

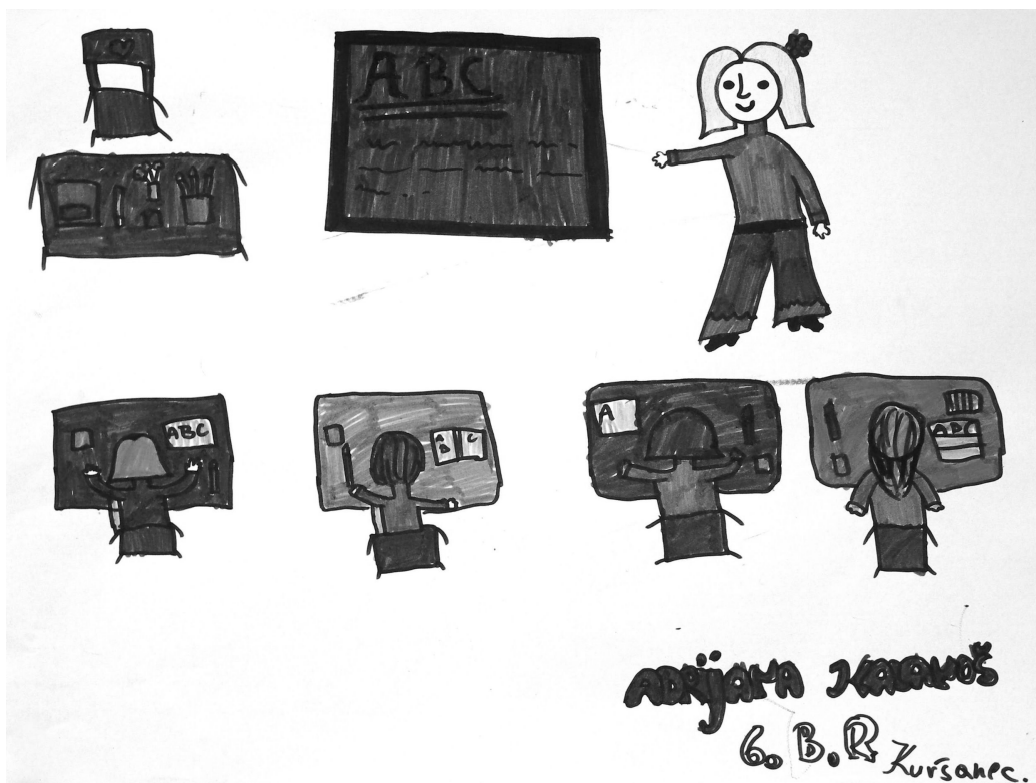
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# amnesty international

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## *False starts*

The exclusion of Romani children from primary education in Bosnia and Herzegovina, Croatia and Slovenia



School as seen by a Romani child from Kuršanec, Croatia. © Private.

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## **Abbreviations**

BiH	Bosnia and Herzegovina
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECRI	European Commission against Racism and Intolerance
ERRC	European Roma Rights Centre
EU	European Union
EUMC	European Monitoring Centre on Racism and Xenophobia
FBiH	Federation of Bosnia and Herzegovina
FCNM	Council of Europe Framework Convention for the Protection of National Minorities
HRC	Human Rights Committee
ICESCR	International Covenant on Economic, Social and Cultural Rights
MRG	Minority Rights Group
NGO	Non-governmental organization
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSI	Open Society Institute
RS	Republika Srpska
SFRY	Socialist Federal Republic of Yugoslavia
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund

# ***False starts***

## **The exclusion of Romani children from primary education in Bosnia and Herzegovina, Croatia and Slovenia**

*“We still have insufficient consciousness on importance of education within the Roma population. They treat it in a ‘liberal’ way – you can go to school, you cannot go to school, you do not have to go to school”.*

### **Bosnia and Herzegovina Report to the UN Committee on the Elimination of Racial Discrimination.<sup>1</sup>**

*“When something is wrong in the school it is always the Roma’s fault”. “The teacher tells me off when I speak my language”. “Teachers do not even want to hear our songs”.*

### **Romani children at an elementary school in Croatia.**

*“Romani children, they are not interested in physics or mathematics. They may learn Spanish, because they watch a lot of telenovelas”.*

### **An elementary school teacher, Slovenia.**

## **Introduction**

In countries across Europe, Romani children face barriers to education. Their exclusion from education blights employment prospects for individual children and perpetuates a cycle of deprivation and marginalization of Romani communities.

Education is not only a right in itself, but is indispensable to realizing other human rights.<sup>2</sup> Romani communities have remained among the poorest in Europe, disadvantaged in their access to a range of civil and political, as well as economic, social and cultural, rights. Segregation and discrimination have forced many to live on the margins of society, in some cases in desolate settlements or slums lacking basic infrastructure and services. In many countries, Roma are among the main victims of

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<sup>1</sup> Committee on the Elimination of Racial Discrimination (CERD) Reports Submitted by States Parties Under Article 9 of the Convention. Bosnia and Herzegovina. CERD/C/464/Add.1, 2 September 2005, para. 113.

<sup>2</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), The Right to Education, General Comment 13, E/C.12/1999/10, 8 December 1999 (hereafter CESCR General Comment 13).

ill-treatment by the police, as well as of racially motivated violence by private individuals or groups. Too frequently, they are denied justice for the human rights violations against them.

This report focuses on the lack of access to primary education in three countries: Bosnia and Herzegovina (BiH), Croatia and Slovenia. Too often, Romani children in these countries do not attend school, or do so only intermittently, and fail to complete primary education. Some are segregated in “Roma only” groups or classes, where they are offered a reduced curriculum. Racist attitudes and prejudice are prevalent, even among some teachers and educators working with Romani children.

Extreme poverty denies most Romani children the full advantages of education. Free meals, textbooks and transportation are sometimes provided. Yet too frequently children cannot overcome the obstacles of excessive distances between Romani settlements and schools or the lack of warm clothing in winter. Children are unable to study or do homework in cold, often overcrowded homes. As members of the Romani community in Slovenia told Amnesty International, “Some of us live in huts. How can the children do well at school?”<sup>3</sup> For children who do go to school, poor clothing marks them out as Roma and targets for bullying and harassment.

Tackling these barriers to education is the responsibility of the governments of BiH, Croatia and Slovenia. The authorities in these countries have failed to respect and protect the right to education of Romani children, including in some cases by not addressing racism and discrimination directed at members of Romani communities inside and outside schools. They have also not fulfilled the right to education of Romani children by actively promoting their full inclusion in education.

Negative stereotypes about the Roma’s “way of life” or attitude towards education are often used to explain poor school attendance rates and low school grades. Yet many Romani activists, parents and children in the countries covered by this report are only too aware of the importance of improving educational levels. They are seeking recognition that racial discrimination, the general denial of economic, social and cultural rights, and the resulting low levels of educational attainment of Romani parents are condemning yet another generation of children to exclusion from education. Some Romani families are reluctant to send their children to schools where Roma are segregated or harassed, or where the Romani language, culture and traditions are virtually absent. As recognized by many Romani activists, some Roma, as a result of their own marginalization and low educational level, may be less active in promoting their children’s inclusion in primary education.

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<sup>3</sup> Interviews with members of the Romani community in Šentjernej, 20 March 2006.

Information in this report, much of it from organizations active in promoting the inclusion of Roma in education, reflects research conducted in BiH, Croatia and Slovenia. It highlights states' obligations under international and regional human rights standards to respect, protect and fulfil the right to education. It also analyses how far those obligations are met in the three countries, and looks at the role of the international community. It does not aim to be a comprehensive analysis of the problems Roma face in accessing education or to make comparisons between different countries, although the contexts of discrimination and social exclusion are in some cases similar.

Contacts with Romani organizations and communities have been of particular importance in shaping Amnesty International's recommendations in the report, which seek to reflect the experiences and needs of members of Romani communities as well as international human rights standards. Amnesty International is calling on the authorities in BiH, Croatia and Slovenia to prohibit and eliminate discrimination against Roma in education, in line with their international human rights commitments. They must confront and tackle racial discrimination, segregation and harassment against Roma in schools. Material assistance should be provided, such as textbooks, meals, transportation and school allowances, to ensure inclusion in education for Romani children from low-income families. Crucial to overcoming obstacles to Romani inclusion in education are the introduction of Romani language and culture in schools and school curricula, as well as special measures such as targeted pre-school programmes and the employment of Romani teaching assistants. Amnesty International is also calling on the international community to monitor and support efforts to include Roma in education.

If implemented, these recommendations would promote the inclusion of Romani children in education and would mark significant progress in the enjoyment of human rights by Romani communities.

### **Historical context**

Roma have lived for centuries in the area corresponding to the former Yugoslavia. The first written record of their presence in what is today Macedonia dates from the 13th century.<sup>4</sup> During the Second World War, they were persecuted by the occupying forces of Nazi Germany and its allies, especially in those areas under the control of the nationalist *ustaša* government of the Independent State of Croatia, a puppet state

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<sup>4</sup> Latham, Judith, "Roma of the former Yugoslavia", *Nationalities Papers*, No. 2, 1999.

backed by the Nazis. It is estimated that approximately 28,000 Roma were killed by, or with the acquiescence of, the *ustaša* regime.<sup>5</sup>

In the Socialist Federal Republic of Yugoslavia (SFRY), policies towards minority<sup>6</sup> Romani populations were less repressive than in other communist countries where they were subjected to forced settlement and assimilation. By 1973 an estimated 200 Roma worked as qualified professionals in the country.<sup>7</sup> Especially during and after the 1970s, Romani literary, musical and other cultural expressions were encouraged, and they were viewed favourably in comparison with those considered as separatist or hegemonic nationalist manifestations emerging elsewhere in the SFRY.<sup>8</sup> From 1981, Roma were officially recognized as a “nationality” (*narodnost*), a status lower than that of “nation” (*narod*) accorded to the main ethnic groups of the six SFRY constituent republics (BiH, Croatia, Macedonia, Montenegro, Serbia and Slovenia). In the 1980s, Romani language radio programmes were introduced in Serbia and a few hours a week of teaching in Romani language was offered in primary schools in Tetovo (a city in today’s Macedonia) and in Kosovo.<sup>9</sup> Roma nevertheless remained among the poorest sectors of the population. As a result, many moved from areas in the south of the SFRY to the richer north, or emigrated to other European countries to find better economic opportunities.

Growing nationalism and ethnic tensions during the 1980s and 1990s saw an increase in racist acts against members of Romani communities.<sup>10</sup> During the wars that accompanied the violent dissolution of the SFRY, Roma suffered human rights violations and abuses at the hands of the warring parties involved in the conflict. These included killings, enforced disappearances, abductions, torture, crimes of sexual violence, unlawful detentions, forcible displacement and plunder of property.

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<sup>5</sup> European Roma Rights Centre (ERRC), *The Non-Constituents: Rights Deprivation of Roma in Post-Genocide Bosnia and Herzegovina*, Country Report Series, No. 13, February 2004, p. 30 (hereafter ERRC, *The Non-Constituents*, 2004). Scholarly estimates on the total number of Roma and Sinti killed by the Nazis and their allies range from 220,000 to 500,000.

<sup>6</sup> Amnesty International uses the term minority to refer to non-dominant ethnic, religious or linguistic communities who may not necessarily be numerical minorities. The existence of a minority should be determined according to reasonable and objective criteria. Membership of a minority should be by choice and self-identification.

<sup>7</sup> Silverman, Carol, “Persecution and Politicization: Roma (Gypsies) of Eastern Europe”, *Cultural Survival Quarterly*, No. 19.2, 1995.

<sup>8</sup> Latham, Judith, “Roma of the former Yugoslavia”, *Nationalities Papers*, No. 2, 1999; ERRC, *The Non-Constituents*, 2004, p. 32.

<sup>9</sup> Silverman, Carol, “Persecution and Politicization: Roma (Gypsies) of Eastern Europe”, *Cultural Survival Quarterly*, No. 19.2, 1995.

<sup>10</sup> ERRC, *The Non-Constituents*, 2004, p. 34.

## 1. The right to education

The right to education is recognized in international and regional human rights standards and treaties, many of which are legally binding on BiH, Croatia and Slovenia. States seeking to join the European Union (EU) are required to meet human rights standards and bring domestic laws in line with EU law. Slovenia became an EU member state in 2004. Croatia is a EU candidate country and BiH is considered a “potential candidate country”.<sup>11</sup>

### International human rights law

The right to education is recognized in the 1948 Universal Declaration of Human Rights (UDHR) and is enshrined in binding international treaties to which BiH, Croatia and Slovenia are party, including the:

- International Covenant on Economic, Social and Cultural Rights (ICESCR, Articles 13 and 14);<sup>12</sup>
- Convention on the Rights of the Child (CRC, Articles 28 and 29);<sup>13</sup>
- International Convention on the Elimination of All Forms of Racial Discrimination (Convention against Racial Discrimination, Article 5[e.v]);<sup>14</sup>
- Protocol 1 (Article 2) to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).<sup>15</sup>

Under the ICESCR, states are required to achieve progressively the full realization of the rights according to the maximum of available resources (progressive realization). Appropriate means include the introduction and implementation of legislative measures (Article 2[1]), as well as social reforms, action plans and oversight mechanisms.<sup>16</sup> The UN Committee on Economic, Social and Cultural Rights (CESCR), a body of independent experts which reviews states’ compliance with their obligations under the Covenant, has clarified that – in addition to the duty to take

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<sup>11</sup> Talks on a Stabilization and Association Agreement between the EU and BiH opened in November 2005.

<sup>12</sup> BiH, Croatia and Slovenia became parties to the ICESCR by succession from the SFRY on 6 July 1992, 12 October 1992 and 1 September 1993, respectively.

<sup>13</sup> BiH, Croatia and Slovenia became parties to the CRC by succession from the SFRY on 6 July 1992, 12 October 1992 and 1 September 1993, respectively.

<sup>14</sup> BiH, Croatia and Slovenia became parties to the Convention against Racial Discrimination by succession from the SFRY on 6 July 1992, 12 October 1992 and 16 July 1993, respectively.

<sup>15</sup> BiH, Croatia and Slovenia became parties Protocol 1 to the ECHR on 28 June 1994, 5 November 1997 and 12 July 2002, respectively.

<sup>16</sup> CESCR, The nature of States parties obligations, General comment 3, E/1991/23, 14 December 1990, para. 4.



concrete, deliberate and targeted steps towards progressive realization – states also have immediate obligations to ensure the realization of the right to education. These immediate obligations include a duty to ensure: free and compulsory education for all children; freedom from discrimination in access to education; and that educational content conforms to the aims of education as established under human rights law.<sup>17</sup>

Governmental obligations related to the right to education can be framed according to the four “As”: availability, accessibility, acceptability, adaptability.<sup>18</sup>

Availability	Primary education must be compulsory and free for all. Functioning educational institutions and programmes have to be available in sufficient quantity.
Accessibility	Education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination.
Acceptability	The form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality).
Adaptability	Education has to adapt to the needs of students within their diverse social and cultural settings. Measures should be taken which would enhance the ability of children to access and benefit from education.

### ***Availability***

All states parties to the ICESCR recognize that “primary education shall be compulsory and available free to all” (Article 13[2.a]). This is an immediate obligation, requiring states that have not been able to achieve this at the time of ratifying the Covenant to develop a detailed plan to do so within a reasonable number of years (Article 14). The CRC also recognizes this right (Article 28[1.a]).

The compulsory nature of primary education has been clarified as follows:

*“neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education...It should be emphasized, however, that the education offered must be adequate in quality, relevant to the child and must promote the realization of the child’s other rights”.*<sup>19</sup>

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<sup>17</sup> CESCR General Comment 13, para. 57.

<sup>18</sup> UN Commission on Human Rights, Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomaševski, submitted in accordance with Commission on Human Rights resolution 1998/33, E/CN.4/1999/4913, January 1999; CESCR General Comment 13, para. 6.

<sup>19</sup> CESCR, Plans of action for primary education, General Comment 11, E/C.12/1999/4, 10 May 1999, para. 6.

This makes clear that the compulsory nature of primary education includes an obligation on the state to ensure that education *adapts* to the child, including that it respect the rights of children belonging to minorities. The CRC places further emphasis on the obligation of the state to ensure that education which is available adapts to the rights of the individual to encourage attendance.<sup>20</sup>

### **Accessibility**

Non-discrimination is a fundamental principle in all international treaties which guarantee the right to education.<sup>21</sup> The ICESCR, for example, stipulates that states must ensure that rights can be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2[2]). This extends to the whole population, irrespective of citizenship or other status, an obligation that is of immediate effect.<sup>22</sup>

*“The prohibition against discrimination enshrined in article 2 (2) of the Covenant is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination”.*

With regard to the right to education, this means that education must be “accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds”.<sup>23</sup> A mere legal prohibition of discrimination is therefore inadequate. Under this requirement, states parties should identify and address factors which prevent Roma children from accessing education.

This is also reflected in the Convention against Racial Discrimination, which requires states not only to prohibit discrimination but to take steps to progressively

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<sup>20</sup> Article 28[1] provides that “With a view to achieving [the right to education] progressively and on the basis of equal opportunity, [states parties] shall, in particular...take measures to encourage attendance at schools and [reduce] drop-out rates”.

<sup>21</sup> See ICESCR, Article 2[2]; CRC, Article 2[1]. Protocol 12 to the ECHR contains a general prohibition of discrimination in the enjoyment of any right set forth by law (Article 1). Slovenia signed Protocol 12 to the ECHR on 7 March 2001. Croatia and BiH ratified it on 3 February 2003 and 29 July 2003, respectively. Protocol 12 to the ECHR entered into force in those countries that ratified it on 1 April 2005. The Revised European Social Charter, to which Slovenia is a party, recognizes in Article 17 that “[w]ith a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:... to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools”.

<sup>22</sup> CESCR General Comment 13, paras. 31, 34 and 35.

<sup>23</sup> CESCR General Comment 13, para. 6.

eliminate racial discrimination in all its forms, including in respect of “the right to education and training” (Article 5). The UN Committee on the Elimination of Racial Discrimination (CERD), which monitors states’ compliance with Convention obligations, has recommended that states take measures:<sup>24</sup>

*“to support the inclusion in the school system of all children of Roma origin and to act to reduce drop-out rates, in particular among Roma girls, and, for these purposes, to cooperate actively with Roma parents, associations and local communities”*

and

*“to prevent and avoid as much as possible the segregation of Roma students, while keeping open the possibility for bilingual or mother-tongue tuition; to this end, to endeavour to raise the quality of education in all schools and the level of achievement in schools by the minority community, to recruit school personnel from among members of Roma communities and to promote intercultural education”.*

International human rights law reflects the famous principle stated by the US Supreme Court that “separate education facilities are inherently unequal”.<sup>25</sup> The UN Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education defines discrimination as:

*“any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:*

- a) Of depriving any person or group of persons of access to education of any type or at any level;*
- b) Of limiting any person or group of persons to education of an inferior standard;*

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<sup>24</sup> CERD, Discrimination against Roma, General Recommendation 27, Contained in A/55/18, Annex V, 16 August 2000, paras. 17 and 18.

<sup>25</sup> Supreme Court of the United States, *Brown v. Board of Education of Topeka*, 17 May 1954, 347 US 294. In this landmark case, arising from the exclusion of a black child from an all-white school in Kansas, the US Supreme Court ruled that segregated schools were illegal. The decision marked an important step in the promotion of the civil rights of black people in the US and reversed a previous 1896 decision of the US Supreme Court holding that legally enforced segregation was constitutional as long as facilities for blacks were not inferior to those for whites (*Supreme Court of the United States, Plessy v. Ferguson*, 18 May 1896, 163 US 537).

*c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or*

*d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man”.*<sup>26</sup>

It also requires states parties to develop and apply a national policy to promote equality of opportunity and treatment in education (Article 4). BiH, Croatia and Slovenia are party to the Convention.<sup>27</sup>

### ***Acceptability***

Education can play a key role in the realization of a range of other human rights, including the right to work and the achievement of equality for members of previously marginalized groups. However, in order to fulfil this role, education policy and practice has to conform with human rights standards. Firstly, everyone has a right to an education from which they can benefit.<sup>28</sup> Secondly, no one, through direct or indirect discrimination on the basis of their ethnicity, should be relegated to an inferior education (see above).

Finally, according to the UDHR, the ICESCR, and the CRC, the content of education has to comply with human rights.<sup>29</sup> Education should promote understanding among all ethnic, national, racial and religious groups.<sup>30</sup> It should be culturally appropriate in both its form and substance, including curricula and teaching methods.<sup>31</sup> It should be directed towards developing respect for the child’s cultural identity, language and values.<sup>32</sup> This requires that states review educational curricula, content and methods to ensure that they respect the rights of the whole population, including those belonging to minorities.

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<sup>26</sup> Article 2 provides that separate but equivalent education according to sex, voluntary separate schools according to language, religion in keeping with the wishes of parents, and private educational institutions of a not inferior standard are not prohibited by the Convention.

<sup>27</sup> BiH, Croatia and Slovenia became parties to the UNESCO Convention against Discrimination in Education by succession from the SFRY on 5 November 1992, 6 July 1992 and 17 July 1993, respectively.

<sup>28</sup> European Court of Human Rights, *Kjeldsen, Busk Madsen and Pedersen v. Denmark*, Report of 21 March 1975

<sup>29</sup> UDHR, Article 26[1]; ICESCR, Article 13[1]; CRC, Article 29[1].

<sup>30</sup> ICESCR, Article 13[1]; CESCR General Comment 13, para. 4.

<sup>31</sup> CESCR General Comment 13, para. 6.

<sup>32</sup> CRC, Article 29[1].

BiH, Croatia and Slovenia are states parties to the Council of Europe Framework Convention for the Protection of National Minorities (FCNM).<sup>33</sup> They are required to “take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority”.<sup>34</sup> They should also provide access to textbooks and adequate opportunities for teacher training which promotes the respect for the principles above, and should facilitate contacts among students and teachers of different communities.

With respect to their enjoyment of minority rights, Romani communities are at more of a disadvantage than other ethnic groups because they do not have a “kin-state” supporting them.<sup>35</sup> In such circumstances, the Advisory Committee on the FCNM has concluded that the responsibility to ensure adequacy of support for minorities which do not have a “kin-state” is greater on the state where the minority members live.<sup>36</sup>

### ***Adaptability***

Primary education should be compulsory. It is therefore crucial to ensure that it is in children’s best interests that they attend compulsory education. A foundational principle of the CRC is that the “best interests of the child” shall be a primary consideration in all actions concerning children (including education).<sup>37</sup> It is clear that the state’s duty to take steps to encourage attendance and reduce drop-out rates in education must include the duty to ensure that the education available respects children’s rights, including their rights as members of a minority. Linguistic rights of minorities should also be protected in education.<sup>38</sup>

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<sup>33</sup> BiH, Croatia and Slovenia became parties to the FCNM on 25 March 1998, 11 October 1997 and 24 February 2000, respectively.

