRC interview with Mr Kaborek, February 4, 2003.

273 The school has special classes with 50 pupils, most of whom Roma, according to information provided by Ms Černá, an official at the School department of the Municipality of Teplice. ERRC interview with Ms Černá, November 12, 2002. Estimate of the number of Romani children provided by Mrs Zlatuše Tomášová, Romani advisor at the District Office in Teplice.

274 Information provided by the Municipality of Teplice, Schooling Department, November 12, 2002. Estimate of the number of Romani children provided by Ms Zlatuše Tomášová, Romani advisor at the District Office in Teplice.

*Regular primary schools in Sokolov*

School	Total number of pupils 2002/2003	Total number of Romani pupils 2002/2003
Boženy Němcové	390	20
Křížíková	550	71
Běžecká <sup>275</sup>	295 in 2001/0002	N/A
Mánesova <sup>276</sup>	73 in 2001/0002	N/A
Pionýrů <sup>277</sup>	648 in 2001/0002	N/A
Rokycanova <sup>278</sup>	624 in 2001/0002	N/A
Sokolovská <sup>279</sup>	362	136
Švabinského <sup>280</sup>	506 in 2001/0002	N/A

275 Information provided by Regional Office of Karlovy Vary Region, November 12, 2002. The school has 9 special classes out of 23.

276, 277 Information provided by Regional Office of Karlovy Vary Region, November 12, 2002.

278 Information provided by Regional Office of Karlovy Vary Region, November 12, 2002. The school has an advanced language programme.

279 The school implements the Modified Regular School Program for Specific Needs of Children with Socio-cultural Handicaps. It also has preparatory classes. According to the director, the first preparatory class was opened in 1994 as a reaction to a large number of Romani pupils who enrolled in the school that year. The school officials decided that instead of sending them to the remedial special school, they wanted to learn to work with them. They were also encouraged by the Romani parents themselves who came to the school and asked for such preparatory classes. These classes are attended also by children from other school districts because the other schools are not interested in opening preparatory classes. ERRC interview with Mr Rudolf Fencl, school director, October 9, 2002, Sokolov.

Additionally, the school offers classes for parents where they are taught, besides other things, how to prepare for school with their children. Those parents who do not know how to write, are taught how to read and write. There is a school magazine, in the editorial board of which there are Romani girls. There is also a pupils' parliament, in which there are also Romani pupils. ERRC interview with Mr Rudolf Fencl, school director, October 9, 2002, Sokolov.

280 Information provided by Regional Office of Karlovy Vary Region, November 12, 2002.

### APPENDIX 3

#### Romania

*The distribution of education institutions by counties, according to the percentage of ethnic Roma students*

Regions	Counties	Mixed Schools (below 50%)	Majority Roma (50,1–70%)	Predominantly Roma (over 70%)	Total
Muntenia	ARGES	91	6	13	110
		82.7%	5.5%	11.8%	100.0%
	BRAILA	54	1		55
		98.2%	1.8%		100.0%
	BUZAU	146	9	4	159
		91.8%	5.7%	2.5%	100.0%
	CALARAȘI	67	1		68
		98.5%	1.5%		100.0%
	DAMBOVITA	126	8	8	142
		88.7%	5.6%	5.6%	100.0%
	GIURGIU	84	3	1	88
		95.5%	3.4%	1.1%	100.0%
	IALOMITA	10		1	11
		90.9%		9.1%	100.0%
	PRAHOVA	80	4	5	89
		89.9%	4.5%	5.6%	100.0%
	TELEORMAN	45	2		47
		95.7%	4.3%		100.0%
	TOTAL	703	34	32	769
		91.4%	4.4%	4.2%	100.0%

