

The European Master's Degree in Human Rights and Democratisation

Anne Salminen

Perpetual outcast?

**Roma children and their right to education in Slovakia, in the
context of the EU enlargement.**

Supervisors: Mag.^a Louise Sperl & Mag. Paul Angeli

University of Vienna, July 2003

Table of Contents

Acknowledgements	i
Introduction	1
Methodology	3
1. The Forgotten People	5
1.1. Historical Overview of the Roma	5
1.2. General socio-economic conditions of Roma	7
1.3. Education and Roma children	8
1.4. Roma identity and Culture- <i>Rom som, Romeske Achava, Sar Rom Merava</i>	10
2. Case Studies- Czechoslovakia and Slovakia	
2.1. Roma in Czechoslovakia	15
2.1.1. Demographic structure	15
2.1.2. Roma schooling in Czechoslovakia	15
2.1.3. Further evolution	17
2.2. Slovakia	19
2.2.1. Background information	19
2.2.2. Demographic structure	19
2.2.3. National legislation	20
2.3. General living conditions of the Roma in Slovakia	20
2.3.1. Example of Svinia	23
2.3.2. Example of Lunig IX	25
2.4. Roma and Schooling	26
2.4.1. School Status in Slovakia	29
2.4.1.1. Preschool education	30
2.4.1.2. Primary education	31
2.4.1.3. Secondary School	32
2.4.1.4. University education	33
2.4.2. School Segregation of Roma in Slovakia	33
2.4.2.1. Racially segregated schools	34
2.4.2.2. Lunig IX primary school	34
2.4.3. School segregation by use of special schools	36
2.4.3.1. Turna nad Bodvou	37
2.4.3.2. Moldava nad Bodvou	38
2.4.3.3. Allocation to special remedial schools	38
2.4.3.4. Tests	39
2.4.3.5. Who makes the choice?	39
2.4.3.6. The curricula taught in special schools?	40
2.4.3.7. Other grounds	41
2.5. Recent practices from the Slovak government	42
3. Slovakia – Ready for Accession	45
3.1. International Human Rights Law	46
3.2. Right to Education as a Human Right	46
3.3. The Guiding Principles issued by the EU	49
3.4. Conclusion and Recommendations	60
Bibliography	66
Annex 1	71

Acknowledgements

Gratitude and thanks are extended to many people who have been of enormous support and help during my research.

I express my sincere thanks to Edmund Müller from the Roma Rights Centre of Kosice, Slovakia, for allowing me to comprehend a piece of the reality I was dealing with and to gain indispensable information. Equally, I want to thank Sylvia Rigova from the Projekt Schola in Kosice, by her genuine interest and valuable information provided.

I want to thank my supervisors Louise Sperl and Paul Angeli for providing me constructive suggestions anytime it was necessary for me. Gratitude is also expressed to the BIM staff for “supporting” us also in the darkest moments during the research.

I wish to give a big hug for my mother for her incessant encouragement and a special thank to those friends who gave their unconditional support and care during my stay in Vienna. You know who you are.

Abstract

This paper examines the Roma children's education in Slovakia. Slovakia is one of the candidate countries to join the European Union on May 2004 and thus the membership is one of the priorities of the Slovak government. This historic moment is however overshadowed by Slovakia's unequal treatment towards its Roma minority; protection of vulnerable minorities being one of the preconditions in order to gain the access to the EU. The situation of the Roma in Slovakia could be seen as one of the worst throughout all of Europe.

The paper has demonstrated the discrimination Roma children are facing with regard to education. They are denied access to formal adequate schooling, segregated to the "Roma schools" or routed to the "special schools" for mentally handicapped. It is estimated that 75 percent of Slovakia's Roma children attend special schools. The paper analyses the practices of Slovak Government under the Guiding Principles issued by the EU in 1999 for the improvement of the situation of the Roma as well under the major international human rights instruments. Slovakia is not fulfilling the political criteria required for the membership but has been formally invited to become a member state of the EU in 2004. It has been highlighted that the issue of Roma children's schooling is an urgent problem to redress and thus some recommendations are proposed in order to improve the access to formal adequate schooling for Roma children.

Introduction

“Where the gypsies live? Yes, first you cross the Aura Bridge, then you walk about three hundred meters, then you take a right for about two blocks. Then you walk to the left again past four five houses and then you continue and when you have a knife in your back, you are there.”