<sup>34</sup> FCNM, Article 12.

<sup>35</sup> For a discussion of minorities with a “kin-state” and their preferential treatment, see European Commission for Democracy through Law (Venice Commission), Report on the Preferential Treatment of National Minorities by Their Kin-State, CDL-INF (2001) 19, 22 October 2001. The report concludes that “the circumstance that part of the population is given a less favourable treatment on the basis of their not belonging to a specific ethnic group is not, of itself, discriminatory, nor contrary to the principles of international law”, provided that the difference in treatment is reasonable and objective, based on legitimate aims and on a reasonable relation of proportionality between the legitimate aim pursued and the means employed to obtain it.

<sup>36</sup> See for example, Advisory Committee on the FCNM, Opinion on Armenia, ACFC/INF/OP/I(2003)001, 16 May 2002.

<sup>37</sup> CRC, Article 3[1].

<sup>38</sup> FCNM, Article 14[2]: “In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those

According to the Convention against Racial Discrimination, states must, where warranted, adopt special measures “to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms”.<sup>39</sup> This is also reflected in the FCNM, according to which states should “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”, including to promote access to education at all levels for minorities.<sup>40</sup>

To ensure the educational rights of minorities, it is therefore necessary to work with those communities to identify measures which would enhance the ability of children to access and benefit from education. Such steps may include pre-school classes to ease access to primary education, outreach to communities to promote attendance at education, tutorial support in school to facilitate learning together with other children, and other measures which could be identified through the genuine participation of minority communities.

### **European Union law and benchmarks**

The EU’s “Copenhagen criteria” require that institutions in candidate countries guarantee democracy, the rule of law, human rights and respect for and protection of minorities.<sup>41</sup>

The Treaty of Amsterdam, which came into force on 1 May 1999, amended the Treaty Establishing the European Community, enabling the European Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. In June 2000 the European Council enacted a directive implementing the principle of equal treatment irrespective of racial and ethnic origin (the so-called “Race Directive”).<sup>42</sup> The directive prohibits direct discrimination, as well as indirect discrimination

*“where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a*

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minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language”.

<sup>39</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Article 2[2].

<sup>40</sup> FCNM, Article 4[2], 12[3].

<sup>41</sup> Adopted by the European Council in June 1993.

<sup>42</sup> Council Directive 2000/43/EC, 29 June 2000.

*legitimate aim and the means of achieving that aim are appropriate and necessary*". (Article 2[2b])

It explicitly applies to education (Article 3).

The EU Charter of Fundamental Rights, which was solemnly proclaimed in December 2000 but is not yet legally binding, is a new step forward in the protection from discrimination. It prohibits "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation" (Article 21[1]).

## 2. Bosnia and Herzegovina

Roma have been living on the territory of today's BiH for centuries. Their presence is documented in official records dating back to the 16th century, when the Ottoman authorities regulated the status of the Roma and granted them permission to settle and to cultivate land.<sup>43</sup>

During the Second World War territories in present-day BiH came under the control of the Nazi-sponsored Independent State of Croatia and Roma were victims of racial persecution at the hands of the *ustaša* regime (see Croatia below). The current population of Roma in BiH also reflects migration for economic reasons during the 1970s and 1980s from poorer parts of the SFRY, especially Kosovo, to present-day BiH.<sup>44</sup>

During the 1992-95 war<sup>45</sup> members of Romani communities suffered human rights violations and abuses at the hands of all the warring parties although they were particularly targeted in certain areas under Bosnian Serb control. These included killings, enforced disappearances, abductions, torture, crimes of sexual violence, unlawful detentions, forcible displacement and plunder of property. Roma were recruited into the various fighting forces, in some cases reportedly abducted and forced to serve as slave-labourers or "disposable men to be sacrificed at the front line".<sup>46</sup>

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<sup>43</sup> ERRC, *The Non-Constituents*, 2004, pp. 32-33; FBiH Council of Roma, *Comments on the Implementation of the Framework Convention on the Protection of National Minorities in Bosnia and Herzegovina*, October 2004.

<sup>44</sup> ERRC, *The Non-Constituents*, 2004, p. 49.

<sup>45</sup> Which saw the involvement of the Yugoslav People's Army (*Jugoslovenska narodna armija*) and Bosnian Serb forces, Bosniak (Bosnian Muslim) and Bosnian Croat forces.

<sup>46</sup> ERRC, *The Non-Constituents*, 2004, p. 49.

The 1991 census, which contains the latest official data on Roma in BiH, recorded fewer than 9,000 people declaring themselves as Roma. The figure almost certainly underestimates the true number of Roma in pre-war BiH. The Council of Europe put the numbers at around 50-60,000.<sup>47</sup> Estimates of the current population vary. The first Opinion on BiH of the Advisory Committee on the FCNM, published in 2004, states that according to the authorities at least 20,000 Roma live in BiH and “[o]ther estimates suggest that Roma might be more numerous, ranging from 30,000 to 50,000 or even more”.<sup>48</sup> The Organization for Security and Co-operation in Europe (OSCE) Mission to BiH estimates that there are between 30,000 to 60,000 Roma in the country.<sup>49</sup> Romani non-governmental organizations (NGOs) quote figures of between 75,000 and 100,000.<sup>50</sup>

Before the war the majority of the Roma in today’s BiH are believed to have been living in territory now in the Republika Srpska (RS), one of two semi-autonomous entities that make up BiH. War-time forcible displacement reduced the number of Roma in the RS, reportedly to fewer than 10,000. In the other semi-autonomous entity, the Federation of Bosnia and Herzegovina (FBiH),<sup>51</sup> the biggest Romani communities are in the Tuzla Canton; these include many Roma displaced from the RS. Other areas with significant Romani presence in the FBiH are the Sarajevo and Zenica-Doboj Cantons.<sup>52</sup> Approximately 600 Roma refugees from Kosovo are officially registered in BiH and have been granted temporary admission until December 2006, when they are expected to undergo individual status determinations.

Romani is the first language of most Roma in BiH, although the proportion of Romani speakers among the younger generation is reportedly decreasing. There are regional differences. A survey in BiH has shown that in the Tuzla, Bijeljina and Brčko areas Roma are more likely to speak Romani language. Only one third of Roma in the

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<sup>47</sup> Council of Europe Fact-Finding Mission to Bosnia-Herzegovina on the Situation of the Roma/Gypsies (16-21 May 1996), Conclusions of the Mission and Recommendations, 10 August 1996, para. 2.

<sup>48</sup> Advisory Committee on the FCNM, Opinion on Bosnia and Herzegovina, ACFC/INF/OP/I(2005)003, 27 May 2004, Paragraph 44.

<sup>49</sup> See [www.oscebih.org](http://www.oscebih.org), accessed on 5 June 2006: this figure was determined during a joint fact-finding project by the OSCE High Commissioner on National Minorities and the Council of Europe.

<sup>50</sup> FBiH Council of Roma, *Comments on the Implementation of the Framework Convention on the Protection of National Minorities in Bosnia and Herzegovina*, October 2004.

<sup>51</sup> The FBiH is further divided into 10 autonomous cantons. The Brčko District was given a special status as a single administrative unit of local self-government under the sovereignty of the BiH state and international administration, after international arbitration settled its constitutional status in 1999.

<sup>52</sup> ERRC, *The Non-Constituents*, 2004, p. 20.



Travnik area declare Romani as their first language and almost half of Roma in Sarajevo stated that they did not speak it at all.<sup>53</sup>

Roma have continued to face problems in returning to areas from which they were displaced during the war, including as a result of discrimination. Their extreme poverty and lack of access to economic, social and cultural rights have resulted in limited access to reparation or general assistance in the post-war period. They are caught in a vicious circle, in which their pre-war marginalization increases their vulnerability to the conflict's negative socio-economic consequences. This is probably most evident in access to housing rights, although the situation has been gradually improving. Roma who lived in informal settlements before the war have faced difficulties in returning to their properties and, where necessary, reconstructing them.<sup>54</sup> Sometimes they could not prove ownership or did not have building permits, being thus excluded from access to reconstruction assistance. In general, they have been victims of discrimination by local authorities when trying to repossess their properties. In its 2004 report on BiH, the European Commission against Racism and Intolerance (ECRI) noted:

*“Furthermore, many of the Roma who used to live in informal settlements before the war have been unable to return there, as such settlements had been destroyed and no alternative provision of accommodation has been made. Those Roma who could claim repossession of personal property are also reported to have experienced serious difficulties and, often, discrimination by the authorities and by other citizens. There are reports, for instance, that local authorities have often obstructed Roma repossession claims on grounds that temporary occupants of their property had nowhere to go. In cases where Roma were successful in establishing their claims, the authorities have often reportedly been slow in removing occupants and, in some cases, Roma have had to pay temporary occupants in order to have them leave their property. Temporary occupants are also reported to have looted or vandalized Roma property before leaving, without the authorities taking action to punish the perpetrators.”*<sup>55</sup>

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<sup>53</sup> ERRC, *The Non-Constituents*, 2004, p. 195; Save the Children UK, *Denied a Future*, Volume 1, 1 December 2001, p. 53 (hereafter Save the Children UK, *Denied a Future*).

<sup>54</sup> Some Romani settlements were completely or almost destroyed during the war. For instance, the settlement of Jasenje in the Ugljevik Municipality (RS), which had 125 houses, was almost completely destroyed. Many of its inhabitants are still internally displaced in the surrounding region. Interview with Muradif Beganović, President, Bijeljina-Teočak Roma Association, 1 April 2006.

<sup>55</sup> ECRI, Report on Bosnia and Herzegovina CRI (2005) 2, 25 June 2004, para. 61. Similar concerns were raised by the CESCR, when considering BiH's implementation of the ICESCR. See CESCR, Bosnia and Herzegovina: Concluding Observations of the Committee on Economic, Social and Cultural Rights, E/C.12/BIH/CO/1, 26 January 2006, para. 25.

The problems Roma face as a consequence of the war, including their continuing displacement, are added to the human rights consequences of their marginalization, which negatively affects them in BiH, as elsewhere in Europe. In many cases, their lack of citizenship or personal documents has posed further obstacles to the full realization of their rights.<sup>56</sup> While a problem in the past, lack of personal documents does not appear to be a significant impediment to school attendance as most primary schools are now reported as accepting as well children with no documents. Indira Bajramović, president of a Tuzla Romani organization, told Amnesty International that to her knowledge no school in the Tuzla Canton was refusing to enrol Romani pupils because they lacked personal documents.<sup>57</sup> However, lack of documents and registration continues indirectly to limit access to education because the social services and other authorities are not aware of the existence of Romani children of school age (see below).

A significant proportion of Roma in BiH continue to live in informal settlements, often built without the necessary permits. They lack security of tenure and have little if any access to essential services. An OSCE report on Romani informal settlements noted that, "In BiH, the availability of services such as water, electricity, telephone and sanitation in informal settlements is usually minimal given that prevailing laws require houses to be registered legally in order to qualify for such services".<sup>58</sup> The report further notes that informal settlements often do not meet minimal standards of habitability, and that most houses do not provide adequate shelter, sufficient space for occupants or a healthy living environment.<sup>59</sup>

The poverty rate for Roma in BiH is significantly higher than for the rest of the population. The UN Development Programme (UNDP) estimates that 26 per cent of Roma in BiH are poor, compared to 3 per cent of the rest of the population.<sup>60</sup> A weak economy and the difficulties of economic transition and post-war reconstruction make jobs scarce, in many areas for the entire population.<sup>61</sup> Members of Romani

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<sup>56</sup> See for example CERD, Concluding observations of the Committee on the Elimination of Racial Discrimination. Bosnia and Herzegovina, CERD/C/BIH/CO/6, 11 April 2006, para. 17.

<sup>57</sup> Interview with Indira Bajramović, President, Roma Association Better Future Tuzla, 30 March 2006.

<sup>58</sup> OSCE Mission to BiH, *Report on Roma Informal Settlements in Bosnia and Herzegovina*, 22 May 2005, pp. 6-7.

<sup>59</sup> See also ERRC, *The Non-Constituents*, 2004, pp. 147 and ff.

<sup>60</sup> UNDP, *At Risk: Roma and the Displaced in Southeast Europe*, 2006, p. 18. A daily income of 4.3 US dollars is the generally accepted poverty threshold for developed countries, calculated according to purchasing power parity.

<sup>61</sup> See [web.worldbank.org](http://web.worldbank.org), accessed on 16 August 2006. Official unemployment figures for BiH are at approximately 40 per cent. However, this figure is estimated as being exaggerated, given the significant proportion of the population employed in the unofficial "grey economy".

communities are even less likely to find employment because of discrimination as well as lack of educational qualifications. Estimates based on the number of Roma receiving social assistance suggest that approximately 70 per cent of Roma in BiH are unemployed.<sup>62</sup> Other sources report that as few as 2 per cent of Roma are employed.<sup>63</sup> Romani women face particular difficulties in the BiH labour market. In a recent poll of 197 Romani women, only 10 were employed and of those only three had a permanent job.<sup>64</sup>



The office of the association Romano Centro, in Zenica (BiH), where activities for Romani children are organized. © Amnesty International.

## **Legal framework and national plans for Roma inclusion**

Annex 4 of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), which forms the BiH Constitution, mentions in its

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<sup>62</sup> Council of Europe, European Commission, OSCE Office for Democratic Institutions and Human Rights (ODIHR), Stability Pact for South Eastern Europe, *Report on The Council of Europe Project "Roma Access to Employment in SEE": Croatia, Bosnia and Herzegovina Serbia and Montenegro, and "the former Yugoslav Republic of Macedonia"*, April 2005

<sup>63</sup> ECRI, Report on Bosnia and Herzegovina CRI (2005) 2, 25 June 2004, para. 64.

<sup>64</sup> See [www.oscebih.org](http://www.oscebih.org), accessed on 17 August 2006.

preamble Bosniaks, Croats, Serbs and Others as the constituent peoples of BiH, but makes no explicit reference to Roma. Article II[4] contains a provision on non-discrimination on the basis of “sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.

Annex 6 of the Dayton Agreement, the Agreement on Human Rights, committed the parties to guaranteeing to secure:

*“to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the other international agreements listed in the Appendix to this Annex”.*<sup>65</sup> (Article I)

Many of these instruments explicitly guarantee the right to be free from discrimination.

However, Roma face barriers in accessing political and other rights as a direct result of not being one of the three constituent peoples of BiH. As the European Roma Rights Centre (ERRC) has reported, “Bosnia and Herzegovina is the only country in Europe in which Roma are barred by law from holding high political offices, including the Presidency”.<sup>66</sup>

The 2003 Law on the Protection of Members of National Minorities (*Zakon o zaštiti prava pripadnika nacionalnih manjina*) defines members of national minorities as citizens of BiH who are not members of the three constituent peoples and who have the same ethnic origin, the same or similar traditions, customs, faith, language, culture and spirituality and close or related history and other features (Article 3). Article 3 also presents a non-exhaustive list of 17 national minorities, including Roma, who fall within the scope of the law. With regard to the fact that the Law on the Protection of

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<sup>65</sup> These human rights agreements are: Convention on the Prevention and Punishment of the Crime of Genocide; Geneva Conventions I-IV on the Protection of the Victims of War, and the Geneva Protocols I-II thereto; ECHR and the Protocols thereto; Convention relating to the Status of Refugees and the Protocol thereto; Convention on the Nationality of Married Women; Convention on the Reduction of Statelessness; Convention against Racial Discrimination; International Covenant on Civil and Political Rights and the Optional Protocols thereto; ICESCR; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; European Convention on the Prevention of Torture and Inhuman and Degrading Treatment or Punishment; Convention on the Rights of the Child; 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; European Charter for Regional or Minority Languages; and FCNM.

<sup>66</sup> For a comprehensive examination of the problem, see ERRC, *The Non-Constituents*, 2004, Chapter 5.

Members of National Minorities only includes BiH citizens in its definition of minority, the Advisory Committee on the FCNM noted that, in applying the FCNM, it would be possible to consider including other groups as appropriate, such as citizens, and took the view that “the authorities should consider this issue in consultation with those concerned”.<sup>67</sup>

The Law on the Protection of Members of National Minorities, as amended in 2005, provides that members of national minorities can study language, literature, history and culture also in their language (Article 14). The authorities are obliged to provide education in the language of the national minority in schools where the minority constitutes at least one third of the school population. Where it constitutes a fifth, the authorities must provide additional classes on the language and culture of that minority. The law requires the relevant educational authorities to provide the necessary financial resources for the education of members of national minorities, including for education in their language and the printing of textbooks (Article 14[3]). However, it fails to identify clear roles and responsibilities with respect to the funding of minority education. This, in conjunction with the considerable autonomy in the provision of education enjoyed by the RS and FBiH, and in the FBiH by its 10 autonomous cantons, can lead to lack of clarity on the provision and financing of education for minorities.

The right to education is included in the Constitution of BiH among the rights that “all persons within the territory of Bosnia and Herzegovina” shall enjoy (Article II[3.1]). The BiH Framework Law on Elementary and Secondary Education in Bosnia and Herzegovina (*Okvirni zakon o osnovnom i srednjem obrazovanju u Bosni i Hercegovini*) sets the general principles on the provision of education in Bosnia and Herzegovina, a matter that, as just mentioned, is otherwise regulated at the level of the two entities. In the FBiH, responsibility for primary education is further devolved to the 10 autonomous cantons, each having its own Ministry of Education. Moreover, the Brčko District has its own educational authority. Such a complex arrangement has caused several problems in the implementation of educational reform, especially in harmonizing lower level legislation with legislation adopted at the state level.<sup>68</sup>

The Framework Law on Elementary and Secondary Education in Bosnia and Herzegovina enshrines the right of every child to have access to adequate education, without discrimination (Article 4). It prohibits discrimination by schools in children’s access to education, or in their participation in the educational process on the basis of

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<sup>67</sup> Advisory Committee on the FCNM, Opinion on Bosnia and Herzegovina, ACFC/INF/OP/I(2005)003, 27 May 2004, para. 25.

<sup>68</sup> See for example OSCE Mission to BiH, *Raising Debate: Is BiH Respecting its International Commitments in the Field of Education. Questions for the Citizens of BiH*, April 2005.

race, colour, gender, language, religion, political or other belief, national or social origin, on the basis of special needs status, or on any other basis (Article 35). It stipulates that:

*“The language and culture of any significant minority in Bosnia and Herzegovina shall be respected and incorporated in the school to the greatest feasible extent, in accordance with the Framework Convention for the Protection of National Minorities”.* (Article 8)

The law also includes the principle of free and compulsory elementary education for all children, which must continue for a period not shorter than eight years (Article 16). It requires the relevant authorities to take necessary measures to ensure free access and participation in compulsory education for all pupils, especially in the provision of free textbooks, handbooks and other teaching material (Article 18). Article 15 provides that pre-school education be regulated in detail in entity, canton, and Brčko District legislation.

In February 2004 the FBiH and RS Ministries of Education, and the 10 education ministries at the cantonal level, formally accepted the obligations set out in an Action Plan on the Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina (BiH Action Plan). The OSCE Mission to BiH played an important role in its drafting and adoption. If implemented, the Plan would be an important step in promoting the inclusion of Romani children in education.

Out of 24 members of the task force which drafted it, two represented Romani communities, one as a member of the BiH Roma Council, an umbrella organization representing Romani communities, and a second as a representative of a Romani organization from Tuzla.<sup>69</sup> A number of Romani representatives were also included in the Roma Education Board, which provided input, specifically on access to education for Roma. However, consultation with Romani communities, in particular parents of school-aged children, appears to have been limited, and in some schools and among Roma there appears to be insufficient awareness of the Plan’s existence or proposals.<sup>70</sup>

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<sup>69</sup> In its concluding observations issued in April 2006, the CERD expressed concern at the fact that the Roma Council “does not have sufficient funding or resources to fulfil its mandate, and is rarely consulted by the Council of Ministers of Bosnia and Herzegovina”. See CERD, Concluding observations of the Committee on the Elimination of Racial Discrimination. Bosnia and Herzegovina, CERD/C/BIH/CO/6, 11 April 2006, para. 14.

<sup>70</sup> Minority Rights Group (MRG), *Bosnia and Herzegovina: National Minorities and the Right to Education*, June 2006, pp. 2 and 3; Save the Children UK, *Uskraćena budućnost? 2001-2006*, 2006, p. 75 (hereafter Save the Children UK, *Uskraćena budućnost?*); interview with Nedžad Jusić, President, Association Euro Rom, 30 March 2006.

The first part of the BiH Action Plan is fully devoted to the educational needs of Roma and its five main goals are:

- promoting systemic change to ensure accommodation of the educational needs of Roma;
- removing financial and administrative barriers to school enrolment and completion by Romani students;
- preservation of Romani language and culture;
- garnering the support and participation of Romani parents and communities;
- increasing the representation of Romani teaching staff and sensitising non-Romani teaching staff to the needs of Romani students.<sup>71</sup>

To achieve these valuable goals the BiH Action Plan identifies a number of special measures which *inter alia* include the provision of free textbooks, meals, transportation to school and other services to Romani children; the creation of catch-up classes for children who had never attended school; the inclusion of Romani children in pre-school programmes; the elimination of barriers to enrolment due to lack of documents/registration; the introduction of Romani language as an optional subject in schools attended by Roma; the development of curriculum resources to enable teachers to teach Romani language and culture and to promote best practice in the inclusion of Romani children in education; the increase in the number of mediators and Romani teachers;<sup>72</sup> the establishment, in areas with a large Romani population, of positions for Romani teaching assistants; the carrying out by the relevant authorities of relevant field visits to Romani communities, including to proactively identify Roma who have never enrolled in or completed school.<sup>73</sup>

The BiH Action Plan also envisages the creation of a Council for National Minorities of Bosnia and Herzegovina, tasked with overseeing its implementation, including by assessing and monitoring access to education by Roma and the effectiveness of educational policies targeting Romani communities. The Council has not been established as yet, despite the recent adoption of relevant legislation.<sup>74</sup>

Amnesty International considers that the BiH Action Plan covers a number of very important areas relevant to the inclusion of Roma in education. However, the

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<sup>71</sup> Task Force on the Educational Needs of Roma and Other National Minorities, *Action Plan on the Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina*, February 2004, pp. 7-13 (hereafter Task Force, *BiH Action Plan*).

