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Complaint regarding the violation of the right to education of Romani children from Ukraine in Romania

I.

The European Roma Rights Centre (ERRC)¹ is a Roma-led organisation whose vision is for Romani women and men to overcome antigypsyism and its legacy, to achieve dignity, equality, and full respect for their human rights, and to use their experience to contribute to a more just and sustainable world.

The ERRC hereby files this

c o m p l a i n t

because we believe that the right to access to education of Romani refugee children in Romania is being violated and that they face discrimination in accessing education.

The complaint is based on the facts and arguments below.

¹ www.errc.org

II.

Romani refugees from Ukraine in Romania

As of December 2025, almost 200.000 refugees from Ukraine obtained temporary protection and refugee status in Romania. About 26% of them are children.² Many of those are of Roma origin. However, there is no official data on the numbers of Roma from Ukraine currently living in Romania. According to the ERGO Network, up to 5% of the Ukrainian refugees still present in Romania are Roma.³

In a report focusing on Romani communities displaced by the conflict, Oxfam concluded that Romani refugees in Romania have faced racial discrimination from not only authorities and officials, but also from volunteers and fellow Ukrainian refugees.⁴

Access of Romani refugee children to education in Romania

As of February 2025, 23.324 Ukrainian refugee children were enrolled in formal education system with the attendance rate of 32%. Overall, more than 10.000 children attended non-formal education programs for children and youth.⁵

According to the research carried out by the Save the Children Romania, 52% of the survey respondents did not regularly attend classes in Romanian educational institutions over the past three months.⁶ The attendance rate was 53% among those aged 8–11 years but only 35% among adolescents (15–17 years).

A 2023 qualitative report on refugee needs in Romania highlights that some children attend Ukrainian schools or online courses from Ukraine, while others

² UNHCR data:

<https://app.powerbi.com/view?r=eyJrIjoiZGJjNDcxMDQtZDNIYS00MTEzLWFhY2YtNTg1ZWQzZjJhNThiIiwidCI6ImU1YzYzM3OTgxLTY2NjQtNDEzNC04YTBJLTY1NDNkMmFmODBiZSIsImMiOiJh9>

³ ERGO Network: Monitoring of the Situation of Ukrainian Roma Refugees in Poland, Hungary, Czech Republic, Romania, Moldova and Slovakia, Final report, 2024, available here:

<https://ergonetwerk.org/wp-content/uploads/2024/02/FINAL-REPORT-ERGO-Network-Ukraine.pdf>

⁴ Oxfam: FURTHER INTO THE MARGINS A regional report on Roma communities displaced by the Ukraine crisis, September 2023, p. 5

⁵ UNHCR (data of Ministry of Education of Romania): <https://data.unhcr.org/en/working-group/371?sv=54&geo=10782>

⁶ Salvati Copiii Save the Children Romania: Assessment of the Needs of Ukrainian Refugee Children and Adolescents in Romania, Summary - June 2025, available here:

<https://data.unhcr.org/en/documents/details/117443>

want Romanian school but face barriers like limited places, language, health concerns, integration worries and the need for devices/internet for online learning.

Romani refugee children from Ukraine in Romania face significant barriers to accessing education despite being legally entitled to it. It is important to note that Roma refugee children have multiple characteristics at once: ethnicity (Roma), refugee status, possibly language barrier and often also poverty which makes them vulnerable to (intersectional) discrimination. While some have integrated into schools or online classes, many remain excluded due to unstable housing, limited school preparedness, language barriers, lack of digital resources, and parental concerns. Since the conflict began, numerous Roma children have had no educational access at all. When it comes to online remote education, lack of equipment (computers, laptops, tablets, source of internet) has limited the access to it.⁷

According to the report issued by the ERRC in 2024⁸, Romani children from Ukraine face practical and structural difficulties in accessing education. There are still problems with understanding the language, adequate learning support materials are missing, they lack devices necessary for online education, parents have fears over bullying and discrimination, etc. In addition, there have been cases of refusal to enrol Romani children.

Evidence collected through Romani civil society organisations in Romania indicates that a considerable number of Romani refugee children from Ukraine remain outside the Romanian national education system. Although many of these children have been formally registered by Romanian authorities within administrative systems related to temporary protection or educational monitoring, this formal registration has not translated into effective enrollment in Romanian schools⁹.

In practice, numerous Romani refugee children continue to participate exclusively in the Ukrainian education system through online learning. While initially acceptable as an emergency measure, the continued reliance on online education as a substitute for enrollment in Romanian schools effectively excludes these children from the host country's educational framework.