Regions	Counties	Mixed Schools (below 50%)	Majority Roma (50,1-70%)	Predominantly Roma (over 70%)	Total
Dobrogea	CONSTANTA	14	1	1	16
		87.5%	6.3%	6.3%	100.0%
	TULCEA	13			13
		100.0%			100.0%
	TOTAL	27	1	1	29
		93.1%	3.4%	3.4%	100.0%
Moldova	BACAU	47	3	8	58
		81.0%	5.2%	13.8%	100.0%
	BOTOSANI	23		2	25
		92.0%		8.0%	100.0%
	GALATI	37	2	1	40
		92.5%	5.0%	2.5%	100.0%
	IAȘI	58	1	6	65
		89.2%	1.5%	9.2%	100.0%
	NEAMT	19	2	3	24
		79.2%	8.3%	12.5%	100.0%
	SUCEAVA	50	2	3	55
		90.9%	3.6%	5.5%	100.0%
	VASLUI	25	1	4	30
		83.3%	3.3%	13.3%	100.0%
	VRANCEA	36	1	3	40
		90.0%	2.5%	7.5%	100.0%
	TOTAL	295	12	30	337
		87.5%	3.6%	8.9%	100.0%

Regions	Counties	Mixed Schools (below 50%)	Majority Roma (50,1–70%)	Predominantly Roma (over 70%)	Total
Transilvania	ALBA	63	7	4	74
		85.1%	9.5%	5.4%	100.0%
	BISTRITA - NAȘAUD	66	3	4	73
		90.4%	4.1%	5.5%	100.0%
	BRASOV	75	23	19	117
		64.1%	19.7%	16.2%	100.0%
	CLUJ	122	9	2	133
		91.7%	6.8%	1.5%	100.0%
	COVASNA	57	6	9	72
		79.2%	8.3%	12.5%	100.0%
	HARGHITA	49	5	2	56
		87.5%	8.9%	3.6%	100.0%
	HUNEDOARA	38	1	2	41
		92.7%	2.4%	4.9%	100.0%
	MURES	226	24	17	267
		84.6%	9.0%	6.4%	100.0%
	SALAJ	113	9	7	129
		87.6%	7.0%	5.4%	100.0%
	SIBIU	97	16	23	136
		71.3%	11.8%	16.9%	100.0%
TOTAL	906	103	89	1098	
	82.5%	9.4%	8.1%	100.0%	
Crișana- Maramureș	ARAD	96	7	2	105
		91.4%	6.7%	1.9%	100.0%
	BIHOR	180	13	9	202
		89.1%	6.4%	4.5%	100.0%
	MARAMURES	56	3	1	60
		93.3%	5.0%	1.7%	100.0%
	SATU MARE	145	6	5	156
		92.9%	3.8%	3.2%	100.0%
	TOTAL	477	29	17	523
		91.2%	5.5%	3.3%	100.0%



Regions	Counties	Mixed Schools (below 50%)	Majority Roma (50,1-70%)	Predominantly Roma (over 70%)	Total	
Banat	CARAS - SEVERIN	67	2	4	73	
		91.8%	2.7%	5.5%	100.0%	
	TIMIS	119	2		121	
		98.3%	1.7%		100.0%	
	TOTAL	186	4	4	194	
		95.9%	2.1%	2.1%	100.0%	
Oltenia	DOLJ	27	1	1	29	
		93.1%	3.4%	3.4%	100.0%	
	GORJ	28		1	29	
		96.6%		3.4%	100.0%	
	MEHEDINTI	17	9	1	27	
		63.0%	33.3%	3.7%	100.0%	
	VALCEA	36	3	1	40	
		90.0%	7.5%	2.5%	100.0%	
	TOTAL	108	13	4	125	
		86.4%	10.4%	3.2%	100.0%	
	Ilfov (S.A.I.)	ILFOV	76	5	6	87
			87.4%	5.7%	6.9%	100.0%
TOTAL		76	5	6	87	
		87.4%	5.7%	6.9%	100.0%	

Source: The Ministry of Education and Research, The Institute for Educational Sciences, The Institute for Research on the Quality of Life, UNICEF. *The Participation to Education of Roma Children. Problems, Solutions, Actors.* Bucharest, 2002.

