



Slovakia Still separate, still unequal

Violations of the right to education of Romani children in Slovakia

In Slovakia, up to 80 per cent of children placed in special schools for children with physical and mental disabilities are Roma, despite the fact that Romani people constitute less than 10 per cent of the total population. Huge numbers of Romani children are also segregated into Roma-only schools and classes. In both cases Romani children not only receive a substandard education, but have very remote possibilities of integrating into mainstream schools or of advancing beyond compulsory education.

The persistent segregation of Romani children in the Slovak education system violates their right to an education free from discrimination. Amnesty International's research shows that a nexus of factors is creating barriers for Roma in accessing education, particularly at the primary level. Poor housing conditions, physical and cultural isolation, poverty and lack of transport all hinder Roma children's ability to attend school. Roma also face widespread negative stereotyping; integrated schooling could help foster mutual understanding and reduce the discrimination of Roma in Slovakia.

With this report Amnesty International is calling upon the government of Slovakia, with support from the international community, including the European Union, to reverse racial discrimination in education and violations of the right to education for Romani children.



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Cover image: Children at the Romani settlement must pay for the municipal bus to and from school in the village of Letanovce. © AI

Back cover images (top to bottom): Romani children queue for one of the two public bus services a day to take them to school, 2km away in the village of Letanovce. © AI

In Jarovnice, the nursery school teaches Romani children in a separate classroom on the ground floor. © AI

Romani girl studying a reduced curriculum at the Special School in Letanovce. © AI



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SLOVAKIA

Still separate, still unequal

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Detail of area of eastern Slovakia showing settlements named in this report.

“We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

United States Supreme Court, *Brown v Board of Education*, 1954

“Why have they separated our children and white children? When a Roma sees a white child, they hate each other, they call each other names: ‘gadzo’, ‘gypsy’. When I was at school, there was no Roma or gypsy, all were friends.”

Romani man, Jarovnice

Introduction

The systematic denial of the right to education of Romani children in Slovakia has been exposed and opposed by a wide range of national and international human rights organizations and human rights bodies.¹ However, Romani children continue to be largely segregated in inferior education, including through being disproportionately represented in “special” schools and classes. Recent initiatives taken by the government have failed to address these issues, as shown in this report, and underlying causes of these violations have not been effectively and consistently tackled. With this report, Amnesty International is launching a campaign for real change. Amnesty International is calling upon the government of Slovakia, supported by the international community including the European Union (EU), to show leadership and direction to reverse racial discrimination in education and address grave violations of the right to education for Romani children.

The continued denial of the right of Romani children to education also denies them the capacity to exercise the full range of their human rights. As Katarina Tomaševski, former UN Special Rapporteur on the right to education, noted: “The right to education is the pass key to unlocking other human rights.” These include the rights to health and work, and to freedom of expression and political participation – all key avenues to breaking a vicious cycle of poverty and marginalization for Roma in Slovakia and elsewhere. Romani children are excluded from education in countries across Europe owing to a combination of racism, discrimination and the failure on the part of states to ensure that education is accessible to those living in poverty. The right to free and compulsory primary education free from discrimination has been recognized in international human rights law since at least 1948. Despite this, the systematic denial of the right to education of Romani children in Slovakia continues.

Segregation in the Slovak education system happens in two ways. On the one hand, huge numbers of Romani children continue to be segregated into Roma-only schools and classes. But many Romani children are also inappropriately placed in “special schools” for children with physical and mental disabilities or special educational needs. Independent studies suggest that as many as 80 per cent of children placed in special schools in Slovakia are Roma.²

According to Slovak law, special schools are schools designed for children with special educational needs, including physical, mental and learning disabilities, but also for children who have “difficulty in communicating”, “social development problems” or who come from “socially disadvantaged backgrounds.” These criteria are opaque and, as Amnesty International and others have documented, leave significant scope for discrimination and segregation.³ In particular, as this report documents, to come from a “socially disadvantaged background” is widely interpreted as being synonymous with coming from a Roma background.

In special schools, Romani children not only receive a substandard education, but have in practice very remote possibilities of integrating into mainstream schools or of advancing beyond compulsory education. In addition, Romani parents are pressured to accept segregation as normal and even beneficial for their children, sometimes through financial incentives to parents to send their children to special schools or special classes.

Meanwhile Romani children attending mainstream schools face other forms of segregation, including in Roma-only primary schools – predominantly or exclusively attended by Romani children – and in Roma-only classes. In each of these cases Romani children can expect an inferior education.

As well as facing an unequal education system, Romani children face a variety of additional obstacles to fully realizing their right to education and are frequently the target of class and race prejudice. During its research in Slovakia, Amnesty International talked to several teachers who expressed disturbing attitudes. Speaking of the Romani pupils in her special school, one head teacher bluntly stated: “Children here are mentally retarded.” Such attitudes towards Roma are widespread and pernicious, and, as this report documents, have a direct effect on the provision of education for Roma.

The Roma of eastern Slovakia are among the most deprived communities in Europe. They face racism and discrimination in accessing a range of rights – they live in dangerously unhygienic homes, receive poor health care, and are excluded from employment. Many live in settlements or neighbourhoods that are physically isolated from other parts of the community, with limited or no water or electricity supplies, sanitation systems, paved roads or other basic infrastructure. They face serious barriers in accessing health services, including hospitals, and other public services. Such conditions violate their rights to an adequate standard of living including adequate housing, clean water and sanitation, as guaranteed under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international and regional human rights standards to which Slovakia is a party.

In the face of its manifest failure to realize the right to education of Romani children, the government of Slovakia has recently taken certain steps designed to improve the situation. In 2002, the government made provision for the introduction of preparatory (known as “zero grade” in Slovakia) year classes⁴ (see Chapter 4), for children who have not attended pre-schooling, most of whom are Roma, and for the employment of teaching assistants in primary schools. Amnesty International considers that, if systematically implemented, these measures could advance the realization of the right to education of Romani children. However, municipalities charged with responsibility for pre-school and primary education are not legally required to establish such preparatory (zero grade) classes or employ teaching assistants, and some have failed to do so. The government has also adopted a plan to reduce

the number of Romani children attending special schools as part of Slovakia's commitment to the Decade of Roma Inclusion in 2005-2015, a regional intergovernmental initiative to break the vicious cycle of poverty and exclusion experienced by Romani communities. In its August 2006 Manifesto, the new government of Slovakia elected in June 2006 has also made policy commitments to uphold human dignity and to integrate the Roma community in society through development programmes and efficient use of funding in education, culture, health care, social care, infrastructure, and housing.

However, Amnesty International's research, along with the findings of other bodies and experts, indicate that these measures have not sufficiently addressed the problem. In failing to take sufficient note of the systematic racism and discrimination faced by Romani communities in every aspect of their lives, the government has failed to oversee the implementation of these and other special measures it must take to meet its obligations under national and international law to respect, protect and fulfil the right to education of Romani children. For example, the provision of preparatory classes and teaching assistants remains entirely optional, and implementation is uneven at best. The national human rights body, the Slovak National Centre for Human Rights, warned the government in its 2005 report that primary schools were failing to implement measures aimed at the integration of all children.⁵ In addition, the government has failed to address systemic legal and policy failings which allow separate and unequal education of Romani children to continue. The criteria for the diversion of children into special schools continue to be opaque, the oversight of placement decisions is inadequate, and mechanisms for integrating children erroneously placed in special schools remain ineffective.

Amnesty International considers that meaningful improvement in the realization of the right to education by Romani children will only come with concerted and long-term proactive engagement by the government of Slovakia and authorities at all levels, working in conjunction with the communities. The government must take further, immediate action to prohibit discrimination against Roma in education, and to promote equality in the realization of the right to education in practice.

To comply with its human rights obligations, and with the support of the international community, key priorities for the government of Slovakia should be to ensure that all children, including Romani children, have access to, and complete free and compulsory education to the minimum age of employment, and to ensure the right to education free from discrimination. Taking into account existing and historical patterns of discrimination and exclusion, this will require more concerted steps to eliminate discrimination in practice and the introduction of special measures for Roma in education across the country. It also demands the urgent review of the system of separating children into special primary education, the identification of children who have been erroneously diverted into special education, and concerted and effective steps to achieve their immediate reintegration. To avoid the racial and class-based discrimination in the realization of the right to education, the policy of education of socially disadvantaged children in separate classes or schools should be reversed. Laws, policies and measures must be adopted or amended to ensure that children from Romani and the majority Slovak populations, along with other minority groups, attend integrated schools and receive an education of an equal standard.

1. Centuries of persecution

The Roma population in the EU is estimated at between 7 and 9 million and nearly 80 per cent live in new EU member states.⁶ Nearly 90,000 people identified themselves as Roma in the 2001 census in Slovakia, out of a total population of over 5.3 million. However, the actual Roma population in Slovakia has been estimated at between 480,000 and 520,000.⁷ Of these, an estimated 90 per cent are identified as Rumungres (settled Roma).⁸ At least two thirds of this group are Slovak Roma (Servika Roma).⁹ The remainder are Hungarian Roma (Ungarika or Ungrike Roma), living mainly in the south. Other Roma communities are descendants of the formerly nomadic Vlachika Roma, who came to Slovakia in the second half of the 19th century from Romania and Moldova, and the German Sinti, survivors of the Holocaust.

Roma have lived in Slovakia since at least the 14th century, according to contemporary records.¹⁰ There have been repeated attempts to force them to assimilate with the majority population and give up their traditional way of life. Decrees in the 18th century required them to be registered as Roma and to settle on the land, took away their horses and wagons, and conscripted boys without a trade into military service. Traditional marriages were prohibited, and Romani clothes and language were banned on pain of a flogging. Laws in the 1920s aimed to identify Roma by requiring them to be fingerprinted, register as Roma and carry identification¹¹. The legislation sought to prevent itinerancy of some groups of Roma, but also gave municipalities power to grant or deny residential registration and citizenship, and to deport unregistered Roma from a region.¹² The legislation also tried to prevent the influx of Roma from outside Czechoslovakia.¹³ During World War II the Roma in Slovakia mostly escaped deportation to Nazi concentration camps, in stark contrast to the fate of Roma in the rest of the former Czechoslovakia. They were however subjected to forced labour, strict segregation and controls on movement and occupation.

After the war, a 1945 Regulation of the Situation of the Gypsies maintained segregation: "In municipalities where the Roma's dwellings are next to public and state roads the dwellings are to be removed and located outside the village in a remote place to be specified by the municipality."¹⁴ A 1958 law aimed at forcible assimilation and the permanent settlement of travelling Roma prohibited the nomadic way of life.¹⁵ By then, fewer than 10 per cent of the Romani population were nomadic.¹⁶ Regulations required Romani children to go to school and adults to take paid jobs, and allowed the sterilization of Romani women, ostensibly on grounds of health. From the mid-1950s, Romani children were sent to Roma-only special schools. From the 1960s there were repeated and unsuccessful attempts to break up and relocate Romani settlements from what is now eastern Slovakia to the rest of the country. Between 1971 and 1980, there was an increase from 17 to 26 per cent of Roma who completed compulsory education, but many were enrolled in special schools for children with disabilities.

Following the end of the Cold War, Roma in Czechoslovakia were allowed to declare their ethnic affiliation in the March 1991 census for the first time. However, centuries of stigma and attempts at forced assimilation have fragmented the Romani population, and reduced its capacity to participate fully in the political life of the country. In the Slovak 2001 census, most reportedly identified themselves as ethnic Slovaks or ethnic Hungarians.



The Romani settlement is 2km from the village of Letanovce.

The formal recognition of Roma as a national minority by the government of the Slovak Republic, still part of Czechoslovakia, took place in April 1991.¹⁷ Roma were entitled to the right to identify themselves as such, to the right to education and to information in their own language and to use it in their relations with the authorities. However, concrete measures on how to implement these rights or how to subsidize them were not specified. It was followed by an attempt at a comprehensive policy towards Roma at federal level in October 1991.¹⁸ However, this right has yet to be respected fully in practice. The 1992 Slovak Constitution, approved before the break-up of Czechoslovakia in 1993, enshrined the rights of national minorities and ethnic groups in Slovakia. According to its Article 34, people belonging to minorities have “the right to be educated in their language, the right to use their language in official communications, the right to participate in the decision making in matters affecting the national minorities and ethnic groups.”

Today, most Roma live in the east and south of the country, on land owned by but set apart from local municipalities. Romani communities have significantly lower scores on the Human Development Index used by the UN Development Programme (UNDP) than others in Slovakia and, particularly those living in segregated settlements, are “over represented among the poor and are worse off in terms of nearly all basic social indicators, including education and health status, housing conditions and access to opportunities in the labour market and within civil society.”¹⁹ Eastern Slovakia also has the highest levels of unemployment in the country;²⁰ unemployment among Roma is estimated at 80-90 per cent, and in Roma settlements can reach almost 100 per cent.²¹ For many Roma, their appalling living conditions have worsened since the early 1990s, after elections ended four decades of Communist rule.²² According to some sources, the living conditions for the Roma of eastern Slovakia are among the most impoverished in the EU.²³ Frustration at this situation

was expressed to Amnesty International during its research. As the head teacher of a Roma school in eastern Slovakia put it, “officials in Bratislava make decisions without having any idea of the real situation here.”

Racism and prejudice fuel exclusion

A wide range of international and European human rights bodies have consistently expressed concern about the dire human rights situation of Roma in Slovakia.²⁴ Amnesty International is concerned that there is little political will at government level to confront the racism and prejudice towards Roma prevalent throughout society and to realize the rights of Romani people as members of a minority.

Amnesty International continues to receive reports that Roma are targets of police ill-treatment, as well as racially motivated violence by private individuals or groups, and have been denied justice when they seek redress for abuses against them.²⁵

There is a widely shared belief among government officials with whom Amnesty International spoke that the Roma should assimilate totally with the rest of Slovak society and change their mentality and behaviour in order to be accepted. Insinuations that all Roma live on social benefits and have large numbers of children so that they can claim more benefits are repeated throughout the news media, and continue to be found within the teaching profession despite some attempts to counteract prejudice through training.

Integration is a key tool for building understanding; however, the basis for contact between Roma and the rest of the population in Slovakia is minimal and often non-existent. “The whites do not want to have anything to do with us,” one Romani man told Amnesty International. There is effective segregation in many places of employment and areas of public life such as playgrounds, bars and cafés. Romani parents in Jarovnice and Svinia said their children had nowhere to play:

“Our children do not play with white children. They cannot even play football on the football ground because the police would come and make them leave... Children here have nothing, not even anywhere to play. The white children have their own soccer pitch. Our children play in the countryside.”

A Romani man from Svinia told Amnesty International that if something goes missing in the school, the police would treat their children as suspects and take them to the police station without telling the parents. A representative of a Roma non-governmental organization (NGO) summed up their view of what the rest of the population think of the Roma: “They are different, they stink, they are noisy, they are malicious, they do not work and they are not educated.”

