

Željko Jovanović, Minister of Science, Education and Sports  
Mladen Horvat, Načelnik Općine Nedelišće

25 September 2012

**Re: Incident at pre-school in Croatia**

The European Roma Rights Centre (ERRC),<sup>1</sup> is writing to express concern over events on 17 September 2012 at the primary school of Gornji Hrašćan. More than 50 Romani children were stopped from entering their new preschool facility by approximately 40 adult protesters, according to information from the Roma Education Fund (REF)<sup>2</sup> and press reports.<sup>3</sup>

Previously children from this area attended preschool in the building of the primary school of Dr Ivana Novaka in Macinec. Due to a lack of space, the Ministry of Education, Međimurje County and REF jointly agreed to transfer the programme to the local branch school in the village of Gornji Hrašćan and a classroom was reconstructed for the children. Non-Roma parents from the village expressed their concern and organised a protest against the Roma children's arrival. Press reports indicate that despite efforts by the local Prefect to mediate the situation, the parents held their protest on 17 September and did not allow the children to enter the school. Local police were present, but did not intervene. Based on conversations with the local REF representative, shortly after the incident, the children were taken back to the primary school in Macinec. The children were able to attend to school the next day, but tensions remain.<sup>4</sup>

The European Court of Human Rights ruled in 2010 that the segregation of Roma pupils in primary schools in Međimurje was discriminatory, and obliged Croatia to undertake necessary measures to prevent such occurrences in the future.<sup>5</sup> The ruling highlighted an ECRI report on previous protests by parents in 2002/03 as a driver for the authorities to continue their practice of separating children. The third ECRI report on Croatia, published in 2004 referred to "allegations that when the authorities tried to introduce mixed classes instead of separate classes in some schools, they came up against opposition from the non-Roma parents, who apparently signed petitions against this measure, with the result that the separate classes were maintained."<sup>6</sup> The judgment also acknowledged the difficulties faced by the state in integrating

---

<sup>1</sup> The ERRC is an international public interest law organisation which monitors the human rights of Roma in Europe and engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma.

<sup>2</sup> REF, Public Statement of the Roma Education Fund on the events in Gornji Hrašćan, 17. September 2012, available at: <http://www.romaeducationfund.hu/news/ref/news-and-events/public-statement-roma-education-fund-events-gornji-hrascan-17-september-2012>.

<sup>3</sup> Dalje.com, Prosvjed mještana Gornjeg Hrašćana spriječio polazak Roma u predškolu, 17 September 2012, available at: <http://dalje.com/hr-hrvatska/prosvjed-mjestana-gornjeg-hrascana-sprjecio-polazak-roma-u-predskolu/446392> (accessed 19 September 2012).

<sup>4</sup> ERRC correspondence with REF, 18 September 2012.

<sup>5</sup> CASE OF ORŠUŠ AND OTHERS v. CROATIA, (Application no. 15766/03), JUDGMENT, STRASBOURG, 16 March 2010.

<sup>6</sup> Council of Europe: European Commission Against Racism and Intolerance (ECRI), *Third Report on Croatia, Adopted 17 December 2004*, 14 June 2005, CRI (2005)24, available at: <http://www.unhcr.org/refworld/docid/46efa2db0.html> [accessed 19 September 2012].

Roma due to 'an alleged degree of hostility on the part of the parents of non-Roma children.' The European Court underlined that even without any discriminatory intent on the part of the relevant State authorities, the fact that a separating measure was applied exclusively to the members of a singular ethnic group, coupled with the alleged opposition of other children's parents to the assignment of Roma children to mixed classes, calls for an answer from the State to show that the practice in question was objectively justified by a legitimate aim and that the means of achieving that aim were appropriate, necessary and proportionate.

A report from earlier this year by the Council of Europe's Human Rights Commissioner<sup>7</sup> underlined that despite the European Court of Human Rights judgment in Oršuš and Others v. Croatia, Roma children are still sometimes educated in separate Roma-only classes at mainstream schools and the progress on the successful completion of primary education remains unsatisfactory.

The Decade of Roma Inclusion is currently under the presidency of Croatia. In this context it is particularly important that national and local authorities act to improve and settle this situation. National and local authorities must act immediately to ensure the pre-school programme continues to run. They should take positive, proactive steps to address discrimination against the Romani children affected. Above all, they must take steps to ensure that the tensions do not escalate any further. Any solutions should be based on inclusive education, and not further segregation of Romani children. We respectfully request to be kept informed.

Sincerely,



Dezideriu Gergely,  
Executive Director

TO:

Mladen Horvat, Načelnik Općine Nedelišće  
Željko Jovanović Minister of Science, Education and Sports,

CC:

Nils Muižnieks, Commissioner for Human Rights, Council of Europe  
Mireille Paulus, Secretariat, Committee of Ministers  
Department for the Execution of Judgments of the ECHR, DGI - Directorate General of Human Rights and Rule of Law

---

<sup>7</sup>Council of Europe, Human Rights of Roma and Travellers in Europe, February 2012, available at: [http://www.coe.int/t/commissioner/source/prems/prems79611\\_GBR\\_CouvHumanRightsOfRoma\\_WEB.pdf](http://www.coe.int/t/commissioner/source/prems/prems79611_GBR_CouvHumanRightsOfRoma_WEB.pdf).