<sup>72</sup> Their role is envisaged as that of a link with the Romani community, in order to improve dialogue between school authorities and families.

<sup>73</sup> *Ibidem*, p. 11.

<sup>74</sup> Telephone interview with Lejla Hadžimešić, Roma Officer, OSCE Mission to BiH, 24 August 2006.

organization is concerned that the document fails to identify clear and detailed timeframes and deadlines for each of the actions and activities it envisages. Moreover, the BiH Action Plan does not clarify the financial and other resources needed at different levels of the BiH educational system to carry out measures included in it. These problems appear to be among the obstacles hampering its implementation.

In November 2005 the BiH Ministry for Human Rights and Refugees and the Roma Council at the BiH Council of Ministers produced the Roma Strategy of Bosnia and Herzegovina, which has a section on education. This Strategy mainly endorses the implementation of the BiH Action Plan which, “apart from some unclearness and obstacles, is going on and gives results”, it claims.<sup>75</sup> In April 2006 the CERD expressed concern “that the National Strategy for Roma reportedly fails to identify specific measures, allocate sufficient funds, or identify competent bodies to which responsibility for implementing the strategy is assigned”.<sup>76</sup> It urged the authorities to review the Strategy and ensure that it identifies specific measures, establishes adequate budgetary allocations, and identifies the bodies responsible for its implementation.

### **Exclusion from pre-school and primary education**

*“We still have insufficient consciousness on importance of education within the Roma population. They treat it in a ‘liberal’ way – you can go to school, you cannot go to school, you do not have to go to school”.*

**Bosnia and Herzegovina Report to the UN Committee on the Elimination of Racial Discrimination.**<sup>77</sup>

Estimates on access to education for Roma in BiH vary, but it is generally acknowledged that illiteracy rates among Roma in BiH remain very high and that most Romani children are partly or totally excluded from education.

In general, few children in BiH attend pre-schools, mostly as a result of budgetary constraints limiting the availability of free or subsidized pre-schooling.<sup>78</sup> Consequently, those who have access to pre-school education often come from

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<sup>75</sup> BiH Ministry for Human Rights and Refugees and the Roma Council at the BiH Council of Ministers, *Roma Strategy of Bosnia and Herzegovina*, November 2005, 83.

<sup>76</sup> CERD, Concluding observations of the Committee on the Elimination of Racial Discrimination. Bosnia and Herzegovina, CERD/C/BIH/CO/6, 11 April 2006, para. 15.

<sup>77</sup> Reports Submitted by States Parties Under Article 9 of the Convention. Bosnia and Herzegovina. CERD/C/464/Add.1, 2 September 2005, para. 113.

<sup>78</sup> Organisation for Economic Co-operation and Development, *Education Policies for Students at Risk and those with Disabilities in South Eastern Europe*, 2006, p. 51; Save the Children UK, *Denied a Future*, Volume 1, p. 59.



relatively well educated and/or affluent families in urban areas. In this context, Romani children are in most cases unable to attend pre-school programmes. According to official data, no Romani children are included in pre-school programmes in Zenica (FBiH) and Prijedor, a town in the RS with a significant presence of Roma, and negligible numbers attend nursery schools in the Sarajevo Canton.<sup>79</sup> A UN Children's Fund (UNICEF) project is currently being carried out in five locations in BiH, with the aim of making pre-school education available to Romani children.

Accurate information on attendance rates of Roma in primary schools is not available as the relevant data are not collected and Roma population estimates greatly vary. The BiH authorities acknowledged in their report to the CESCR in 2005 that "Roma children go to school only sporadically" and that "there are almost no Roma children in the older grades of primary and secondary schools".<sup>80</sup> The 2004 BiH state report on the implementation of the FCNM states that approximately 80 per cent of Romani children do not attend school.<sup>81</sup> The BiH Helsinki Committee for Human Rights estimates that only 15 per cent of all Romani children complete elementary school.<sup>82</sup> The BiH Action Plan quotes UNICEF figures from 2002 showing that even in the Tuzla Canton, where enrolment rates of Romani children are said to be relatively high, 80 per cent of Roma do not attend school.<sup>83</sup> Anecdotal evidence and

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<sup>79</sup> Save the Children UK, *Denied a Future*, Volume 1, pp. 47 and 75.

<sup>80</sup> Implementation of the International Covenant on Economic, Social and Cultural Rights, Initial reports submitted by States parties under articles 16 and 17 of the Covenant, Addendum, Bosnia and Herzegovina, E/1990/5/Add.65, 3 February 2005, para. 622.

<sup>81</sup> Council of Europe, Report Submitted by Bosnia and Herzegovina Pursuant to Article 25, para. 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR(2004)001, 20 February 2004, p. 57. The same rate of attendance for Romani children is also quoted in BiH Ministry of Civil Affairs, *Education Development in Bosnia and Herzegovina – National Report*, Report prepared for the 47th session of the International Conference on Education, Geneva, 8-11 September 2004, p. 9. In its concluding observations on BiH, the CESCR expressed "its grave concern about the fact that 80 per cent of Romani children do not attend school". See CESCR, Bosnia and Herzegovina, Concluding Observations of the Committee on Economic, Social and Cultural Rights, E/C.12/BiH/CO/1, 26 January 2006, para. 29. Similar concerns were raised by the Committee on the Rights of the Child which noted that only 33 per cent of Romani children attend primary school. See Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Bosnia and Herzegovina, CRC/C/15/Add.260, 21 September 2005, para. 57.

<sup>82</sup> BiH Helsinki Committee for Human Rights, *Report on the Status of Human Rights in Bosnia and Herzegovina (Analysis for the Period January-December 2005)*, 17 January 2006.

<sup>83</sup> Task Force, *BiH Action Plan*, pp. 7-13. See also Council of Europe, European Commission, OSCE, ODIHR, OSCE Mission to BiH, UNICEF *Access of Roma to Education and Health Care Services in Tuzla Canton, Federation of Bosnia and Herzegovina. December 2001-January 2002*, 2002.

media reports suggest that there are still Romani settlements in BiH where no children attend school.<sup>84</sup>

In the Tuzla Canton in 2005/06, 711 Romani children attended elementary school, an increase from 641 in 2001/02.<sup>85</sup> The authorities say that “only” about 120 Romani children in the Tuzla Canton are now completely excluded from education and approximately 80 do not attend school regularly.<sup>86</sup> Such estimates however appear to be rather optimistic, given the previous mention that in 2002, when 641 Romani children were reported as attending school, it was also estimated that 80 per cent of Romani children were excluded from school.<sup>87</sup>

According to education authorities in the Zenica-Doboj Canton, approximately 450 Romani children attend elementary schools in the canton and only one Romani child attends secondary school.<sup>88</sup> No official information or estimate was available on how many Romani children do not attend school, as the local authorities acknowledge not knowing the size of the Roma population in the absence of recent or accurate census figures. According to a local Romani NGO, in 2000 in Zenica alone, excluding the rest of the canton, there were approximately 4,000 Roma, of whom 1,300 were not older than 15.<sup>89</sup>

Although elementary school attendance rates remain extremely low, it is important to note that in recent years there has been some improvement. This appears to be the result of a number of initiatives taken by local NGOs, including Romani organizations, and local authorities, to promote the inclusion of Roma in education. Information from the FBiH Council of Roma points to an increase in enrolment rates for Romani children.<sup>90</sup> Research financed by the NGO Save the Children UK and the European Commission, which was recently published in the form of a report on the right to education of Romani children in BiH, provides more details. In the Una-Sana Canton,

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<sup>84</sup> See for example, “Nijedno dijete ne ide u školu”, *Nezavisne Novine*, 10 April 2006.

<sup>85</sup> Save the Children UK, *Denied a Future*, Volume 1, p. 51; interview with Fikret Vrtačić, Expert Associate for Pre-School and Elementary Education, Tuzla Canton Ministry for Education, Science, Culture and Sport, 31 March 2006 (hereafter Interview with Fikret Vrtačić, 31 March 2006).

<sup>86</sup> Interview with Fikret Vrtačić, 31 March 2006.

<sup>87</sup> Estimates put the number of Roma in the Tuzla Canton at approximately 13,000. See Council of Europe, European Commission, OSCE, ODIHR, OSCE Mission to BiH, UNICEF *Access of Roma to Education and Health Care Services in Tuzla Canton, Federation of Bosnia and Herzegovina. December 2001 – January 2002*, 2002.

<sup>88</sup> Interview with Rasim Bajrić, Assistant to the Minister, Zenica-Doboj Canton Ministry of Education, Science, Culture and Sport, 29 March 2006 (hereafter Interview with Rasim Bajrić, 29 March 2006).

<sup>89</sup> Save the Children UK, *Denied a Future*, Volume 1, p. 62.

<sup>90</sup> FBiH Council of Roma, *Comments on the Implementation of the Framework Convention on the Protection of National Minorities in Bosnia and Herzegovina*, October 2004.

for instance, the number of Romani children attending elementary school grew from 103 in 2002/03 to 158 in 2006.<sup>91</sup> According to the RS Ministry of Education and Culture, 70 Romani children were attending elementary schools in the RS in 2002/03, and that number had risen to 405 by 2006. In 2001, 23 Romani boys and 23 Romani girls successfully completed elementary education in 23 schools in the FBiH and the RS; in 2005 the corresponding figures were 97 for boys and 73 for girls.<sup>92</sup>

Reports point to high drop-out rates affecting Romani children, who in some cases leave elementary school after only a few years in education.<sup>93</sup> In the RS, for instance, the number of Romani children who drop out is three times higher than the number of those who complete elementary education.<sup>94</sup>

Statistics suggest that Romani girls are even less likely than Romani boys to have access to education.<sup>95</sup> In the Tuzla Canton, primary school attendance figures for Romani boys and girls were consistently lower for the latter between 2001/02 and 2005/06. In the period between 2001/02 and 2004/05, 25 girls and 71 boys completed elementary school, and four girls and 11 boys completed secondary school.<sup>96</sup> The FBiH Roma Council reports that most Romani girls quit schooling after completing the third or fourth grade of primary school.<sup>97</sup>

## **Barriers to education**

### *Availability*

Primary education is free and compulsory in BiH. The BiH Action Plan envisages the training of teaching staff working with Roma – including on Romani traditions, culture, language and customs – and the development of a manual for teaching staff to include examples of “good practice” in the integration of Romani children. However, these aspects of the Plan remain mostly unimplemented, with the exception of some training carried out by local authorities in the Tuzla Canton, and workshops and

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<sup>91</sup> Save the Children UK, *Uskraćena budućnost?*, p. 57. Here and elsewhere, data on the ethnicity of pupils may underestimate the real number of Romani children, as in some cases Romani parents choose not to declare themselves as Roma. Interview with Dragana Džomba, teacher, “Kreka” elementary school Tuzla, 30 March 2006 (hereafter Interview with Dragana Džomba, 30 March 2006); interview with Nedžad Jusić, President, Association Euro Rom, 30 March 2006.

<sup>92</sup> Save the Children UK, *Uskraćena budućnost?*, pp. 59 and 78.

<sup>93</sup> Interview with Mirsad Sejdić, President, Romani Youth Initiative Kakanj, 29 March 2006.

<sup>94</sup> Save the Children UK, *Uskraćena budućnost?*, p. 80.

<sup>95</sup> ERRC, *The Non-Constituents*, 2004, pp. 83-84.

<sup>96</sup> Save the Children UK, *Uskraćena budućnost?*, p. 51.

<sup>97</sup> FBiH Council of Roma, *Comments on the Implementation of the Framework Convention on the Protection of National Minorities in Bosnia and Herzegovina*, October 2004.

working groups aimed at reducing negative stereotyping of Roma for teachers from some RS schools.<sup>98</sup>

In addition, elements of the international community have mostly prioritized post-war stabilization and reconstruction assistance – including educational reform – for the three constituent peoples of BiH (Bosniaks, Croats and Serbs). The lack of suitably trained teachers and the lower priority given to minority educational support for Roma has reduced the availability of education for children from Romani communities.

### ***Accessibility***

The poor socio-economic situation of Roma in BiH is linked to many of the difficulties they face in accessing education, as is recognized in the BiH Action Plan.<sup>99</sup> Almost invariably, members of Romani communities, Romani activists and teachers working with Romani children told Amnesty International that extreme poverty was one of the main factors in poor school attendance.

Lack of adequate clothing is often cited as a reason for non-attendance. In some cases, school attendance declines during the cold months because families of Romani children cannot afford clothing and because of the difficulties in travelling from distant settlements.<sup>100</sup> Teachers interviewed by Amnesty International said that the need to provide meals to Romani children in schools was a priority, including because hunger prevents them from fully benefiting from education.<sup>101</sup> A teacher in a school in Tuzla noted: “Children do not come to school because they do not have clothes or a sandwich to bring to school”.<sup>102</sup> A child attending the school told Amnesty International that at home he shares a small room with six other people. Overcrowding in sub-standard settlements prevents or hampers full access to education, because of the difficulties of doing homework or studying at home. In some cases, Romani children have to take on casual jobs or otherwise contribute to the economic survival of the family. Girls especially may not be able to attend school

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<sup>98</sup> Save the Children UK, *Uskraćena budućnost?*, pp. 74 and 83; interview with Dragana Džomba, 30 March 2006.

<sup>99</sup> Task Force, *BiH Action Plan*, p. 5

<sup>100</sup> Interview with Srđan Dizdarević, President, BiH Helsinki Committee for Human Rights, 28 March 2006.

<sup>101</sup> Interview with teachers at the “Mejdan” elementary school in Tuzla, 30 March 2006. The school is attended by 42 Romani pupils, out of a total of 405.

<sup>102</sup> Interview with Dragana Džomba, 30 March 2006. “Kreka” elementary school Tuzla is attended by 63 Romani pupils out of a total of about 500. This number however appears to be underestimating the true number of Romani pupils, as some Romani people do not declare themselves as Roma.

because they are given the responsibility of caring for younger brothers and sisters or helping with tasks in the home.<sup>103</sup>

As noted above, different forms of material help to Romani families are foreseen in the BiH Action Plan, including free textbooks, meals and transportation services for children. These measures have in general not been implemented, apart from the distribution of free textbooks in some cases.

However, even when textbooks were distributed, they were made available too late, in insufficient number, and not everywhere.<sup>104</sup> When an Amnesty International delegate visited the “Musa Ćazim Ćatić” elementary school in Zenica in late March 2006, the headmistress said she had just received a small number of books for Romani pupils, covering only certain subjects. As she noted, “What is the use of these books, if the school year ends in a few months?”<sup>105</sup> In Kakanj, also in the Zenica-Doboj Canton, a local Romani activist told Amnesty International that no free textbooks had been distributed to Romani children in the area.<sup>106</sup> An official from the Zenica-Doboj Canton told Amnesty International that the cantonal education authorities could not offer other forms of assistance than textbooks to Romani children because budgetary resources were insufficient.<sup>107</sup>

Tuzla Canton authorities similarly informed Amnesty International that lack of resources was preventing full implementation of the BiH Action Plan.<sup>108</sup> In Tuzla, a teacher in a local school said that, although some free textbooks had been distributed by the authorities, most had come from NGOs, including international NGOs such as Save the Children.<sup>109</sup> In the RS, the Ministry of Education and Culture has not allocated specific funding to provide textbooks to members of the Romani communities, but claims that resources are allocated to offer this type of support to poor families, many of whom are Romani families.<sup>110</sup>

The situation appears to be similar throughout BiH. Despite some positive examples at the local level, the authorities have failed to provide the necessary financial and other means to make available textbooks, meals and transportation

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<sup>103</sup> Interview with Indira Bajramović, President, Roma Association Better Future Tuzla, 30 March 2006.

<sup>104</sup> Interview with Salko Musić, President, Romano Centro Zenica, 29 March 2006.

<sup>105</sup> Interview with teachers at the “Musa Ćazim Ćatić” elementary school in Zenica, 29 March 2006. The school is attended by 37 Romani pupils out of a total of approximately 420.

<sup>106</sup> Interview with Mirsad Sejdić, Romani Youth Initiative Kakanj, President, 29 March 2006.

<sup>107</sup> Interview with Rasim Bajrić, 29 March 2006.

<sup>108</sup> Interview with Fikret Vrtačić, 31 March 2006.

<sup>109</sup> Interview with Dragana Džomba, 30 March 2006.

<sup>110</sup> Save the Children UK, *Uskraćena budućnost?*, p. 75.

services for low-income Romani families in a systematic and comprehensive way. In some cases, local and international NGOs, as well as other international organizations, have offered some of the assistance needed. Where this has not happened, Romani children have faced serious obstacles to fully accessing education because of their families' material situation.

While economic and other difficulties are key factors in poor school attendance, the authorities, including local social welfare authorities, appear to do nothing or almost nothing to ensure that Romani children are included in compulsory elementary education. The sheer lack of statistics and reliable data on the number of Roma who live in BiH, at local and national level, explain in part the difficulties local authorities face in tracking children not in school. Partly related to this is the lack of birth registration of Romani children, which continues despite recent efforts to tackle the problem including by the OSCE Mission to BiH.<sup>111</sup> Although it appears that, in many cases, schools accept pupils even if they lack personal documents or registration, the lack of registration of Romani children makes it more difficult for local authorities to trace children of school age not in elementary education.

The failure of local authorities to make sure that Romani children required by law to be in education go to school was noted in the report on BiH adopted by ECRI. The report stated that "it has been reported that, so far, the efforts of the authorities of Bosnia and Herzegovina to enforce the obligation of compulsory schooling for Roma children have been very limited".<sup>112</sup> Teachers working with Roma in BiH interviewed by Amnesty International reported in particular that local social work centres very rarely play any role in promoting elementary school attendance by Romani children. Lack of resources also appears to be affecting the capacity of local welfare authorities to deal with low attendance rates and high drop-out rates. This gap is sometimes partly filled by the schools themselves, which may maintain contacts with local Romani communities and, being aware of the number of locally resident Romani children who should be coming to school, encourage their attendance.<sup>113</sup>

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<sup>111</sup> See OSCE Mission to BiH, *Report on the Roma Civil Registration Information Campaign*, September 2005, on an information campaign targeting Romani communities and other relevant actors. The campaign was conducted in conjunction with a local legal aid NGO, Your Rights (*Vaša Prava*).

<sup>112</sup> ECRI, Report on Bosnia and Herzegovina CRI (2005) 2, 25 June 2004, para. 61.

<sup>113</sup> Interview with teachers at the "Hasan Kikić" elementary school in Sarajevo, 28 March 2006. The school is attended by 46 Romani pupils, out of a total of approximately 300.

### **Acceptability**

Discrimination against Roma and negative stereotyping are manifest in BiH in the marginalization of Romani communities and their exclusion from the enjoyment of many human rights.

Members of Romani communities and Romani activists in BiH often point to “hidden” forms of discrimination against Roma. One Romani girl in an elementary school in Tušanj was apparently excluded from teaching classes or left with nothing to do in class.<sup>114</sup> A Romani child from Zenica said to Amnesty International, “There is discrimination because we have to work twice as much as the other children”.<sup>115</sup> Such episodes do not translate into discriminatory practices involving the segregation of Romani children in schools or their exclusion from certain educational activities.

However, bullying and harassment of Romani children by other pupils is reported. Romani children often appear to experience verbal abuse from their non-Romani peers, according to research conducted by a local NGO with the support of UNICEF and the European Commission.<sup>116</sup> Romani children and parents have also complained about abusive behaviour on the part of teachers in some cases.<sup>117</sup> The ECRI, expressing concern about the low participation in education of Romani children in BiH, noted that it was linked to “discrimination and harassment, including, in some cases, manifestations of prejudice by teachers, school authorities and the school community *vis-à-vis* Roma children and parents”.<sup>118</sup>

Romani culture and traditions are not included in a systematic way in school curricula in BiH schools, limiting the advantages pupils draw from education. Almost 90 per cent of 173 Roma interviewed by Minority Rights Group (MRG), an international minority rights NGO, cited school as the place where they learned least about Romani culture and history. There have been some positive initiatives, such as some measures adopted in the Tuzla Canton to include Romani culture in school curricula.<sup>119</sup> However, such steps remain largely insufficient. Textbooks and curricula in post-war BiH have mostly focused on the cultures and histories of Bosniaks, Croats and Serbs. Local educational authorities in the Zenica-Doboj Canton, for instance, told Amnesty International that Romani children are too dispersed throughout four municipalities in the canton to be able to organize relevant cultural and educational

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<sup>114</sup> Interview with Nedžad Jusić, President, Association Euro Rom, 30 March 2006.

<sup>115</sup> Interviews with members of the Romani community, Zenica, 29 March 2006.

<sup>116</sup> See [www.unicef.org](http://www.unicef.org), accessed on 4 September 2006.

<sup>117</sup> ERRC, *The Non-Constituents*, 2004, pp. 189 and ff.

<sup>118</sup> ECRI, Report on Bosnia and Herzegovina CRI (2005) 2, 25 June 2004, para. 66.

<sup>119</sup> MRG, *Bosnia and Herzegovina: National Minorities and the Right to Education*, June 2006, pp. 2 and 3.

activities in schools.<sup>120</sup> They also added that this was made even more difficult by the Roma's "nomadic way of life". A Romani girl, now attending secondary school in Zenica, told Amnesty International that, in both her elementary and current schools, "Romani culture was completely ignored".<sup>121</sup>

Some schools with a significant Romani population have organized occasional events and extra-curricular activities focused on Romani culture, often in cooperation with local Romani associations. However, both Romani organizations and in some cases teaching staff working with Romani children express concern that such activities are insufficient attempts to fill the gap left by the authorities' failure to ensure that school curricula reflect Romani culture and respond to the needs of a multiethnic school population.<sup>122</sup> Teaching materials incorporating Romani culture are not available. Teachers from a school in Tuzla told Amnesty International: "We would like to do more on Romani culture but we don't know where to look for the materials".<sup>123</sup>

### ***Adaptability***

Language barriers are less a problem in BiH than in the other countries surveyed in this report, with respect to access to education for Romani children. A significant proportion of Roma in BiH speak Bosnian/Croatian/Serbian. Nevertheless, the availability of pre-schooling programmes and the employment of Romani teaching assistants and mediators – who among other tasks can facilitate contacts between schools and Romani communities – are crucial both to ensure that Romani children without a sufficiently good command of Bosnian/Croatian/Serbian can successfully attend school and more generally to facilitate the inclusion of all Romani children in education.