Before 1989, one of the few spaces where Roma met the rest of the population was in school. Following the collapse of the Communist system, parents began to have a say in which school their child attended. Parental choice of school has influenced segregation and radically reduced interaction between Roma and other children in Slovakia. The acceptance of segregation among many education professionals is reflected in the views about the Roma openly expressed by several teaching staff interviewed by Amnesty International. They

described the Roma disparagingly: that they put no value on education and have no ambition, that they steal and spend money readily, and that they marry too young and have too many children. Some of the educational professionals who expressed their views to Amnesty International said, among other things:

"The Roma population has different values and that is the reason why they do not want to study. Their priority is love."

"I do not think you would let your child go to a Romani class if you lived here as your child would have everything stolen."

"Roma do not consider education as a value."

"If I open a Roma class, I will lose all the white children. They are not clean enough, nor do I have space for them."

Romani people at the Jarovnice settlement expressed their fears for their children's futures to Amnesty International, some of which are linked to the violations of their children's rights to education without discrimination. One person at the settlement told Amnesty International delegates:

"Very few Roma go on to higher education. Not even to the high school, only to vocational schools. Anyway, there is no place where they can work. Nobody gives a job to a Roma as soon as they know that they are Roma... I am 52 years old and I do nothing. What am I supposed to teach my children?... All the factories closed here after the [1989] Revolution. That is why everybody is unemployed and stays unemployed... When these children are grown up, what are they going to become?"

The head teacher of a Roma school was also pessimistic, sharing her observation that even the most able Romani children could not get jobs because nobody would employ them.

Nevertheless many Roma have the same aspirations as the majority population, and want to live as well as the communities around them. Increasingly they see education as the key to achieving those aspirations, and the struggle against racism and segregation is crucial to ensuring their full access to that education.

Increasingly, the term "socially disadvantaged" has been used to describe the Roma, and is gradually replacing commonly used and more overtly racist descriptions such as "socially retarded" in policy papers and laws. According to Slovak law and policy, "socially disadvantaged" children may be diverted from mainstream schools into special schools teaching a reduced curriculum. Once there, they rarely return to mainstream schools or progress. Many officials with whom Amnesty International spoke commented that the term "socially disadvantaged", far from being ethnically neutral, was "intended to refer to the Roma." Apart from perpetuating racist or class-based discrimination, the attribution of this label disproportionately to people belonging to an ethnic minority has resulted in discrimination in the exercise of the right to education of Romani children.

2. Segregated homes and dangerous living conditions

Many Romani individuals and families in Slovakia are denied the right to an adequate standard of living, including adequate housing and the continuous improvement of living conditions, despite Slovakia's ratification of international human rights standards that enshrine these rights.²⁶ The right to adequate housing is guaranteed in, among other provisions, Article 11(1) of the ICESCR. The UN Committee on Economic, Social and Cultural Rights (CESCR), the independent body which monitors compliance with the ICESCR, has clarified that "the right to housing should be ensured to all persons irrespective of income or access to economic resources." According to the authoritative interpretation of the CESCR, the right to adequate housing includes legal security of tenure and protection from forced eviction and other harassment and threats; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; adequate location; and cultural adequacy.²⁷

Separate settlements

Rural settlements and segregated districts of small towns or villages that are inhabited by Romani communities are known as *osada*, a Slovak term originally meaning a settlement or colony in the broad sense but now predominantly used to refer to Romani settlements only.

According to the CESCR, adequate housing must be "in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities." A government survey of Roma settlements throughout the country made by the Office of the Plenipotentiary of the Slovak Government for Roma Communities in 2004 found that 146,528 people were living segregated from the rest of the population in 787 settlements.²⁸ The government of Slovakia recognized that those represented at least "2 per cent of the total Slovak population and 28 per cent of the estimated number of the Roma population in Slovakia."²⁹

The most striking feature of such Romani settlements, particularly in eastern Slovakia, is their separateness – they are usually several kilometres from the town or village where the rest of the population lives. These settlements are often of considerable antiquity, with Romani families having lived there for generations. However, some dwellings in settlements, and some of their inhabitants, are unregistered, and their occupants consequently have no right to vote. Because the allocation of schools and health care depends on domicile, unregistered occupants face administrative barriers to accessing education and health services as well.

Settlements in eastern Slovakia frequently are not served by public transport and have no public facilities such as schools, medical centres, hospitals, libraries or public laundries. Of those visited by Amnesty International, few had paved roads or pavements and their muddy streets become almost impassable in winter. Access roads to the settlements at Markušovce



and Jarovnice were paved. Those to Letanovce and Hermanovce were paved but in a poor state of repair.

The isolation of many of the settlements is increased by a complete lack of public transport; in others with partial access the infrequency of services between settlements and town centres makes it difficult to reach schools, workplaces, health care and public amenities. Although the lack of transport infrastructure affects other rural communities, Romani settlements have particularly poor connections to their local municipal centre. Another isolating factor is the reluctance of non-Roma people to work in the settlements. Residents of the settlement near Svinia told Amnesty International that Slovak service providers did not want to visit or work in the settlement:

“Doctors do not come here to give vaccinations, so we have to go to a hospital 4km away in Miňance Nova Vês. The doctor is afraid to come here.”

“There is a nursery in the settlement, funded by Canadian humanitarian help. The toilets are used only by the teachers. The teachers change all the time, every six months, and they are afraid of getting diseases here.”

Many settlements lack public or community spaces. In Jarovnice, Romani inhabitants of a settlement near the town complained of having no community centre in the settlement. They said they needed public washing facilities, a meeting place and a space where children could do homework or receive tutoring. The EU has funded community centres in several towns and villages in eastern Slovakia. However, in practice local authorities have

The public water pump is the only source of water for residents of the Romani settlement at Letanovce.



Outdoor latrine empties directly into river in Romani settlement.

not always ensured that these centres are open to Romani people. The community centre provided in the village of Letanovce appeared to be largely inaccessible, including as a place for children to do homework after school. In Markušovce settlement, there is a community centre with washing facilities and a learning area, but the washing machine was not working when Amnesty International visited in September 2006. The learning area had a single table and two chairs, and a room containing a ping-pong table had no other furniture at all.

The remainder of Roma live either in districts segregated from other suburbs, often on the edge of towns, or in integrated areas of towns and villages alongside other communities. In segregated districts, there is often unregistered as well as registered housing. The 2004 survey of the Office of the Plenipotentiary found that in segregated settlements only 54.6 per cent of the dwellings were legal in comparison with 87.4 per cent of the integrated settlements. However, even in integrated neighbourhoods, apartment blocks are effectively segregated. The survey also found that Roma of eastern Slovakia are more likely to live in segregated settlements or neighbourhoods than Roma in other parts of the country.

In some areas, the authorities have initiated building programmes to rehouse Romani communities in upgraded settlements. Many new settlements have been built without consultation with Romani communities and generally remain segregated from the rest of society. For example, the new settlements or housing at Hrabušice, Markušovce and Letanovce, funded by the European Social Fund, are still physically segregated. New concrete homes are being constructed opposite the settlement at Markušovce but there are not enough of them to rehouse the settlement's population of about 1,000 people. In the settlement at Hrabušice, new houses remain segregated from the rest of the town, and local people said the 15 houses built were insufficient for the 130 households that needed rehousing.

The creation of these new settlements has been linked to patterns of forced evictions in which Romani communities are moved, in violation of international human rights standards, without their consent, and without an adequate opportunity to challenge the eviction and relocation.³⁰ The UN Commission on Human Rights has considered that "the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing."³¹ Forced eviction has been defined by the CESCR, as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection."³²

Many Roma told Amnesty International that they had no option but to live in segregated settlements, and that they were living there often as a result of previous forced evictions and forced displacement. An inhabitant of the settlement near Svinia told Amnesty International that the Roma were placed there and not allowed to build houses on land that they own elsewhere.

"They have put us here, but our land is in the other part of the town [Jerde]. We are on land which belongs to white men. We were living in Jerde. The land register shows where our land is, but we are not allowed to build there and when we complain nobody picks up the phone."

Letanovce

The village of Letanovce, in the Spišská Nová Ves district of the Košice region in eastern Slovakia, is situated near the Slovak Paradise (Slovenský Raj) National Park. According to official figures in the 2001 Census, the village has 1,913 inhabitants, of whom 20.54 per cent (397 people) are Roma, but other sources suggest the figure is 35 per cent (667 people).³³ Just over a third of Roma live in homes in the village; others occupy a settlement of 92 shacks 2km from the village, close to the national park. Although they are considered permanent residents of the Letanovce municipality, the settlement is on land whose ownership has been a matter of dispute, and the Letanovce municipality has purchased land with EU funding to build a new settlement.

Homes in the old settlement at Letanovce are constructed from timber and mud. The settlement is not connected to the electricity grid. One public water pump provides the only source of water, and residents have the use of about 20 outdoor latrines. Houses are heated by burning wood gathered from the nearby forest. One bus service a day comes to the nearest paved road, about 100m from the settlement. It takes the children to school at 7.30am and returns at 1pm, at a cost of 4 Slovak koruna (€0.11) each way. If children want to stay in the village after 1pm they must walk home.

Residents told Amnesty International that a community centre with clothes washing facilities had been provided, but it was in the town centre, far from the settlement. When Amnesty International visited in September 2006 and in February 2007, the Romani community appeared to be unable to use the centre at all; Amnesty International representatives witnessed Romani children trying to enter it on their way from school in order to do their homework, and being harshly turned away at the door.

According to the Letanovce municipality, the new Romani settlement being built will have a paved access road, a school, post office and shops. However, the new settlement is the same distance from the village of Letanovce as the old one. Its location, closer to the town of Spišský Štvrtok than the old settlement, was the subject of protest petitions by residents in the town and nearby villages who objected to its proximity to their homes. Inhabitants of the old settlement have been given no other option but to move to the new settlement if they want to be rehoused. If they stay in the old settlement, some residents told Amnesty International, they fear that they will be forcibly evicted from their homes.

In Letanovce, there are two pre-schools: a mainstream primary school funded by the Catholic Church and a special primary school. At the mainstream primary school more than half the pupils are Roma. However, the first year intake in 2006-7 was entirely Roma because no pupils from the majority community registered, the deputy head teacher told Amnesty International. Most pupils in special classes were Roma but could transfer to mainstream classes, she said; preparatory classes were available and were always Roma-only because children from the majority community usually attended pre-school. The head teacher at the special school told Amnesty International that all her pupils were Roma, which she claimed was due to a fall in the birth rate of the majority population in the village. Although it was possible in theory to transfer from the special to the mainstream school, she had never known of such a case, which she ascribed to accurate initial assessments and continuous monitoring.

Inadequate living conditions

The inadequate housing of Roma has a significant impact on the ability of Romani children to realize their right to education. As one couple with whom Amnesty International spoke explained:

"We live badly. There is a lack of everything. We do not have any hygiene. The children want to have a bath, we want to have a bath, we want to live in clean houses. We have no light and we want to live as normal people. It is impossible for so many people to live in this environment. If I want to have a bath we have to send the children out... I would like them to do homework, so that I can help them, so that they can study, but it is impossible to do anything without light. We have one candle... but it burns down very quickly and we have to go to sleep."

According to the CESCR, the right to adequate housing demands that housing be habitable:

"Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well."³⁴

A family lives in an old container in Letanovce.

Amnesty International visited a number of Romani settlements in eastern Slovakia. In all of them housing was poorly constructed and dilapidated. The main building materials used were timber and mud. Built with no foundations and with mud floors, the houses had scant



protection from ground damp. None was insulated against winter cold or summer heat, in a region of extreme climactic conditions. The buildings usually consisted of one small room – sometimes two – and were seriously overcrowded, housing as many as 20 members of a family. Two Romani men at the settlement near Svinia told Amnesty International: “Children are in danger here. In winter, temperatures go below minus 20°C... We live 10 in a room 4m by 4m.”

The right to water and sanitation has been recognized by the CESCR as a component of the right to an adequate standard of living.³⁵ Under the UN Convention on the Rights of the Child in Article 24(2)(c), Slovakia is also obliged to “take appropriate measures...to combat disease and malnutrition... through the provision of... clean drinking water.”

According to the CESCR, states’ obligations regarding the right to water include ensuring progressively sufficient availability of physically and economically accessible quality water free from harmful organisms or pollution. Priority should be given to “those individuals and groups who have traditionally faced difficulties in exercising this right, including... minority groups.”³⁶

Homes in settlements are rarely connected to water supplies or to a public sewerage system, except where modern concrete housing has been provided. According to the 2004 survey of the Office of the Plenipotentiary, 80.6 per cent lacked plumbing, 59.3 per cent did not have gas, 36.7 per cent lacked access to water and 4.6 per cent of the settlements did not have electricity. Of those with electricity, 89 per cent were not legally connected to the electricity grid. Access to water in the settlements at Letanovce and Markušovce is provided only by water pumps or standpipes in the street. Hermanovce and Svinia settlements have rivers or streams close by, where women wash clothes, but neither has a supply of drinking water. Most settlements Amnesty International visited have outdoor toilets for use by the whole community. Those that Amnesty International saw were insufficient in number for the population and were in a poor state of maintenance.

The European Committee on Social Rights, which monitors the implementation of the European Social Charter and reviews complaints under its Additional Protocol, has found that “in order satisfy Article 16 [the right to housing] states must promote the provision of an adequate supply of housing for families, take the needs of families into account in housing policies and ensure that existing housing be of an adequate standard and include essential services (such as heating and electricity).”³⁷

Settlements visited by Amnesty International generally had no or little connection to electricity supplies for street lighting or for homes, particularly in areas of unregistered housing. The settlement at Letanovce was not connected to power supplies and there was no sign of any generators. In other settlements seen by Amnesty International, homes had no electricity except where they had been illegally, and dangerously, connected to the public supply. One elderly woman in the Hrašubivce settlement said: “Wires here are very old, so it is risky to use them, but we have no other choice if we want to have some electricity.”

In the settlements at Svinia and Jarovnice, houses built of concrete and with access to water and sanitation stand alongside poorly constructed dwellings that lack amenities. The settlement at Jarovnice is the largest Romani settlement in Slovakia (and reportedly in Europe), with a population of 4,051 according to the 2001 census. It has both registered

housing – numbered houses connected to power and water supplies – and unregistered dwellings inhabited by Roma unable to obtain registration for the houses as well as their inhabitants.

Unregistered Roma living in unregistered homes in the settlement at Jarovnice told Amnesty International they faced discrimination when trying to register and regularize their residence in the municipality. Without both individual and house registration, they could not vote in local elections or obtain social or health care. As one man told Amnesty International:

“My wife is from Hermanovce, but she was unable to get registration in the local [Jarovnice] register until 10 years after we got married. That made our children’s enrolment in school harder.”