## APPENDIX 4

### Slovakia<sup>281</sup>

Total number of primary school students <sup>282</sup>	600,855
Number of Slovak ethnicity students	543,988
Number of Hungarian ethnicity students	49,125
Number of Romani ethnicity students	4,448

Total number of students in schools for children with mental handicap in Slovakia	18,581
Number of Slovak ethnicity students in schools for children with mental handicap	14,323
Number of Hungarian ethnicity students in schools for children with mental handicap	1,447
Number of Romani ethnicity students in schools for children with mental handicap	2,775

### *Prešov Region*

Total number of primary school students	Number of primary school students of Slovak ethnicity	Number of primary school students of Romani ethnicity	Total number of students in schools for mentally handicapped children	Number of Slovak ethnicity students in schools for mentally handicapped children	Number of Romani ethnicity students in schools for mentally handicapped children
101,927	99,166	1,987	4,412	2,519	1,892

281 The information on the primary and special school students in Slovakia is based on the data provided in: Ústav informácií a prognóz školstva. *Separát štatistickej ročenky školstva SR 2001*.

282 The numbers of the primary school students do not include the numbers of the students in special schools for mentally handicapped children.

Slovak Republic 2001/2002	Schools	Students	Romani students
<b>Total</b>	<b>411</b>	<b>30,900</b>	<b>3,081</b>
Special nursery schools	65	1,494	64
Primary and special primary schools	288	25,394	2,943
<i>Special primary for mentally handicapped</i>	<i>175</i>	<i>18,581</i>	<i>2,755</i>
Special vocational schools	40	3,804	61
Special vocational schools for mentally handicapped	26	3,366	43
Practical schools	18	208	13
Practical schools for mentally handicapped	16	167	13
Bratislava	Schools	Students	Romani students
<b>Total</b>	<b>48</b>	<b>3,370</b>	<b>48</b>
Special nursery schools	7	309	19
Primary and special primary schools	33	2,581	29
<i>Special primary for mentally handicapped</i>	<i>10</i>	<i>1,008</i>	<i>14</i>
Special vocational schools	5	431	0
Special vocational schools for mentally handicapped	1	279	0
Practical schools	3	49	0
Practical schools for mentally handicapped	2	28	0
Trnava	Schools	Students	Romani students
<b>Total</b>	<b>48</b>	<b>2,814</b>	<b>183</b>
Special nursery schools	7	58	1
Primary and special primary schools	34	2,309	179
<i>Special primary for mentally handicapped</i>	<i>26</i>	<i>1,680</i>	<i>155</i>
Special vocational schools	4	430	1
Special vocational schools for mentally handicapped	2	350	0
Practical schools	3	17	2
Practical schools for mentally handicapped	3	17	2

Trenčín	Schools	Students	Romani students
<b>Total</b>	<b>23</b>	<b>1,776</b>	<b>0</b>
Special nursery schools	2	94	0
Primary and special primary schools	16	1,263	0
<i>Special primary for mentally handicapped</i>	<i>15</i>	<i>1,055</i>	<i>0</i>
Special vocational schools	3	397	0
Special vocational schools for mentally handicapped	2	341	0
Practical schools	2	22	0
Practical schools for mentally handicapped	2	22	0
Nitra	Schools	Students	Romani students
<b>Total</b>	<b>41</b>	<b>2,732</b>	<b>155</b>
Special nursery schools	8	173	1
Primary and special primary schools	29	2,079	154
<i>Special primary for mentally handicapped</i>	<i>20</i>	<i>1,728</i>	<i>152</i>
Special vocational schools	3	469	0
Special vocational schools for mentally handicapped	3	469	0
Practical schools	1	11	0
Practical schools for mentally handicapped	1	11	0
Žilina	Schools	Students	Romani students
<b>Total</b>	<b>44</b>	<b>2,431</b>	<b>11</b>
Special nursery schools	8	184	0
Primary and special primary schools	31	1,819	8
<i>Special primary for mentally handicapped</i>	<i>16</i>	<i>1,330</i>	<i>8</i>
Special vocational schools	4	424	3
Special vocational schools for mentally handicapped	4	424	3
Practical schools	1	4	0
Practical schools for mentally handicapped	1	4	0