Despite relevant provisions in the BiH Action Plan, and some positive examples at the local level, an extremely small number of Roma attend pre-schooling programmes, which are often not available on a free or subsidized basis.

Similarly, although the BiH Action Plan calls for an increase in the number of Romani teachers and mediators in BiH schools, their number remains very small. In schools in the FBiH, Romani assistants have only been employed when their posts were financed by Save the Children UK (in three schools in the Sarajevo region),

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<sup>120</sup> Interview with Rasim Bajrić, 29 March 2006.

<sup>121</sup> Interviews with members of the Romani community, Zenica, 29 March 2006.

<sup>122</sup> Interviews with Osman Biberović, President, Association Happy Roma, 30 March 2006; Dragana Džomba, 30 March 2006; Nedžad Jusić, President, Association Euro Rom, 30 March 2006; and Dervo Sejdić, Roma Officer, OSCE Mission to BiH, 27 March 2006.

<sup>123</sup> Interview with teachers at the "Mejdan" elementary school in Tuzla, 30 March 2006.



because of financial constraints and apparently also because the FBiH Ministry of Education does not consider them necessary.<sup>124</sup> In the Zenica-Doboj Canton, Romani assistants are not employed in schools. Even the position of Officer for Roma Issues (*Referent za romska pitanja*), employed by the local authorities and in the past financed by Caritas, a Catholic humanitarian organization, is reported as lacking financial cover. In March 2006 the Officer for Roma Issues told an Amnesty International delegate that she was working on a voluntary basis pending allocation of the necessary resources to pay her salary by the cantonal authorities.<sup>125</sup> In the RS, Romani assistants have so far been financed only in schools within Save the Children UK projects, although plans for funding by the authorities were reported.<sup>126</sup>

With the rare exception of certain cultural activities organized locally by schools, where Romani language is in some cases included, Romani language is not taught or used in schools.<sup>127</sup> The reason often given is the lack of Romani teachers or teaching staff with sufficient command of the language. While Amnesty International recognizes that the introduction of Romani language in primary teaching in BiH schools and the production of teaching materials cannot be undertaken immediately, the organization is concerned that no steps have been taken by the relevant authorities towards the goal of introducing Romani language in schools.

## Conclusions and recommendations

Roma in BiH do not enjoy full access to education and are often partly or completely excluded from primary schools. Although domestic law in BiH prohibits discrimination, including in education, mere legal prohibitions are not enough to address this exclusion. International human rights standards require that the authorities in BiH identify and address factors which prevent Roma children from being fully included in the school system.

The extreme poverty in which many Roma live and the consequent marginalization and social exclusion are among the main barriers to accessing primary education. Textbooks, stationery and transportation to and from school are simply too expensive for many Romani families. Romani pupils are in some cases hungry or cold in school because their families cannot provide adequate clothing or food. Romani children sometimes have to directly contribute to the economic survival of their family and, as a result, cannot attend school or do not go to school regularly.

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<sup>124</sup> Save the Children UK, *Uskraćena budućnost?*, p. 49; interview with teachers at the “Hasan Kikić” elementary school in Sarajevo, 28 March 2006.

<sup>125</sup> Interview with Jasmina Beganović, Officer for Roma Issues in Zenica, 29 March 2006.

<sup>126</sup> See Save the Children UK, *Uskraćena budućnost?*, p. 61.

<sup>127</sup> *Nezavisne Novine*, “Nema nastave na Romskom jeziku”, 20 March 2006.

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

The BiH Action Plan, adopted in 2004, addresses many of the areas requiring urgent attention to ensure that Roma are fully included in a school system adapted to their needs and culture. However, the authorities have in general failed to implement the Plan. The few initiatives taken have been limited in scope and geographical coverage, and do not constitute a comprehensive policy to address the exclusion of Roma from education.

Amnesty International recognizes that the full inclusion of Roma in education in BiH is a long-term goal and that current resource constraints place further limits on what can be achieved in the short term. However, the steps taken to implement the BiH Action Plan have been largely insufficient, and much more needs to be done, including within existing financial and other constraints, to ensure that it is translated into concrete action.

Steps should be taken to provide material assistance, such as textbooks, meals, transportation and school allowances to Romani children from low-income families. Romani language and culture should be increasingly included in schools and curricula, and special measures such as targeted pre-school programmes and the employment of Romani teaching assistants should be introduced to promote the inclusion of Roma in education.

With respect to implementing the BiH Action Plan, the authorities in BiH should establish and make fully operational the Council for National Minorities of Bosnia and Herzegovina, tasked with overseeing the implementation of the Plan. The authorities should also identify clear deadlines and timeframes for implementation, and the financial and other resources needed at different levels of the BiH educational system to carry out the envisaged measures.

Amnesty International's detailed recommendations to the authorities in BiH include measures to be taken immediately, to prohibit discrimination against Roma, and further steps that should be taken to include Roma in education and to promote equality.

***Measures to prohibit discrimination against Roma in education***

Amnesty International calls on the RS, FBiH and cantonal authorities to:

- adopt an approach to the education of Romani children based on their integration into a school system that adapts to their needs and culture;
- ensure that teachers and other staff working in schools receive training aimed at eliminating negative stereotyping and prejudice, with a particular focus on Roma, and at sensitizing them to the need to combat racist harassment and bullying in schools.

***Measures to eliminate discrimination, include Roma in education and promote equality***

Amnesty International calls on the BiH authorities to:

- monitor and ensure the implementation by the relevant entity, cantonal, and local authorities of the Action Plan on the Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina;
- in particular, establish and make fully operational the Council for National Minorities of Bosnia and Herzegovina, tasked with overseeing the implementation of the BiH Action Plan;
- ensure that accurate data and statistical information are collected on the Romani population living in BiH, as well as on its inclusion in education, disaggregated by gender and age;
- through communication and information campaigns, challenge widespread negative stereotyping and prejudice about Roma in society at large;
- consider joining the Decade of Roma Inclusion as a way to promote the integration of Roma in general and their inclusion in education in particular.

Amnesty International calls on the RS, FBiH and cantonal authorities to:

- ensure that the necessary resources are allocated for the implementation of the Action Plan on the Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina, and identify clear deadlines and timeframes for its implementation;
- ensure that data are systematically collected, disaggregated by gender and age, on the inclusion of Romani children in schools, with particular focus on inclusion in compulsory education;
- take steps to ensure that children from low-income Romani families are provided with assistance in a timely and comprehensive manner, in order to

overcome barriers in access to education originating from their poor socio-economic status; such assistance should include free textbooks, meals and transportation services to and from the school, school allowances and other material assistance needed to promote the Roma's participation in extra-curricular activities;

- develop a comprehensive approach to encourage attendance of all Romani children of compulsory education age, including: outreach through social workers; seeking to establish a constructive environment where measures to achieve the right to education are in the best interest of the child; and using, as a last resort, the enforcement of legal provisions providing for compulsory attendance of elementary school;
- promote the inclusion of Romani children in extra-curricular and other school activities, ensuring that Romani children are not excluded from them as a result of discrimination or extreme poverty;
- take steps to ensure that Romani culture, history and traditions are included in school curricula in all areas or in schools with a significant Romani population, and that relevant changes and additions to existing curricula are made in close consultation with Romani communities and organizations;
- in particular, ensure that, in close consultation with Romani communities, steps are taken to publish and make available teaching materials in Romani language;
- take steps to ensure that teachers and other school staff, especially when they work with significant numbers of Romani pupils, receive training on Romani culture, history, traditions and language, with the involvement and cooperation of Romani organizations;
- take steps to ensure that Romani assistants and mediators are employed in a systematic and comprehensive way in all schools and pre-schools with a significant Romani population, ensuring in particular that their tasks are clearly defined as part of the educational policies and that they are employed on the same basis and with similar contracts to those of other staff in BiH schools;
- take steps to provide pedagogical and other relevant training to Romani assistants and mediators, with a view to ensuring their full and meaningful participation in the teaching process;
- take steps to ensure that Romani children have access to pre-school programmes of a sufficient duration that incorporate Romani culture, history, traditions and language, as well as Bosnian/Croatian/Serbian language, also

with a view to overcoming the language and other difficulties some Romani pupils face when attending elementary school;

- recognize and take concrete, targeted steps to realize the right of all members of Romani communities, and those who are their legitimate and genuine representatives, to meaningfully participate in the development of educational policies which seek to ensure the inclusion of Roma in education;
- through communication and information campaigns, challenge widespread negative stereotyping and prejudice about Roma in society at large.

### 3. Croatia

The presence of Roma on the territory of today's Croatia has been recorded since the 14th century. A large number of Roma migrated during the 19th century from present-day Romania. Their descendants form part today of those Romani communities in Croatia speaking *Ljimba d'bjaš* (see below), a language related to Romanian. During the Second World War, Roma suffered enormously under the *ustaša* regime, allied to Nazi Germany. Thousands of Roma were murdered then as a result of racial persecutions, most notably in the Jasenovac concentration camp, a complex of detention facilities established by the *ustaša* regime.<sup>128</sup> Although most Roma in Croatia are believed to be part of communities settled in the region for centuries, a significant number migrated to Croatia a few decades ago, from poorer areas of the then SFRY.

The latest Croatian census in 2001 recorded approximately 9,000 people who declared themselves as Roma. The real figure is probably higher, and estimates suggest that between 30,000 and 50,000 Roma live in Croatia.<sup>129</sup> The largest Romani communities are in the Međimurje and Varaždin Counties in northernmost Croatia, and together make up approximately 30 per cent of the total Romani population. Other areas with a significant Romani presence are Osijek-Baranja County, Sisak-Moslavina County and the capital, Zagreb. Other smaller Romani communities are located throughout Croatia.

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<sup>128</sup> Thousands of Serbs, Jews and political opponents to the *ustaša* regime were also killed there.

<sup>129</sup> ECRI, Third report on Croatia, CRI(2005)24, 17 December 2004, para. 136; Croatian Government, *Nacionalni program za Rome*, p. 2; Roma Education Fund, *Needs Assessment Study for the Roma Education Fund, Background Paper, Croatia*, 29 November 2004, p. 3 (hereafter Roma Education Fund, *Needs Assessment Study*); UNDP, *Faces of Poverty, Faces of Hope: Vulnerability Profiles for Decade of Roma Inclusion Countries*, 2005, p. 19 (hereafter UNDP, *Faces of Poverty, Faces of Hope*).

The 2001 census registered about 8,000 people declaring Romani as their first language. Research in Croatia has shown that Romani languages are used by almost 80 per cent of the Romani population. Specifically, 42.4 per cent of surveyed Roma are reported as using the Romani language, and 36.5 per cent *Ljimba d'bjlaš*. Some Romani communities also speak Albanian and Romanian. Reportedly, the Croatian language is used by 6 per cent of the Romani population.<sup>130</sup>

Roma in Croatia are scattered in approximately 100 settlements, which are either separate villages or part of an existing town or city.<sup>131</sup> Outside Zagreb, Roma normally live in separate and ethnically homogenous settlements, many of which were built without planning permission and (especially outside the Međimurje region) lack basic infrastructure and services, such as clean running water, sewerage and waste removal.<sup>132</sup>

High poverty rates particularly affect the Romani population, and a recent survey by the UNDP highlights that between 12 and 13 per cent of the Roma in Croatia live on less than 4.3 US dollars a day.<sup>133</sup> Between 2 and 5 per cent of the rest of the population live on the same amount. The UNDP survey reports levels of unemployment affecting the Romani population only slightly more than the rest of the population. However, other sources estimate that approximately 80 per cent of Romani households have no steady income and virtually all Romani women are not (officially) employed. About 21,000 Roma were reported in 2004 as receiving welfare support. The main reasons usually quoted to explain the lack of integration of Roma in the labour market are “below-average educational standard, prejudice on the part of employers regarding their abilities, and a certain form of marginalization as a result of poverty and other people’s rejective attitude”.<sup>134</sup> When an Amnesty International delegate visited in March 2006 the Gornji Kuršanec settlement in Međimurje, of the approximately 170 inhabitants only five were reported to have a job.

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<sup>130</sup> Government of the Republic of Croatia, *Nacionalni program za Rome*, October 2003, p. 8 (hereafter Croatian Government, *Nacionalni program za Rome*). This figure probably reflects the number of Roma who speak the Croatian language only, as most Romani adults in Croatia are reported as being bilingual.

<sup>131</sup> Croatian Government, *Nacionalni program za Rome*, p. 62.

<sup>132</sup> Croatian Government, *Nacionalni program za Rome*, p. 39; Roma Education Fund, *Needs Assessment Study*, p. 5. See also Osijek County Office for Regional Planning (Županijski zavod za prostorno uređenje Osijek), *Program aktivnosti i mjera za unaprjeđenje stanja prostora i okoliša lokacija naseljenih Romima za Osječko-Baranjsku Županiju*, 2004.

<sup>133</sup> See UNDP, *Faces of Poverty, Faces of Hope*, p. 20.

<sup>134</sup> UNDP, *Faces of Poverty, Faces of Hope*, p. 21; Council of Europe Commissioner for Human Rights, Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on His Visit to Croatia 14-16 June 2004, CommDH(2005)3, 4 May 2005, para. 34.

## **Legal framework and national plans for Roma inclusion**

The Preamble to the 1990 Croatian Constitution states that the Republic of Croatia “is established as the national state of the Croatian nation and the state of the members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians and Ruthenians and the others”. The Roma are not explicitly mentioned as a distinct ethnic minority. The Constitution provides that “Everyone in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics” (Article 14). Moreover, it specifically protects the rights of members of national minorities and stipulates that members of all national minorities have equal rights in the Republic of Croatia (Article 15).

The 2002 Constitutional Law on the Rights of National Minorities (*Ustavni zakon o pravima nacionalnih manjina*) does not contain a list of national minorities but defines a national minority as a community of Croatian citizens whose members have been traditionally settled on the territory of the Republic of Croatia, and have ethnic, linguistic, cultural or religious characteristics different from other citizens, and are guided by the wish for the preservation of such characteristics (Article 5). A problem with this definition is that it may limit the scope of the Constitutional Law’s application to Croatian citizens only. The Advisory Committee on the FCNM, in its second opinion on Croatia published in 2005, noted:

*“A generally applicable citizenship criterion is, however, problematic in relation to guarantees in some other key fields covered by the Framework Convention, such as non-discrimination and education, especially taking into account that a number of Roma and other persons affiliated with national minorities reside in Croatia without a confirmed citizenship and have had difficulties in acquiring citizenship”.*<sup>135</sup>

The Advisory Committee recommended that Croatia consider amending the Constitutional Law on the Rights of National Minorities insofar as it excludes non-citizens from its scope.

The Constitutional Law on the Rights of National Minorities contains a number of provisions on the education of members of national minorities. It provides that “Members of national minorities shall have the right to education in the language and script which they use” (Article 11[1]), including in “pre-school institutions, primary and secondary schools”. Part of the curriculum for national minorities must be related

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<sup>135</sup> Advisory Committee on the FCNM, Second Opinion on Croatia, ACFC/INF/OP/II(2004)002, 1 October 2004, para. 29.

to the minority's culture, history and other features (Article 11[4]). The law stipulates that educational work in the language and script of a national minority is to be conducted by teachers who have an excellent command of that language and script, whether or not they are members of that minority (Article 11[6]). It protects the right of pupils attending schools where teaching is in the Croatian language and script to be enabled to learn the language and script of their national minority (Article 11[9]).

Similar principles are enshrined in the Law on Education in the Language and Script of National Minorities (*Zakon o odgoju i obrazovanju na jeziku i pismu nacionalnih manjina*), adopted in 2000, which regulates the education of members of minority communities. It stipulates, in particular, that the state budget provides the financial means needed for the ordinary activities of state schools, classes and educational groups in the language and script of national minorities (Article 16). However, the Advisory Committee on the FCNM noted that the law fails to define clear conditions and procedures for the implementation of the educational models envisaged, giving rise to disputes over the respective responsibilities of the state, county and municipal authorities for the establishment of schools with education in minority languages.

The Constitution of the Republic of Croatia enshrines the principle of free and compulsory primary education (Article 65). The Law on Elementary Schooling (*Zakon o osnovnom školstvu*) states that the aim of elementary education is to allow the pupil to acquire knowledge, notions, skills, attitudes, habits necessary in life and work or in further education, and that the school has to ensure the constant development of the pupil spiritually, physically, morally, intellectually and socially in accordance with the pupil's abilities and preferences (Article 2). Elementary education also seeks to create and promote tolerance and respect for human rights (Article 2). Elementary education lasts at least eight years and is compulsory for all children, in general between the ages of six and 15 (Article 3).

The Law on Pre-school education (*Zakon o predškolskom odgoju i naobrazbi*) stipulates that nursery schools carry out programmes for children members of ethnic or national minorities or communities (Article 15[1]). It requires that pre-school programmes for members of minority communities be financed from the state budget (Article 50).

In 2003 the Croatian government adopted a National Programme for Roma. Were it to be implemented in full, the Programme could be a first step towards greater integration of members of Romani communities in Croatian schools and in Croatian



society in general.<sup>136</sup> It was reported as having been adopted “following extensive consultation with Roma and other relevant partners”.<sup>137</sup> However, some Romani activists told Amnesty International that there was insufficient consultation with members of Romani communities, especially when the Programme was drafted. It has a section on education, which includes valuable objectives such as to include “as many Romani children as possible in regular programs in kindergartens with other children”, including through the provision of free meals.<sup>138</sup> It also envisages the training of teachers and teachers’ assistants working with Roma in pre-schools, but not in primary schools.

One of the points of the National Programme for Roma is the organization in primary schools of “optional activities for Romani children who want to nurture their Romani culture, customs and traditions”.<sup>139</sup> Such activities should instead be open to all children, Roma and non-Roma alike, with a view to introducing in schools a truly inclusive and multicultural curriculum. Moreover, the Programme envisages the production of a Romani-Croatian dictionary for children and other publications in the Romani language. However, the production of such teaching materials appears to be mostly aimed at facilitating “the acquisition of the Croatian standard language”. It is a matter of concern that no mention is made in the Programme of the possibility, as a long-term goal, of having the languages spoken by Roma in Croatia introduced in teaching in primary schools.

The Programme states that separate classes or separate groups in the first grade of elementary school will be organized for Romani children who were not included in pre-school programmes or do not have a sufficient command of the Croatian language.<sup>140</sup> In this context, the document envisages the creation of a special curriculum, decided by the Ministry of Education and Sport, in conjunction with the school, adjusted to “the specific circumstances (the number of Roma children, their previous knowledge, the space available, staffing and other possibilities offered by the school etc.)”. In this respect, the Advisory Committee on the FCNM noted:

*“The National Programme for the Roma also endorses the idea of separate first grade, Roma-only classes for those who have not attended pre-school and are not proficient in the Croatian language. Such classes do not appear to be set up to*

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<sup>136</sup> See Amnesty International, *Briefing to the United Nations Committee on the Rights of the Child, 37th Session, September 2004*, AI Index: EUR 64/003/2004, 5 October 2004.

<sup>137</sup> Advisory Committee on the FCNM, Second Opinion on Croatia, ACFC/INF/OP/II(2004)002, 1 October 2004, para. 70.

<sup>138</sup> Croatian Government, *Nacionalni program za Rome*, p. 32.

<sup>139</sup> Croatian Government, *Nacionalni program za Rome*, p. 35.

<sup>140</sup> Croatian Government, *Nacionalni program za Rome*, p. 34.

*foster teaching in or of Roma language or other elements of Roma culture, but rather to assist the children to obtain basic Croatian language and other skills so that they can meet the demands of the educational system. While recognising that these are valuable aims, the Advisory Committee considers that pupils should not be placed in such remedial, separate classes on the basis of their affiliation with a national minority but rather on the basis of the skills and needs of the individuals concerned, and where such placing is found necessary, it should be for a limited period only”.*<sup>141</sup>

For Romani children who have attended pre-school programmes or who speak Croatian well, the National Programme for Roma endorses the creation of mixed classes in primary schools. It also includes a number of useful measures to promote the full inclusion of Roma in schools, such as the organization of additional classes for Romani pupils who need them and measures to encourage their participation in extra-curricular activities. As in pre-school education, the programme envisages the provision of meals to primary school pupils coming from Romani families.

Croatia is taking part in the Decade of Roma Inclusion, a regional intergovernmental initiative “to reduce disparities in key economic and human development outcomes for Roma through implementing policy reforms and programs designed to break the vicious cycle of poverty and exclusion” (see below).<sup>142</sup> The government adopted an Action Plan in 2005 to improve the situation of Roma in the areas of education, employment, access to health care and housing.<sup>143</sup> The Action Plan includes a number of positive measures aimed at including Romani children in pre-school education, envisaging their attendance at full two-year pre-school programmes. Among its goals in the area of primary education are the inclusion of Romani pupils in desegregated classes and the incorporation “of content on Roma (needs, culture, etc.) in the new school curricula”.<sup>144</sup> It remains a concern, however, that no measure is incorporated in the plan on the introduction of teaching and teaching materials in Romani language in primary schools. Moreover, the Action Plan fails to fill an existing gap in the National Programme for Roma to the extent that it does not foresee the training of teachers working with Roma in primary schools (although it provides for the training of Romani assistants).

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<sup>141</sup> Advisory Committee on the FCNM, Second Opinion on Croatia, ACFC/INF/OP/II(2004)002, 1 October 2004, para. 129.

<sup>142</sup> See [www.romadecade.org](http://www.romadecade.org), accessed on 26 May 2006.

<sup>143</sup> Government of the Republic of Croatia, *Akcijski plan “Desetljeće za uključivanje Roma 2005-2015”*, 2005.

<sup>144</sup> Government of the Republic of Croatia, *Akcijski plan “Desetljeće za uključivanje Roma 2005-2015”*, 2005. The funding allocated by the Croatian authorities to this end is of 50,000 Croatian kunas, equivalent to approximately US\$9,000.

An estimated 61 million Croatian kunas (approximately US\$10.5m) are reportedly needed for the implementation of the Decade of Roma Inclusion Action Plan throughout the 10 years between 2005 and 2015.

### **Exclusion from pre-school and primary education**

*“A teacher was always insulting me. Another treated me as if I had never seen a computer before”.*

**A Romani child from the Međimurje region, Croatia, talking about her experience in school.**



A pre-school in Čakovec, Croatia, attended by Romani children. © Amnesty International.