Amnesty International spoke with a married Romani couple, who live in a one-room shelter with their six children, their son’s wife and two of her four children. The house is tiny, about 4m per 3m square. Their son is serving a 10-month prison sentence for stealing wood. The husband sometimes finds casual work but his health is poor and they mostly live on social benefits. The house is not insulated and is warm only because the family constantly gather and burn wood from the nearby forest. Water has to be fetched by bucket from a water pump about 500m from the house. Of the children of school age, three attend the special school, and one attends the mainstream primary school.

The Slovak education system

The Ministry of Education of the Slovak Republic is responsible for education policies, and monitors compliance with policies and laws through the State School Inspectorate. Within the Ministry, the Department for Education of Roma Communities was replaced in October 2006 by the Unit for the Education of National Minorities.³⁸ The Ministry of Education is directly responsible for universities and for Regional School Authorities, which run special schools.

Responsibility for education and funding decisions at regional level is increasingly being decentralized to the eight Self-Governing Regions (Banská Bystrica, Bratislava, Košice, Nitra, Prešov, Trnava, Trenčín and Žilina). They are responsible for secondary schools in their region. Municipalities, which are subdivisions of the regions, have responsibility for pre-school and primary education.

Pre-school or nursery education for children aged between three and five is not compulsory and is usually not free. Compulsory education lasts for 10 years between the ages of six and 16. It includes the first stage of primary education (years 1-4) from the ages of six to 10, followed by the second stage of primary education (years 5-9) from the ages of 11 to 14/15 or by transfer to lower secondary education at gymnasiums (high schools) or vocational schools.³⁹ Children may repeat years.

Since the 1960s, 14 types of special schools have provided distinct curriculums adapted to suit children with different types of special needs. Many of the schools offer adjusted curriculums according to particular mental or physical impairments. Others are for children with communication or “social development” problems, or from “socially disadvantaged backgrounds.”⁴⁰ Some of these schools offer modified versions of the same curriculums as regular primary and secondary schools, usually in smaller classes.

3. Denial of the right to education

School segregation

The persistence of de facto separate and unequal education in Slovakia represents a failure to comply with international human rights standards. As noted by the Advisory Committee to the Framework Convention for the Protection of National Minorities (FCNM), “segregated education, often of lower standard than that offered to other students, is one of the most extreme examples of the precarious position of Roma parents and pupils.” Separate educational institutions should only be maintained where their need is based on reasonable and objective criteria, and limited in time to achieving a reasonable objective (see Chapter 6). Amnesty International believes that this is not the case in Slovakia, and rectifying this situation will only come with a recognition of the scale of the problem and concerted efforts by the government of Slovakia to reverse the practice.

The numbers of Romani children at integrated or segregated primary schools are not identified in official statistics. However, both the current and former government of Slovakia have recognized the extent of segregation in education, and made commitments in broad policy terms to addressing it.

The government of Slovakia insists that segregation is not official government policy. However, human rights bodies have consistently expressed concern regarding the large proportion of Romani children in eastern Slovakia subjected to persistent forms of segregation and isolation.⁴¹ In some parts of eastern Slovakia, 100 per cent of schools are segregated, according to one school inspector who spoke to Amnesty International.

According to law, parents have the right to choose their child’s school. However, it is only since a change of policy in the early 1990s that they have been able to assert that right in practice. This policy change, which, taken at face value, appears neutral, is in fact contributing to segregation. Under international and regional human rights standards, states should ensure “free choice of education without interference from the State or third parties, subject to conformity with ‘minimum educational standards.’”⁴² However, this should be in the context of ensuring that all decisions which affect children are taken in their best interests,⁴³ and monitoring the impact of laws and policies to ensure that they do not result in indirect discrimination. Where this is the case, those laws and policies should be amended. As stated in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD):

“Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.”⁴⁴

In addition, Amnesty International is concerned by information which suggests that there is direct discrimination in the application of the law. The change in policy has

reportedly resulted in increased withdrawal of non-Romani children from schools predominantly attended by Romani children. Officials at all levels told Amnesty International how freedom of parental choice, coupled with the lack of free transportation for Romani children to school, contributes in practice to increased segregation in education. The Head of the Unit for the Education of National Minorities at the Ministry of Education⁴⁵ said:

“Before 1989, there was directed placement, meaning that the school a child attended was based on the area where he lived... Placement is still more or less assigned, but the parent has the right to take his child to the school of his choice. There is another problem. If the parent chooses the school and can ensure the child’s attendance, whether by bus or any other means, then the decision is made.”

Strong negative reactions by parents to an increase in the number of Roma pupils in mainstream schools have been reported by schools as well as local authorities. One head teacher illustrated how central government has not resisted this segregation in practice.

“When the 90s came... the residents of the village, the whites, wanted their children to move out of this school to the other school. They went through the municipality and regional offices up to the ministry. Everybody agreed with it and the white children were moved.”

Many head teachers with whom Amnesty International spoke were opposed to segregation, but their ability to act is constrained by the role local parents play in their selection and dismissal. School Councils – school governing bodies made up of head teachers, teachers and parents – can recommend to the municipality or regional authorities responsible for the school that the head teacher be dismissed.

Another head teacher argued that it was preferable to send Romani children who fell behind other pupils to segregated schools rather than to special schools for children with disabilities:

“Before, when the Romani children were with the rest of the children, after six months they were completely demoralized because of the gap between them and their peers. As a result, they were sent to special schools. That is why we developed the idea of creating this school for Romani children and to have the whole nine years of compulsory education here.”

Parents, officials and school staff with whom Amnesty International spoke also sought to justify segregation on the grounds that it enabled Romani children to escape racism and harassment from other children and some teachers. One parent told Amnesty International:

“When our children go to school, they are not conscious of themselves as Roma because they speak Slovak. But there are schools where their peers abuse them and call them names: cigani (gipsy) or čarný (black). Our children come back home saying that they do not want to go back to school!”

However, Romani people who spoke to Amnesty International were clearly of the view that allowing the majority population to effectively segregate schools was disadvantageous



for Romani children and pandered to racists. One Romani man in Jarovnice contrasted his son's situation – he attends a segregated school – with his own integrated schooling.

“When I attended school, I was studying together with whites in the class. Then the 90s came and they moved the whites, created a school for them and left the Roma here... But it would be better that whites attend school together with Roma so that they have better relations... I have lots of friends in Jarovnice, Pekľany, Renčičov... because I was together with whites. But, for example, my son does not have white friends, only Roma.”

Although in theory parents can choose which school their child attends, several Romani parents who spoke to Amnesty International were not aware that they had the right to do so. In practice Romani children, particularly those from poor families, do not have a choice. “It is not written anywhere that a non-Roma cannot register a child at this school and that Roma cannot register a child to the other school,” said the head teacher of one Roma school. “But I have not seen such a case yet.”

Some Romani parents who have tried to assert their right to choose their child's school have been told by the head teacher that they could not register their child because Slovak parents would object to the presence of Romani children. One Romani man in Jarovnice was refused permission to register his children in the primary school where pupils were all from the majority population. The man said that his children had attended the segregated pre-school class at the mainstream school, and he wanted them to continue at the same school. He told Amnesty International there was no one to whom he could make a complaint.

In Jarovnice, children from the majority community on the first floor (left). The nursery school teaches Romani children in a separate classroom on the ground floor (right).

"I proposed to the deputy director... that I would like my child to stay here, and not to attend the school over there because there are so many children there. She said that it is being decided... whether Romani children are to be educated in the school here, whether they could attend and – I do not know – be together with whites or in separate classes or whatever."

A number of unofficial sources report that Roma-only schools are more likely to suffer from overcrowding and lack of resources than schools for the rest of the population.⁴⁶ A Romani man in Jarovnice described the situation in the nursery:

"The plates for Roma are old, also the cups are broken, the spoons are old, and the whites have new ones. In the nursery – I do not know whether the EU or whoever donated it – all the presents and toys are new, completely new, the cupboards are new, for Romani children in the nursery. But what they [the school staff] did, they took the new things and gave them to the white children, and they gave old ones to the Roma, also the toys."

The head teacher of one Roma-only primary school told Amnesty International how the lack of resources and space in his school prevented him from creating special or preparatory classes:

"Since 1992, the numbers in this school have increased and it is impossible to fit all the children in here now... We are so full that we cannot create a special class here. The number of pupils in a special class should be from eight to 12, and our classes have 26-27 pupils. And we do not have space for a special class... The capacity of the special school is low and we keep most of the children here in the primary school even if 40 per cent of them should be sent to special school... Money is not spent the way we need it – especially not for schools and new classrooms. We have no preparatory [zero grade] class."

Another added problem is the high drop-out rate of Romani children from primary education, which has also risen significantly over the last 10–15 years, while few Roma pupils continue in secondary education. The drop-out rate of Romani children in the first grade rose from 46 per cent in 1976 to 63 per cent by 1999.⁴⁷

Romani children in special schools and classes

Romani children constitute up to 80 per cent of pupils in special schools in some regions of Slovakia, according to data reported in 2006 by the Commissioner for Human Rights of the Council of Europe. Only three per cent of Romani children reached secondary school, while only eight per cent enrolled in secondary technical school⁴⁸ – an extraordinarily disproportionate figure highlighted in reports by national bodies, and which has been raised as an issue of concern by international human rights bodies. The European Monitoring Centre on Racism and Xenophobia (EUMC) reported in 2006 that segregation remains a serious problem, in particular the placement of Roma pupils in special schools for children with mental disabilities located in the vicinity of Roma settlements. The EUMC reported that according to 1990 data, 21.4 per cent of all Roma pupils attended special schools, constituting 65.2 per cent of their pupil population

While no current accurate official figure for the proportion of Roma attending special schools and classes nationwide has yet been collected, the 2002 Basic Positions of the

government of Slovakia's Roma Communities Integration Policy noted, for example, "the disproportionately high representation of Roma children in special schools is a separate problem requiring immediate attention."

Similarly, the Slovak National Action Plan for the Decade of Roma Inclusion makes a commitment to "cut down the number of Roma children attending special elementary schools," but provides no indicators or benchmarks to assess progress. Amnesty International believes that such a highly disproportionate representation of Roma among those attending special schools and classes where they learn a reduced curriculum in virtual isolation from other pupils constitutes a gross violation of human rights.

International human rights standards to which Slovakia is a party require that Slovakia ensure non-discrimination both in law and in practice. As the CESCR has clarified with regard to obligations under Articles 2(2) (non-discrimination) and 13 (the right to education) of the ICESCR, education must be "accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds." This is echoed by the ICERD which states: "States Parties particularly condemn racial segregation... and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction."⁴⁹ The ICERD requires states parties not only to prohibit discrimination, but to take steps to progressively eliminate racial discrimination in all its forms, including in respect of "the right to education and training." The UN Committee on the Elimination of Racial Discrimination (CERD) has also specified that States' parties should "prevent and avoid as much as possible the segregation of Roma students."

The government of Slovakia has recognized that assessments used until 2000 could have resulted in "cases where pupils without a disability – e.g. pseudomentally disabled pupils – were sent to a special school." In 2000 the School Act was amended to remove the term "special segregated school", and altered the criteria for sending children to "special primary schools":

"The amended wording of the law clearly states that a special school for pupils with a mental handicap is meant for pupils with mental handicaps and/or pupils with multiple disabilities in combination with a mental handicap. Pupils are placed in these schools on the grounds of their disability and not based on an ethnic principle. No cases of wrong placing of pupils should occur in practice under consistent compliance with the valid wording of the School Act."⁵⁰

The School Act stipulates that special schools provide education for children with mental or physical disabilities, and also for children who have "difficulty in communicating," "social development problems" or come from "socially disadvantaged backgrounds." Neither the terms "socially disadvantaged" or "social development problems" are defined in law. However, the Ministry of Education defines children from "socially disadvantaged" backgrounds as:

"a part of the children and youth of Romani origin [emphasis added], those who are perceived as children and youth with problems in learning and attitudes which arose on the basis of dysfunctional social conditions ensuing from social exclusion (poverty, insufficient education of their parents, non-standard housing and hygienic conditions...)"⁵¹

The government of Slovakia understands a social disadvantaged environment to be "an environment that in regards to social and language conditions does not give a child a

prerequisite to manage the curriculum of the first year of elementary school in one year” and a child from socially disadvantaged environment as “a child with problems in learning and attitudes originating from the basis of dysfunctional social conditions resulting from social exclusion (for example poverty, insufficient education of parents, substandard accommodation and hygienic conditions).”⁵²

The term “social retardation” also remains in disturbingly wide use as a description of Roma people, including among education professionals. The Slovak government has also referred to “retardation” in the context of discussing the new policy on socially disadvantaged children.⁵³ As the head teacher of a Roma school explained:

“We have children from the osada here, and they do have a social retardation. That means they are children from a socially neglected environment. It means that the child... cannot speak Slovak... [and] does not possess basic hygiene habits.”

The lack of oversight of the impact of the use of the term represents a lack of due diligence by the government of Slovakia to ensure that the School Act does not have a discriminatory impact in practice.

The government of Slovakia has stated that “Education received at special schools, except the education from special schools for mentally disabled pupils, is equal to the education received at primary and secondary schools.”⁵⁴ However, Amnesty International’s research outlines that the curriculums used in special schools are reduced versions of those offered at ordinary primary schools, and are aimed more at developing practical skills and preparing children for vocational training. Amnesty International delegates were told by officials from the Ministry of Education and head teachers of special schools that teachers in special schools have specialist training, and children in special schools can make swifter advances in reading and writing because of the increased amount of individual attention they receive and the individualized curriculums. However, education professionals told Amnesty International that there is a four-year gap between the curriculums in special and ordinary primary schools, and Amnesty International delegates observed that 10-year-old children in special primary schools were frequently still learning basic literacy skills.

Some primary schools offer special remedial classes, in which children follow an individualized plan and curriculum, sometimes attending separate classes in particular subjects only. Practices differ greatly between schools, and frequently depend not only on the school’s financial and material resources but also on the enthusiasm of head teachers and education staff.

Flawed assessments

“Children here are mentally retarded. There is a tendency to integrate Romani children in primary schools, but pupils with mental and social retardation stay the same. Children from a socially disadvantaged environment suffer from social and mental retardation. In our school, 70 per cent of older children and 80 per cent of young children [suffer from social and mental retardation].”