Zigenarens väg.¹

In 1993 the European Council laid down a set of criteria in Copenhagen, for countries willing to join the European Union. Following this criteria the European Union membership entails the respect for democratic institutions, rule of law, human rights and the respect for and protection of minorities.² Thus in the framework of the EU enlargement, the protection of vulnerable minorities is one of the preconditions, part of the “acquis communautaire” in the EU accession countries. It is part of the political criteria in order to gain access to the “club of fifteen”. In this ‘agenda’ much emphasis is then put on the treatment of Roma³ minorities in the candidate countries and the situation of Roma is being taken into consideration “in assessing the capacity of candidate countries to become members of the European Union.”⁴ In 1997 the European Council invited the Commission to issue ‘Regular Report’ on the progress made by the candidate countries taken into a consideration the Copenhagen Principles, and in 1999 the EU issued ‘Guiding Principles for improving the situation of the Roma’ which were based on the recommendations of the Council of Europe’s Specialist Group on Roma/Gypsy and on the recommendations of the OSCE High Commissioner on National Minorities. The Guiding Principles came out from the need to recognise the specific difficulties faced by the Roma trying to advance their full equality of opportunity and to eradicate racism and unequal treatment faced by them in the fields such as education, health, housing and employment.

¹ As quoted in www.RomNews.com.

² See the Copenhagen Criteria of the European Union, 1993, in: <http://europa.eu.int/comm/enlargement/intro/criteria.htm#Accession%20criteria>

³ This thesis uses the terms “Roma” and “Gypsy” as synonyms, since many sources employ these terms, even though prefers the term Roma. “Romani” is used as adjective and “Romanes” to indicate the language of the Roma.

⁴European Union, *EU support for Roma communities in central and eastern Europe*, May, 2002, p. 3.

The Slovak republic is one of the candidate countries to join EU on May 2003 and thus the membership is one of the top priorities for the Slovak government. However, Slovakia's commitments to guarantee equal rights for its Roma minority are not showed to be satisfactory, since "Slovak politicians do not have Roma as a top priority".⁵ The situation of Roma in Slovakia, who enjoy the status of national minority in the country's legislation⁶, could be seen as one of the worst throughout all of Europe, Slovakia having the biggest *per capita* Roma population in Europe, estimated 480.000-520.000.⁷ The evaluation of the Slovakia's treatment towards Roma in the path of the accession has been assessed by using the annual Regular Reports issued by the Commission. The last Report is from October 2002, which gives an up-dated overview of the Slovakia's accomplishment under the Copenhagen Criteria. After the last Report, in December 2002, the EU formally invited Slovakia to become a member state of the European Union in 2004.

The condition of Roma in many countries of Central and Eastern Europe is a decade's long complicated and sensitive issue that has been tried to tackle in many different and often failing ways. The market economy introduced to the post-communist countries has brought with it increasing poverty and further marginalisation of those who are unable to compete. The Roma are among those, the most marginalised. In many countries the fundamental exclusion and segregation is an evident characteristic of their everyday life. Their vulnerable position is even increased by the fact that they are the only ethnic minority not having a nation state to protect them.

In most countries, Romani children attend primary schools at levels substantially below the national average and the disparity becomes drastic at higher levels of education. As a ruthless consequence many Roma are ill prepared to compete for desirable jobs, and indeed unemployment levels are staggeringly high among Romani communities in many States.

The initial purpose of this paper was to analyse the Roma children's access to education in Slovakia. My primary focus to the field of education comes from the sincere faith and recognition that education is the key for the overall improvement of many Roma communities. Providing children with access to quality education would definitely have far-reaching benefits in changing the decade's long stereotypes in the majority mentalities as well

⁵ M. Vašecka, *Country Report on Minority Rights in Pre-EU Accession: Slovakia*, Institute for Public Affairs 3 (2001), p. 2.

⁶ Since there is no doubt that the Roma are considered as a minority under international human rights law, this thesis is not going to deal with the issue of minority rights.

⁷ Many sources repeat these numbers. See e.g. M. Vašecka, *Country report*, cit. p.4. and European Roma Rights Center, *Written Comments of the ERRC concerning the Slovak Republic, for consideration by the UN Committee on Economic, Social and Cultural Rights, at its 29th Session*, 11-29 November, 2002, p.3.

as giving the Roma children the adequate tool for integration, preserving their unique identities. However, the initial focus on education was lightly broadened up after my field trip to eastern Slovakia. The extremely precarious living conditions and the persistent differentiated treatment in almost every sphere of life, made me include the account of the overall socio-economic conditions of Roma and Roma children as well. Lack of access to education is intrinsically linked to the living conditions and in general to the unequal situation faced by them inside the Slovak society.