Lack of access to education remains one of the most serious obstacles to the integration of Roma in Croatia. Access to other rights, including the right to work, is hampered by poor educational levels and high illiteracy rates among members of Romani communities. Literacy rates for Roma are estimated by UNDP as being 91 per cent in the 15-24 age group; 88 per cent in the 25-34 age group; 86 per cent in the 35-44 age group; 69 per cent in the age group over 45. Such figures are considerably

lower than for the rest of the population which has a literacy rate of between 98 and 100 per cent.<sup>145</sup>

Data from 2004 suggest that in Croatia only 30 Romani children between the age of three and five had access to pre-school education and a further 350 Romani children were included in pre-school programmes for children of age five and six. Of those, 200 were apparently already of school age, up to the age of nine.<sup>146</sup> In the school year 2003/04 some 150 Romani children in Međimurje and Varaždin Counties attended special pre-school workshops which targeted Romani children in their last year of pre-school education.<sup>147</sup> When an Amnesty International delegate in March 2006 visited the Romani settlement of Lončarevo, in the Podturen Municipality (Međimurje County), a nursery school was functioning, attended by approximately 20 children taking part in a two-year pre-school programme. Similarly, children in the Gornji Kuršanec settlement have access to pre-school education provided in a nursery school in Čakovec (Međimurje County), financed by the city administration and run in conjunction with the Romani organization Roma for Roma.<sup>148</sup> Other schools in Međimurje County organize shorter pre-school programmes targeted at members of the Romani community, or attended by a majority of Romani pupils, which last between two and six months.<sup>149</sup>

However, it is estimated that the majority of Roma children are not included in any pre-school programmes, although the overwhelming majority of children from Croatia's general population enter primary school with some pre-school experience (approximately 98 per cent according to data from 2002/03).<sup>150</sup> In Sisak-Moslavina County, for instance, 27 per cent of Romani families have one child of pre-school age, 22 per cent have two, and 11.5 per cent have three, but no Romani child attends pre-school.<sup>151</sup>

In 2004 the number of Romani children attending elementary schools was estimated at about 1,700, but precise figures are not available because the ethnicity of children is not recorded when they enrol in school, unless teaching is to be provided

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<sup>145</sup> UNDP, *Faces of Poverty, Faces of Hope*, p. 20.

<sup>146</sup> Government of the Republic of Croatia, *Draft Roma Decade Action Plan*, September 2004.

<sup>147</sup> Council of Europe, Second Report Submitted by Croatia Pursuant to Article 25, para. 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/II(2004)002, 13 April 2004, p. 56.

<sup>148</sup> Interviews with members of the Romani community in Gornji Kuršanec, 25 March 2006, and Slobodan Veinović, Department for Social Activities, Čakovec city administration, 24 March 2006.

<sup>149</sup> Interviews with teachers at Držimurec-Strelec and Macinec Elementary Schools, 24 March 2006.

<sup>150</sup> UNESCO International Bureau of Education, *Croatia. Early Childhood Care and Education (ECCE) programmes*, 2006.

<sup>151</sup> Information from UNDP Croatia.

in the language or script of a national minority.<sup>152</sup> Such teaching is not offered to Romani pupils (see below). The Croatian authorities estimate that around one third of Romani children have never attended any school.<sup>153</sup> Rates of elementary school attendance of Romani children in Croatia, as estimated by UNDP, are higher, although still considerably lower than for non-Romani children. An estimated 86 per cent of Romani children at the age of seven attend elementary school.<sup>154</sup> Attendance rates reach close to 95-100 per cent for Romani children aged between eight and 12, and gradually decrease for older children.<sup>155</sup> According to the UNDP survey, only 70 per cent of Romani children at the age of 15 are attending elementary school. On the other hand, the UNDP estimates that virtually all non-Romani children between seven and 15 attend school.

The decrease in attendance rates for older Romani children suggest that Romani pupils who attend elementary school are affected by high drop-out rates, as well as by a high incidence of repeaters, who attend one grade twice or more.<sup>156</sup> According to data provided to Amnesty International by the Macinec Elementary School, in the school year 2005/06, 73 Romani children were enrolled in the first grade, and only five in the eighth grade. The Elementary School in Kuršanec had 57 Romani pupils attending the first grade in 2005/06, and only one Romani pupil in the eighth grade.<sup>157</sup> According to estimates of the Croatian authorities, only 27 per cent of Romani pupils enrolled in elementary schools complete their elementary education.<sup>158</sup> In some schools, 90-100 per cent of Romani children do not complete elementary education.<sup>159</sup>

## **Barriers to education**

### ***Availability***

Elementary education is compulsory and free in Croatia. However, some teachers working with Roma have reported lack of adequate and comprehensive training,

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<sup>152</sup> Council of Europe, Second Report Submitted by Croatia Pursuant to Article 25, para. 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/II(2004)002, 13 April 2004, p. 43. Two hundred Romani pupils were reported to be attending secondary schools.

<sup>153</sup> Croatian Government, *Nacionalni program za Rome*, p. 31.

<sup>154</sup> For Romani children at the age of eight the estimated attendance rate is 100 per cent. This appears to suggest that some Romani children start attending school later than non-Roma.

<sup>155</sup> UNDP, *Faces of Poverty, Faces of Hope*, p. 22.

<sup>156</sup> UNDP, *Faces of Poverty, Faces of Hope*.

<sup>157</sup> Interviews with teachers at Kuršanec and Macinec Elementary Schools, 24 March 2006.

<sup>158</sup> Government of the Republic of Croatia, *Draft Roma Decade Action Plan*, September 2004.

<sup>159</sup> OSI Croatia, *Roma Education Pilot – Project Beli Manastir, Report of the Evaluation and Monitoring Team for the academic year 2004/2005*, September 2005; information from UNDP Croatia on the situation in the Sisak-Moslavina County.

including on aspects of Romani culture, which would enable them to work more effectively with members of the Romani communities.<sup>160</sup> The training of teachers would also help in reducing negative stereotyping of Roma (see below). Neither the National Programme for Roma nor the Action Plan for the Decade of Roma Inclusion includes specific measures on the training of teachers working with Romani pupils in primary schools (although they provide for the training of teachers in pre-schools and of Romani assistants). Amnesty International is concerned that the lack of suitably trained teachers negatively impacts on the availability of primary education for Romani children.

### ***Accessibility***

The poor socio-economic situation of many Roma in Croatia impairs their access to education. Overcrowding and lack of basic infrastructure in many Romani settlements have a detrimental effect on accessing education and drawing advantages from education. Lack of electricity and long distance to school create practical difficulties, including for studying at home. As a child attending the Macinec primary school told Amnesty International, “It is too crowded to do any work” at home.<sup>161</sup> Some Romani children attend school only sporadically and are excluded from extra-curricular activities because of their family’s extreme poverty and the need to help support the family economically.<sup>162</sup> One child told Amnesty International: “I cannot go on school trips because my family cannot pay”.<sup>163</sup> Romani girls are sometimes prevented from going to school because they have to care for younger brothers and sisters or carry out other tasks at home.<sup>164</sup>

Some Roma continue to face difficulties in covering the costs of textbooks, stationery and clothing for children attending school, despite the various types of assistance available from the government, certain local authorities and schools.<sup>165</sup> Many Romani activists in Croatia point out that allocated funding is not enough to adequately enable all Romani children from very poor families to have full access to primary education.<sup>166</sup> Legal provisions on compulsory education are in some cases not

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<sup>160</sup> Interviews with Kuršanec and Macinec Elementary Schools teachers, 24 March 2006.

<sup>161</sup> Interviews with Romani children attending the Macinec Elementary School, 25 March 2006.

<sup>162</sup> Information from UNDP Croatia on the situation in the Sisak-Moslavina County. Interview with Renata Sever, Social Worker, Čakovec Centre for Social Work, 24 March 2006.

<sup>163</sup> Interviews with Romani children attending the Macinec Elementary School, 25 March 2006.

<sup>164</sup> See also Save the Children UK, *Denied a Future*, Volume 1, p. 126.

<sup>165</sup> Roma Education Fund, *Needs Assessment Study*, p. 22.

<sup>166</sup> Interviews with Bajro Bajrić, President of the Roma for Roma association, 22 March 2006, and Josip Balog, President of the Romani National Minority Council, Podturen Municipality, 25 March 2006.

enforced when Romani children do not attend school or do so only irregularly.<sup>167</sup> In certain areas, local social welfare authorities lack the personnel and resources to promote and support school attendance or to deal with a range of socio-economic problems affecting the Romani population.

Amnesty International is concerned that Romani children are denied full access to primary education as a result of the discrimination they suffer in schools. Such discrimination has taken the form of segregation of Romani children in “Roma only” classes and other discriminatory attitudes and behaviour against Romani pupils by teachers.

In 2001, Save the Children UK reported: “In one school in Međimurje County, there are separate entrances for Roma/Gypsy children and, in another, Roma/Gypsy children who could not afford school meals were allowed into the dining room afterwards to eat the leftovers of other children”.<sup>168</sup> In past years, Romani children who attended Croatian elementary schools often did so in separate “Roma only” classes where they were reportedly given a simplified version of the normal curriculum.

The Croatian authorities and school administrations, including in interviews with Amnesty International, have usually excused the segregation of Romani pupils on the grounds that Romani children do not possess sufficient Croatian language skills to follow the normal curriculum alongside ethnic Croatian pupils. It was and sometimes still is claimed that Romani pupils need to be taught separately for reasons of “hygiene” and because they lack the abilities to interact in social settings with their peers.<sup>169</sup>

In the school year 2000/01 almost 60 per cent of Romani elementary school pupils in Međimurje County were reportedly placed in a total of 24 segregated classes, and in 2001/02, in the primary schools of Macinec and Kuršanec, around 83 per cent and 88 per cent respectively of all Romani children were taught in separate classes.<sup>170</sup> When an Amnesty International delegate visited the Macinec elementary school in 2004, of a total of 22 classes, seven were “Roma only” classes.

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<sup>167</sup> Roma Education Fund, *Needs Assessment Study*, p. 22.

<sup>168</sup> Save the Children UK, *Denied a Future*, Volume 1, p. 128.

<sup>169</sup> Interviews with school administration officials in the Međimurje County, June 2004. See also Branimir Pleše, “Racial Segregation in Croatian Primary Schools: Romani Students Take Legal Action”, *Roma Rights Quarterly* 3-4/2002; Bojan Munjin, “Kako odgojiti odgojitelje ili Romi ne spadaju u Lepoglavu”, *Zarez*, No. 102, 10 April 2003.

<sup>170</sup> Branimir Pleše, “Racial Segregation in Croatian Primary Schools: Romani Students Take Legal Action”, *Roma Rights Quarterly* 3-4/2002.

In April 2002 the families of 57 Romani children, assisted by the European Roma Rights Centre (ERRC), filed a lawsuit with the Čakovec Municipal Court charging the Croatian Ministry of Education, Međimurje County and the primary schools of Orehovica, Macinec, Kuršanec and Podturen with the segregation of Romani children on the basis of their ethnic origins.<sup>171</sup> In September 2002 the court rejected the complaint, ruling that the alleged lack of adequate knowledge of the Croatian language justified the creation of separate Roma classes. In November 2002 the Čakovec County Court confirmed the municipal court's verdict on appeal. In December 2002 the families of 15 Romani children filed a complaint with the Croatian Constitutional Court, alleging that the segregation of Romani children in Croatian schools amounts to a violation of Croatia's Constitution. The case is still pending. In December 2004 the 15 complainants, with the support of the ERRC and the Croatian Helsinki Committee for Human Rights, filed an application with the European Court of Human Rights claiming that the placement of Romani children in separate classes violates the rights enshrined in Articles 3, 6, 13 and 14 of the ECHR and in Article 2 of its Protocol 1.<sup>172</sup> The case remains pending.

There appear to have been some improvements in the situation with respect to "Roma only" classes. The Advisory Committee on the FCNM, in its second opinion on Croatia, noted that it had previously "expressed concern over the placing of Roma children in separate classes and their stigmatization in certain schools" and observed: "The placing of Roma children in separate classes appears to be increasingly rare in Croatia, but this practice, which has been challenged in pending legal cases, continues in some schools in Medjimurje county".<sup>173</sup> Recent reports have suggested the continuing existence of segregation in certain Croatian schools.<sup>174</sup> However, when an

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<sup>171</sup> Information provided to Amnesty International by the complainants' legal representative. See also ERRC, *Legal Action in Croatian School Segregation Case*, [www.errc.org](http://www.errc.org), accessed on 9 August 2006.

<sup>172</sup> See ERRC, *Legal Action at the European Court of Human Rights Challenges Racial Segregation in Primary Schools*, [www.errc.org](http://www.errc.org), accessed on 9 August 2006. The ECHR prohibits torture or inhuman or degrading treatment or punishment (Article 3); enshrines the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law (Article 6); provides that "Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity" (Article 13); prohibits discrimination and stipulates that "The enjoyment of the rights and freedoms set forth in this Convention 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" (Article 14). Its Protocol 1 provides that "no person shall be denied the right to education" (Article 2).

<sup>173</sup> Advisory Committee on the FCNM, Second Opinion on Croatia, ACFC/INF/OP/II(2004)002, 1 October 2004, paras. 127 and 129.

<sup>174</sup> See for example, US Department of State, Country Reports on Human Rights Practices 2005: Croatia, 8 March 2006, and European Commission, Croatia 2005 Progress Report, SEC (2005) 1424,



Amnesty International delegate visited the elementary schools of Držimurec-Strelec, Kuršanec and Macinec in March 2006, the schools claimed that Roma and non-Roma were in general attending mixed classes, that “Roma only” classes existed only because of the high proportion of Romani children in the schools, and that no classes were organized exclusively for non-Roma. Teachers said they were trying to set up mixed classes where Roma had a sufficiently good command of the Croatian language, and that all other classes contained Romani pupils with insufficient or no knowledge of Croatian.

Despite positive examples of school staff doing their best to promote the integration of Romani children, often with insufficient support from the Croatian authorities, negative stereotyping among teachers working with Roma remain. One teacher from a school in the Međimurje region told Amnesty International, “In Međimurje we have many Roma, too many. They reproduce too much”, and went on to recite a long list of negative stereotypes of Roma. A teacher from another school said that many Romani children were “half-retarded”, only to retract her words when asked what she meant.

In their application to the European Court of Human Rights relating to the segregation of Romani pupils in four Croatian schools (see above), the families of 15 Romani children alleged that in previous proceedings before the Čakovec Municipal Court, notes attached to the Macinec school’s submission stated that “Romani parents are frequently alcoholics, that their children are prone to stealing, cursing and fighting, and that as soon as the teachers turn their backs things go missing, usually ‘insignificant and useless objects, but the important thing is to steal’”.

### ***Acceptability***

Discrimination against Roma not only directly limits the accessibility of education but is incompatible with the aims of education as set out in international human rights standards. These aims include promoting understanding between ethnic groups and developing respect for the child’s cultural identity, language and values.

Romani children and parents have testified to the discrimination and negative stereotyping that takes place in schools. In interviews with an Amnesty International delegate, they often complained that, when something goes missing, Romani pupils are invariably those accused of stealing.<sup>175</sup> As one child put it, “When something is

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which states: “Despite some positive initial steps since the Opinion to improve the Roma’s disadvantaged position, serious difficulties remain, not least in the area of education and employment where discrimination is widespread and the problem of segregation in schools remains”.

<sup>175</sup> Interviews with Romani children attending the Macinec Elementary School, 25 March 2006, and members of the Romani community in Gornji Kuršanec, 25 March 2006.

wrong in the school it is always the Roma's fault". Romani children attending the Macinec elementary school reported that they were barred from using computers. One child said: "The teacher tells me off when I speak my language". Another child added: "Teachers do not even want to hear our songs". In interviews with Amnesty International, parents of school-aged children in the Gornji Kuršanec settlement said that in 2005 a teacher at the Kuršanec school harassed and beat Romani children. The abuses stopped after protests by Romani parents attracted media coverage.

Discrimination against Roma also manifests itself in the deep social divisions between Roma and non-Roma. Research by the Croatian Helsinki Committee for Human Rights on Romani pupils in Međimurje County in 2002 was reported as finding that about 62 per cent of Romani children had practically no social contacts with children from other ethnic groups.<sup>176</sup> Of the Romani children included in the research, 89 per cent said that they did not feel accepted in the school community and 76 per cent that they were verbally harassed and excluded from social activities by children belonging to the majority ethnic group.

The marginalization of Romani children in Croatian schools appears to be part of a wider pattern of intolerance against members of the Romani communities, including children. In September 2002 the parents of approximately 30 ethnic Croatian pupils, as well as the inhabitants of the village of Držimurec-Strelec, blocked the entrance to the local primary school demanding separate classes for Romani and non-Romani pupils. Five separate classes for Roma were reportedly established as a result. In early 2004, in the same village, ethnic Croat parents protested against the construction of a new wing at the Držimurec-Strelec primary school, reportedly fearing that expanded capacity at the school would be used to accommodate Romani children from the neighbouring village of Piškorevec.<sup>177</sup>

Amnesty International is concerned that Romani culture and traditions are not included in a systematic way in school curricula in Croatian schools, limiting the advantages pupils draw from education. At the moment, the inclusion of certain aspects of Romani culture in elementary schools is left to the initiative of teachers or schools, which, particularly in Čakovec and Varaždin Counties, have organized Roma-related activities, including in cooperation with Romani NGOs.<sup>178</sup> As

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<sup>176</sup> Nataša Petrinjak, "Djecu bole zaključana vrata", *Zarez*, No. 88, 26 September 2002.

<sup>177</sup> "Netolerancija", *Vjesnik*, 14 January 2004.

<sup>178</sup> Interview with representatives of the Croatian Ministry of Science, Education and Sports, 23 March 2006.

elsewhere, such activities mostly take place on an occasional basis, including to mark International Roma Day.<sup>179</sup>

However, often even in schools with a significant Romani population there are hardly any visible signs of Romani culture or traditions as a consistent part of the teaching process. An Amnesty International delegate visiting the new wing of Držimurec-Strelec elementary school in March 2006 was shown a small library available to the school's pupils. It contained only one book on a religious subject written in a Romani language, that the local Romani population cannot understand. There were no other books or materials in the locally spoken Romani language, or related to Romani culture and tradition, in the library. The school has 153 pupils, of whom 122 are Roma.

Negative stereotyping about Roma has been reportedly found in Croatian textbooks. In its third report on Croatia, ECRI expressed concern that "schoolbooks sometimes convey negative images of certain minority groups, particularly ethnic Serbs and Roma".<sup>180</sup>

The virtual absence of Romani culture and history from Croatian primary school curricula contrasts with the rights other minorities in Croatia enjoy in education. Members of the Czech, Hungarian, Italian and Serbian minorities, for instance, have access to teaching in their language or script and to curricula that encompass aspects of their culture and history.<sup>181</sup> It appears therefore that the fact that Roma are a minority without a "kin-state", is placing them in a more disadvantaged position than other ethnic minorities in Croatia.

### ***Adaptability***

The majority of Romani adults can understand and speak Croatian. However, many children of school age, with no or only limited command of the Croatian language, face extreme difficulties when they start elementary school, where teachers use only Croatian in lessons. It is generally acknowledged by teachers and by Romani children and parents that many of the difficulties Romani pupils encounter in primary schools are the result of linguistic barriers. Parents in the Gornji Kuršanec settlement told Amnesty International: "The majority of children [in the settlement] speak only Romani".<sup>182</sup> Romani children are stigmatized because of the difficulties they

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<sup>179</sup> Celebrated on 8 April.

<sup>180</sup> ECRI, Third report on Croatia, CRI(2005)24, 17 December 2004, para. 83.

<sup>181</sup> Council of Europe, Second Report Submitted by Croatia Pursuant to Article 25, para. 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/II(2004)002, 13 April 2004, p. 40.

<sup>182</sup> Interviews with members of the Romani community in Gornji Kuršanec, 25 March 2006.

experience from the very start of their school career when they cannot understand the teachers and their performance suffers as a result. Some of the Romani children interviewed by Amnesty International in the Međimurje region said that other pupils mocked them because they did not understand or speak Croatian properly.

The languages spoken by Roma in Croatia are virtually absent from schools, unlike other minority languages in Croatia. This is despite the clear importance of incorporating them in school curricula, to promote the inclusion in education of Romani children and more generally the creation of truly multicultural teaching. When asked about the possibility of introducing languages spoken by Roma in school curricula, officials at the Croatian Ministry of Education said this was impossible, because “Roma cannot agree on what their language is”.<sup>183</sup> The National Programme for Roma states that “members of the Romani national minority are not systematically included in any educational model in their own language, since as yet they have not requested it”.<sup>184</sup> Croatia’s second report on the implementation of the FCNM similarly states that “members of the Roma national minority are not instructed in their own language and script because the pedagogical requirements for such instruction are not satisfied and there is no demand for it by members of the Roma national minority”.<sup>185</sup> Noting that education in Romani language was not available in Croatian schools, the Advisory Committee on the FCNM recommended in its second opinion on Croatia that the authorities “continue to analyse the demand that exists amongst national minorities to receive instruction in or of their languages and take appropriate follow-up measures, ensuring that the Law on Education in Languages and Scripts of National Minorities is implemented in respect of all national minorities without any discrimination”.<sup>186</sup>

There are clear challenges involved in integrating languages spoken by Roma within school curricula, including in teaching materials. Moreover, the demand for education in the languages spoken by Romani communities has not always been a particular priority for Romani associations and activists in Croatia. Some Roma appear to favour an approach based on early teaching of the Croatian language only, rather than one fostering Romani linguistic identities as well. However, the inclusion of Romani languages in school curricula, at least as an elective subject in those areas

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<sup>183</sup> Interview with representatives of the Croatian Ministry of Science, Education and Sports, 23 March 2006.

<sup>184</sup> Croatian Government, *Nacionalni program za Rome*, p.31.

<sup>185</sup> Council of Europe, Second Report Submitted by Croatia Pursuant to Article 25, para. 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/II(2004)002, 13 April 2004, p. 56.

<sup>186</sup> Advisory Committee on the FCNM, Second Opinion on Croatia, ACFC/INF/OP/II(2004)002, 1 October 2004, para. 141.

with a significant Romani presence, would be an important step in integrating Romani children within the education system. In close consultation with Romani communities, it should be pursued as a long-term goal.