Head teacher of a special school where 95 per cent of the pupils are Roma

Decisions on placement in special schools or special remedial classes within mainstream schools are made at the age of entry to compulsory education or shortly afterwards on the basis of the of the “school readiness” of the child. According to the Methodological Guidance No. 3/2006, “children showing significant deficiencies in communicating in the school language of instruction established upon admission to the first grade of primary schools need to be examined using individual psychological methodology in order to identify the possibilities of their schooling and to arrange appropriate conditions for their education.”⁵⁵

School readiness tests measure gross and fine motor development of the child, perceptual development, including visual, auditory, tactile, gustatory and olfactory senses; intellectual development, including reasoning skills and general insight into everyday life; language development and comprehension skills through talking and listening, as well as emotional and social development.⁵⁶

These assessments are usually made in Slovak (or in the language of the school: for instance Hungarian, in the areas where those schools exist) and because Romani children usually do not speak Slovak and have not attended pre-school education, they face a disadvantage when sitting the assessments. Language barriers pose difficulties in accurate assessments. Amnesty International was told by different officials that the new “School Readiness Test” methodology developed in the framework of the EU Phare SR0103.01 project is intended to be culturally neutral. Educational staff also pointed to the presence of teaching assistants and/or the parents while the assessment is being made, who help with translation and assessing the child’s readiness for school.

However, the format and content of the assessments, while theoretically standardized and reviewed to ensure its cultural sensitivity, in fact reportedly vary dramatically across the country and even from one school to another. In practice the assessment may take the form of a brief, informal interview conducted by the teacher, sometimes accompanied by an educational psychologist, in the presence of the parents. It may involve psychological testing if requested by the teacher and, if a child attends the preparatory class in a special school, a further assessment by an educational psychologist after the first year should be conducted. The government of Slovakia recognizes that “established lowered levels of psychosocial development of the child or insufficient command of the school language of instruction is a reason for submitting a proposal to the competent State administration school authority that shall decide on placing the child into a zero grade of the primary school with the consent of the legal guardian.”⁵⁷ A postponement of one year of compulsory schooling is also a possibility, as is recommending that the child attends nursery school.

Specialists in special educational needs and/or physical and mental disabilities can be involved if the teacher requests. Assessment determines whether a child at the age of six is mature enough for school, whether entry should be delayed by a year, or whether the child needs to go into a preparatory (zero grade) class in a primary school (mainstream or special school), into a special class in the mainstream primary school or directly to a special school. The psychologist suggests the individual teaching methods needed for the child and the curriculum the child should follow if he or she decides that the child needs to go to a special class or special school.

However, children's abilities, skills and potential are not always assessed correctly in Slovakia. In some cases reported to Amnesty International, Romani children were apparently enrolled in special schools without going through any formal assessment process.

Education officials and Romani parents consistently told Amnesty International that the language barrier between Romani children and assessors sometimes makes test results unreliable and that insufficient attention was often given in assessments to cultural differences between Roma and the rest of the population, and that the Romani child's upbringing or socio-economic circumstances often influenced decisions.

One school inspector outlined to Amnesty International the cultural, linguistic and socio-economic biases of the assessments:

"In our inspections in eastern Slovakia, we have seen that most Roma are not mentally retarded, although they have been diagnosed as such. Our studies have shown that children from a socially disadvantaged environment have developed other skills, more practical, than those they are asked about during the test... In the first years or the first meeting with the school, there is a language barrier, and then the child does not understand many of the things the teacher is talking about. Many pictures in books are a problem for the child, such as a picture of a tram, since many means of transport are unfamiliar to him."

People in the Romani community who spoke with Amnesty International expressed the view that the motivation for placing such a large proportion of Romani children in special schools is to segregate them. Two Romani employees of one municipality told Amnesty International:

"If all Romani children go to primary school, the white children become a minority. To avoid that, the white people make our children go to special schools... Roma from wealthy families attend the normal primary school. But the Roma from poor families usually end up in a special school."

As a Romani grandmother in Letanovce said to Amnesty International delegates, "Only Roma children attend special school, white children do not."

Romani employees of a municipality also told Amnesty International that special schools go directly to Roma settlements to proactively recruit pupils.

"Usually the deputy head teacher of a special school goes to the osada, writes down the names of Romani children of school age and tries to convince the parents to send their children to the special school. She promises them that they will get a free lunch and also a financial grant... At the special school half of the children receive a grant, and that is the reason everybody wants to go there. At normal [mainstream] primary school almost no Roma get a grant. Special schools need children to survive so, in order not to close those schools, they send our children there."

Regional education officials told Amnesty International that the predominance of Romani children in special schools was irrelevant because their placements were based on psychological tests and were always made with parental consent. However, there is evidence

that assessments are not always properly carried out or recorded. A school inspector told Amnesty International that inspections of special schools sometimes revealed missing documents, usually the psychologist's decision on the child's assessment.

Furthermore studies have also shown that Romani parents are sometimes unaware of the significance of the consent forms they sign, on occasion because of their illiteracy.⁵⁸ A Romani woman from the settlement at Hrabušice said:

"One of my children goes to special school because he did not go to nursery and he did not speak Slovak. My husband did not know what he was signing. We realized later that it meant that we had agreed to send him to special school."

A Romani woman at the Letanovce settlement with five children, two of them at special school, told Amnesty International:

"I think that primary school is better than special school. I signed the paper to agree to the education of my children in special school but I do not know why. Nobody explained it to me. Even if some parents do not want their children to go to special schools, the teacher and the psychologist end up finding a way to send the Romani child there."

Some parents with whom Amnesty International spoke indicated that they did not fully understand the difference between ordinary primary schools and special schools. Some of them had themselves attended special schools and knew little about other types of schools. Some felt that their children were better treated in special schools where they were less exposed to racist abuse, were with other children from a similar background, and where there was a higher ratio of teachers to students. Some parents have requested the transfer of their children to special schools from mainstream schools, or have been advised by teachers to seek such a transfer, when their child was falling behind their peers, in the belief that the child will receive more individualized attention in a special school. Amnesty International is concerned that this is a way to segregate Romani pupils from their peers, taking advantage of their parents' lack of knowledge and fears.

Trapped in segregated schooling

According to Slovak law, children have had the right to be transferred from special schools into mainstream schooling since 1991.⁵⁹ The adoption and implementation of this legislative provision had long been recommended by several international human rights bodies and although developed in several methodological frameworks, it is not yet mandatory and allows head teachers to create separate classes for the purposes of educating children with special educational needs.⁶⁰ Before such a transfer takes place, an educational psychologist is required to assess the child's ability to integrate with children at the primary school.⁶¹ A written statement from the counselling centre is needed, resulting from "expert special-pedagogical and psychological diagnosis of the pupil" and the decision is taken by the head teacher of the school where the child is going to be integrated.⁶²

Evaluations of this process revealed that up to 50 per cent of Romani children in special schools or classes had been placed there erroneously, and judged that of these children 10 per cent could immediately integrate into mainstream schools and classes.⁶³ Despite these

disturbing findings, there is as yet no governmental commitment or plan to introduce such evaluations across the country.

In practice, Amnesty International was informed that transfers of children from special schools to mainstream schools rarely take place. One special school head teacher told Amnesty International that it had transferred five pupils successfully in one year, but other head teachers said they had never had a case of a child from a special school being transferred to a primary school. One head teacher had come across only two such transfers from her special school since 1981. In other cases Amnesty International was told about, children transferred to mainstream schools are returned to special schools after a year or so, or are placed in special classes and thus remain effectively segregated from the rest of the school.

A number of education professionals stated that the four-year gap between the curriculums in special and ordinary primary schools, made it extremely difficult for children to cope with integration from special into mainstream schools unless a transfer was made soon after the initial entry into special school.

Decree 212/1991 of the Ministry of Education on special schools places the emphasis for determining whether to retest a pupil on the individual school head teacher. Head teachers should retest the pupil if "the character of their disability changes or the grade does not match the character of pupil's disability." However, the decision is made on the basis of a psychological counselling centre's recommendation. It recommended that for children attending the preparatory year or the first grade of a special primary school classes, a repeated diagnostic examination is carried out as recommended by an EU funded Phare project.

Amnesty International is extremely concerned by the apparently low rates of integration of Romani children from special schools and classes into mainstream education, which helps to maintain the status quo of separate and unequal education. Amnesty International is also concerned that where retesting is not mandatory and independently monitored in the context of decentralized school funding based on the number of pupils in the school, there is a clear disincentive for individual head teachers of special schools to retest and thereby risk losing pupils and funding to mainstream schools. According to the Ministry of Education, both primary and secondary schools receive funding from several sources: from state budget and regional government budgets, and also from contributions by pupils and parents. Funding is dependent upon the number of pupils in a school; transfers of children to other schools can therefore result in a loss of resources.

Lack of access to pre-school education

Although official statistics are not gathered any longer arguing exigencies from the Data Protection Act, Amnesty International has been informed by authorities, educational staff and parents that few Romani children attend pre-school. Figures vary between 0.79 per cent⁶⁴ and 25 per cent of Romani children attending pre-school.⁶⁵ Among the reasons for low attendance are that pre-school is partly paid for by parents, and because pre-school classes, which often have limited space, give priority to children whose parents are employed.⁶⁶

Missing out on pre-schools places Romani children at a disadvantage during the assessment of school readiness before commencing compulsory education. At the stage of entry to compulsory education, the majority of children have had several years in an educational environment, acquiring social and educational skills. The Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) has also recognized the importance of access to pre-school for Roma as a key to increasing “mutual understanding between Roma parents and schools” and noted that the proportion of Romani children attending kindergartens had dropped dramatically in recent years.⁶⁷ A 2001 report by Save the Children stated that “between 1988 and 1995... the total number of Roma... in kindergartens dropped from 166,852 to just 1,181 [and] in 1999, just 1,120 Romani children were attending kindergarten.”

Although the government of Slovakia recognizes the huge disparity in access to pre-schools and has taken some steps to encourage the attendance of Romani children, in practice these steps do not seem to be systematic or adequate. State subsidies are only available for the last year of pre-school (when children are aged five) and, where it is available, for the separate preparatory year. Not only are fees charged, but pre-schools are reportedly located far from most Roma settlements.

In addition to these impediments, a Romani father in Jarovnice with whom Amnesty International spoke cited discrimination against Romani people as a further disincentive to sending Romani children to nursery school. He told Amnesty International delegates:

“The nursery has two entrances, one for white parents and one for Roma. The latter one is always locked. When I asked why I could not get in to pick up my children, they told me that ‘There were things that could get lost’. I complained about it at the local council but nothing happened... Maybe it is also the financial situation why Romani parents do not send their children. The parents need to keep their children clean, well dressed and they need to pay 30 Slovak koruna (€ 0.90) per week for each child.”

In 2000 a pre-school education project was funded under the EU Phare programme for new and pre-accession EU states, including Slovakia. It aimed to strengthen the access of Romani children to pre-school education and included a child-centred approach, the involvement of mothers and the support of teaching assistants. The scheme involved 50 pre-schools in three regions of Slovakia from October 2002 to November 2003. A Romani mother was appointed to mediate between each pre-school and the community and other mothers were encouraged to help in class or with after-school activities. The mothers joined discussion groups on family and health issues, including drug abuse, and attended sewing classes. Two nurseries in villages near Košice and Prešov were compared. One had integrated classes, the other segregated classes. Romani parents and teaching staff at the integrated pre-school viewed integration as essential, while at the segregated pre-school relations between Romani parents, teaching staff and non-Roma parents were poor, Romani children’s progress in primary school was patchy, and some were unwilling to attend school altogether. Even so, Romani parents at the segregated school wanted pre-school education to be integrated.

While Romani parents were reportedly initially very positive about the project it was criticized by a range of national and international organizations including the international NGO Minority Rights Group, which considered that it effectively “support[ed] segregated

Slovak legislation

The 1992 Slovak Constitution guarantees that all citizens, including members of national minorities, are equal, that any form of discrimination against them is prohibited, and that everyone has the right freely to choose to which national group they wish to be affiliated (Article 12). Under the Constitution, citizens belonging to national minorities are guaranteed “the right to develop their own culture, together with other members of the minority or ethnic group, disseminate and receive information in their mother tongues, associate in minority associations, and the right to create and maintain educational and cultural institutions” and “the right to be educated in a minority language.” (Article 34)

However, Slovak legislation related to education, and to minority rights in education, is a labyrinth of laws, decrees and guidelines. Amnesty International believes that the complexity of laws and decrees in this field is such that education professionals and Roma parents are unlikely to be aware of the actual rights of Romani pupils and duties of the education system. As the Advisory Committee on the FCNM has noted in this regard, “legal certainty and clarity are preconditions for coherent implementation of the provisions of the Framework Convention.”⁷¹ In Slovakia, this lack of clarity is exacerbated by the decentralization and diffusion of responsibilities from central government, to regional and local government, individual head teachers and school boards.

education and undermine[d] the eventual goal of integration.”⁶⁸ The project focused only on pre-school education and did not have among its goals the ultimate integration of Romani children into mainstream primary schools.

Denial of linguistic and cultural rights

International human rights law recognizes the right of people belonging to minorities to education in or of their minority language. As a state party to the FCNM, Slovakia is required under Article 14 to “recognise that every person belonging to a national minority has the right to learn his or her minority language.”

Under certain conditions, the FCNM also requires the states parties to “endeavour to ensure” that Romani people as members of a national minority have “adequate opportunities for being taught the minority language or for receiving instruction in this language.” This should be realized, “without prejudice to the learning of the official language or the teaching in this language.”⁶⁹ As noted by the Advisory Committee on the FCNM, “bilingual instruction may be one of the means of achieving the objective of this provision.” As a state party to the International Covenant on Civil and Political Rights, Slovakia is also bound to take “positive measures” to protect minority languages which are an integral part of the identity of national, ethnic or linguistic minorities.⁷⁰

In 1996 the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe (OSCE) convened a panel which drafted the Hague Recommendations on Education Rights and National Minorities. These Recommendations, which have been explicitly endorsed as a framework for implementing binding obligations under the FCNM, recommend a model of bilingual education where first language tuition is used in earlier years, and is gradually replaced by the official language, thus ensuring that the realization of linguistic rights in education does not result in segregated education.

Education officials and Romani parents told Amnesty International again and again that Romani children were often placed in special schools and special classes solely because they could not speak Slovak. As noted above, the Roma have only been recognized as a national minority in Slovakia since 1991, but do not enjoy attendant language and cultural rights. This discrepancy in legal protection of the right to education in their minority language has been criticized by the Advisory Committee to the FCNM. Other minorities have the right to be taught in their own language under the 1984 School Act, which provides for members of some national minorities the right to education in their own language (Article 3):

“Education shall be carried out in the Slovak language. The citizens of Czech, Hungarian, German, Polish and Ukrainian (Ruthenian) ethnic origin are guaranteed the right to education in their tongue in a scope appropriate for their national development.”

This article should be amended to ensure it is consistent with Slovakia’s obligations under international human rights standards, including the FCNM.