This thesis tries to examine whether Slovakia respect its obligations as a candidate country to join the EU with respect to the Roma children's education. It tries to analyse the conditions Roma children are facing in the realm of education and what is the importance of education for them. The issue of 'schooling' as a part of the Roma children's education is argued. Furthermore, the research presents the school status in Slovakia and what is actually the position reserved for Roma children in this sector. The current practices of segregated schools and schools for mentally handicapped are analysed.

In addition, the practices of Slovak Government are analysed whether in accordance with the Guiding Principles adopted by the EU in 1999 and with the major international human rights instruments. Additionally recommendations are made including measures to address the access to education.

Mistakenly the "Roma issue" is far too often simply seen as a social and economical problem of disadvantaged people but this thesis argues that it is to be seen as a human rights problem.

Methodology

The findings of this research are based on many sources. The analysis of the assessment of Slovakia's progress towards accession was made by using Regular Reports and Opinions issued by the EU. A field trip undertaken in the beginning of May 2003 to eastern Slovakia, namely to Kosice and to some of the surrounding communities provided a part of the answers to the questions this thesis tries to analyse. Furthermore, the visit to the European Roma Rights Centre in Budapest was of great assistance in gathering general information about the Roma in Slovakia. Analytical country reports, reports from several international organisation, leading Roma organisations and Slovak NGOs dealing with human rights of Roma were of paramount importance in collecting the proper information and recognizing the unfavourable conditions of many Roma communities. Moreover, the research is based on in-depth interviews made during my field trip, on the vast literature on the Roma, on human

rights magazines and reviews and on several useful sources found through Internet. Additionally an analysis of the newspapers gave the updated information of Slovakia's commitment as a candidate country.

CHAPTER I

THE FORGOTTEN PEOPLE

1.1. Historical overview of the Roma

To recognize why present-day conditions for the Roma exist, they must be acknowledged “as being at the end of the centuries-old continuum of the Romani experience”⁸

The Roma come originally from India. Until the end of the eighteenth century they were attributed several different origins. Finally, the results and findings of linguistics in that period testify that Romanes is a language from India, very close and actually a derivation from Sanskrit.

Some findings show that their journey to discover Europe took place between the eleventh and thirteenth century.⁹ Others speak out that they came to Europe with the Islamic raids of Sultan Mahmud of Gazna in the eleventh century.¹⁰ The first evidence of their presence in Europe is on the territory of the Byzantine Empire in Balkan lands. Later on various sources have stated their presence in Byzantium and their arrival into Serbia, Bulgaria, Walachia and Moldavia. During the fourteenth and fifteenth century, their dispersal continued in many other European countries and in spite of their relative subordination, they managed to conserve great part of their original ethnic and cultural characteristics. Scandinavia was reached during the first half of the sixteenth century and by the seventeenth century large number of Roma was permanently settled in Central and Eastern Europe and absorbed much influence of the surrounding political and social atmosphere.

The first impression and sensation they received in Europe was that of surprise, anxiety and incomprehension.¹¹ The first signs of positive curiosity were fast wiped away by the pejorative attitude adopted within the countries they were settled. However, the European reception of Roma cannot be defined as hostile from the beginning as it has often been the case among modern European historiography. “The sixteenth century’s bad community relations and accusations against Gypsies cannot be compared with the next century’s sustained ‘genocidal’

⁸ I. Hancock, in G. Will, (Ed.) *Between Past and Future, the Roma of Central and Eastern Europe*, University of Hertfordshire, 2001, foreword.

⁹ Even though some think that a much earlier arrival is plausible; i.e. ninth century. See E. Marushiakova and V. Popov, *Historical and ethnographic background: Gypsies, Roma, Sinti*, in G. Will (ed.) *Between past and future...*, cit. p.35.

¹⁰ Stated by Rudko Kawczynski, the head of the board of directors of The Roma National Congress.