⁷⁷ See <https://asociatiasocialincubator.org/wp-content/uploads/2023/10/Raport-Impreuna-pentru-Ucraina-EN.pdf>

⁸ ERRC: Temporary Protection; The ongoing Struggle of Romania Refugees from Ukraine in the Czech Republic, Hungary, Moldova, Romania, and Slovakia, 2024, available at: https://www.errc.org/uploads/upload_en/file/5601_file1_temporary-protection-the-ongoing-struggle-of-romani-refugees-from-ukraine.pdf

⁹ See e.g.: https://funky.org/en/education-information-for-ukrainians-in-romania/?utm_source=chatgpt.com

This situation reveals a significant gap between administrative registration and genuine educational inclusion. Romanian authorities have not implemented sufficient outreach programmes, targeted integration measures, or institutional support mechanisms to facilitate school enrollment. In particular, there is a lack of:

- structured language support,
- school mediation,
- community outreach, and
- targeted information campaigns.

As a result, many Romani refugee children lack access to the protective environment, social interaction, and educational opportunities provided by the Romanian school system. This creates a parallel educational reality that disproportionately affects this vulnerable group and creates space for further exclusion, especially for Romani children who face compounded barriers (poverty, discrimination, documentation gaps, mobility/housing insecurity). The longer the war in Ukraine lasts, the bigger the gap and exclusion will become.

Lack of disaggregated data and monitoring

A further concern relates to the absence of reliable data regarding the participation of Romani refugee children in education.

Romanian authorities do not collect disaggregated data based on ethnicity, which makes it difficult to assess the scale of exclusion affecting Roma children. While data protection concerns are legitimate, the absence of any monitoring mechanisms or proxy indicators prevents authorities from evaluating whether vulnerable groups are effectively accessing education.

Consequently, the educational situation of Romani refugee children remains largely invisible in official statistics, limiting the ability of public institutions to adopt targeted and effective measures.

The ERRC notes that according to the decision of the European Committee of Social Rights in the case of the European Roma Rights Centre (ERRC) v. Czech Republic (Complaint No. 190/2020), the lack of data and statistics on ethnicity and the lack of alternative means to map the extent of the discrimination risk may amount to indirect discrimination.¹⁰ Romania clearly fails in fulfilling its obligation to collect disaggregated ethnic data.

¹⁰ <https://hudoc.esc.coe.int/eng/?i=cc-190-2020-dmerits-en>

III.

The right to education is a nationally and internationally recognized human right. It provides a key pathway to all aspects of life – health, employment, freedom of expression – but also a way out of the vicious circle of poverty and marginalization.

Romanian Legal Framework on the Right to Education and the Prohibition of School Segregation:

1. The Constitution of Romania

Article 32 – Right to Education

The Constitution of Romania guarantees the fundamental right to education.

Article 32(1) provides that:

“The right to education is ensured through compulsory general education, upper secondary education, vocational education, higher education, as well as through other forms of instruction and training.”

Article 32(4) further establishes that:

“State education shall be free of charge, in accordance with the law.”

These constitutional provisions impose a positive obligation on the Romanian state to ensure effective access to education for all children present on its territory.

Article 16 – Equality Before the Law

Article 16 states that:

“Citizens are equal before the law and public authorities, without privileges and without discrimination.”

This constitutional principle applies to all public services, including education, and prohibits discriminatory treatment based on ethnic origin.

2. Law No. 198/2023 on Pre-University Education

Law No. 198/2023 constitutes the main legal framework governing the Romanian education system.

Article 3 – Fundamental Principles of the Education System

The Romanian education system is based on several key principles, including:

- the principle of equity
- the principle of inclusion
- the principle of equal opportunities

These principles require the education system to ensure equal access to education for all children.

Access to Education

The law guarantees access to education without discrimination and promotes inclusive education policies aimed at supporting vulnerable groups.

3. Law No. 272/2004 on the Protection and Promotion of the Rights of the Child

This law establishes the legal framework for the protection of children's rights in Romania.

Article 6 – Best Interests of the Child

All decisions concerning children must prioritize the **best interests of the child**.

Article 47 – Right to Education

The Romanian state has the obligation to ensure children's access to education.

Article 51 – Prevention of Educational Exclusion

Public authorities must take measures to prevent school dropouts and exclusion from the education system.

4. Government Ordinance No. 137/2000 on the Prevention and Sanctioning of All Forms of Discrimination

Government Ordinance No. 137/2000 is the primary anti-discrimination legislation in Romania.

Article 2 – Definition of Discrimination

The ordinance defines both **direct and indirect discrimination**.

Article 15 – Discrimination in Education

Article 15 explicitly prohibits discrimination in access to education based on criteria such as:

- race
- ethnicity
- nationality
- social origin

Educational institutions and public authorities are prohibited from applying discriminatory practices in the organization or delivery of education.

5. Ministry of Education Order No. 6134/2016 on the Prohibition of School Segregation

Order No. 6134/2016 represents the main regulatory instrument addressing **school segregation in Romania**.

The Order:

- explicitly prohibits school segregation on ethnic grounds
- requires schools to prevent the formation of ethnically segregated classes or institutions
- obliges school inspectorates to monitor segregation and implement desegregation measures

School segregation is defined as:

“...the physical separation of students belonging to an ethnic group within an educational unit, classroom or school structure.”