There are currently very few educational materials available for Roma in their own language or opportunities to study about their own culture. The government of Slovakia has recognized deficiencies in this regard also, reporting to the UN Committee on the Rights of the Child that,

“Although the Slovak Constitution guarantees citizens the right to education in their mother tongue, the exercise of this right in the case of the Roma language remains problematic, with regard to both legislation and practice. The education system in the Slovak Republic, particularly in the case of teachers for Roma pupils, suffers from a shortage of qualified educators.”⁷²

There are several Romani languages and dialects in use throughout Slovakia. A standardized version of Romani has been developed but is not yet widely used in education. The government reported in 2006 that Romani has been used as an auxiliary and supportive language in pre-school, primary and secondary schools, and at the University of Constantine the Philosopher in Nitra.⁷³ There are only four secondary schools in the country which offer classes in Romani language and literature; Romani history and Roma studies are taught by 25 university-trained teachers, the head of the Unit for the Education of National Minorities said. Amnesty International was informed that a curriculum including Romani language and literature was being tested in primary schools. The State Pedagogical Institute was preparing Romani language materials, as reported to Amnesty International, and a Romani-Slovak dictionary had been produced for teachers of Romani children.

Extra attention is given to Romani culture and history in some special schools with a high Romani intake, and this is seen as an additional incentive for Romani parents to send their children to special schools. The head teacher at one special school told Amnesty International that they encouraged Romani children to be proud of their traditions, taught them about Romani culture throughout history and, when funding was available, offered courses in Romani singing and dance. However, at present there are few opportunities for most Romani children to learn or to be taught in the Romani language. The four secondary schools which teach Romani and have classes about Romani literature, history and Roma studies reportedly receive insufficient funding and support from the education authorities and the 25 teachers working in them are reportedly the only teachers in the entire country

qualified to teach in Romani. Several head teachers of primary schools told Amnesty International that they had difficulty recruiting Romani teachers and that few university-educated Roma entered the teaching profession. It has been reported that only 0.3 per cent of Roma complete tertiary education.⁷⁴

Amnesty International delegates were repeatedly told that when Romani children start school, they are often made to feel ashamed if they speak their own language or cannot speak Slovak well. A representative of Project Schola, an NGO in Košice, told Amnesty International:

"In primary schools, teachers' attitude towards Romani is very negative. They say that Slovak is the only language to be spoken. Some even say to Romani children that they cannot speak Romani among themselves during breaks, because Slovak is the state language... We have prepared materials in Romani language for teachers to use in schools. But there is no political will to use them."

4. Half-hearted government response

Under the FCNM, Slovakia is required not only to prohibit discrimination against people belonging to minorities, but also to “adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority.” The Advisory Committee on the FCNM has clarified:

“This cannot be sufficiently emphasised. The Framework Convention presupposes that States actively pursue the goals embodied in the Convention. A passive attitude may amount to a violation... [examples include]... minority policies that are of an ad hoc and unsystematic character.”⁷⁵

A legal prohibition of discrimination is inadequate; Slovakia should systematically identify and address factors which prevent Romani children from realizing their right to education. As a party to the ICERD, Slovakia is likewise required not only to prohibit discrimination, but to take steps to progressively eliminate racial discrimination in all its forms, including in respect of “the right to education and training.” The CERD has recommended that states parties to the ICERD take measures “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.”

Amnesty International notes that the government of Slovakia has adopted a number of measures with the aim of improving Romani children’s access to education. The organization welcomes these steps, but remains concerned that these measures have been implemented in an ad hoc and unsystematic manner, to echo the Advisory Committee’s comment. The adoption of special measures is not dependent on the presence in a community of significant numbers of children who would benefit from them, but is left to the will of individual head teachers or NGOs.

Preparatory (zero grade) classes

Following a pilot phase in the 1990s, the government amended the 1984 School Act in 2002 to provide preparatory classes or zero grade in primary schools for children from a “socially disadvantaged” background, and the employment of teaching assistants for children with “language, health and social barriers.” The aim of the preparatory year is to help children to adjust to the transition from a domestic environment to the school, which is a more distinctively institutionalized environment. The preparation that children receive during this year is “intended to create a space for accelerated personal growth of each child, while assisting them in adapting to initial social differences.”⁷⁶

The introduction of preparatory classes and teaching assistants are measures initiated in schools by NGOs and subsequently adopted by the Ministry of Education. They have

proved successful and popular, and the state has doubled their funding. They have reportedly been successful in facilitating the integration into primary school of children who do not speak Slovak, have not been to pre-school or who come from deprived backgrounds.

However, funding for preparatory classes is completely discretionary, and the provision of teaching assistants and other special measures is not integrated into the standard formula-based funding model for schools, which appears to be deterring schools from applying for them.⁷⁷ Municipalities are not required to ensure that all schools, even those with high numbers of children whose mother-tongue is not Slovak, or who would otherwise fall into the categories for placement in special schools, offer preparatory classes or hire teaching assistants.

The Head of the former Department for Education of Roma Communities told Amnesty International that around 2,000 children currently attend preparatory classes. The teaching materials of the Ministry of Education for these classes are provided to schools whose staff has taken part in a training programme at the state-run Roma Educational Centre (*Rómske vzdelávacie a dokumentačné centrum*, ROCEPO) in Prešov.

Head teachers told Amnesty International that they saw preparatory classes as mainly for Romani children, and many are reportedly entirely or almost entirely Roma. They considered the new preparatory year crucial to integrating Romani children into the education system and preventing them from being sent to special schools. In these classes, teaching assistants act as interpreters and ensure that children are encouraged to speak Romani. Teachers told Amnesty International that the assistants motivate and mentor pupils not only in the preparatory year but throughout the school.

As an incentive, the 2002 amendment provides funding for preparatory classes, which receive 170 per cent of the funding per pupil allocated to mainstream classes.⁷⁸ However, some head teachers told Amnesty International that the bureaucratic hurdles they have to surmount to obtain funding for preparatory classes were a major deterrent to setting them up. Also, no funding is available for capital expenditure such as building new classrooms, one head teacher said.

The existing law does not make it compulsory for all schools in areas with a significant number of children who would benefit from the preparatory year to adopt this measure. Amnesty International was told that the creation of such programmes relies principally on the will and capacity of head teachers. Many educational professionals who spoke to Amnesty International described a lack of monitoring of the need for preparatory classes.

Teaching assistants

The 2002 amendment to the 1984 School Act also created the post of teaching assistant. Teaching assistants must be certified by the Ministry of Education following a six-month training course, and by 2010 will be required to have completed secondary education. In 2006 there were 850 teaching assistants, "a high number" of them at schools with a significant number of Roma pupils.⁷⁹

Romani parents told Amnesty International they wanted teaching assistants in every primary school to help their children learn Slovak, and that more were needed. As one father told Amnesty International:

"I would like my children to study not only Romani but also Slovak... How are they going to learn good Slovak here in the settlement? We think that the number of [teaching] assistants should be increased."

However, it can be difficult to find enough fully qualified teaching assistants, and some are employed on the understanding that their work will help them obtain a further educational qualification, and some schools employ former students as assistants. For assistants who have completed secondary school, training is provided by ROCEPO, which runs a 200-hour course. Those without secondary education can attend 150-hour courses run by NGOs such as the Social-Legal Academy for Roma Communities in Košice, but these do not receive state funding.

The appointment of teaching assistants has to be initiated by schools themselves and funding must be applied for each year from the central education budget. Schools with large numbers of Romani pupils can apply to the Ministry of Education, through the Regional School Office, for teaching assistants. Amnesty International was informed that they do not always do so, sometimes because they have to re-apply every year for funding or because of a shortage of qualified applicants. Also, Amnesty International was told that some teaching staff are reluctant to supervise the work of teaching assistants. Staff of ROCEPO told Amnesty International that the younger and more highly qualified teachers work most readily with teaching assistants.

Amnesty International was informed by the Head of the Unit for the Education of National Minorities that the number of teaching assistants has risen every year, as has central government funding. The shortage of qualified applicants is in part explained by their inferior conditions of employment compared to other staff. In 2003 the Ministry of Education identified disincentives such as the short-term contracts offered to teaching assistants – either six months or 10 months with reduced hours – and their lack of recognition as teaching staff, particularly their lack of legal entitlement to the same paid holiday as other teaching staff (many teaching assistants are not paid during the July-August school holiday).

According to Article 12 of the FCNM, Slovakia must take measures in education to foster knowledge of the culture, history, language and religion of both Roma and the majority. This should include adequate opportunities for teacher training and access to textbooks. Although there is some government training for teaching staff working with Romani children, it is not compulsory and concern was raised with Amnesty International that it has been inadequately implemented, funded and evaluated. Training seminars for teachers working with Romani children have existed since 1996. Courses are currently offered at the University of Constantine the Philosopher in Nitra and ROCEPO in Prešov. Teachers working in preparatory classes can attend a course on Romani culture and working with Romani children. There is also specialist training available for teachers who work in special schools.

But while training materials for teachers of preparatory classes have existed for a decade, they are not widely available and the effectiveness of official training and teaching materials has not been monitored or evaluated. An evaluation of the EU-funded Phare project to assist Romani children to transfer from special schools to ordinary primary schools found that

In class at the primary school at Markušovce, where 70 per cent of the pupils are Roma.



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teachers were not using the teaching materials provided by Project Schola, who told Amnesty International that teachers did not always understand why they should learn about Romani culture.

Failed attempts at integration

Amnesty International recognizes that the government of Slovakia has taken a number of steps meant to improve integration. The government of Slovakia has introduced financial incentives for mainstream schools to integrate Romani children. Under a reform of child and family allowances, Act No. 281 of 2002 linked child allowances to the attendance of children in school [Article 18(2)] from 1 January 2003. The purpose was to improve school attendance by Romani children and it has been considered to have had a positive impact. The Slovak National Action Plan for the Decade of Roma Inclusion made a commitment to “cut down the number of Roma children attending special elementary schools.” However, attempts at transferring Romani pupils inappropriately placed in special schools or classes have reportedly not been very successful.

Special schools reportedly receive between 200 per cent (day schools) and 500 per cent (boarding schools) of the standard funding per pupil, and mainstream schools receive 250 per cent of the funding per pupil of children with special needs.⁸⁰ Yet this financial incentive for mainstream schools to integrate Romani children has reportedly been largely ineffective. Nor has it been linked to benchmarked and tracked programmes to progressively reintegrate children who were erroneously diverted into special schools in the first place.

A project under the EU-funded Phare programme began in 2002 to further integrate Romani children in education and improve living conditions in 2005-6.⁸¹ It aimed to transfer socially disadvantaged children from 20 special schools to primary schools, and gave extra teaching support in special transition classes covering the same curriculum as in a primary school for a period of a year. A total of 162 Romani children took part in the project. However, early results were disappointing, with only two children being integrated into ordinary schools during the first year. It was decided by the Ministry of Education to site future transition classes within the primary schools themselves to increase integration.

The government of Slovakia has recognized that reintegration efforts have not so far been adequate. As it stated in its recent report to the UN Committee on the Rights of the Child:

*“The Phare programmes funded from the 2001 and 2002 Financing Memorandums aim to improve the performance of Roma children, for example, through projects for the integration and reintegration of children into regular primary schools, and through the revision of school aptitude tests and differential diagnosis, with a view to enabling a clear differentiation between mental and social handicaps. Nevertheless, **reintegration remains a considerable, practical problem for the Slovak education system** [emphasis added].”⁸²*

Another project which started in 2005 in Trnava to transfer children from special classes within primary schools to mainstream classes was supported by the Ministry of Education and funded by the European Social Fund. It provided 90 Romani children with the support of assistants and extra tuition, but reportedly resulted in only five children being placed in mainstream classes after one year.

In 2004 the government approved a proposal for integrated education for Roma, which proposed training for education staff, the creation of teaching materials, and transformation of the curriculum. The proposal was criticized by specialists on Roma education in Slovakia as too obscure and complicated.⁸³ It has yet to be fully implemented. Some NGOs told Amnesty International that they were not satisfied with the way they were consulted by the authorities.

Lack of monitoring and accountability

Adequate data collection is a key element in any effort to redress the pattern of systematic violation of the right to education currently faced by Roma in Slovakia. In particular, the collection of adequate data, disaggregated by ethnicity and gender, is crucial to ensuring that laws and policies are contributing to the elimination of discrimination, as required under the ICERD.

At present, the government does not collect ethnically disaggregated data on the composition of various kinds of schools in Slovakia, although it has been asked to do so by bodies monitoring implementation of international human rights treaties ratified by Slovakia. The Minority Rights Group (MRG) noted that the 2005 UNDP survey on the living conditions of the Roma from the countries participating in the Decade of Roma Inclusion has created a considerable body of new data regarding those countries, but warned that it was not sufficient, and that participant countries should not be let “off the hook” on the systematic

The Decade of Roma Inclusion

The Decade of Roma Inclusion (2005-2015) was endorsed by the governments of Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Romania, Serbia and Montenegro, and Slovakia; it is supported by the Open Society Institute, the World Bank and other international organizations, and the European Commission is a member of the Steering Committee. The initiative is aimed at closing the gap between Roma and the rest of the population. It has four priority areas for action (education, employment, health and housing), along with three cross-cutting issues (poverty, discrimination and gender).

A National Action Plan was adopted by Slovakia for the regional Decade of Roma Inclusion. Slovakia’s Plan aims to reduce the number of Romani children attending special schools, but does not specify the measures that will be taken to achieve integrated education as it does for other commitments in the Plan.

The 2007 Decade Watch monitoring report, prepared by teams of Roma civil society leaders to assess governments actions on introducing measures on the four Decade priority areas, has highlighted the lack of comprehensive policies to deal with the problems of the Roma community throughout the participating states. MRG also noted that the Decade of Roma Inclusion, and the Roma Education Fund, are not properly funded by the participant states nor the international donors.

collection of disaggregated data.⁸⁴ Numbers of Romani children at integrated or segregated primary schools are not identified in official statistics. The Advisory Committee of the FCNM welcomed the publication in 2004, by the Office of the Plenipotentiary for Roma Communities, of a demographic study on the Roma settlements in Slovakia. However, despite this positive step, the Advisory Committee also called on the authorities to improve the collection of statistical data in other areas as well, such as access to medical health and employment. In 2007 the UN Committee on the Rights of the Child (CRC) expressed concern at “deficiencies in the collection and analysis of disaggregated data,” commenting that

Slovakia's "policy concerning the collection of data based on ethnicity hampers the adequate collection and analysis of reliable disaggregated data on vulnerable groups, *inter alia*, the Roma community." The CRC also called on Slovakia to strengthen its data collection system to ensure that data are disaggregated and contain information on a wide-range of vulnerable groups including children belonging to minority groups such as the Roma, children living in poverty, and children living or working in the street.⁸⁵

Complaints mechanisms

In February 1999, the Office of the Plenipotentiary of the Slovak Government for the Roma Communities was created to make proposals, implement plans, monitor the situation of the Roma, and co-ordinate with central and local government bodies and local communities. Since 2001 the Plenipotentiary has introduced an internship programme for young Romani activists, travelled to Romani settlements and met with local authorities. In 2002, the Plenipotentiary noted that the disproportionately high representation of Romani children in special schools required immediate attention. However, the Office has received insufficient funding and the Plenipotentiary's perceived lack of independence from the government has also undermined her efforts among people in eastern Slovakia, particularly among the Roma.