¹¹ J.P. Liégeois, *Tsiganes et Voyageurs, Données socio-culturelles, Données socio-politiques*, Strasbourg, Council of Europe, 1985, p.13.

persecution and enslavement.”¹² The ethnic and cultural characteristics of the Roma communities in the region were greatly shaped and moulded by these attitudes and the non-acceptance and exclusion became the central feature in majority’s eyes. Oppressive legislation was passed all over Europe aiming at their physical eviction and extermination and the paternalistic control of their migration. The legislation in Europe “forbade them to stop anywhere, to buy provisions or even to draw water from the wells.”¹³ The plight of the Roma in Walachia and Moldavia is the worst example of mistreatment of this group since their entrance into the region.¹⁴ “There for three centuries they were seen and used as an important resource which had to be put under a harsh dependency in order to be used or exploited.”¹⁵ Roma were considered as slaves, used as pure commodity and “treated like chattel property in the jural codes of the Romanian principalities”.¹⁶

During the first phase of the Habsburg Empire the Roma were expelled from the Habsburg lands and exterminated under the rule of Charles VI. The arrival of the Empress Maria Therese lightly changed their destiny. They were no longer directly afraid of their lives but now victims of the forced assimilation programs.

In the XX century Europe influenced the Roma in three different stages, respectively by the World War II, the Communist rule and the changing perception and policy after the collapse of Communism. The extermination of Roma along with Jews during the World War II, the “Porajmos” as it is known in Romani, has not been widely documented and the official number of annihilated Roma is not clear. An estimated number is around quarter or half a million.¹⁷

The twentieth century’s communist regimes hosted the majority of Europe’s Roma communities. The treatment of the Roma within the boards of anti-capitalist countries let space to a whole variety of different treatment but with some fundamental common patterns. The Roma were fundamentally seen as “second-rate humans”¹⁸ and the aim was to make them equal citizens to be integrated in the first place, and later on assimilated completely in the majority society so that they would disappear as a distinct community.

¹² N. Georghe and T. Acton, *Citizens of the world and nowhere: Minority, ethnic and human rights for Roma during the last hurrah of the nation state*, in W. Guy (ed.), *Between past and future...*, cit. p.60.

¹³ Ian Hancock

¹⁴ D.M. Crowe, *A History of the Gypsies of Eastern Europe and Russia*, I.B Tauris Publishers, London, 1995,p.xii.

¹⁵ N. Gheorghe, *The social construction of Romani identity*, in T. Acton (ed.) *Gypsy Politics and Traveller Identity*, Hatfield: University of Hertfordshire Press, 1997, p.158.

¹⁶ *ibidem*.

¹⁷ For a fuller account, see e.g. A. Fraser, *The Gypsies*, Oxford, Blackwell Publishers, 1995.

¹⁸ E. Marushiakova, op.cit., p.45.

The post-Communist policy, the process of democratisation in Central and Eastern Europe and the introduction of the market economy has been detrimental to the situation of the region's Roma. The process of nation-state building and the rise of nationalism in the aftermath of the Berlin's wall have produced verbal and physical racist attacks and the attempts of assimilation have been replaced by increased unemployment, widespread segregation in various fields i.e. in education, housing, health care followed by further marginalisation and extreme levels of poverty.

The burden of this history is now to be faced in the contemporary Europe. Is this going to be the trend in the new, enlarged and integrated Europe? A collective consciousness of all European societies has been (and still is) marked by profound anti-Roma attitudes. The process of the EU enlargement to the ex -Communist countries, which still are home for majority of the Europe's Roma, could provide a unique opportunity to address their critical situation.

1.2. General socio-economic conditions of Roma

“If you want to know how interethnic conflict begins, look at Slovakia right now. Someday, in 10 or 20 years, it will explode into violence. The Roma population is growing, and they are being literally forced to the margins of society and absolutely denied any hope for education or gainful employment. Eventually, like all people, they will fight back. This is a time bomb in the middle of Europe.”

Kristina Magdolenova 

Hopefully what Ms Magdolenova has recently observed will only be an empty account. Nevertheless, as different studies, statistics and the reality have showed, the Roma live in the margins in almost all contemporary societies. The social impact of transition has been particularly detrimental to Central and Eastern European Roma. Poverty among the Roma has been widely recognised as well by the World Bank, which highlights the unfavourable “starting position” of the Roma communities.²⁰ The collapse of large state owned enterprises and its serious consequences in terms of possibilities in the field of employment has left many

¹⁹ A. Farnam, *Slovakian Roma forced to ghettos*, in “The Christian Science Monitor”, January 3rd 2003, in <http://www.csmonitor.com/2003/0103/p04s02-woeu.html>. Ms Magdolenova is a Slovak writer.

²⁰ World Bank, *Poverty and Welfare of Roma in the Slovak Republic*,

Roma families without an income, and thus more and more dependent on State subsidies. The land restitution that began after the Communist rule affected massively Roma communities who were never landowners. The Roma families not only did not have any property to claim, they neither had any legal grounds to remain in their houses. Huge communities were forced to move from houses and territories that have for years hosted them and the large, wretched, miserable ghettos and the primitive, rudimentary and squalid settlements became the new home for number of suppressed people.