The Order also establishes:

- mechanisms for identifying segregation
- annual monitoring procedures
- obligations for local authorities and school inspectorates to develop **desegregation plans**.

6. National Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority (2022–2027)

Adopted through **Government Decision No. 560/2022**, this strategy establishes public policy commitments regarding Roma inclusion.

The strategy includes measures aimed at:

- improving Roma children's access to education
- combating school segregation
- strengthening the role of Roma school mediators
- reducing school dropout among Roma communities.

7. Government Emergency Ordinance No. 15/2022 on Support Measures for Persons Displaced from Ukraine

Government Emergency Ordinance No. 15/2022 establishes support measures for persons displaced from Ukraine, including children.

The ordinance provides that refugee children have the right to access the Romanian education system **under the same conditions as Romanian children**, including:

- enrollment in Romanian schools
- access to public education services
- access to educational resources financed from the state budget.

The right to education is also protected on international level e.g. by the European Convention of Human Rights, UN Convention of the Rights of the Child, UN Covenant on Economic, Social and Cultural Rights etc. These instruments also guarantee that this right should be provided on equal basis for everyone notwithstanding their nationality, ethnicity, gender, religion and other characteristics.

According to the European Court of Human Rights (ECtHR), in many states in Europe, Romani children face difficulties in accessing quality education (see *D.H. and Others v. the Czech Republic* [GC], 2007, § 205). As a result of their turbulent history and constant uprooting the Roma have become a specific type of disadvantaged and vulnerable minority. They therefore require special protection and this protection extends to the sphere of education (*ibid.*, § 182).

The ECtHR has addressed the issue of the prohibition of discrimination (Article 14 of the Convention) on numerous occasions. It has stated that discrimination is the treatment of persons in relevantly similar situations differently, without an objective and reasonable justification (e.g. *Willis v. the United Kingdom*, 2002, § 48). However, Article 14 of the Convention does not prohibit a Member State from treating groups differently in order to redress “de facto inequalities” between them; in certain circumstances, the failure to attempt to redress the inequality through differential treatment may in itself give rise to a violation of Article 14 (see, for example, *Thlimmenos v. Greece [GC]*, 2000, § 44). The ECtHR has also held that a general policy or measure which has a disproportionately adverse impact on a particular group of the population may be considered discriminatory, notwithstanding that it is not specifically targeted at that group (e.g. *Hugh Jordan v. the United Kingdom*, 2001, § 154) and that discrimination which is potentially contrary to the Convention may not be the result of legislative action but may arise from a factual situation (e.g. *Zarb Adami v. Malta*, 2006, § 76).

Based on the evidence available from the sources above and also from the NGOs working in the field in Romania with Romani refugees from Ukraine, it can be inferred that Romani refugee children are in disadvantaged situation compared to Romanian population as well as non-Roma Ukrainian refugees in relation to access to education. Most of the Romani refugee children do not have access to any education whatsoever.

It is important to emphasize that right to education is not only a *right* — it’s a key to long-term stability, employment, and integration. When Roma refugee children are left out of schooling, the effects are intergenerational: reduced future opportunities, continued social exclusion, and perpetuated poverty.

Unfortunately, due to failure of the state to collect and process data disaggregated on the basis of ethnicity, it is impossible to monitor and analyse the exact situation and any progress in this field and to adopt targeted measures to address the situation of Roma refugee children from Ukraine.

IV.

According to international human rights law, Romania has the duty to respect, protect and ensure the right to education to children staying on its territory. The state is also responsible for remedying past discrimination if there is a history of discrimination when it comes to right to education.¹¹

¹¹ See e.g. *Horváth and Kiss v Hungary*, ECtHR judgment, 2013

The Romanian Government is not only responsible for providing formal access to education, but also for ensuring that Roma refugee children can genuinely benefit from it. The facts and evidence described above suggest that there are systemic issues which mean that the right to education of Romani refugee children from Ukraine in Romania is not effectively ensured.

Thus, the ERRC asks your institution to investigate and identify human rights violations and discrimination of Romani refugee children from Ukraine in Romania regarding their access to education. We also ask you to provide recommendations to Romanian authorities for legal and policy changes which could be adopted to improve the situation.

In particular, we believe that the Romanian authorities should:

- ensure effective enrollment of all refugee children in Romanian schools;
- establish monitoring mechanisms for participation of Romani children from Ukraine in education including collection of disaggregated ethnic data in conformity with human rights standards;
- implement targeted outreach and information campaigns;
- strengthen the role of Romani school mediators;
- prevent school segregation;
- provide language and integration support programmes;
- enhance cooperation with Roma civil society organisations;
- strengthen services for Roma refugee youth as a distinct priority group across education, employment, and protection systems to ensure their meaningful inclusion and long-term opportunities;
- provide material support for vulnerable families.

We look forward to hearing from you soon.

Sincerely,

European Roma Rights Centre
Dorde Jovanovic, President