There is no effective or independent complaints mechanism that parents can easily access, for example if they are unable to exercise their choice of school, if their children are inappropriately placed in special schools, or if a preparatory year is not offered at their local school. Currently, parents can take their complaint to the head teacher or the school governing body; if they are not satisfied with the response they can approach the municipality, the regional school authority and the State School Inspectorate.

Many of the Romani people interviewed by Amnesty International said they were fearful of bringing complaints, particularly at the local level, or felt that their complaints were not taken seriously. As previously noted, head teachers also often feel unable to pursue the integration of Romani children in mainstream schools because of the pressure from parents from the majority population on governing School Councils, which have the authority to recommend the dismissal of head teachers. In practice, the State School Inspectorate is seriously under-resourced and unable to fulfil rigorous and regular monitoring of all schools countrywide.⁸⁶ Amnesty International has been told that the Inspectorate does not always respond to complaints of discrimination brought to it by Romani parents. The Advisory Committee of the FCNM has noted that the complexity of the legal framework linked to the current trend for decentralization of education in Slovakia may affect the participation of teachers, parents and pupils in decisions affecting them, and obfuscate who decides on different matters on the basis of which legal provisions.

Unlike similar bodies in Bulgaria and Hungary, the Slovak National Centre for Human Rights does not have authority to investigate individual complaints, to initiate its own investigations, or to recommend remedies in individual cases of violations of the right to education. With this in mind, the UN Committee on the Rights of the Child has recently recommended that "the State party expedite the establishment of an independent mechanism for monitoring implementation of the Convention on the Rights of the Child, in accordance with the Paris Principles."⁸⁷

Despite the right to education being recognized in the Constitution and the widely documented obstacles to realizing these rights by Romani communities in the country, there are surprisingly few cases before the domestic courts. One case is that of Gorkého school.

Gorkého school

In September 2005 at Gorkého school in Trebišov district, Romani parents complained that their children were discriminated against by being segregated when assigned to classes. According to them, the children of Roma origin were assigned to class One A. As is reportedly the usual practice of the school authorities, this class was meant to be transformed into a special class wherein children would be taught with a school curriculum meant for children with mental disabilities or special educational needs.

The parents confronted the school authorities to demand their children be integrated into regular classes, but the school refused. Parents approached the League of Human Rights Advocates (*Liga aktivistov pre ľudské práva*, LALP), an NGO which, among other things, provides free legal defence and assistance to victims of human rights abuses. The LALP filed two complaints concerning discrimination in access to education against the Gorkého school.

One of the complaints was filed with the Slovak Centre for Human Rights following the appeal of the parents. However, one year passed without response from the Centre for Human Rights on the issue and meanwhile school authorities continued their practice of segregating the Romani children.

A second application was filed on 8 September 2006 with the School Inspectorate Department of the Ministry of Education, which responded on 10 October 2006. They concluded that the action of the school authorities had breached the anti-discrimination law (being in violation of Article 5 (2.c) of Act No. 365/2004) The School Inspectorate Department ordered the school authorities to refrain from placing the children into classes according to the colour of their skin or according to their ethnicity. They also ordered school authorities to provide all children with a standard school academic curriculum. The school has not yet implemented these, and compensation claims are still pending.

5. International legal framework

According to international human rights law, the right to education includes primary, secondary, technical and vocational, higher and fundamental education. The right to education has been recognized in the Universal Declaration of Human Rights (UDHR) in 1948 and is enshrined in various binding international treaties to which Slovakia is party, including the International Covenant on Economic, Social and Cultural Rights (ICESCR, Articles 13 and 14), the Convention on the Rights of the Child (CRC, Articles 28 and 29), the International Convention on the Elimination of Racial Discrimination (ICERD, Article 5 (d) and (v)), and the European Convention on the Protection of Human Rights and Fundamental Freedoms (Protocol 1, Article 2).⁸⁸ This right is to be respected, protected and fulfilled free from discrimination; the ICERD requires states parties to the Convention, including Slovakia, to prohibit and eliminate “racial discrimination in all its forms and to guarantee the right of everyone, without distinction... to equality before the law” in respect of the right to education (Article 5), including through the adoption of targeted and effective temporary special measures.

The general obligation of states parties to the ICESCR is to achieve progressively the full realization of the rights according to the maximum of available resources by all appropriate means, including adopting appropriate legislation, social reforms, adopting and implementing action plans, and creating oversight mechanisms. The UN Committee on Economic, Social and Cultural Rights (CESCR), a body of independent experts whose role is to review states’ compliance with their obligations under the ICESCR, has clarified that these include immediate obligations to ensure the realization of the right to education, in addition to the duty to take concrete, deliberate and targeted steps towards the progressive full realization of the right. Immediate obligations include a duty to ensure free and compulsory education for all children, freedom from discrimination in access to education, and to ensure that educational content conforms to the aims of education as established under human rights law.⁸⁹

Governmental obligations related to the right to education can be addressed according to the “4-As” framework outlined in a UN report on education, of availability, accessibility, acceptability, and adaptability.

Availability

According to Article 13(2)(a) of the ICESCR, all states parties recognize that “primary education shall be compulsory and available free to all.” The CRC also recognizes this right in Article 28(1)(a). The duty to realize the right to free and compulsory primary education for all children without discrimination is an obligation with immediate effect, and is also a component of the “minimum core obligations” of the ICESCR.⁹⁰ Article 14 of the ICESCR clarifies that, where states parties have not been able to achieve this at the time of ratifying the ICESCR, they should develop a detailed plan to do so within a reasonable number of years. Where this is not possible given available financial, technical and other resources at the national level, states should seek, and should receive, international assistance and co-operation to enable them to do so.⁹¹ In this case the CESCR has made clear that “the international community has a clear obligation to assist.”



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The CESCR has clarified the compulsory nature of primary education 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.” The compulsory nature of primary education includes an obligation by 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.

Roma children in the Letanovce settlement.

Accessibility

Non-discrimination is a fundamental principle in all international treaties which guarantee the right to education. Article 2(2) of the ICESCR, for example, stipulates that state parties must ensure that the rights in the ICESCR 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. This extends to the whole population, irrespective of citizenship or other status. This obligation is of immediate effect: “[t]he 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.”⁹²

The CESCR has clarified that, 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.” It confirmed that the principle of non-discrimination in education extends to all people of school age, and that sharp disparities in spending policies that result in differing qualities of education for people residing in different geographic locations may constitute discrimination.

The European Court of Human Rights (ECHR) has held that a difference in treatment violates Article 14 of the ECHR, when it is established that others in a similar situation enjoy preferential treatment and there is no reasonable or objective justification for this distinction.⁹³ The Court has also recognized the need to take due account of minority identities:

“The right not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different.”⁹⁴

The Council of Europe Framework Convention for the Protection of National Minorities (FCNM), to which Slovakia is a party, prohibits any discrimination against those who belong to a national minority (Article 4).⁹⁵ States parties to the Convention, including Slovakia, are required to “adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority,” taking due account of the specific conditions of the people belonging to national minorities.

A legal prohibition of discrimination is therefore inadequate. Under this requirement, states parties should identify and address factors which prevent Romani children from accessing education. This is also reflected in the ICERD, which requires states parties not only to prohibit discrimination, but to take steps to progressively eliminate racial discrimination in all its forms, including in respect of “the right to education and training.”

The UN Committee on the Elimination of Racial Discrimination (CERD) has recommended that states parties to the ICERD take measures “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.”

The CERD also recommended:

“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.”⁹⁶

The famous principle stated by the US Supreme Court that “separate education facilities are inherently unequal”⁹⁷ is reflected in human rights law in the UN Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education which 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;

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”.

The UNESCO Convention also requires states parties to develop and apply a national policy to promote equality of opportunity and treatment in education.

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, all the activities which take place in the name of education have to conform to human rights standards. Firstly, everyone has a right to an education from which they can benefit. Secondly, no one, through direct or indirect discrimination on the basis of their ethnicity should be relegated to an inferior education. Finally, according to the UDHR, the ICESCR and the CRC, the content of education must comply with human rights standards. The aims of education as protected in these and other instruments require, among other elements, that education should promote understanding among all ethnic groups, as well as national, racial and religious groups, and should be culturally appropriate in both its form and substance, including curriculums and teaching methods. It should be directed towards developing respect for the child's cultural identity, language and values. This requires that states review educational curriculums, content, and methods to ensure that they respect the rights of the whole population, including those belonging to minorities.

The Romani minority, without a “kin-state” to provide support and assistance, is disadvantaged in its enjoyment of minority rights in comparison with other minorities in Slovakia such as the Czech or Hungarian communities.⁹⁸ In such circumstances, the Advisory Committee on the FCNM has concluded that the jurisdictional state carries a greater responsibility to ensure adequacy of support for those minorities which do not have a “kin-state”.

Adaptability

Primary education should be compulsory, and it is in the best interests of the child to ensure that he or she attends. A founding principle of the CRC is that the “best interests of the child” shall be a primary consideration in all matters concerning children, including education. The duty of the state to take steps to encourage attendance and reduce drop-out rates in education, must include the duty to ensure that education which is available respects the rights of the child, including that it respect the rights of the child as a member of a minority. According to Article 2(2) of the ICERD, 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.” 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 people belonging to minorities.⁹⁹

To ensure the educational rights of people belonging to minorities means working 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 Roma communities.

European Union standards

With the adoption of the Treaty of Amsterdam in 1999, a mandate was created at EU level to combat discrimination. According to Article 13 of the European Community (EC) Treaty, the Council can adopt by unanimity EC legislation proposed by the European Commission after consultation with the European Parliament. Two legislative acts (EU directives) of European law were subsequently adopted in 2000, on equality with regard to race and employment.¹⁰⁰ The Race Equality Directive (2000/43/EC) tackles discrimination on the grounds of racial or ethnic origin in the fields of employment, vocational training, membership of employer or employee organizations, social protection including social security and health care, education, and access to goods and services including housing. The Employment Equality Directive (2000/78/EC) bans discrimination in respect of employment and training on grounds of religion or belief, disability, age and sexual orientation.

The Race Equality 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 legitimate aim and the means of achieving that aim are appropriate and necessary” (Article 2), including in relation to education (Article 3). Slovakia transposed the Directive into its legislation in its 2004 Anti-Discrimination Act, which significantly strengthened the existing national legal framework. However, the Slovak Anti-Discrimination Act is currently under infringement procedures

instituted by the European Commission because it does not fully conform to the Race Equality Directive.¹⁰¹

The EU Charter of Fundamental Rights, proclaimed in December 2000 but not yet legally binding, takes a further step in the protection from discrimination by extending its prohibition to include discrimination on grounds of social origin, genetic features, language, political or other opinion, membership of a national minority, property and birth (Article 21).

Also, candidate countries for EU membership have had to guarantee democracy, the rule of law, human rights and respect for and protection of minorities under the "Copenhagen criteria". During the last EU enlargement process, which included the entrance of Slovakia in May 2004, the dire situation of the Roma minority was one of the issues of repeated concern in the EC reports on Slovakia's progress towards accession. The EU funded Phare programme was the principal means by which the European Commission supported applicants' political, economic and institutional reforms in adapting to EU legislation. However, although recognized as having the greatest impact when addressing the socio-economic conditions of the Roma, Phare projects are also frequently seen by educational experts as "more visible than effective."¹⁰²

Despite a number of political resolutions at the European Parliament and the Council of Ministers of the EU, their key recommendations to better economic, social and political integration for the Roma have still to be implemented. A 2005 European Parliament resolution called on the European Commission to co-ordinate EU efforts to improve the situation of the Roma and adopt an action plan, but no such plan has so far been adopted. There has been no progress or development either on recommendations from the European Parliament on an EU framework strategy for Roma. Nor has the European Commission taken action to implement recommendations in a report entitled *The situation of Roma in an enlarged EU 2004*. The report concluded that the EU should clearly and explicitly identify Roma within existing and comprehensive anti-discrimination and social inclusion policies and actively promote the participation of Roma in policy-making, implementation and assessment. In addition, it recommended that EU instruments should be used to raise awareness of the situation of Roma in society and to build a pan-European pro-Roma coalition.¹⁰³

6. Conclusion and recommendations

As this report has shown, in Slovakia Romani children continue to be largely segregated in practice in inferior education in “special” schools and classes. Recent initiatives taken by the government to address this situation have been ineffective, and underlying causes of violations of the access to the right to education of Romani children have not been effectively and consistently tackled. The continued failure to ensure the right of Romani children to education also denies them the capacity to exercise the full range of their human rights.

Amnesty International is calling upon the government of Slovakia to commit to tackling segregation. Romani children should not be placed in special or segregated schools or classes simply because they are Roma or because they are socially disadvantaged.

The government must collect ethnically disaggregated data (data which takes ethnicity into account) to monitor patterns of segregation in practice and ensure oversight of educational placements on the basis of reasonable and objective criteria. It should take steps to ensure that no parent “consents” to the diversion of their children into special schools or classes without being fully informed of the implications of this decision. Additionally, the state should take steps at all levels towards the full reintegration of all children who have been erroneously diverted into schools or classes for children with special educational needs. For example, funding for all schools should be reviewed to ensure that it does not provide a disincentive to reintegration of children into mainstream education. All teachers and school administrators, particularly those who teach in areas with a significant number of Roma, should receive effective training on intercultural education and how to eliminate negative stereotyping and prejudice.

In line with its obligations under human rights law, the government should also proactively ensure that all Romani children benefit from special measures before and during education to promote the equal realization of their right to education. No child should be excluded from quality mainstream education because of distance or cost. To this end, Slovakia should provide transport and other material assistance for children living in poverty. Nor should children be excluded or disadvantaged because of their first language. The government should progressively ensure access to preparatory (zero grade) classes in the Slovak language, and other measures towards bilingual education and classes on and in the Romani language in mainstream schools. Intercultural education and understanding should be more systematically pursued through classes teaching the culture and history of the whole population of Slovakia, including the Roma as a central element of the curriculum. Amnesty International is also calling on the government of Slovakia to initiate a participatory process to develop and implement a comprehensive plan towards integrated compulsory education for all children.

Supporting such initiatives through international assistance and co-operation, the EU and other donors and agencies should ensure that existing and future initiatives to improve

the educational situation of Romani children prioritize the integration of Roma in mainstream schools, and ensure that Romani children are free from discrimination. They should also encourage desegregation measures in Slovakia and ensure that no international funding is used to contribute to the violation of human rights. The EU should ensure that, as a member state, Slovakia fully incorporates all the provisions of the EU legislation and clearly, explicitly identify Roma within existing and comprehensive EU anti-discrimination and social inclusion policies and ensure the participation of the Roma community at all stages in the formulation of policy.