Some of the existing pre-school programmes are organized by, or in cooperation with, Romani organizations, and one of their main aims is to improve Romani children's command of Croatian. They are also focused on the development of other abilities and skills, mainly with a view to facilitating the integration of Romani children in primary schools. Most primary school teachers interviewed by Amnesty International noted that children who attended pre-school programmes, especially those of sufficient length, have significantly fewer problems in understanding lessons in Croatian. Research in the town of Beli Manastir, as part of the evaluation of an Open Society Institute (OSI) project, showed that the school performance of Romani children who had taken part in a pre-school programme was significantly higher than those who had not.<sup>187</sup>

Although the National Programme for Roma and the Action Plan for the Decade of Roma Inclusion include specific measures to promote the inclusion of Romani children in pre-school education, and that progress in this area has been notable, the resources allocated are still insufficient. The local Romani leader who set up and is managing the pre-school in the settlement of Lončarevo, in Podturen Municipality, told a visiting Amnesty International delegate in March 2006 that there were not enough resources or space in the facility.<sup>188</sup> Due to lack of resources, as already noted, many Romani children do not have access to pre-school education or attend limited pre-school programmes only for a few months prior to their enrolment in primary school. Not all low-income Romani families, which usually cannot afford to pay nursery school fees, have access to free pre-school education.<sup>189</sup> In some cases, lack of transportation to the nursery school and the school's lack of capacity to enrol all children of pre-school age are also reported to be barriers.<sup>190</sup> However, lack of capacity does not explain why the proportion of Romani children in pre-school education is often much lower than the corresponding figure for non-Romani children.

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<sup>187</sup> Following pedagogical observation in the first class of elementary school a score was calculated for each pupil. The average score for Romani children who had not and had attended pre-school was of 16.6 points and 44 points respectively (out of a maximum of 80 points). Non-Romani pupils had an average score of 60 points. See OSI Croatia, *Roma Education Pilot – Project Beli Manastir. Report of the Evaluation and Monitoring Team for the academic year 2004/2005*, September 2005.

<sup>188</sup> Interview with Josip Balog, President of the Romani National Minority Council, Podturen Municipality, 25 March 2006.

<sup>189</sup> OSI Croatia, *Roma Education Pilot – Project Beli Manastir, Report of the Evaluation and Monitoring Team for the academic year 2004/2005*, September 2005.

<sup>190</sup> Information from UNDP Croatia on the situation in the Sisak-Moslavina County.

In some Croatian schools the language difficulties faced by Romani children have been addressed as well through the employment of Romani teaching assistants. Romani assistants can play a crucial role, both in overcoming linguistic barriers and in promoting communication between schools and Romani communities and parents. Romani assistants began to be employed experimentally in Croatia in 2000. The authorities claim that by 2004 all primary schools in the Čakovec and Varaždin Counties had Romani assistants.<sup>191</sup> When an Amnesty International delegate visited a number of primary schools of this northern region of Croatia in March 2006, all of them employed Romani assistants. The authorities informed Amnesty International that in the school year 2004/05 the Ministry of Science, Education and Sports had financed the employment of 15 Romani assistants in Croatia.<sup>192</sup>

However, in areas outside Međimurje and Varaždin Counties, many schools with a significant Romani population do not employ Romani assistants. In Međimurje, those that work as Romani assistants do not enjoy stable employment but are employed under contracts for the provision of services.<sup>193</sup>

Some Romani activists and parents in Croatia have expressed concern that, while a teacher is working with non-Romani children in class, Romani pupils are left with poorly trained Romani assistants and may therefore receive substandard education. For the employment of Romani assistants to be truly beneficial and conducive to the inclusion of Roma in schools, they must receive the necessary training. This would enable them to participate in the teaching process more fully and meaningfully, without having their role restricted to that of an interpreter or language facilitator, and would produce positive results for Romani and non-Romani pupils alike.

Despite some initiatives to provide training and continuing education to Romani assistants, six years after the first initiatives were taken to include Romani assistants in Croatian schools, many assistants have very limited education and have received little or no training in teaching techniques and methodology.<sup>194</sup>

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<sup>191</sup> Council of Europe, Second Report Submitted by Croatia Pursuant to Article 25, para. 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/II(2004)002, 13 April 2004, p. 56.

<sup>192</sup> Interview with representatives of the Croatian Ministry of Science, Education and Sports, 23 March 2006.

<sup>193</sup> Ombudsman of Croatia, *Izvjješće o radu za 2005. godinu*, March 2006, p. 124.

<sup>194</sup> See Council of Europe, *The situation of Roma School Mediators and Assistants in Europe*, DGIV/EDU/ROM(2006)3, 2006.

## **Conclusions and recommendations**

Too often Romani children in Croatia are still partly or completely excluded from primary education. When they do attend school, the curriculum does not reflect or include their language and culture and, in some cases, they face discrimination and negative stereotyping. This situation entails violations of the human rights of Romani children and, given the importance of education in realizing other rights, perpetuates the marginalization of Romani communities in Croatia.

Discrimination in Croatian schools against Roma continues. Although segregated “Roma only” classes are increasingly rare, other forms of discrimination remain, in some cases as a result of negative stereotyping of, and low expectations for, Romani children, notably on the part of teachers. The Croatian authorities must tackle this problem as a matter of urgency, including by monitoring the composition of classes and, where needed, the activities of teachers working with Roma. They should provide primary school teachers with training aimed at eliminating negative stereotyping and prejudice, with a particular focus on Roma.

So far, efforts to include Romani culture and the languages spoken by Roma in Croatia in school curricula have been insufficient. The National Programme for Roma and the Action Plan for the Decade of Roma Inclusion contain hardly any measures to promote teaching in the first languages of many Romani children. Other aspects of Romani culture and history are also not included in teaching in primary schools. Although the current legal framework in Croatia allows for minorities to be taught in a way that reflects their culture, Roma have not as yet benefited from such provisions.

Training for teachers and all teaching staff working with Roma on Romani language and culture would be a first, necessary step, to ensure that Croatian schools become inclusive with respect to Romani pupils. This should be accompanied by long-term projects aimed at producing teaching materials in the languages spoken by Roma in Croatia and at educating teachers able to teach in such languages.

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

In order to achieve equality in and through education, it is essential that the Croatian authorities redouble their efforts to eliminate socio-economic obstacles to the

full access of Romani children to education. As foreseen in the National Programme for Roma, school meals should be provided to Romani children coming from low-income families. Financial and other assistance should be provided to Romani families whose extreme poverty makes ensuring their children's education particularly difficult.

Amnesty International's detailed recommendations to the authorities in Croatia include measures to be taken immediately, to prohibit discrimination against Roma, and further steps that should be taken to include Roma in education and to promote equality.

***Measures to prohibit discrimination against Roma in education***

Amnesty International calls on the Croatian authorities to:

- adopt an approach to the education of Romani children which rejects segregation and is based on their integration into a school system that adapts to their needs and culture;
- ensure that the placing of any child in separate primary school classes or groups is not discriminatory, is always based on reasonable and objective criteria, and takes place only when it is necessary and in the best interest of the child;
- ensure that the placing of any child in separate primary school classes or groups is temporary in nature and made with a view to ensuring the full integration, as soon as possible, in mainstream classes or groups;
- closely monitor the creation and the ethnic composition of classes in primary schools, to ensure that racial discrimination plays no part in the placing of children in school classes and groups;
- ensure that teachers and other staff working in schools receive training aimed at eliminating negative stereotyping and prejudice, with a particular focus on Roma, and at sensitizing them to the need to combat racist harassment and bullying in schools;
- monitor the work of teachers and other staff working in schools with a view to ensuring that any discriminatory behaviour or practices on their part is dealt with appropriately, including in grave cases through disciplinary or criminal action.



***Measures to eliminate discrimination, include Roma in education and promote equality***

Amnesty International calls on the Croatian authorities to:

- ensure that the necessary resources, from the state budget, are allocated for the implementation of the National Programme for Roma and the Action Plan for the Decade of Roma Inclusion, and to closely monitor their implementation in consultation with and with the assistance of Romani communities;
- promote the inclusion of Romani children in extra-curricular and other school activities, ensuring that Romani children are not excluded from them as a result of discrimination or extreme poverty;
- take steps to ensure that Romani culture, history and traditions are included in school curricula in all areas or in schools with a significant Romani population, and that relevant changes and additions to existing curricula are made in close consultation with Romani communities and organizations;
- in particular, ensure that, in close consultation with Romani communities, steps are taken to guarantee the availability of teaching and the publishing of teaching materials in the languages spoken by Roma in Croatia;
- take steps to ensure that teachers and other staff working in schools, especially in those cases where they work with significant numbers of Romani pupils, receive training on Romani culture, history, traditions and language, with the involvement and cooperation of Romani organizations;
- take steps to ensure that Romani assistants and mediators are employed in a systematic and comprehensive way in all schools and pre-schools with a significant Romani population, ensuring in particular that their tasks are clearly defined as part of the national educational policies and that they are employed on the same basis and with similar contracts as those used for other staff in Croatian schools;
- take steps to provide pedagogical and other relevant training to Romani assistants and mediators, with a view to ensuring their full and meaningful participation in the teaching process;
- take steps to ensure that Romani children, especially in areas not adequately covered by existing initiatives, have access to pre-school programmes of a sufficient duration that incorporate Romani culture, history, traditions and language, as well as Croatian language, also with a view to overcoming the language and other difficulties Romani pupils face when attending elementary school;

- recognize and take concrete, targeted steps to realize the right of all members of Romani communities, and those who are their legitimate and genuine representatives, to meaningfully participate in the development of educational policies which seek to ensure the inclusion of Roma in education;
- ensure that data are systematically collected, disaggregated by gender and age, on the inclusion of Romani children in schools, with particular focus on inclusion in compulsory education;
- develop a comprehensive approach to encourage attendance of all Romani children of compulsory education age, including outreach through social workers; seeking to establish a constructive environment where measures to achieve the right to education are in the best interest of the child; and using, as a last resort, the enforcement of legal provisions providing for compulsory attendance of elementary school;
- ensure that, in those cases where this is not happening, children from low-income Romani families are provided with assistance in order to overcome barriers in access to education originating from their poor socio-economic status; such assistance should include free textbooks, meals and transportation services to and from the school, school allowances and other material assistance needed to promote the Roma's participation in extra-curricular activities;
- through communication and information campaigns, challenge widespread negative stereotyping and prejudice about Roma in society at large.

## 4. Slovenia

Romani communities have been living on the land that makes up the Slovenia of today since the 14th century.<sup>195</sup> During the Second World War, present-day Slovenia was occupied by the forces of Germany, Italy and Hungary, and members of Romani communities were victim of racial persecution at the hands of their regimes.

The post-war establishment of the SFRY and the economic development in Slovenia, the richest of all Yugoslav constituent republics, saw a significant number of members of Romani communities, in particular those now living in urban areas, moving to Slovenia from poorer areas in the south of the SFRY.

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<sup>195</sup> Peace Institute, Institute for Contemporary Social and Political Studies, *Roma in Public Education: Raxen National Focal Point for Slovenia*, 2004, p. 7 (hereafter Peace Institute, *Roma in Public Education*).

In the 2002 Slovenian census, approximately 3,000 people declared themselves as Roma. However, the real number of Roma in Slovenia is probably higher, and is usually estimated at between 7,000 and 12,000, including so-called “non-autochthonous” or non-indigenous Roma (see below).<sup>196</sup> Most of the Roma in Slovenia are concentrated in the Dolenjska and Bela krajina regions in the south-east of the country, and in the Prekmurje region in northeastern Slovenia near the border with Hungary.<sup>197</sup> Roma also live in urban centres, including in the capital, Ljubljana.

The 2002 census registered 3,834 persons who declared Romani language as their first language. Romani languages spoken in Slovenia include two main variants, spoken chiefly in the Dolenjska and Prekmurje region, respectively.

According to official sources, in 25 Slovenian municipalities there are 90 Romani settlements, mostly isolated from the rest of the population or on the periphery of urban areas.<sup>198</sup> Many of these settlements, especially in the Dolenjska region, are not formally legalized and their inhabitants lack security of tenure.<sup>199</sup> Reportedly, 39 per cent of Roma live in brick houses, and 12 per cent in apartment blocks.<sup>200</sup> The rest live in cabins, caravans and similar dwellings, or makeshift shelters. The Council of Europe Commissioner for Human Rights noted in his follow-up report on Slovenia published in March 2006 that “the housing conditions of many of the Roma continue to be unsatisfactory with many Roma living in isolated, often illegal settlements, far away from services and other communities”.<sup>201</sup> Some communities lack sanitation,

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<sup>196</sup> See below, for a discussion of the problems associated with the distinction made by the Slovenian authorities between “autochthonous” and “non-autochthonous” Roma. See, for example, OSI, *Minority Protection in Slovenia*, 2001, p. 495n; Perić, Tatjana “Insufficient: Governmental programmes for Roma in Slovenia”, *Roma Rights Quarterly*, 2-3/2001; Expert Council for General Education, *Strategija vzgoje in izobraževanja Romov v Republiki Sloveniji*, 2004, p. 8 (hereafter Expert Council for General Education, *Strategija*); Government of the Republic of Slovenia, Office for National Minorities, [www.uvn.gov.si](http://www.uvn.gov.si), accessed on 5 June 2006.

<sup>197</sup> Small Sinti communities are located in the Gorenjska region, in northern Slovenia.

<sup>198</sup> See [www.uvn.gov.si](http://www.uvn.gov.si), accessed on 5 June 2006.

<sup>199</sup> Peace Institute, *Roma in Public Education*, pp. 36 and 37. See also ERRC, Submission to the Human Rights Committee, 8 July 2005, [www.errc.org](http://www.errc.org), accessed on 6 June 2006.

<sup>200</sup> See [www.uvn.gov.si](http://www.uvn.gov.si), accessed on 5 June 2006.

<sup>201</sup> Council of Europe Commissioner for Human Rights, Follow-Up Report on Slovenia (2003-2005), Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)8, 29 March 2006, para. 17.

running water, sewerage or waste removal services.<sup>202</sup> Others are reported as having no electricity.<sup>203</sup>

The marginalization of Romani communities in Slovenia is reflected as well in their high rates of unemployment, which is above 90 per cent in some areas. The Slovenian government's Office for National Minorities reports that "only 2 per cent of Roma are employed and approximately 98 per cent are unemployed and receiving social assistance from the state".<sup>204</sup> Other sources point to an unemployment rate among Roma of around 98 per cent in the Bela krajina region and 90 per cent in the Prekmurje region.<sup>205</sup> In 2001, in the Dolenjska region, hardly any Rom was reported as being employed in the formal economy; most members of Romani communities were working collecting scrap iron and, occasionally, at local farms. The situation does not appear to have changed significantly in recent years and unemployment among Roma is in fact increasing, with an estimated 90 per cent of Roma reportedly living on social benefits and child allowances.<sup>206</sup> As the Council of Europe Commissioner for Human Rights pointed out, high unemployment "can be partially explained by the fact that many Roma lack sufficient level of education and skills required, but it is also due to discrimination of Roma in the society in general".<sup>207</sup> Moreover, many "non-autochthonous" Roma were "erased", that is, unlawfully removed from the registry of permanent residents in 1992, after Slovenia became independent.<sup>208</sup> As a consequence, they lost their jobs or could no longer be legally employed.

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<sup>202</sup> Republic of Slovenia, *Slovenia: National Action Plan on Social Inclusion (NAP/Inclusion), 2004-2006*, p. 20 (hereafter Republic of Slovenia, *National Action Plan on Social Inclusion*).

<sup>203</sup> Council of Europe Commissioner for Human Rights, Final Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on the Human Rights Situation of the Roma, Sinti and Travellers in Europe, CommDH(2006)1, 15 February 2006, para. 31.

<sup>204</sup> See [www.uvn.gov.si](http://www.uvn.gov.si), accessed on 5 June 2006.

<sup>205</sup> See Council of Europe Commissioner for Human Rights, Follow-Up Report on Slovenia (2003 – 2005). Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)8, 29 March 2006, para. 27. See also OSI, *Minority Protection in Slovenia*, 2001, pp. 509 and 510.

<sup>206</sup> Republic of Slovenia, *National Action Plan on Social Inclusion*, p. 19.

<sup>207</sup> Council of Europe Commissioner for Human Rights, Follow-Up Report on Slovenia (2003 – 2005). Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)8, 29 March 2006, para. 27.

<sup>208</sup> For a discussion of human rights violations suffered by the "erased" in Slovenia, see Amnesty International, *Slovenia: Amnesty International's Briefing to the UN Committee on Economic, Social and Cultural Rights, 35th Session, November 2005*, AI Index: EUR 68/002/2005, 28 November 2005.

## **Legal framework and the Roma education strategy**

The 1991 Slovenian Constitution provides for equality in the enjoyment of human rights and fundamental freedoms, irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance (Article 14). In 2004, Slovenia, which is a member of the EU, enacted a law to implement the principle of equal treatment promoted by the EU Race Directive (*Zakon o uresničevanju načela enakega obravnavanja*).<sup>209</sup>

The Slovenian Constitution contains detailed provisions on the special rights of the Italian and Hungarian “autochthonous” communities in Slovenia (Article 64), including on the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. No such provisions are included on the rights of Romani communities. The Constitution only stipulates that “The status and special rights of the Romani community living in Slovenia shall be regulated by law” (Article 65). In this respect, the Italian and Hungarian minorities are effectively granted a higher level of minority protection in Slovenia.

A draft law regulating the status of Romani communities in Slovenia, as provided by Article 65 of the Constitution, is still in preparation. In March 2006 the Office for National Minorities of the Slovenian government conducted a public debate on guiding principles for a law on Romani communities.<sup>210</sup> However, representatives of the Romani communities in the Dolenjska region in particular have complained that they were not consulted during the drafting of the new law and that their needs and problems were ignored.

The concept of “autochthonous” minorities, which appears in the Slovenian Constitution with reference to the Italian and Hungarian communities, is used in Slovenian law and practice to differentiate between minorities enjoying special rights (“autochthonous” minorities) and ethnic minorities with little or no protection that do not come within the scope of the FCNM, as interpreted by the Slovenian authorities.<sup>211</sup> The Slovenian authorities differentiate between “autochthonous” and

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<sup>209</sup> The law provides for the establishment of a Council for the Implementation of the Principle of Equal Treatment as well as an Advocate of the Principle of Equality who can hear cases of alleged discrimination.

<sup>210</sup> See [www.uvn.gov.si](http://www.uvn.gov.si), accessed on 5 June 2006.

<sup>211</sup> The Advisory Committee on the FCNM, in its second opinion on Slovenia, noted how “the ‘autochthonous’ character of the population in question, closely bound up with the principle of territoriality, continues to represent a key element in the definition of the personal scope of application of the Framework Convention”. See Advisory Committee on the FCNM, Second Opinion on Slovenia, ACFC/INF/OP/II(2005)005, 26 May 2005, para. 29.

“non-autochthonous” Romani communities, although such a distinction does not appear in the Constitution with regard to Roma.<sup>212</sup> “Non-autochthonous” Roma include those who migrated from other former Yugoslav republics before Slovenia became independent, as well as those who came after independence.

Slovenian laws and regulations do not contain a clear definition of “autochthonous Roma”. However, the Slovenian Constitutional Court accepted that, in those cases where Romani settlements were present on a certain territory “for centuries”, their inhabitants should be considered “autochthonous Roma”.<sup>213</sup> However, even “autochthonous Roma” are not granted the same level of protection of minority rights as the two other “autochthonous” communities mentioned in the Constitution, the Italians and Hungarians,<sup>214</sup> including for example in political representation. The Italian and Hungarian minorities are each represented by a member of the Slovenian parliament, but no specific provision is made for representation of the Romani minority.

The distinction between “autochthonous” and “non-autochthonous” Roma has been the subject of concern for the UN bodies that monitor the compliance of states with obligations under international human rights treaties. Most recently, the CESCR expressed concern about discrimination against Roma in Slovenia and “the distinction made in practice between indigenous and non-indigenous Roma”.<sup>215</sup> Moreover, the Advisory Committee on the FCNM, in its second opinion on Slovenia, noted that, “although legal uncertainty subsists with regard to the meaning of the term ‘autochthonous’, the distinction between ‘autochthonous’ and ‘non-autochthonous’ Roma communities is still present”. Such an approach, in the view of the Advisory Committee, is likely to give rise to arbitrary exclusions and discriminatory practices with respect to the implementation of the FCNM and should not be retained. The

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<sup>212</sup> For instance, the Law on Local Self Government (*Zakon o lokalni samoupravi*) provides: “In areas inhabited by an autochthonous Romani community, Roma shall have at least one representative in the municipal council” (Article 39).

<sup>213</sup> Constitutional Court of the Republic of Slovenia, Decision in case no. U-I-416/98, 22 March 2001.

<sup>214</sup> Slovenia’s second report on measures to give effect to its obligations under the FCNM, states that the Romani community “does not have the status of a national minority in the Republic of Slovenia” but is rather “an ethnic community or minority which has specific ethnic characteristics (language, culture and other ethnic features)”. See Council of Europe, Second Report Submitted by Slovenia Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/II(2004)008, 6 July 2004.

<sup>215</sup> CESCR, Slovenia, Concluding Observations of the Committee on Economic, Social and Cultural Rights, E/C.12/SVN/CO/1, 25 January 2006, para. 11. Similarly, the HRC expressed concern about “the difference in the status between the so-called ‘autochthonous’ (indigenous) and ‘non-autochthonous’ (new) Roma communities” (see HRC, Concluding observations of the Human Rights Committee: Slovenia, CCPR/CO/84/SVN, 25 July 2005, para. 16).

Advisory Committee observed that “non-autochthonous” Roma are more affected by social exclusion and discrimination.<sup>216</sup>

Slovenian law and practice differentiate between “autochthonous” Italian and Hungarian minorities, who enjoy the highest degree of minority rights protection, “autochthonous” Romani communities, who receive lower protection, and “non-autochthonous” Roma, whom Slovenia excludes from the scope of the implementation of the FCNM. The authorities exclude from protection precisely the most disadvantaged and marginalized communities, the “non-autochthonous” Roma, and in general leave all Roma in Slovenia with less protection for their minority rights than other minorities.

The Slovenian Constitution enshrines the principle of compulsory and publicly financed primary education (Article 57). However, it protects the right to education of citizens only, stipulating: “The state shall create the opportunities for citizens to obtain a proper education”.

The Law on Elementary School (*Zakon o osnovni šoli*) provides that, among its aims, elementary education should “foster literacy and the competency to understand, communicate and express oneself in the Slovene language and, in the areas defined as ethnically mixed, also in the Italian and Hungarian language, respectively” (Article 2). In addition, it should encourage mutual tolerance, respect for human rights and basic freedoms, and the pupil’s own cultural tradition (Article 2). Compulsory elementary education is for nine years (Article 3). Elementary school usually starts at the age of six.