Banská Bystrica	schools	students	Romani students
<b>Total</b>	<b>73</b>	<b>4,396</b>	<b>226</b>
Special nursery schools	10	226	4
Primary and special primary schools	51	3,622	202
<i>Special primary for mentally handicapped</i>	<i>30</i>	<i>2,584</i>	<i>191</i>
Special vocational schools	8	493	14
Special vocational schools for mentally handicapped	5	430	14
Practical schools	4	55	6
Practical schools for mentally handicapped	3	35	6
Prešov	Schools	Students	Romani students
<b>Total</b>	<b>72</b>	<b>6,703</b>	<b>2,056</b>
Special nursery schools	14	264	25
Primary and special primary schools	48	5,853	1,984
<i>Special primary for mentally handicapped</i>	<i>28</i>	<i>4,412</i>	<i>1,892</i>
Special vocational schools	7	550	42
Special vocational schools for mentally handicapped	4	484	25
Practical schools	3	36	5
Practical schools for mentally handicapped	3	36	5
Košice	Schools	Students	Romani students
<b>Total</b>	<b>62</b>	<b>6,678</b>	<b>417</b>
Special nursery schools	9	186	14
Primary and special primary schools	46	5,868	389
<i>Special primary for mentally handicapped</i>	<i>30</i>	<i>4,784</i>	<i>363</i>
Special vocational schools	6	610	1
Special vocational schools for mentally handicapped	5	589	1
Practical schools	1	14	13
Practical schools for mentally handicapped	1	14	13

## BIBLIOGRAPHY

### International/European Law

Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960. [http://www.unhchr.ch/html/menu3/b/d\\_c\\_educ.htm](http://www.unhchr.ch/html/menu3/b/d_c_educ.htm).

Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, CETS No 164, entry into force 1.12.1999. <http://conventions.coe.int/treaty/en/treaties/html/164.htm>.

Convention for the Protection of Human Rights and Fundamental Freedoms, CETS No. 005, entry into force 3 September 1953. <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. [http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l\\_180/l\\_18020000719en00220026.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_180/l_18020000719en00220026.pdf).

Council of Europe, Committee of Ministers. Recommendation No. R(97) 18. <http://cm.coe.int/ta/rec/1997/97r18.html>.

Economic and Social Council. The right to education (Art.13): 08/12/99. (E/C.12/1999/10, CESCR General comment 13.) <http://www.cesr.org/ESCR/gencomment13.htm>.

Framework Convention for the Protection of National Minorities, CETS No. 157, entry into force 2 January 1998. <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>.

International Convention on the Elimination of All Forms of Racial Discrimination, Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969. [http://www.unhchr.ch/html/menu3/b/d\\_icerd.htm](http://www.unhchr.ch/html/menu3/b/d_icerd.htm).

Office of the High Commissioner for Human Rights. Committee on the Elimination of Racial Discrimination, General Recommendation IV, Demographic composition of the population (Art. 9), (Eighth session, 1973). <http://www.unhchr.ch/tbs/doc.nsf/0/5786c74b85372739c12563ee003d8c89?Opendocument>.

Office of the High Commissioner for Human Rights, Definition of discrimination (Art. 1, par.1): 22/03/93. CERD General recom. 14. <http://www.unhchr.ch/tbs/doc.nsf/0/d7bd5d2bf71258aac12563ee004b639e?Opendocument>.

Office of the High Commissioner for Human Rights, “Racial segregation and apartheid (Art. 3): 18/08/95. CERD General recom. 19. <http://www.unhchr.ch/tbs/doc.nsf/0/18c91e92601301fbc12563ee004c45b6?Opendocument>.