Specifically, Amnesty International is calling for action on the following key issues:

Prioritize the realization of the right to free and compulsory education for Romani children

The Ministry of Education, with the support of international financial and technical assistance, as necessary, should:

- Immediately develop and implement within a reasonable number of years a plan of action to ensure, at the very least, that all children complete compulsory education, as required under the International Covenant on Economic, Social and Cultural Rights (Articles 13 and 14). Such a plan should prioritize the integration and attendance of Romani children in mainstream education, through a combination of desegregation, and of special measures to encourage attendance and reduce drop-out rates, as required under of the UN Convention on the Rights of the Child (Article 28(1)(e));
- Such a plan should include steps to encourage attendance at school in practice, including for example outreach by social workers, and to ensure that access to education is in practice free of charge including through the provision of free transport where necessary and the consideration of schemes to address the opportunity cost of children's attendance at education.

Reverse segregation in education

The government of Slovakia should:

- Immediately make and widely publicize a clear and unequivocal political commitment to eradication of segregated education of Roma. This commitment should be the guiding principle in all education policies impacting on Romani people;
- In order to do this, the government of Slovakia should immediately initiate a process of consultation, including with representatives of the Roma community on the implementation of this commitment and take concrete, targeted and effective steps to implement this commitment in practice including through:
 - ▶ a thorough review of the criteria for placement of children in special schools or classes with a view to ensuring that all placement decisions are made on reasonable

and objective criteria related to international standards for the education of children with special educational needs;

- ▶ the development and distribution of clear directives indicating that the placement of children in separate, special schools or classes should only be on the basis of such criteria, and that no decision on the placement of a child in a special school or class should be made without the free and informed consent of the parent or guardian. In all placement decisions, the best interests of the child should be the primary consideration;
- ▶ the development, within a reasonable number of years, of a comprehensive plan of action to ensure the full integration of Romani children in mainstream education together with children from majority and other minority communities;
- ▶ the implementation of such an agreed plan of action using the maximum of available resources, including those available through international co-operation and assistance.

Within the context of measures to ensure eradication of segregated education of Roma, the government of Slovakia should ensure that such a plan of action includes steps to:

- Redress the erroneous placement of Romani children into special schools;
- Amend the School Act and other relevant implementing legislation to remove the category of “socially disadvantaged children” and decouple the term from mental disability;
- Advance the integration of Romani children currently in special schools; including through the nationwide roll-out of continuous assessments or other measures aimed at identifying children erroneously placed in special schools or classes and facilitating their integration in mainstream schools and classes;
- Review the discriminatory impact in practice of the change in law which allowed greater freedom of parental choice, with a view to taking concrete, targeted and effective steps to combating any increase in segregation in practice;
- Introduce compulsory and comprehensive adoption of temporary special measures so that Romani children, who face particular barriers to realizing their right to education due to patterns of historic discrimination against Roma, should benefit from necessary special measures to facilitate their entry into mainstream, integrated education. These should include measures to:
 - ▶ assist Romani parents in sending their children to pre-school education, including by the provision of free transport, to improve the children's integration in primary school and to their school performance.
 - ▶ ensure the provision of preparatory classes and teaching assistants, in all districts in which a reasonable number of children requiring them, including Roma, are present.

Ensure the content and means of education are consistent with human rights

In close consultation with Romani communities and organizations, the Ministry of Education should:

- Increase training to teachers and other school staff aimed at eliminating negative stereotypes and prejudices, with a particular focus on Roma, and at sensitizing them to the need to combat racist harassment and bullying in schools. Monitor the subsequent use and implementation of training and training materials to evaluate their effectiveness;
- Ensure that Romani culture, history and traditions, and information about the contributions Roma have made to society, are included in the formal school curriculums;
- Amend the School Act to grant the Romani language the same recognition as that given to the other minority languages specified;
- Take steps to ensure the availability of teaching materials in Romani language;
- Provide training to teachers and other staff working in primary schools, especially those working with significant numbers of Romani pupils, on Romani culture, history, traditions and language and train teachers on the importance of using intercultural education;
- Ensure the genuine participation of members of the Roma community on all aspects of educational policy relating to the inclusion of Roma;
- Recruit teaching staff from a Romani background at all levels and ensure that they are not subjected to racial discrimination in the school system.

Monitoring and accountability

The government of Slovakia should:

- Ratify and implement Protocol No.12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which contains a general prohibition of discrimination in the enjoyment of any right in law (Article 1);
- Ratify the Additional Protocol to the European Social Charter providing for a system of collective complaints;
- Ensure the full and effective implementation of the 2004 Anti-Discrimination Act and take steps to ensure that existing or planned special measures in favour of disadvantaged groups like the Roma are further supported and encouraged;

- Ensure the amending of the Anti-Discrimination Act to be fully consistent with the EU anti-discrimination directives, including the definition of equal treatment;
- Review the mandate of the Slovak National Centre for Human Rights in order to ensure that it complies with the standards of other human rights bodies, including the authority to investigate individual complaints, to initiate its own investigations, or to recommend remedies in individual cases of violations of the right to education.

The Ministry of Education, in conjunction with relevant ministries, should:

- Systematically gather statistical information and data, disaggregated on grounds of gender and ethnicity, in relation to education, health, employment and other relevant areas, with due regard to European standards concerning the protection of personal data and the right to self-identification;
- Monitor closely the creation and 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;
- Verify through public inspection that placements and transfers are not discriminatory, and that parents are not misadvised or coerced into placing their children in special schools;
- Provide the Slovak School Inspectorate with more resources to allow it to accomplish its functions effectively;
- Ensure that the Unit for the Education of National Minorities within the Ministry of Education has adequate human and financial resources;
- Establish an effective complaints mechanism to allow parents the possibility of effective redress. This should be independent and impartial, with the capacity to investigate and to initiate investigations of all allegations of segregated placement and to receive individual complaints.

Prioritize adequate housing, access to clean water and sanitation for Romani communities

The government of Slovakia should:

- Ratify and implement the Revised European Social Charter.

The Ministry of Construction and Regional Development, in conjunction with relevant ministries, should:

- Stop and prevent forced evictions of Roma;
- Ensure the genuine participation of Romani communities in determining the upgrading

or relocation of their communities to give effect to the rights to adequate housing, water and sanitation;

- Ensure that any solution on agreed rehousing complies with international human rights standards. In particular this should be through the prioritization of those in the most marginal conditions who lack access to even minimum essential levels of housing, water and sanitation and who lack a degree of security of tenure sufficient to protect from forced eviction or other interference. Any rehousing found to be necessary in consultation with those affected should be in locations with adequate housing, situated close to employment and services such as education. New settlements should seek to combat segregation.

Recommendations to the European Union and other bilateral and multilateral donors

Amnesty International is calling on these actors to:

- Support the government of Slovakia in all genuine efforts to address the systematic violation of the right to education of Romani children. In particular this should be through providing necessary financial and technical assistance to the development and implementation of a plan to ensure that all children, including Romani children, realize their right to free and compulsory education, and measures to reverse the segregation of Roma in education;
- Use their influence to encourage the government of Slovakia to implement the recommendations of this report, in particular on desegregation;
- Ensure that no international assistance is associated with human rights violations, including ensuring that it does not contribute to segregation of education in practice, and that all efforts to improve living conditions fully comply with human rights law, including that they are not associated with forced evictions.
- Ensure the participation of the Roma community from the earlier stages of policy definition to the implementation and evaluation of programmes;
- Support and encourage the government of Slovakia to address the deficiencies in ethnic data collection frameworks;
- Ensure that all measures taken to improve living conditions of Roma in Slovakia are consistent with international human rights standards regarding the rights to adequate housing, water and sanitation, as well as the right to genuine participation of Roma people in decisions which affect the realization of their human rights;
- Ensure that they do not support projects which are associated with human rights violations, including forced evictions.

Specific recommendations to the European Union

- Monitor the correct transposition and implementation of the anti-discrimination directives into the national legislation of Slovakia;
- Adopt an integrated policy on Roma to make efficient use of available legal, financial and policy tools, that is an EU policy on Roma. Such a policy will require to develop an EU framework strategy on Roma inclusion, which would be a co-ordination instrument providing coherence and complementarity in policies, initiatives and funding. It would also offer EU member states guiding principles and exchange of best practices;
- Pursue an integrated approach through developing an EU framework strategy on Roma inclusion, which would provide coherence and complementarity in policies, systematic and sustainable initiatives and a co-ordination instrument. This framework would ensure an effective mainstreaming (that is Roma issues are addressed in EU policies) and specific (that is affirmative) actions targeting Roma when required. It would also offer EU member states guiding principles and an exchange of best practices;
- Clearly and explicitly identify Roma within existing and comprehensive anti-discrimination and social inclusion policies, encouraging Slovakia to address Roma as a target group for the purposes of their National Action Plan on Social Inclusion, Lifelong Learning, Employment and other relevant policy frameworks; actively promote the participation of Roma in policy-making, implementation and assessment; and encourage the use of EU instruments to raise awareness of the situation of Roma in society. Consider the adoption of EU measures ensuring the elimination in practice of racial discrimination in the fields of education, housing and health care;
- Consider the regular allocation of a specific training budget to provide information on EU policies and the EU structures and working methods to the Roma and other minority representatives;
- Ensure that the use of EU funds does not lead to racial segregation in the fields of education, housing and health-care.

Appendix

Glossary

Terms

Koruna – unit of currency in Slovakia, equivalent to (€0.11)

Osada – Slovak term originally meaning a settlement or colony in the broad sense but now predominantly used to refer to Romani settlements

Preparatory (zero grade) classes – preparatory classes for children who have not attended pre-schooling, most of whom are Roma

Special school – schools for children with physical and mental disabilities or special educational needs

European and International bodies, treaties, covenants

Framework Convention for the Protection of National Minorities (FCNM)

Committee on the Rights of the Child (CRC)

European Committee on Social Rights (ECSR)

European Court of Human Rights (ECHR)

European Monitoring Centre on Racism and Xenophobia (EUMC)

High Commission on National Minorities of the Organisation for Security and Co-operation in Europe (OSCE)

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

UN Commission on Human Rights (UNHCHR)

UN Committee on Economic, Social and Cultural Rights (CESCR)

UN Committee on the Elimination of Racial Discrimination (CERD)

Universal Declaration of Human Rights (UDHR)

Slovak bodies

Rómske vzdelávacie a dokumentačné centrum (ROCEPO) – Roma Educational Centre in Prešov

Endnotes

- ¹ See at UN level, Concluding observations on Slovakia by the Committee on the Rights of the Child (CRC), the Committee on the Elimination of Racial Discrimination (CERD), the Human Rights Committee (HRC), and the Committee on Economic, Social and Cultural Rights (CESCR). See at regional level, reports and comments on Slovakia by the Advisory Committee on the Framework Convention for the Protection of National Minorities (Advisory Committee of FCNM) and the European Commission against Racism and Intolerance (ECRI) of the Council of Europe; the regional reports on Roma from the Commissioner for Human Rights of the Council of Europe and the European Monitoring Centre on Racism and Xenophobia (EUMC). See also the reports among others from the human rights non-governmental organizations (NGOs) European Roma Rights Centre (ERRC), Save the Children, Open Society Institute, and Roma Education Fund.
- ² ERRC, *Stigmata: Segregated Schooling of Roma in Central and Eastern Europe, 2004* (hereafter ERRC, *Stigmata*, 2004), pp. 13 and 28-29; ECRI *Third report on Slovakia, CRI (2004) 4*, Adopted on 27 June 2003 made public on 27 January 2004 (hereafter ECRI, *Third report on Slovakia, 2004*), p. 24; Save the Children, *Denied a Future? The right to education of Roma/Gypsy and Traveller Children in Europe*, Vol. 2, 2001 (hereafter Save the Children, *Denied a Future?* 2001), p.188.
- ³ In addition to the present report, see in particular, ERRC, *Stigmata*, 2004, and ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children: A Study of Anti-Discrimination Law and Government Measures to Eliminate Segregation in Education in Bulgaria, Czech Republic, Hungary, Romania and Slovakia*, February 2007 (hereafter ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children*, 2007).
- ⁴ We will use preparatory classes or preparatory year for the purpose of this report
- ⁵ Slovak National Centre for Human Rights. *Report on Observation of Human Rights in the Slovak Republic for the Year 2005*, p. 86: "primary schools tend to misinterpret and fail to apply legal regulations governing school integration and, based on that fact, there is reasonable apprehension that the rights of the child are violated in the process of school integration".
- ⁶ World Bank, *About the Roma: Facts and figures*, at <http://web.worldbank.org>.
- ⁷ Jean-Pierre Liegeois and Nicolae Gheorghe, *Roma/Gypsies: A European Minority*, Minority Rights Group International, 1995, p. 7, citing Gypsy Research Centre, René Descartes University (Paris), 1994 at <http://www.minorityrights.org/admin/Download/Pdf/Romareport.pdf>. However, according to Arno Tarner, "The Roma of Eastern Europe: Still Searching for Inclusion" at <http://www.migrationinformation.org/Feature/display.cfm?id=308>, other sources estimate the number of Roma in Slovakia on around 320,000 inhabitants.
- ⁸ World Bank Foundation, Social Policy Analysis Center (SPACE), Institute for Economy and Social Reform (INEKO), Open Society Initiative, *Poverty and Welfare of Roma in the Slovak Republic*, April 2002, p. 9, at <http://siteresources.worldbank.org/EXTROMA/Resources/povertyinslovak.pdf> (hereafter *Poverty and Welfare of Roma in the Slovak Republic*).
- ⁹ Boccagni, Paolo, and Rappel, Wolfgang, Editors, "The Roma in Slovakia" in *Roma the largest minority in Europe*, European Project in cooperation with Artemisio Foundation/Budapest, Jekhetane-Spolu/Prešov, Ljubljana Concept Foundation/Bucharest, CGM/Brescia, 2004, at <https://www.rnl.sk/modules.php?name=News&file=article&sid=2080> (hereafter *Roma the largest minority in Europe*).
- ¹⁰ *Ibid.*
- ¹¹ *Roma the largest minority in Europe*; and Slovakia.org, <http://www.slovakia.org/society-roma.htm>.
- ¹² *Ibid.*
- ¹³ Institute of Public Affairs (IPA), *Čačipen pal o Roma – A Global Report on Roma in Slovakia*, 2003, (IPA, *Čačipen pal o Roma*, 2003 hereafter) p. 36.
- ¹⁴ *Ibid* p. 47.
- ¹⁵ Law on the Permanent Settlement of Nomadic and Semi-Nomadic People, Law 74 of 1958.
- ¹⁶ IPA, *Čačipen pal o Roma*, 2003, p. 378.
- ¹⁷ Government of the Slovak Republic, Resolution No. 153/1991 on the Principles of government policy towards Roma.
- ¹⁸ Government of the Czech and Slovak Federal Republic, Resolution No. 619/1991 on the Principles of Government Policy of the Czech and Slovak Federal Republic towards the Romani minority (*Zásady politiky vlády České a Slovenské Federativní Republiky k romské menšině, Usnesení vlády ČSFR č. 619/1991*) stated that "...the development of ethnic identity is the precondition of self-identification, emancipation and integration of Roma that will equalise their position in society."
- ¹⁹ *Poverty and Welfare of Roma in the Slovak Republic* p. 9.
- ²⁰ In 2006, while having a national unemployment rate of 13.3 per cent, the three regions with the highest unemployment rate were Košice (20.2 per cent), Prešov (19.2 per cent) and Banská Bystrica (19.4 per cent), according to the date of the Statistical Office of the Slovak Republic (*Štatistický Úrad Slovenskej Republiky* at http://www.statistics.sk/webdata/ks/reg_udaje_eng/nezamesst.htm
- ²¹ European Commission, *The Euromosaic study: Romani in Slovakia*, http://ec.europa.eu/education/policies/lang/languages/langmin/euromosaic/slok3_en.html; and Ministry of Labor, Social Affairs and Family, Decree No. 1757/04-11/1, on the Provision of Subsidies for the Performance of a special Beneficiary of Material Need Welfare Benefits, Subsidies for Meals for Children in Material Need, and Subsidies for School Equipment for Children in Material Need, p. 10.
- ²² Although there are some indicators which have improved such as enrolment to primary education, which is, however, not yet 100 per cent (Roma Education Fund, *Advancing Education of Roma in Slovakia, Country Assessment and the Roma Education Fund's Strategic Directions*, 2007, p. 10), others have deteriorated. See for example World Bank, the Foundation SPACE, INEKO and the Open Society Institute, 2002 report *Poverty and Welfare in the Slovak Republic* which reports that the total number of people living in informal settlements has grown, from 14,988 in 1988 to 123,034 in 1997, and that Roma have been disproportionately affected by the transition of the economy and the reduction in the unskilled labour force (according to figures of the National Labour Office in 1999 Roma represented nearly 25 per cent of those who are unemployed). For information on the decline of the health status of Roma see Peter Šaško, "Roma Health" *Čačipen pal o Roma – A Global Report on Roma in Slovakia*, Institute of Public Affairs, 2003.
- ²³ According to Eurostat, *Regional GDP per inhabitant in the EU27*, in 2004, the GDP per inhabitant in Eastern Slovakia (Východné Slovensko) only reached 42.3 per cent of the average GDP per inhabitant average expressed in terms of purchasing power standards of the enlarged EU. In contrast the Bratislava region was ahead of the EU average with a figure of 129.3 per cent.
- ²⁴ See ECRI in its *Third report on Slovakia*, 2004, p. 14, para. 44 mentioned the "alleged malpractices and mistreatment on the part of the police towards minority groups, particularly Roma/Gypsies." UN treaty bodies have also continued to express their concerns at this respect: Committee on the Rights of the Child (CRC), Forty-fifth session, *Concluding Observations of the Committee on the Rights of the Child: Slovakia*, 8 June 2007, CRC/C/SVK/CO/2 (hereafter CRC, *Concluding Observations*, 2007), p. 7, para. 34; Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations of the Committee on the Elimination of Racial Discrimination: Slovakia*, 10/12/2004, CERD/C/65/CO/7. (hereafter CERD, *Concluding Observations*, 2004), paras. 5-7; Human Rights Committee (HRC), *Concluding Observations of the Human Rights*