The Law on Elementary School also stipulates that teaching in elementary schools is in Slovene, or, “in elementary schools providing instruction in the languages of ethnic minorities, ... Italian and, in bilingual elementary schools, Slovene and Hungarian” (Article 6). The law fails to define the rights of members of Romani communities in primary education, including any linguistic rights. However, in compliance with international agreements, it provides for children of Slovenian citizens living in Slovenia, whose mother tongue is not Slovene, to be taught their respective first languages and about their cultures (Article 8). Teaching of the Slovene language may also be offered. In November 2005 the CESCR expressed concern that Roma in Slovenia “do not enjoy protection of their cultural rights, such as the right to

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<sup>216</sup> Advisory Committee on the FCNM, Second Opinion on Slovenia, ACFC/INF/OP/II(2005)005, 26 May 2005, paras. 12, 22, 31 and 32.

education in their mother tongue, unlike members of other minorities who enjoy this right under bilateral international agreements”.<sup>217</sup>

Pre-school education in Slovenia is regulated by the Law on Nursery Schools (*Zakon o vrtcih*), which provides that “Special standards and criteria shall apply to regions with specific development problems, ethnically mixed areas and to the education of Romani children” (Article 14). It also provides for state funding in connection with the higher costs of pre-schooling for Romani children (Article 29).

The Law on the Organization and Financing of Education (*Zakon o organizaciji in financiranju vzgoje in izobraževanja*) provides that part of the funding for elementary education of Roma should be provided by the state budget (Article 81). Special criteria and standards apply in the financing of education for Romani children (Article 84).

In 2004 the Expert Council for General Education adopted a Strategy for the Education of Roma in the Republic of Slovenia (*Strategija vzgoje in izobraževanja Romov v Republiki Sloveniji*), which was commissioned by the Slovenian Ministry of Education, Science and Sport and prepared by a group of experts in consultation with and the involvement of representatives of some Romani communities in Slovenia. The Strategy is a significant step in identifying the main obstacles to the integration of Romani children and a number of important policies and measures aimed at improving access to education for Roma. The summary below is brief and non-exhaustive.

The Strategy for the Education of Roma in the Republic of Slovenia foresees the inclusion of Romani children in pre-school education at least two years before they begin attending primary school.<sup>218</sup> Pre-schooling programmes would involve language teaching in Slovene and Romani language, as well as learning experiences to facilitate integration in primary schools. In those cases where the integration of Romani children in nursery schools outside Romani settlements is for the moment not possible, the creation of pre-schooling programmes in the settlements is proposed.

The Strategy discusses the role of Romani assistants, both in schools and in nursery schools, as instrumental in helping Romani children overcome linguistic and emotional barriers. It envisages the compulsory introduction of Romani language, as

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<sup>217</sup> CESCR, Slovenia. Concluding Observations of the Committee on Economic, Social and Cultural Rights, E/C.12/SVN/CO/1, 25 January 2006, para. 11.

<sup>218</sup> Similarly, a 1995 Programme of Measures to Assist Roma in the Republic of Slovenia called for the inclusion of Romani children in nursery schools two years before starting elementary school. See Government of the Republic of Slovenia, *Program ukrepov za pomoč Romom v Republiki Sloveniji*, 30 November 1995, p. 2.



an optional subject, in primary schools with a presence of Romani children, as well as the adoption of specific methods for the teaching of the Slovene language to Romani children, which take into consideration that for most of them it is a second language. The Strategy also proposes the introduction of multicultural school curricula, incorporating aspects of Romani culture, history and identity.

The Strategy rejects systems that segregate or lead to the segregation of Romani children, stating that “the aim is integration, which has to be attained from admission to school and beyond”.<sup>219</sup> It also calls for the introduction of plans to identify and combat negative stereotyping and prejudice about Roma, to be produced and implemented every school year in schools where Romani children are present.

The Strategy envisages the adoption of an action plan that would identify the concrete steps, activities and relevant deadlines for implementation of the measures it foresees. However, the Slovenian authorities have to date failed to adopt such a plan. The failure to implement in a detailed and comprehensive way the solutions proposed in the Strategy leaves a major gap in Slovenia’s policies on Roma inclusion in education.

### **Exclusion from primary and pre-school education**

*“Romani children, they are not interested in physics or mathematics. They may learn Spanish, because they watch a lot of telenovelas.”*

#### **A teacher in an elementary school in the Dolenjska region, Slovenia.**

Slovenian Romani adults have rarely completed elementary school and are often illiterate or semi-illiterate.<sup>220</sup> In the school year 2004/05, according to official sources, 1,547 Romani children were enrolled in Slovenian elementary schools.<sup>221</sup> Romani children are reported to be enrolled in 40 nursery schools throughout Slovenia. However, the majority of Romani children do not have access to pre-school education.<sup>222</sup> Those who do, are mostly integrated in mixed classes and nursery schools. In the school year 2003/04, 91 Romani children were reported as attending nursery school groups only for Roma.<sup>223</sup>

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<sup>219</sup> Expert Council for General Education, *Strategija*, p. 33.

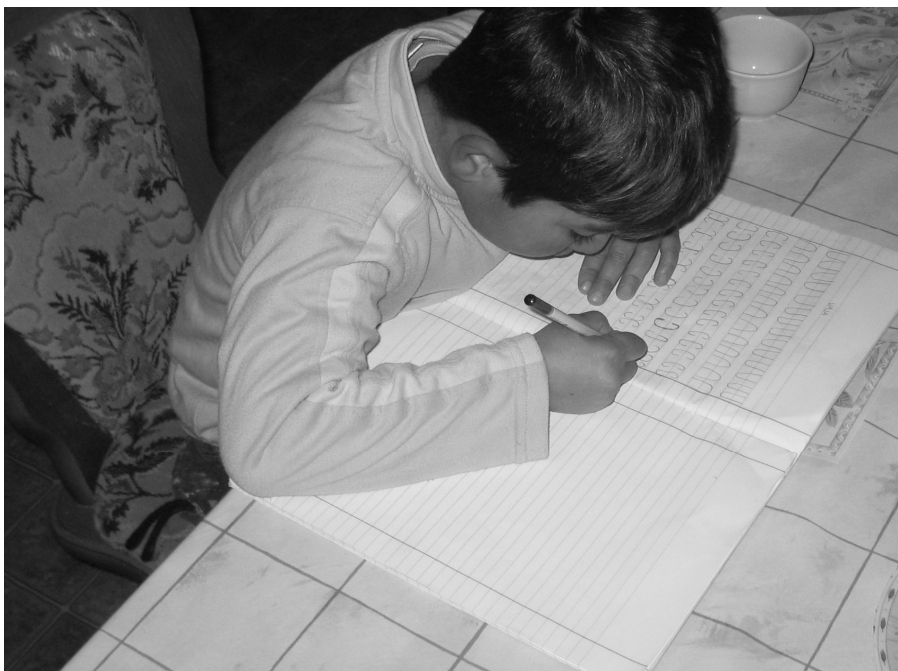
<sup>220</sup> Expert Council for General Education, *Strategija*, pp. 8 and ff.

<sup>221</sup> See [www.uvn.gov.si](http://www.uvn.gov.si), accessed on 7 June 2006.

<sup>222</sup> European Monitoring Centre on Racism and Xenophobia (EUMC), *Roma and Travellers in Public Education: An overview of the situation in the EU Member States*, May 2006, p. 40.

<sup>223</sup> See Reply of the Republic of Slovenia on the list of issues to be taken up in connection with the consideration of the second periodic report of Slovenia (CCPR/C/SVN/2004/2), [www.ohchr.org/english/bodies/hrc/docs/AdvanceDocs/slovenia-writtenreplies.pdf](http://www.ohchr.org/english/bodies/hrc/docs/AdvanceDocs/slovenia-writtenreplies.pdf), accessed on 9 June 2006. Apparently no information is available on the total number of Roma children integrated in mixed

Romani children attending school frequently do not complete all nine years of compulsory elementary education.<sup>224</sup> However, it is generally accepted that attendance rates of Romani children in primary education have improved in the past few years (although this is not reflected in increased attendance rates in secondary schools and beyond).<sup>225</sup>



A Romani child from Šentjernej, Slovenia, doing his homework. © Amnesty International.

The situation in the Dolenjska region appears to be the most problematic. While in Prekmurje 70 per cent of Romani pupils are reported to attend school regularly, in

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nursery school groups. See Implementation of the International Covenant on Economic, Social and Cultural Rights, Initial reports submitted by States parties under articles 16 and 17 of the Covenant, Addendum: Slovenia, E/1990/5/Add.62, 26 May 2004, para. 875.

<sup>224</sup> Pupils who repeat one or more years may meet the compulsory education legal requirements without successfully completing the final three-year cycle of elementary school.

<sup>225</sup> Perić, Tatjana “Insufficient: Governmental programmes for Roma in Slovenia”, *Roma Rights Quarterly*, 2-3/2001.

Dolenjska the corresponding figure is 39 per cent.<sup>226</sup> Access to education for “non-autochthonous” Romani children appears to be particularly difficult, as some of them were “erased” in 1992 (see above) and their status has not been restored, or they otherwise have no documents. Although children without a regularized status or without documents are not usually excluded from elementary schools, it is possible to assume that some “non-autochthonous” Romani children do not attend school at all, including because the authorities ignore their existence.<sup>227</sup>

In the Dolenjska region the majority of Romani children, especially girls, leave primary school as soon as they complete the final year of compulsory education, without necessarily completing elementary school. The majority of Roma living in the Novo Mesto area and in the municipalities of Škocjan and Šentjernej are illiterate.<sup>228</sup> Also, in the Bela krajina region most of the Romani adults are illiterate; the number of children regularly attending school is increasing, although here too most do not complete elementary education.

According to information provided to Amnesty International by a local NGO activist and members of the Romani community in the settlement of Kerinov grm, near Krško, approximately 40 out of 57 Romani children of school age attend elementary school regularly.<sup>229</sup> Conditions vary greatly in different municipalities and settlements. In one school in the Dolenjska region, for example, only one Romani child in the past 25 years is reported to have completed elementary education.<sup>230</sup> In the Kočevje municipality in south-east Slovenia, where approximately 500 Roma live, all children are reportedly included in elementary education, but they attend school only for the nine years of compulsory education.<sup>231</sup>

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<sup>226</sup> EUMC, *Roma and Travellers in Public Education: An overview of the situation in the EU Member States*, May 2006, p. 40.

<sup>227</sup> Peace Institute, *Roma in Public Education*. See also OSI, *Minority Protection in Slovenia*, 2001, p. 544.

<sup>228</sup> Expert Council for General Education, *Strategija*, pp. 8 and 9.

<sup>229</sup> Interviews with Sanda Libenšek, Association for the Development of Preventive and Voluntary Work, and members of the Romani community in Kerinov grm, 21 March 2006.

<sup>230</sup> Nečak-Lük, Albina, Brejc, Mateja and Vonta, Tatjana, *Integration of Roma Children into Mainstream Education in Slovenia: Final Research and Evaluation Report*, Roma Education Initiative, 2005, p. 5 (hereafter Nečak-Lük, Brejc and Vonta, *Integration of Roma Children into Mainstream Education in Slovenia*).

<sup>231</sup> Expert Council for General Education, *Strategija*, p. 9.

## **Barriers to education**

### ***Availability***

Although under Slovenian law primary education is compulsory and publicly financed, the availability of primary education for Romani children is limited by lack of appropriate training for teachers. Teachers who work with Romani children in schools and pre-schools seldom receive specific training, including on Romani culture or language, that would better enable them to pursue the full integration of Romani children in school and would reduce negative stereotyping and low expectations for Romani children (see below).<sup>232</sup> Existing initiatives by local educational authorities, or conducted in the framework of projects carried out by NGOs, are still insufficient.<sup>233</sup>

### ***Accessibility***

The problems that negatively impact on the accessibility of primary education for Romani children are several and different. A first set of obstacles is linked to the poor socio-economic situation of most Roma in Slovenia.<sup>234</sup> Efforts are made by the Slovenian authorities to provide free meals, textbooks and transportation to pupils from low-income Romani families. However, the lack of basic infrastructure, such as distances between settlements and schools, overcrowding and poor sanitary conditions in the settlements, lack of adequate clothing, and insufficient financial resources to meet costs associated with education are often cited by Roma as denying their children the full advantages of education.<sup>235</sup> It is often reported, for example, that poor material conditions in the settlements and cold, overcrowded homes prevent Romani pupils from studying and doing homework. As Roma from the Šentjernej community, not far from Novo Mesto, put it: “Some of us live in huts. How can the children do well at school?”<sup>236</sup> Without appropriate clothing, Romani children may be unable to go to school in winter. Poor clothing may also make Roma instantly “recognizable” in schools and stigmatized as a result.

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<sup>232</sup> Nečak-Lük, Brejc and Vonta, *Integration of Roma Children into Mainstream Education in Slovenia*, p. 5.

<sup>233</sup> Interview with Marta Novak, Coordinator of educational activities for Romani pupils, Novo Mesto Institute of Education, 21 March 2006. Also see Nečak-Lük, Brejc and Vonta, *Integration of Roma Children into Mainstream Education in Slovenia*.

<sup>234</sup> While it is clear that poor education leads to poverty, the reverse causal link is also important. See UNDP, *At Risk: Roma and the Displaced in Southeast Europe*, 2006, p. 34.

<sup>235</sup> Interview with Polde Jevšek, expert worker, Novo Mesto Centre for Social Work, 20 March 2006.

<sup>236</sup> Interviews with members of the Romani community in Šentjernej, 20 March 2006.

In those cases where schools report pupils who have not completed compulsory education because they do not attend school regularly, social workers can intervene through “informal” contacts with the families or, as a last resort, by withdrawing part of the family’s social welfare allowance.<sup>237</sup> While this approach has produced some positive results, not all social work centres have sufficient resources to deal with the range of social problems affecting Romani communities, including access to education. The Centre for Social Work in Novo Mesto, for instance, employs one person working with a population of 1,127 Roma, scattered across 17 settlements and towns.

Racism and discrimination continue to play an important role in denying Romani children full access to education. Romani children may be placed in schools for children with special needs or segregated in “Roma only” classes and groups where only a reduced curriculum is followed.

In Slovenia, Romani children are over-represented in schools with an adapted programme for children with mental disabilities. The Advisory Committee on the FCNM, noted that, despite improvements, the practice of undue placement of Romani children in schools for children with special needs has not been completely abolished.<sup>238</sup> In 2004/05 more than 8 per cent of Romani children in elementary education were placed in special schools, compared to slightly more than 1 per cent for non-Roma.<sup>239</sup>

A report by the Open Society Institute (OSI) points out that Romani children are almost 10 times more likely to be diagnosed with mild intellectual disabilities than non-Romani children.<sup>240</sup> Such a diagnosis would generally lead to the placement of children in special schools. Children attending such schools then have little chance of continuing their education in mainstream secondary schools.<sup>241</sup> Research conducted in Slovenia has shown that poor command of the Slovene language, the socio-economic background of the family, and even the external appearance of the child, can play a role in the misdiagnosis of Romani children as children with special needs.<sup>242</sup> Negative stereotypes and expectations about the potential of educational achievement of Roma also appear to be factors in the over-representation of Romani children in

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<sup>237</sup> Interview with Polde Jevšek, expert worker, Novo Mesto Centre for Social Work, 20 March 2006.

<sup>238</sup> Advisory Committee on the FCNM, Second Opinion on Slovenia, ACFC/INF/OP/II(2005)005, 26 May 2005, paras. 23, 69, 144 and 148.

<sup>239</sup> Peace Institute, *Roma in Public Education*, p. 24.

<sup>240</sup> OSI, *Rights of People with Intellectual Disabilities: Access to Education and Employment – Slovenia*, 2005, p. 77 (hereafter OSI, *Rights of People with Intellectual Disabilities*).

<sup>241</sup> OSI, *Minority Protection in Slovenia*, 2001, p. 503.

<sup>242</sup> OSI, *Rights of People with Intellectual Disabilities*, p. 78.

Slovenian special schools. Some teachers working in schools with a significant Romani presence express the view, including in interviews with Amnesty International delegates, that placing Romani children in special schools is in fact beneficial, as it provides them with more individual attention and targeted work.

In support of segregation in “Roma only” classes, teachers working with Roma usually cite the children’s lack of knowledge of the Slovene language, their lower level of social skills, and low expectations of their performance.

In 2001, for example, the primary school in Leskovec was reported as segregating Romani children of nursery school age and in the first four grades of elementary school in a separate wooden building, where they reportedly followed a reduced curriculum.<sup>243</sup> Members of the local Romani community told Amnesty International that the situation in the Leskovec elementary school had improved, but that racist harassment of Romani children had been common a few years earlier.<sup>244</sup>

The segregation of Roma in separate classes has been introduced in primary schools as a “catch-up measure”, and the Bršljin elementary school was reported as preparing its own integration programme, including a set of low standard, “specially adapted” learning objectives for Romani children.<sup>245</sup> The Council of Europe Commissioner for Human Rights, reporting on a visit in 2003 to Slovenia, noted that:

*“According to reports that I received, many Roma children continue to be placed in special classes for children with special needs, and some schools have special Roma classes. The Act on Organizing and Financing of Education states: ‘[s]pecial criteria and standards shall be determined for education of:… Romany children’ and the Preschool Institutions Act talks about ‘classes of Romany children’. Although I was informed that these provisions were introduced with good intentions mainly to overcome language barriers, the manner in which they are implemented may aggravate the exclusion of Roma children and carries a risk of discrimination. Being subjected to special classes often means that these children follow a curriculum inferior to those of mainstream classes, which*

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<sup>243</sup> OSI, *Minority Protection in Slovenia*, 2001, p. 504; Perić, Tatjana “Insufficient: Governmental programmes for Roma in Slovenia”, *Roma Rights Quarterly*, 2-3/2001.

<sup>244</sup> Interviews with members of the Romani community in Kerinov grm, 21 March 2006. See also ERRC, “Slovenian Roma sue police for not providing protection”, *Roma Rights Quarterly*, 1/2001; “Bršljinški zaplet”, *Mladina*, 11 April 2005.

<sup>245</sup> OSI, *Minority Protection in Slovenia*, 2001, p. 503

*diminishes their prospects for further education and eventually, for finding employment in the future”.*<sup>246</sup>

Since the school year 2003/04 the Slovenian educational authorities, as a matter of general policy, have endorsed the creation of mixed classes.<sup>247</sup> In addition, the 2004 Strategy for the Education of Roma in the Republic of Slovenia rejected segregation in the education of Romani pupils. However, despite improvements, separate classes and groups have in practice not been eliminated.<sup>248</sup>

In March 2005, after protests by parents of non-Romani children at the numbers of Romani pupils attending the Bršljin elementary school in Novo Mesto, the Slovenian Ministry of Education and Sport decided to create special separated classes at the school in certain subjects for Romani children only. Following appeals by parents of Romani pupils and NGOs, including Amnesty International, the Minister of Education retracted his initial proposal and reportedly suggested that different classes could be created on the basis of the pupils’ knowledge and performance in school.<sup>249</sup>

This led to the development of the so-called “Bršljin model”, which has been implemented at the Bršljin elementary school in Novo Mesto, providing for the creation of separated groups in certain subjects. According to information Amnesty International has received from the school, separate groups in three subjects – Slovene, foreign languages and mathematics – are formed for pupils who do not perform sufficiently well. These special groups are intended to provide further help to pupils who experience difficulties in the three subjects and, at least in theory, would allow pupils to return to the mainstream groups after a “catching-up” period. Teachers in

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<sup>246</sup> Council of Europe Commissioner for Human Rights, Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on His Visit to Slovenia 11-14 May 2003, CommDH(2003)11, 15 October 2003, para. 10.

<sup>247</sup> Council of Europe Commissioner for Human Rights, Follow-Up Report on Slovenia (2003 – 2005). Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)8, 29 March 2006, para. 18.

<sup>248</sup> “Romani sections”, which receive extra funding, can be created in nursery schools if there are at least five Romani children in them (see Implementation of the International Covenant on Economic, Social and Cultural Rights. Initial reports submitted by States parties under articles 16 and 17 of the Covenant. Addendum. Slovenia, E/1990/5/Add.62, 26 May 2004, Paragraph 871). This apparently leads to financial incentives in some cases favouring segregation. See Nečak-Lük, Brejc and Vonta, *Integration of Roma Children into Mainstream Education in Slovenia*, p. 5.

<sup>249</sup> In April 2005, Amnesty International Slovenia expressed its concerns relating to the segregation of Romani children in the Slovenian educational system in an open letter to Prime Minister Janez Janša. See [www.amnesty.si](http://www.amnesty.si), accessed on 21 June 2006. See also Council of Europe Commissioner for Human Rights, Follow-Up Report on Slovenia (2003 – 2005). Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)8, 29 March 2006, para. 19.

Bršljin admit that such groups are composed mostly, and in some cases only, of Romani pupils. In the school year 2005/06, the school reported having 687 pupils, of whom 78 were Roma.<sup>250</sup>

Such a model has been criticized in Slovenia for being in effect a continuation of the old segregation approach. An open letter signed by a number of Slovenian experts in education pointed in particular to the dangers of segregation at an early age. Similar criticism has been levelled by the Council of Europe Commissioner for Human Rights, who stated in his report published in 2006: “It is of concern that the model currently implemented in Bršljin represents a step back from the already achieved levels of integration and falls short of the impressive ambitions contained in the national strategy [for the Education of Roma in the Republic of Slovenia]”. The Commissioner recommended that the implementation of the Bršljin model be revised, in consultation with experts on education and Romani representatives.<sup>251</sup> The Bršljin model is currently being evaluated by the Slovenian education authorities and a decision on its further implementation, including in other Slovenian schools, will be made when such evaluation is completed. This is expected to happen in January 2007.<sup>252</sup>

The Bršljin school, where the model is currently being tested, has a history of segregating Romani pupils and tensions between Roma and non-Roma. It has not been a successful example of the integration of Romani pupils in education: as admitted by teachers at the school, only three Romani pupils have successfully completed elementary education in the history of the school.<sup>253</sup> Low expectations about Romani children were evident when Amnesty International delegates visited the school. Teachers said that they did not expect a single Romani pupil, out of 78 in the school, to complete elementary education, and that Romani children were not interested in subjects such as mathematics or physics. The creation of separate classes and groups for Roma, including in the implementation of the Bršljin model, thus appears to be motivated by negative stereotypes.