### **Domestic Law**

Lege nr. 84 *din 24 iulie 1995* . Legea înv ăță mântului (Romanian Education Act 84/1995.)

Metodický pokyn k zajištění přeřazení úspěšných žáků zvláštních škol do základních škol c. 28.498/99-24. (Methodological Instruction about the Transfer of Successful Children from Remedial Special Schools to Regular Primary Schools No 28.498/99-24 of the Czech Ministry of Education.)

Naredba No6 ot 19.08.2002 za obuchenieto na detsa sas spetsialni obrazovatelni poterbnosti i/ili s hronichni zaboliavaniya, izdadena ot muinistara na obrazovanieto I naukata, obn, DV, br. 83 ot 30.08.2002 (Decree No. 6 of the Bulgarian Ministry of Education and Science on the Education of Children with Special Educational Needs and/or Chronic Diseases. Official Gazette, No 83, 30, 30 August 2002.)

Vyhláška MŠMT è.127/97 Sb.o speciálních školách a speciálních materských školách. (Decree No. 127/97 Coll., on Special Schools, of the Ministry of Education, Youth and Sports of the Czech Republic.)

Zákon è. 19, ze dne 12. ledna 2000, kterým se mìní zákon è. 29/1984 Sb., o soustavì základních škol, středních škol a vyšších odborných škol (školský zákon), ve znìní pozdìjších předpisù (Czech Law no 19/2000 Coll. amending Law on Schools No. 29/1984.)

Zakon za narodnata prosveta. (Bulgarian Public Education Act, last amended December 2003.)

Zakon za zashtita sreshtu diskriminatsijata, Darzhaven vestnik br. 86 ot 30.09.2003. (Bulgarian Protection against Discrimination Act.)

1993. évi LXXIX. Törvény a közoktatásról (Hungarian Public Education Act.)

2003. évi CXXV. Törvény az egyenlőbánásmódról és az esélyegyenlőség előmozdításáról (Hungarian Act on Equal Treatment and the Furtherance of Equality of Opportunities.)

14/1994. (VI.24.) MKM rendelet a képzési kötelezettségről és a pedagógiai szakszolgáltatokról (Hungarian Ministry of Education Decree 14/1994 (VI.24).)

29/1984 Zákon o sústave základných a středných škôl (školský zákon). (Law No 29/1984 Coll. on primary and secondary schools amended and supplemented by Slovak Law No 229/2000 Coll.)

32/1997. (XI. 5.) MKM rendelet a Nemzeti, etnikai kisebbség óvodai nevelésének irányelve és a nemzeti, etnikai kisebbség iskolai oktatásának irányelve kiadásáról. (Hungarian Ministry of Education Decree on the issuance of the guideline on the education of children of national

and ethnic minorities in kindergarten and the guideline on the education of members of national and ethnic minorities in school.)

212/1991 Vyhláška o špeciálnych školách (Order on Special Schools 212/1991 of the Slovak Ministry of Education.)

### Statistical Data

Český statistický úřad. *Sčítání lidu, domů a bytů. Obyvatelstvo podle národnosti a krajů k 1. 3. 2001*. <http://www.czso.cz/>

Infostat – inštitút informatiky a štatistiky výskumné demografické centrum. *Prognóza vývoja školstva SR do roku 2050*. Edícia: Akty, Bratislava, November 2002.

Natsionalen statisticheski institut. *Naselenie kam 01.03.2001 po oblasti i etnicheska grupa*. <http://www.nsi.bg/Census/Census.htm>.

Natsionalen Statisticheski Institut. *Obrazovaniето v Republika Bulgaria za uchebnata 2000/2001*. Sofia, 2001.

Népszámlálás 2001, Központi statisztikai hivatal, 2002.

Ústav pro informace ve vzdělávání, *Statistická ročenka školství ČR 2001/2002*, Praha, 2001.