Committee: Slovakia, 22/08/2003, CCPR/CO/78/SVK, (hereafter HRC, *Concluding Observations*, 2003), paras. 11 and 17; Committee against Torture (CAT), *Concluding Observations of Committee against Torture: Slovakia*, 11/05/2001, A/56/44, (hereafter CAT, *Concluding Observations*, 2001) para. 104 (c).

²⁵ See Amnesty International, *Concerns in Europe and Central Asia July-December 2003* (AI Index: EUR 01/001/2004), *Concerns in Europe and Central Asia July-December 2004* (AI Index: EUR 01/002/2005), *Amnesty International Report 2007* (AI Index: POL 10/001/2007)

²⁶ The International Covenant on Economic, Social and Cultural Rights (Article 11(1)) and the European Social Charter (Article 16).

²⁷ General Comment 4, "the right to adequate housing", (Article 11(1)), CESCR, sixth session, 1991, para 8.

²⁸ Office of the Plenipotentiary of the Government of Slovakia for the Roma Communities, *Atlas rómskych komunit* (Atlas of the Romani communities), 2004, p. 13

²⁹ Ministry of Labour, Social Affairs and Family, *National Action Plan on Social Inclusion 2004-2006 (NAP-Inclusion)*, 2004, p. 10, at http://ec.europa.eu/employment_social/soc-prot/soc-incl/nap_incl_2004_sk_en_version.pdf.

³⁰ Milan Šimecka Foundation, Centre on Housing Rights and Evictions (COHRE) and European Roma Rights Centre (ERRC), *Forced Evictions in Slovakia-2006*, January 2007.

³¹ UN Commission on Human Rights, Resolution 1993/77, para 1.

³² CESCR, General Comment 7, The right to adequate housing (Art.11(1) of the Covenant): forced evictions, para 3.

³³ European Commission, *Infrastructure for Roma settlements, Phare project SR0103*, 2001, p. 13 at http://ec.europa.eu/enlargement/fiche_projet/document/sr0103-02-roma-infra-ii.pdf

³⁴ CESCR, General Comment, The right to adequate housing, para 8(d).

³⁵ CESCR, General Comment 15, The right to water, UN Doc. E/C.12/2002/11

³⁶ Committee on Economic, Social and Cultural Rights, General Comment 15, The right to water, UN Doc. E/C.12/2002/11, para 16.

³⁷ European Committee on Social Rights, *European Roma Rights Centre v Greece*, Decision on the Merits, 8 December 2004, Complaint No. 15/2003, para 24.

³⁸ Roma Education Fund, *Advancing Education of Roma in Slovakia, Country Assessment and the Roma Education Fund's Strategic Directions*, 2007, p. 22.

³⁹ According to the Methodological Centre in Prešov, in the 2000/2001 school year, from 576,331 students in the whole Slovakia, 47,701 were Roma.

⁴⁰ School Act 29/1984, Articles 3(2) and 29.

⁴¹ See for example Advisory Committee FCNM, *Comments of the Government of the Slovak Republic on the Second Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities*, GVT/COM/OP/II(2005)004, 21 June 2006, p. 25. The methodology of the includes field visits Advisory Committee FCNM includes field visits.

⁴² CESCR, General Comment 13, para 57.

⁴³ CRC, Article 3 (1).

⁴⁴ ICERD, Article 2 (1)(c).

⁴⁵ The Department of Education for Roma Communities was replaced in September 2006 by the Unit for the Education of National Minorities.

⁴⁶ See Save the Children, *Denied a Future?*, 2001, p. 183.

⁴⁷ United Nations Development Programme (UNDP), *Avoiding the Dependency Trap*, 2002, at <http://roma.undp.sk/>

⁴⁸ Álvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe, *Final report on the human rights situation of the Roma, Sinti and Travellers in Europe*, CommDH(2006)1 15 February 2006, p. 47.

⁴⁹ ICERD, Article 3.

⁵⁰ Slovakia, Second Periodic Report under the CRC, 2006, paras. 87 and 88.

⁵¹ Ministry of Education, *Education in the Slovak Republic: A brief overview*, 2005, p. 12.

⁵² Methodological Guidance of the Ministry of Education No. 12/2005 on the procedure applied by educational and psychological counselling centres when assessing school readiness of children from socially disadvantaged environments upon admission to the first grade of primary schools, Article 2.

⁵³ Slovakia, Second Periodic Report under the CRC, 2006, para. 92

⁵⁴ Slovakia, Second Periodic Report under the CRC, 2006, para. 86.

⁵⁵ Slovakia, Second Periodic Report under the CRC, 2006, para. 92.

⁵⁶ ERRC, *Stigmata: Segregated Schooling of Roma in Central and Eastern Europe*, 2004, p. 38.

⁵⁷ Slovakia, Second Periodic Report under the CRC, 2006, para. 92.

⁵⁸ ERRC, *Stigmata: Segregated Schooling of Roma in Central and Eastern Europe*, 2004, p. 46; and EUMC, *Roma and Travellers in Public Education: An overview of the situation in the EU Members States*, 2006, pp. 46-47.

⁵⁹ Decree 212/1991 of the Ministry of Education on special schools (Section 16).

⁶⁰ See ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children*, 2007, p. 48.

⁶¹ The assessment is now based on a set of diagnostic tools developed in 2004 by the Research Institute of Child Psychology and Psychopathology within the EU-funded Phare project and adopted in 2005. See ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children*, 2007, p. 48, footnote 65.

⁶² Methodological Guidance of the Ministry of Education No. 3/2006 on the implementation of school integration of pupils with special educational needs at primary and secondary schools came into effect.

⁶³ Phare project SR 0103.01, Reintegration of socially disadvantaged children from special schools into regular primary schools, implemented 2003-4, cited in ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children*, 2007, p. 47.

⁶⁴ World Bank. *Needs Assessment for the Roma Education Fund: Slovak Republic*, Paris: Roma Education Fund, December, 2004, p. 17 citing the Institute of Education and Forecasting for the school years 2002/2003 and 2003/2004.

⁶⁵ Ministry of Education, *The Current State of Schooling of Roma Children and Students (Súčasný stav vo výchove a vzdelávaní rómskych detí a mládeže)*, Bratislava, 2003. Note: uses data from MPC Prešov 2002 survey report.

⁶⁶ ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children: A Study of Anti-Discrimination Law and Government Measures to Eliminate Segregation in Education in Bulgaria, Czech Republic, Hungary, Romania and Slovakia*, February 2007, p. 52

⁶⁷ Advisory Committee Opinion on Slovakia, COE Doc. ACFC/INF/OP/I(2001)001, para 40.

⁶⁸ Will Guy and Martin Kovats, *EU-funded Roma programmes: Lessons from Hungary, Slovakia and the Czech Republic*, Minority Rights Group, 2006; the project also received negative assessments from Slovak education organizations including the Wide Open School Foundation (Nadácia Škola doktorán) and Project School (Projekt Škola).

⁶⁹ Article 14(3). UNESCO Convention against Discrimination in Education contains a similar caveat in Article 5(c), which recognizes the right of

minorities to establish their own educational establishments teaching in their own language provided, ... that this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole.

70 Interpreting Article 17 of the ICCPR, Human Rights Committee, General Comment 23(50), UN Doc. HRI/GEN/1/Rev.1, para 6.1.

71 Advisory Committee FCNM, Commentary on Education, supra, p 20.

72 Slovakia, Second Periodic Report under the Convention on the Rights of the Child, UN Doc. CRC/C/SVK/2, 21 September 2006, para 294.

73 Advisory Committee on the Framework Convention for the Protection of National Minorities, *Comments of the Government of the Slovak Republic on the Second Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities*, GVT/COM/OP/II(2005)004, 21 June 2006, p. 26.

74 Open Society Institute, *Monitoring Education for Roma, A Statistical Baseline for Central, Eastern and South Eastern Europe*, 2006; and Roma Education Fund, *Advancing Education of Roma in Slovakia, Country Assessment and the Roma Education Fund's Strategic Directions*, 2007, p. 21.

75 Advisory Committee on the FCNM, Commentary on Education, supra, p 9.

76 *Advancing Education of Roma in Slovakia, Country Assessment and the Roma Education Fund's Strategic Directions*, 2007, p. 10.

77 Andrej Salner, *Roma children in the Slovak education system*, 2005, p. 17.

78 ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children*, 2007, p. 52.

79 Slovakia, Second Periodic Report under the CRC, para 85.

80 Government figures cited in ERRC, *The impact of legislation and policies on school segregation of Romani children*, 2007, p. 47.

81 Phare project 2002/000.610.03, Further Integration of Roma Children in the Educational Field and Improved Living Conditions, implemented 2005-6.

82 Slovakia, Second Periodic Report under the Convention on the Rights of the Child, UN Doc. CRC/C/SVK/2, 21 September 2006, para 290.

83 Andrej Salner, *Roma children in the Slovak education system*, 2005, p. 10.

84 Minority Rights Group, *State of the World's Minorities*, 2006, p. 143.

85 Committee on the Rights of the Child (CRC), Forty-fifth session, Concluding Observations of the Committee on the Rights of the Child: Slovakia, 8 June 2007, CRC/C/SVK/CO/2 (hereafter CRC, Concluding Observations, 2007), p. 7, para. 19 and 20.

86 Andrej Salner (ed.), *Roma children in the Slovak education system*, 2005, p. 15.

87 CRC Concluding Observations on Second Periodic Report of Slovakia, 8 June 2007, para 16.

88 The Revised European Social Charter, to which Slovakia is not yet a party, recognizes in Article 17 that "With 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 organizations, to take all appropriate and necessary measures designed: [...] (2) to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools."

89 CESCR, The right to education. Article 13 of the Covenant. General Comment 13, E/C.12/1999/10, 8 December 1999, Para 57.

90 CESCR, General Comment 13, paras 51 and 57.

91 "When States ratify the Convention, they take on obligations not only to implement it within their jurisdiction but to contribute, through international

cooperation, to global implementation". UN Committee on the Rights of the Child, General Comment No. 5 (2003), General measures of implementation for the CRC, UN Doc. CRC/GC/2003/5.

92 CESCR, The right to education. Article 13 of the Covenant. General Comment 13, E/C.12/1999/10, 8 December 1999, Para 31.

93 European Court of Human Rights, *The National & Provincial Building Society, the Leeds Permanent Building Society and the Yorkshire Building Society v. The United Kingdom*, judgement of 23 October 1997, 117/1996/933-935, para. 88.

94 ECtHR (GC), *Thlimmenos v. Greece* (App. No 34369/97), judgement of 6 April 2000, paras 39-49.

95 Slovakia became party to the Convention on 14 September 1995.

96 CESCR, The right to education. Article 13 of the Covenant. General Comment 13, E/C.12/1999/10, 8 December 1999, Para 18.

97 *Brown v Board of Education of Topeka*, judgment of 17 May 1954, 347 US 294

98 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.

99 FCNM, Article 4(2), 12(3).

100 A directive is binding on the EU member states as to the result to be achieved but leaves them the choice of the form and method they adopt to realize the EU objectives within the framework of their internal legal order.

101 In June 2007, the European Commission sent a "reasoned opinion" which is the 2nd step of infringement procedures to 14 EU MS. Main problem areas for Slovakia are: the definition of equal treatment and harassment, limited material and personal scope, broader exemptions and definition of social advantages.

102 Open Society Institute, EU Accession Monitoring Program (EUMAP), 2002.

103 European Commission, *The Situation of Roma in an Enlarged European Union*, 2004, p. 46-47.