### ***Acceptability***

Protests by non-Romani parents against the full integration of Roma in schools are indicative of racism and discrimination against Roma in the non-Romani population,

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<sup>250</sup> Interview with Bršljin Elementary School teachers, 21 March 2006.

<sup>251</sup> Council of Europe Commissioner for Human Rights, Follow-Up Report on Slovenia (2003 – 2005). Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2006)8, 29 March 2006, paras 24 and 25.

<sup>252</sup> Interview with Marta Novak, Coordinator of educational activities for Romani pupils, Novo Mesto Institute of Education, 21 March 2006.

<sup>253</sup> Interview with Bršljin Elementary School teachers, 21 March 2006.



including pupils at school and their families. Negative stereotyping by teachers results in low expectations of Romani children and other discriminatory attitudes and behaviour. Referring to the extra attention required by Romani pupils, one teacher from a school in the Dolenjska region told Amnesty International: “[Romani] children – like [Romani] adults – always want something”. Such discrimination violates the right of Romani children to have access to education and the benefits it accords.

Roma in Kerinov grm told Amnesty International that intolerance towards Romani children and racist bullying are still reported, mostly from non-Romani children although one Romani mother said her child was beaten by a teacher in the local elementary school.<sup>254</sup> Romani parents from Šentjernej told Amnesty International: “When our children do something wrong, they are taken out of class and left with someone who is not a teacher for hours”.<sup>255</sup>

A matter of concern in general is the failure to include Romani culture and traditions in school curricula, available to all children. The strategies adopted to include Romani children in education have so far mostly been based on assimilation, rather than on multicultural integration.<sup>256</sup> The aspects of the Strategy for the Education of Roma in the Republic of Slovenia envisaging the introduction of multicultural curricula in schools remain to be implemented. Instead, old textbooks and teaching materials “for Roma”, in use in the old eight-year elementary school system that was gradually replaced from 1999/2000, are reportedly still being employed in some schools, although some contain a reduced curriculum.

Some activities are organized by schools with the aim of including Romani culture, or aspects of it, as part of pre-school and elementary education. However, such activities appear to depend on the initiative of individual schools or teachers, and are often limited to activities organized around International Roma Day or to the playing and singing of Romani songs and music. A pupil from the Kerinov grm settlement, for instance, told Amnesty International that, “apart from what we do on the Roma Day, there is nothing on our culture in school”.<sup>257</sup> As is clear from other contexts, occasional “cultural celebrations” alone do not transform an exclusive curriculum into an inclusive one.<sup>258</sup>

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<sup>254</sup> Interviews with members of the Romani community in Kerinov grm, 21 March 2006.

<sup>255</sup> Interviews with members of the Romani community in Šentjernej, 20 March 2006.

<sup>256</sup> Kovač Šebart, Mojca and Krek, Janez, “Multicultural Education of Romanies in Slovenia” in *Multicultural education in the unifying Europe*, Czestochowa: Wydawnictwo Wyższej szkoły pedagogicznej w Czestochowie, 2003, pp. 75-88. See also Peace Institute, *Roma in Public Education*, p. 28.

<sup>257</sup> Interviews with members of the Romani community in Kerinov grm, 21 March 2006.

<sup>258</sup> Save the Children UK, *Denied a Future*, Volume 4, p. 33.

In Slovenian history books, for instance, Roma are reported to be barely mentioned, except for some references to the organized persecutions they suffered at the hands of the Nazi regime.<sup>259</sup> In fact, a study found only three references to Roma in all books used in Slovenian schools, one of which reportedly drew a parallel between the word “Gypsy” and “thief”.<sup>260</sup>

The virtual absence of Romani culture and history from Slovenian primary school curricula is in contrast with the teaching and curricula, including in their own language, available to pupils belonging to the Italian and Hungarian minorities. The Roma, as a minority without a “kin-state”, are disadvantaged in comparison with other ethnic minorities in Slovenia.

### ***Adaptability***

Linguistic barriers make it significantly more difficult for Romani pupils to integrate in schools when, for instance, they have only a very basic knowledge of the Slovene language. Despite the fact that the Strategy for the Education of Roma in the Republic of Slovenia envisages the inclusion of Romani children in pre-school education at least two years before attending elementary school, the number of Romani children who have access to pre-school education remains low.<sup>261</sup> This translates into significantly greater difficulties for those Romani pupils when they start attending elementary school, including because of their insufficient knowledge of the Slovene language. Approximately 30 per cent of Romani children who reach school age are estimated as having a very limited command of Slovene.<sup>262</sup> Indeed, the children’s lack of knowledge of Slovene is one of the obstacles to their integration in primary education most often cited by Roma. Romani parents in Kerinov grm, for instance, told Amnesty International: “Our children go to school and sometimes do not

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<sup>259</sup> Interview with Sanda Libenšek, Association for the Development of Preventive and Voluntary Work, 21 March 2006.

<sup>260</sup> OSI, *Minority Protection in Slovenia*, 2001, p. 516.

<sup>261</sup> Advisory Committee on the FCNM, Second Opinion on Slovenia, ACFC/INF/OP/II(2005)005, 26 May 2005, para. 150. See Republic of Slovenia, *First Annual Report on the Implementation of the National Action Plan on Social Inclusion (NAP/inclusion), 2004-2006*, February 2005, where it is reported that “the number of Roma children in kindergartens is very small” (p. 19). At the time of Amnesty International’s visit to the Romani settlement of Brezje, located in the vicinities of the Bršljin elementary school, on 20 March 2006, the nursery school in the settlement had just been closed down by local authorities, apparently on safety grounds. A previous visit by Amnesty International to the nursery school, in September 2005, highlighted the many difficulties it faced, including the extremely poor social background of its Romani pupils and the language barrier posed by their lack of Slovene.

<sup>262</sup> Interview with Janez Krek, Researcher, Centre for Educational Policy Studies, Faculty of Education, University of Ljubljana, 20 March 2006.

understand what the teacher is talking about”.<sup>263</sup> One child, now successfully attending the eighth grade of elementary school, told Amnesty International: “With the [Slovene] language, it was difficult... I didn’t receive any help. I did it all by myself”.<sup>264</sup>

The inclusion of Romani language in school and pre-school curricula in areas with a significant Romani presence would be a step towards helping Romani children overcome existing language barriers and providing a truly multicultural education. Yet measures for the inclusion of Romani language in education, outlined in the Strategy for the Education of Roma in the Republic of Slovenia, mostly remain unimplemented.

Since 2003, the Slovenian authorities have financed a project aimed at the standardization of the two main variants of the Romani languages in Slovenia spoken in the Dolenjska region and in Prekmurje. The project entails the creation of two grammar books and of Romani-Slovene and Romani-English dictionaries for the two variants, and was being completed in June 2006. It remains to be seen, however, if and to what extent the standardization of Romani languages spoken in Slovenia will lead to the inclusion of Romani language in school curricula and to the preparation of textbooks and other teaching materials. The creation and publication of these materials, given the limited demand and the poor socio-economic situation of most Roma in Slovenia, will have to be financed by the Slovenian authorities. It is worth noting that funding is already provided by the Slovenian authorities to cover the extra costs associated with the provision of teaching materials in Italian and Hungarian. However, there is a risk that the lower level of protection for the Roma’s minority rights, including linguistic rights, than that accorded to other “autochthonous” communities may result in insufficient efforts towards including Romani language in teaching materials.<sup>265</sup>

The employment of Romani assistants and coordinators is another way to overcome linguistic and other barriers to accessing education. They are members of Romani communities employed to facilitate teaching during lessons, including by helping pupils with little knowledge of the Slovene language, and to promote

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<sup>263</sup> Interviews with members of the Romani community in Kerinov grm, 21 March 2006. Romani parents in the settlement of Šentjernej also had concerns about language barriers (interviews with members of the Romani community in Šentjernej, 20 March 2006).

<sup>264</sup> Interviews with members of the Romani community in Kerinov grm, 21 March 2006.

<sup>265</sup> For instance, Marta Novak, who at the Novo Mesto local educational authority (*Zavod za šolstvo*) coordinates activities with Romani pupils, in an interview with Amnesty International (21 March 2006) expressed doubts as to whether, under current Slovenian law, Roma should be taught in their own language.

communication between Romani communities and schools. The Strategy for the Education of Roma in the Republic of Slovenia usefully recommends a programme at the national level to introduce Romani assistants in schools and nursery schools. Such a programme should be adequately financed and should also provide training for those employed as Romani assistants.<sup>266</sup>

As yet, Romani teaching assistants have not been incorporated in a systematic and comprehensive way in the Slovenian school system. The Council of Europe recently published a report on Romani school mediators and assistants in Europe, compiled on the basis of questionnaires sent in 2005 to the educational authorities and Romani NGOs in a number of European countries. The Slovenian authorities were reported to have responded negatively to a question asking whether the educational system employed members of Romani communities “to facilitate communication between teachers and Roma/Gypsy families and/or to improve access to school and increase the chances of success at school for Roma/Gypsy children”.<sup>267</sup> However, on an *ad hoc* basis, on the initiative of schools or through projects financed by international donors, Romani assistants have been employed in some Slovenian schools.<sup>268</sup>

Research in Slovenia has shown that the work of existing Romani assistants can be one of the most important factors in the successful integration of Romani children.<sup>269</sup> The same research, conducted in the framework of an evaluation of the activities of Roma Education Initiative projects, concluded that more attention should be paid to the training and education of Romani assistants, who should be fully included in schools’ teaching staff and whose roles and position should be regulated by law.<sup>270</sup> The full job descriptions and other regulatory instruments defining the roles of Romani assistants and coordinators were still in preparation as of October 2006.

## **Conclusions and recommendations**

The exclusion of Romani children from primary education in Slovenia and continuing discrimination against Roma in schools constitute human rights violations, both a

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<sup>266</sup> Expert Council for General Education, *Strategija*, p. 33.

<sup>267</sup> Council of Europe, *The situation of Roma School Mediators and Assistants in Europe*, DGIV/EDU/ROM(2006)3, 2006. The report also notes that the Slovenian authorities mentioned in their reply that the introduction of Romani teaching assistants is envisaged in the Strategy for the Education of Roma in the Republic of Slovenia.

<sup>268</sup> Including in the Bršljin school in Novo Mesto (see above). See also US Department of State, *Country Reports on Human Rights Practices 2005: Slovenia*, 8 March 2006.

<sup>269</sup> Nečak-Lük, Brejc and Vonta, *Integration of Roma Children into Mainstream Education in Slovenia*, p. 16.

<sup>270</sup> The Roma Education Initiative was an OSI project, terminated at the end of 2005, which aimed at promoting the inclusion of Roma in education in a number of Eastern European countries.

product of and a contributing factor to marginalization of Romani communities. In particular, the so-called “non-autochthonous” Roma enjoy little or no protection of their minority rights, despite their marginalization, placing them in a disadvantaged position even in comparison to the rest of the Romani communities in Slovenia.

Ethnic discrimination in education violates international human rights standards as well as Slovenian legislation, and the prohibition of discrimination in access to education must be applied fully and immediately. In particular, the Slovenian authorities must ensure that no Romani children are placed in a special school, class, or group simply because they are Roma. The Bršljin model should not become an excuse to continue the practice of having segregated classes for Roma, masked as catch-up classes.

Roma in Slovenia should not only enjoy access to schools where discrimination has no place. They also have the right to see their language, culture and identity included as an integral part of the educational process. At the moment, this is still not happening. Given that language barriers are among the main obstacles Romani children face in education, the failure to include any teaching in Romani languages in Slovenian schools has a particularly negative impact on access to education of Roma.

Despite the adoption in 2004 of the Strategy for the Education of Roma in the Republic of Slovenia, which endorses the full integration of Romani children in Slovenian schools and the introduction of Romani language and culture in school curricula, the authorities have failed to put into practice many of the measures included in the Strategy. Amnesty International recognizes that the full inclusion of Romani language and culture in school curricula and teaching materials is a long-term process. In this respect, the project aimed at the standardization of languages spoken by Roma in Slovenia is a step in the right direction. Much more needs to be done, however, to ensure that teaching materials in Romani and on Romani culture are produced and made available to pupils, and to train teaching staff, including Romani teachers and teaching assistants, so as to ensure that teaching in Slovenia becomes truly multicultural.

Other steps needed to promote Romani children’s full access to education involve the adoption of special measures aimed at removing some of the linguistic and other obstacles Roma face when attending primary school. These should include the introduction of Romani assistants and mediators, as well as of pre-school programmes, not on an *ad hoc* basis but rather as part of Slovenian national educational policies. Amnesty International hopes that the finalization of the job descriptions for the positions of Romani assistants and mediators, currently still in preparation, will lead to the full and comprehensive inclusion of Romani assistants and mediators in

Slovenian schools, on the same basis and with similar contracts as the ones used for teaching and other school staff.

Other factors, in many respects linked to the socio-economic marginalization of Romani communities, have led to poor attendance rates for Romani children in Slovenia. Measures in the area of education should form part of a comprehensive plan to tackle the discrimination and marginalization Roma suffer in other areas such as health, housing and employment. Such measures are needed to ensure that Romani children are not excluded from education simply because they come from a poor socio-economic background. They include the provision of material assistance, such as textbooks, meals, transportation and school allowances to Romani children from low-income families.

Amnesty International's detailed recommendations to the authorities in Slovenia include measures to be taken immediately, to prohibit discrimination against Roma, and further steps that should be taken to include Roma in education and to promote equality.

***Measures to prohibit discrimination against Roma in education***

Amnesty International calls on the Slovenian authorities to:

- cease differentiating between “autochthonous” and “non-autochthonous” Roma, and include all Roma within the scope of policies to promote the inclusion of Roma in education and in consultation when deciding such policies;
- as provided in the Strategy for the Education of Roma in the Republic of Slovenia, adopt an approach to the education of Romani children which rejects segregation and is based on their integration into a school system that adapts to their needs and culture;
- closely monitor the placement of pupils in schools for children with special needs to ensure that the ethnic origin of the children plays no role in it; that the consequences of socio-economic marginalization do not result in the misdiagnosis of mental disabilities; and that any decision to place children in such schools is made with the full and informed consent of the parents;
- ensure that the placing of any child in separate primary school classes or groups is not discriminatory, is always based on reasonable and objective criteria, and takes place only when it is necessary and in the best interest of the child;

- ensure that the placing of any child in separate primary school classes or groups is temporary in nature and made with a view to ensuring the full integration, as soon as possible, in mainstream classes or groups;
- in particular, ensure that the implementation of the so-called “Bršljin model” does not result in the effective segregation of Romani pupils in special “Roma only” primary school groups or classes;
- closely monitor the creation and the ethnic composition of classes in primary schools, to ensure that racial discrimination plays no part in the placing of children in school classes and groups;
- ensure that teachers and other staff working in schools receive training aimed at eliminating negative stereotyping and prejudice, with a particular focus on Roma, and at sensitizing them to the need to combat racist harassment and bullying in schools;
- monitor the work of teachers and other staff working in schools with a view to ensuring that any discriminatory behaviour or practices on their part is dealt with appropriately, including in grave cases through disciplinary or criminal action.

***Measures to eliminate discrimination, include Roma in education and promote equality***

Amnesty International calls on the Slovenian authorities to:

- adopt a law defining the rights of Romani communities in Slovenia, as foreseen in the Slovenian Constitution, after full and meaningful consultation with all Romani communities (including “non-autochthonous” Roma); such a law should include provisions protecting the minority rights of Romani communities in Slovenia, including in education;
- develop a detailed and comprehensive action plan, using as a basis the Strategy for the Education of Roma in the Republic of Slovenia, to put into practice what was envisaged in the Strategy; such a plan should include clear deadlines, necessary resources, and responsible authorities for each activity;
- promote the inclusion of Romani children in extra-curricular and other school activities, ensuring that they are not excluded from such activities as a result of discrimination or extreme poverty;
- take steps to ensure that Romani culture, history and traditions are included in school curricula in all areas or schools with a significant Romani population, and that relevant changes and additions to existing curricula are made in close consultation with Romani communities and organizations;

- in particular, ensure that existing projects aimed at the standardization of Romani languages spoken in Slovenia result in the publication of Romani language textbooks and other teaching materials, produced in close consultation with Romani communities and organizations;
- take steps to ensure that Romani language is offered as an elective subject in schools with a significant Romani population, to Romani and non-Romani pupils alike;
- take steps to ensure that teachers and other staff working in schools, especially where they work with significant numbers of Romani pupils, receive training on Romani culture, history, traditions and language, with the involvement and cooperation of Romani organizations;
- take steps to ensure that Romani assistants and mediators are employed in a systematic and comprehensive way in all schools and pre-schools with a significant Romani population, ensuring in particular that their tasks are clearly defined as part of the national educational policies and that they are employed on the same basis and with similar contracts as the ones used for other staff in Slovenian schools;
- take steps to provide pedagogical and other relevant training to Romani assistants and mediators, with a view to ensuring their full and meaningful participation in the teaching process;
- take steps to ensure that Romani children have access to pre-school programmes of a sufficient duration that incorporate Romani culture, history, traditions and language, as well as Slovene language, also with a view to overcoming the language and other difficulties Romani pupils face when attending elementary school;
- recognize and take concrete, targeted steps to realize the right of all members of Romani communities, and those who are their legitimate and genuine representatives, to meaningfully participate in the development of educational policies which seek to ensure the inclusion of Roma in education;
- ensure that data are systematically collected, disaggregated by gender and age, on the inclusion of Romani children in schools, with particular focus on inclusion in compulsory education;
- develop a comprehensive approach to encourage attendance of all Romani children of compulsory education age, including outreach through social workers; seeking to establish a constructive environment where measures to achieve the right to education are in the best interest of the child; and using, as



a last resort, the enforcement of legal provisions providing for compulsory attendance of elementary school;

- ensure that, in those cases where this is not happening, children from low-income Romani families are provided with assistance in order to overcome barriers in access to education originating from their poor socio-economic status; such assistance should include free textbooks, meals and transportation services to and from the school, school allowances and other material assistance needed to promote the Roma's participation in extra-curricular activities;
- through communication and information campaigns, challenge widespread negative stereotyping and prejudice about Roma in society at large;
- consider joining the Decade of Roma Inclusion as a way to promote the integration of Roma in general and their inclusion in education in particular.

## 5. The role of the international community

In recent years intergovernmental organizations have been promoting, in the former Yugoslavia and elsewhere, a range of projects and activities with the objective of reducing discrimination against Roma and enabling them, among other goals, to have full access to the benefits of education.<sup>271</sup> These organizations have included UNDP, UNICEF, the World Bank, the OSCE, the EU and the Council of Europe.<sup>272</sup>

Following a high-level regional conference held in Budapest in July 2003, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Romania, Serbia and Montenegro, and Slovakia adopted the Decade of Roma Inclusion, 2005-2015, an initiative that aims "to reduce disparities in key economic and human development outcomes for Roma through implementing policy reforms and programs designed to break the vicious cycle of poverty and exclusion".<sup>273</sup> Its four priority areas are education, employment, health and housing. Resources to finance the Decade of

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<sup>271</sup> Also involved are individual donor countries and international NGOs, such as OSI and Save the Children, which have financed and carried out a range of projects aimed at promoting Roma inclusion, including in education, often filling the vacuum left by state and local institutions. ERRRC has been engaged in litigation, advocacy, research and policy development, and human rights training of Romani activists, with the aim of combating discrimination and other human rights violations against Roma.

<sup>272</sup> The OSCE Mission to BiH, in particular, has been engaged in a number of initiatives for the political economic and social inclusion of Roma communities. On education, in particular, the OSCE Mission to BiH has been one of the main driving forces promoting the adoption of the Action Plan on the Educational Needs of Roma and Other National Minorities in Bosnia and Herzegovina (see above).

<sup>273</sup> See [www.romadecade.org](http://www.romadecade.org), accessed on 26 May 2006.

Roma Inclusion come from the national budgets of the countries involved as well as from OSI, the World Bank, the European Commission, UNDP, OSCE, the Council of Europe, the Council of Europe Development Bank, and Romani organizations.

While Slovenia and BiH are not part of the Decade of Roma Inclusion, Croatia has developed an Action Plan (see above), committing itself to improve the situation of Romani communities in the four priority areas of the Decade of Roma Inclusion. BiH has reportedly signalled its intention to join the Decade of Roma Inclusion and in this context the BiH Council of Ministers approved in July 2005 a Roma Strategy for BiH.

The Budapest conference also resulted in the creation of an international Roma Education Fund. Technical work for the establishment of the Roma Education Fund was conducted by the World Bank. In December 2004, at a donors' conference in Paris, 34 million Euros (US\$43m) for the period 2005-2015 were pledged by bilateral donors, private foundations and multilateral agencies, the World Bank and the Council of Europe Development Bank (CEB).<sup>274</sup> The Roma Education Fund started operating in May 2005, financing projects and research aimed at supporting the education of Roma, including through the desegregation of educational systems. As of July 2006, approved projects included one aimed at financing extra-curricular activities for Romani children in the Tuzla area (BiH), and one project supporting pre-school and primary education in Croatia.

## **Recommendations**

Amnesty International calls on the elements of the international community which are in a position to promote or are already promoting the inclusion of Romani children in education in BiH, Croatia and Slovenia – including the EU, the Council of Europe, the OSCE, the relevant UN agencies, the World Bank, and those states active in this area through direct international cooperation or indirectly through intergovernmental organizations – to:

- redouble their efforts to promote the inclusion of Romani children in education, in cooperation with local authorities, including by providing financial and other assistance;
- closely monitor the implementation of existing plans and strategies to promote the inclusion of Romani children in education and other efforts by the authorities in BiH, Croatia and Slovenia to this end;

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<sup>274</sup> The eight bilateral donors are Canada, Greece, Ireland, the Netherlands, Slovenia, Sweden, Switzerland and the United Kingdom. See [www.romaeducationfund.org](http://www.romaeducationfund.org), accessed on 26 May 2006.

- use their influence to ensure that authorities in BiH, Croatia and Slovenia prohibit and take appropriate steps to eliminate discrimination against Roma in education and promote the full inclusion of Romani children in education;
- in particular, encourage Slovenia and BiH to join the Decade of Roma Inclusion as a way to promote the integration of Roma in general and their inclusion in education in particular.

Amnesty International calls on the EU, in particular, to:

- ensure that existing and future EU Roma-focused initiatives address the specific issue of access to education of Romani children in EU member states, as well as in candidate and potential candidate countries;
- ensure that the European Commission Directorate-General for Education and Culture takes a proactive role in fighting discrimination against Romani children in the field of education.