Ústav informácií a prognóz školstva. *Separát štatistickej ročenky školstva SR 2001*. Bratislava, 2001.

Ústav informácií a prognóz školstva, mládeže a telovýchovy. *Separát štatistickej ročenky školstva 1990*. Bratislava, 1990.

### Publications

Babusik, F. *Survey of Elementary Schools Educating Romani Children*. Delphoi Consulting, Budapest, 2000.

Čaněk, D. *Roma and Other Ethnic Minorities in Czech and Slovak Schools (1945–1998)*. <http://www.policy.hu/ipf/fel-pubs/samples/ResearchSample3a>.

Closs, A. “Proces vzdělávací inkluze v České republice. Srovnání dětí s poruchami učení a romských dětí: pohled ‘odjinud’”. In: *Pedagogika roč. LI, 2001*, Universita Karlova, Pedagogická fakulta.

Denkov, D. E. Stanoeva, and V. Vidinski. *Roma Schools in Bulgaria 2001*. Open Society Foundation. Sofia.

“Diszkriminatív eljárások a pátkai iskolában”. In *RomNet*, 2 February, 2003.

European Roma Rights Center. *Time of the Skinheads. Denial and Exclusion of Roma in Slovakia*. January 1997. <http://www.errc.org/publications/reports/slovakia.pdf>.



- European Roma Rights Center. *A Special Remedy. Roma and Schools for the Mentally Handicapped in the Czech Republic*. 1999. <http://www.errc.org/publications/reports/czcont.htm>.
- European Roma Rights Center. “The ERRC Legal Strategy to Challenge Racial Segregation and Discrimination in Czech Schools.” In *Roma Rights* 1/2000. [http://errc.org/rr\\_nr1\\_2000/legalde1.shtml](http://errc.org/rr_nr1_2000/legalde1.shtml).
- European Roma Rights Center. *Roma Rights* 2/2002. [http://www.errc.org/rr\\_nr2\\_2002/snap14.shtml](http://www.errc.org/rr_nr2_2002/snap14.shtml).
- European Roma Rights Center. “Romani Children Denied Enrolment in Bulgarian Schools”. In *Roma Rights* 3–4/2002. [http://www.errc.org/rr\\_nr3-4\\_2002/snap7.shtml](http://www.errc.org/rr_nr3-4_2002/snap7.shtml).
- European Roma Rights Center. “Private School in Hungary Declared Unlawful.” In *Roma Rights* 3-4/ 2002. [http://www.errc.org/rr\\_nr3-4\\_2002/snap20.shtml](http://www.errc.org/rr_nr3-4_2002/snap20.shtml).
- Girán, J., L. Kardos. *A cigány gyerekek iskolai sikertelenségének háttere*. Iskolakultúra, 1997/ 10.
- Havas, G., I. Kemény, I. Liskó. *Cigány gyerekek az általános iskolában*. Oktatókutató Intézet. Budapest, 2001.
- Jurová, A.: “Dejiny rómskeho národa po roku 1945”, In: *Kaj Džas (Kam kràèaš)*. Nadácia Milana Šimečku. Bratislava, 2001.
- Kanev, K. *The First Steps: An Evaluation of the Nongovernmental Desegregation Projects in Six Bulgarian Cities. An External Evaluation Report to the Open Society Institute*. Open Society Institute, 2003.
- Ladanyi, J. “Patterns of Residential Segregation and the Gypsy Minority in Budapest.” In *International Journal of Urban and Regional Research*. Vol. 17, No. 1, 1993.
- Marushiakova, E. and V. Popov. *Tsiganite v Bulgaria*. Sofia, Klub 90, 1993.
- MEC (Romanian Ministry of Education and Research), ISE (Institute for Education Sciences), ICCV (Institute for the Research of Life Quality), UNICEF. “*Participation to Education of Romani Children*”. Bucharest, 2002.
- Nunev, Y. “Analiz na sastoianieto na uchilishtata, v koito se obuchavat romski detsa.” In *Strategii na obrazovatelната politika*. Ministerstvo na obrazovanieto i naukata. Sofia, 2001.
- Report on the Activities of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities*, 2000. <http://www.obh.hu/nekh/en/reports/reports.htm>
- Roma Participation Program. *RPP Reporter: Special Desegregation Issue*. August 2002.
- Save the Children. *Denied a Future: The Right to Education of Roma/Gypsy and Traveller Children*. London, 2001.

