

TO:

Mr Mitar MILINKOVIĆ  
President of Municipality Beočin  
Svetosavska no 25, Beočin

Ms Ljubica LAZAREVIĆ  
Director of preschool facility "LjubaStanković", Beočin

CC:

Mr Mihalj MILAŠ  
Provincial Secretar and Vice President of the Provincial Government  
Provincial Secretariat for Education, Regulations, Management and National Minorities  
BulevarMihajlaPupina 16, Novi Sad

Jelena JOVANOVIĆ  
Provincial Secretariat for Education, Regulations, Management and National Minorities  
Bulevar Mihajla Pupina 16, Novi Sad

Ms Aniko MUŠKINJA HEINRICH  
Provincial Ombudsman  
BulevarMihajlaPupina 25,Novi Sad

Mr Dušan RADUL  
Director of the Office  
Office for Roma Inclusion of Vojvodina  
BulevarMihajlaPupina 25, Novi Sad

Budapest, 12 September 2016

RE: **School segregation of Romani children in Beočin**

Dear Mr Mitar Milinković,

The European Roma Rights Centre (ERRC) is a Roma-led international public interest law organisation which monitors the human rights of Roma in Europe and provides legal defence in cases of human rights violations. We are writing to you concerning a case of school segregation of Romani children in the kindergarten "Ljuba Stanković" in Beočin.

According to information compiled from various sources, Romani children from "Ljuba Stankovic" kindergarten in Beočin were routinely separated from the non-Roma students. The parents of 23

Romani pupils claim that their children attend kindergarten only in the afternoon without any contact with non-Roma children. According to the parents, all of the children in the afternoon classes are left without any educational activities despite the willingness and efforts of the parent to secure a quality, integrated education for them.

Taking into account that the children who were separated into the afternoon class were members of the Roma minority, and given the circumstances of the incident as well as the findings of international bodies regarding the existence of long-standing anti-Roma prejudice in Serbia, the ERRC is deeply concerned about this possible instance of segregation of Romani children in education. Assuming these details are true, only the climate of anti-Gypsyism in Serbia can explain how school segregation of Romani pupils based on ethnicity continues to take place.

The provision of high-quality pre-school education within the mainstream educational system on a non-discriminatory basis is a legal obligation in accordance with Article 2 Protocol 1 combined with Article 14 of the European Convention on Human Rights and Article 1 Protocol 12 to the Convention, Article 3 paragraph 4 and Article 4 paragraph 2 of the Law on Preschool Upbringing and Education<sup>1</sup> as well as Article 4 and Article 19 of the Law on Prohibition of Discrimination.<sup>2</sup> The school director suggests that there cannot be discrimination if some Romani children are included in a mainstream programme. The Grand Chamber of the European Court of Human Rights has already rejected this argument in 2010 when it condemned Croatia<sup>3</sup> for school segregation in a similar case. The authorities who are responsible here are exposing themselves to litigation under national and international anti-discrimination laws.

We remind your office that equal access to high-quality pre-school education is a key priority for the European Commission.<sup>4</sup> In addition, candidate countries for European Union accession are advised to align their legislation and provide wide availability for pre-school education within the mainstream education system, as well as “high quality learning”<sup>5</sup>, to foster “the education of disadvantaged children and young people, by ensuring that [...] education and training systems address their needs”.<sup>6</sup>

Given the gravity of the incident, the ERRC, without prejudice to the applicable domestic and international safeguards regarding disclosure of personal data, respectfully requests your office based on the Article 15 paragraph 1 of the Law on Free Access to Information of Public Importance („Official Gazette of the Rep. of Serbia” No. 120/04, 54/07, 104/09 and 36/10) to provide us with all information that you possess about this incident, without prejudice to any data protection rules, so that we can satisfy ourselves that there is no discrimination taking place.

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<sup>1</sup> Law on Preschool Upbringing and Education (“Official Gazette of the Rep. of Serbia”, No. 18/2010 of 26 March 2010).

<sup>2</sup> Law on Prohibition of Discrimination (“Official Gazette of the Rep. of Serbia”, No. 22/2009 of 30 March 2009).

<sup>3</sup> Oršuš v Croatia, judgment of 16 March 2010.

<sup>4</sup> Every pupil should benefit from high-quality learning, including migrant children, see [http://ec.europa.eu/education/policy/school/index\\_en.htm](http://ec.europa.eu/education/policy/school/index_en.htm).

<sup>5</sup> Ibid.

<sup>6</sup> See [http://ec.europa.eu/education/policy/strategic-framework/social-inclusion\\_en.htm](http://ec.europa.eu/education/policy/strategic-framework/social-inclusion_en.htm).  
[http://ec.europa.eu/education/news/2015/documents/citizenship-education-declaration\\_en.pdf](http://ec.europa.eu/education/news/2015/documents/citizenship-education-declaration_en.pdf).

We look forward to your response via email to [atanas.zahariev@errc.org](mailto:atanas.zahariev@errc.org) or by post to the European Roma Rights Centre, Wesselényi utca 16, H-1077 Budapest, Hungary.

Yours sincerely,

Đorđe Jovanović  
President