As in 1994, the Conference on Security and Cooperation in Europe noticed that the Roma are facing very difficult living conditions, which are deteriorating and sometimes sub-human. It was further acknowledged that in these circumstances there is difficulty of “retaining the Roma/Gypsy identity.”²¹ In January 2000 the head of the Council of Europe Specialist Group on Roma, Geraldine Verspaget declared that Roma were now facing worse conditions than under the Communist rule.²²

The connection between marginality and the possibility of interethnic conflict is something that must not be underestimated. The harsh (and unjust) socio-economic conditions of a minority represent a risk to a potential conflict. The underdevelopment and marginality of the Romani community and their demographic growth appear as a challenge that must be taken seriously. There is a danger of Romani community “evolving into an ethno-class or underclass, and thus further perpetuate its marginality in society. Such a development could lead to deadly conflicts with the majority society.”²³

1.3. Education and Roma children

The overall condition of Roma children reflects better than anything else the injustice and unfairness of wealth distribution inside the Europe’s contemporary democracies.

The future of many Roma communities depends to a large extent upon the schooling of their children. Many of these children are willing to go to school and many will lack adequate tools that lead to equal status and full recognition. Too many children cannot make their voices heard. Too many little human beings have been sent to schools for mentally handicapped or to segregated schools for only Roma children, where values like “development of his or her

²¹ J.P. Liégeois and N. Georghe, *Roma/Gypsies: A European Minority*, Minority Rights Group, 1995, p.11.

²² See W. Guy, *Romani identity and post-Communist policy*, in *Between past and future...*, cit., p.13.

²³ A. Mirga and N.Georghe, *The Roma in the Twenty-First Century: A Policy Paper*, Project on Ethnic Relations policy paper, Princeton: PER, 1997, as quoted in W. Guy, *Romani identity and post-Communist policy*, cit. p. 23-24.

own cultural identity, language and values...”²⁴ are not being properly appreciated, where “the preparation of the child for responsible life in a free society in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin”²⁵ is just a frame without a consistent and meaningful content. Therefore, many children will never gain the indispensable knowledge to live in dignity. As affirmed by the International Covenant on Economic, Social and Cultural Rights, “education shall be directed to the full development of the human personality and the sense of its dignity”.²⁶ Every person is born with dignity and human dignity entails adequate living conditions.

It’s a matter of fact that only a fraction of Roma children complete the primary education in Europe and a tiny percentage manage to continue the path of education until university or other higher institutions. The problem is multi-faceted and involves several actors.

It’s not difficult to understand why education is of paramount importance to Roma children. The link between the general situation of Roma and the conditions of their schooling is inseparable. Education has the power to create competent Roma children who will have more possibilities to defend their position in the competitive labour market. Education, seen as an empowerment right, is the “primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.”²⁷

Another link that can be identified is the one that ties together literacy with effective protection from the assaults of other cultures.²⁸ Non-literacy no longer provides adequate protection for the preservation of their culture and identity. Lack of schooling has become an insuperable handicap in the environment dominated by the written word. It poses severe problems in terms of social and psychological repercussions to Roma communities. Schooling means autonomy; lack of schooling means dependency of social services and State subsidies. Schooling is the only way leading to integration in the society they are living.

Education reserves the power to change the majority attitudes and abolish the decade’s long stigmas. It has supremacy to increase understanding and appreciation of the Roma communities and their values, “propagating positive counter images to the predominant negative stereotypes.”²⁹ Education increases personal autonomy, providing tools for

²⁴ Convention of the Rights of the Child, Art.29(1c).

²⁵ CRC, Art. 29(1d).

²⁶ Covenant on Economic, Social and Cultural Rights, Art, 13(1).

²⁷ Committee on Economic, Social, and Cultural Rights, *General Comment No. 13* on the right to education, para.1.

²⁸ J.P.Liégeois, *School Provision for Ethnic Minorities: The Gypsy Paradigm*, Centre de recherches tsiganes and University Hertfordshire Press, 1987, new edition 1998, p.17.