- Surdu, M. "The Quality of Education in Romanian Schools with High Percentages of Romani Pupils." In *Roma Rights* 3-4/2002. [http://www.errc.org/rr\\_nr3-4\\_2002/noteb1.shtml](http://www.errc.org/rr_nr3-4_2002/noteb1.shtml).
- Tomova, I. *Tsiganite v prehodniya period*. Mezhdunaroden tsentar po problemite na maltsinstvata i kulturnite vzaimodeistviya. Sofia, 1995.
- Viktória Mohácsi, Ministerial Commissioner for the Integration of Disadvantaged and Romani Children of the Hungarian Ministry of Education. *Discriminatory Treatment of Roma Children in Education: What Can Be Done About It?* Background Paper for the Regional Seminar of Experts for Eastern Europe. Office of the United Nations High Commissioner for Human Rights. HR/Prague/Sem.4/2003/BP.8, 31 July, 2003.
- World Bank. *Bulgaria. Poverty Assessment*. Report No. 24516-BUL. October 29, 2002. [http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2002/12/06/000094946\\_02112204044990/Rendered/PDF/multi0page.pdf](http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2002/12/06/000094946_02112204044990/Rendered/PDF/multi0page.pdf).
- World Bank. *Poverty and Welfare of Roma in the Slovak Republic*, 2002.
- Zoon, I. *On the Margins. Roma and the Public Services in Slovakia*. Open Society Institute, New York, 2001.

**COUNTRY REPORTS  
BY THE EUROPEAN ROMA RIGHTS CENTER**

**The Non-Constituents:**

*Rights Deprivation of Roma in Post-Genocide Bosnia and Herzegovina*  
(February 2004)

**Cleaning Operations:**

*Excluding Roma in Greece*  
(April 2003)

**The Limits of Solidarity:**

*Roma in Poland After 1989*  
(September 2002)

**State of Impunity:**

*Human Rights Abuse of Roma in Romania*  
(September 2001)

**Campland:**

*Racial Segregation of Roma in Italy*  
(October, 2000)

**A Special Remedy:**

*Roma and Schools for the Mentally Handicapped in the Czech Republic*  
(June, 1999)

**A Pleasant Fiction:**

*The Human Rights Situation of Roma in Macedonia*  
(July, 1998)

**Profession: Prisoner**

*Roma in Detention in Bulgaria*  
(December, 1997)

**No Record of the Case:**

*Roma in Albania*  
(June, 1997)

**The Misery of Law:**  
*The Rights of Roma in the Transcarpathian Region of Ukraine*  
(April, 1997)

**Time of the Skinheads:**  
*Denial and Exclusion of Roma in Slovakia*  
(January, 1997)

**Sudden Rage at Dawn:**  
*Violence Against Roma in Romania*  
(September, 1996)

**Divide and Deport:**  
*Roma and Sinti in Austria*  
(September, 1996)

To receive reports by the *European Roma Rights Center*, please donate 30 US dollars or 25 Euro per report to cover printing and shipping costs.

## **SUPPORT THE *ERRC***

The *European Roma Rights Center* is dependent upon the generosity of individual donors for its continued existence. If you believe the *ERRC* performs a service valuable to the public, please join in enabling its future with a contribution. Gifts of all sizes are welcome, bank transfers to the *ERRC* account are preferred. Please send your contribution to:

**European Roma Rights Center  
Budapest Bank Rt. 99P00402686  
1054 Budapest, Báthory utca 1  
Hungary**