²⁹ J.P.Liegeois, *School Provision for Ethnic Minorities*, cit..., p. 18-19.

adapting to surrounding environment. Furthermore education, as unmistakably observed by Liégeois, opens the way for positive reflections and action, and thus for grounded hope; it makes it possible to reason in terms of progress rather than in terms of problems.³⁰ The right to education is of fundamental value to marginalise Roma children who are unfortunately and unfairly the “perennial outsiders”.³¹

Education is furthermore a strong vehicle in promoting the identity and culture of a specific group. As the Convention of the Rights of the Child has regulated, education shall be directed to the “development of his or her own cultural identity.”³² Therefore, the next part introduces a brief analysis of the Roma identity and culture.

1.4.Roma identity and culture- “Rom som, Romeske Achava, Sar Rom Merava”³³

“Is a chameleon betraying his nature by adapting to his surroundings? Quite the contrary- his survival depends on it.”³⁴

Identity is something that is inherently linked to how we perceived ourselves, where do we come from, and where are our roots. Our own identity gives meaning to our personality, makes the faults and qualities stand out and creates a feeling of belonging to somewhere. Identity is also inherently linked to difference. But how the identity is being created?

Human identity, as Taylor argues, is created “dialogically”,³⁵ through a recognition or absence of recognition by others. The collapse of social hierarchies with ancien régime swiped away the justification of superiority of those who were honoured. Honour has then been substituted by dignity, which, inversely, belongs to everyone and not just to those who are privileged. New understanding of individual identity is, therefore, a product of the end of eighteenth century, which saw genesis of a moral human being. Morality, as Rousseau presented it, is our following the inner voice of nature which tells us what is right, and what is wrong. This voice can, however, often be suffocated by passions and thus, impede us to hear

³⁰ Ibidem.

³¹ OSCE High Commissioner on National Minorities, *Report on the situation of Roma and Sinti in the OSCE Area*, OSCE, 2000, p.63.

³² The Convention of the Rights of the Child Art.29 (1c).

³³ “I am Rom, I was born Rom, and I will stay a Rom”, as quoted in the Human Rights Report of the RRC, p.32.

³⁴ Jean Alciati, Director of the Centre Culturel Tzigane, as quoted in the J.P. Liegeois, *School Provisions for Ethnic Minorities...*, cit. p. 49.

³⁵ C. Taylor, *Multiculturalism and the Politics of Recognition*, Princeton University Press, New Jersey, 1992, p.32.

the inner voice. The moral significance attributed to the differences between human beings is another product of late eighteenth century. As Herder put it, our original way of being comes from the “measure” each of us has adopted.³⁶

Democracy has demanded the creation of politics of equal recognition and individualized identity, one that is particular to me and that I discovered in myself. Creation of identity, however, implies a substantial choice between alternative identifications, and thus is not only a matter of discovery.³⁷ The new notion of identity generates from the specific “ideal of authenticity”³⁸, which solicit that I am true to my original way of being. As stated by Taylor, the formation of identity needs recognition from the surrounding world.

The development of the notion of identity has given rise to a “politics of difference”.³⁹ That is demonstrated by a deep link between identity and recognition. We are asked to recognise an individual or a group because of his or her unique identity. This distinctness has been for long time ignored and assimilated to a dominant identity.⁴⁰ It is particularly true in the evolution and experience of the Roma, whose fate has often been to integrate with whatever means.

It has been argued that the dominant aspect of the Romani identity is social rather than ethnic.⁴¹ Where Communists insisted that the Roma issue was a social one, nowadays official policies are reversing this issue to be of ethnic character. However, the Romani identity cannot be understood without considering the broader historical context after their arrival to Europe as well as the evolution of nation states in Europe.

“Gypsies form a specific ethnic community which has no parallel among other European nations.”⁴² They are often, mistakenly seen as a homogeneous ethnic group. Instead the broader Roma community is divided into myriad of different subgroups each of them with own specific ethnic and cultural patterns. Their cultures and traditions have been then further influenced by the region and area they settled down to. The “Romani culture” as consequence has developed as being “not a unique and isolated entity”⁴³ but it would be more correct to speak about “constellation of Romani cultures”⁴⁴.

³⁶ Herder, as quoted in C. Taylor, cit.,p.30.

³⁷ A. Sen, *Reason before Identity*, Oxford University Press, 1999, p.16.

³⁸ C. Taylor, *Multiculturalism and the Politics of Recognition*, cit., p28

³⁹ C. Taylor, *Multiculturalism and the Politics of Recognition*, cit., p. 38.

⁴⁰ *Ibidem*.

⁴¹ See W. Guy, *Romani identity and post-Communist policy*, in *Between past and future*,...,cit. p.4.

⁴² E. Marushiakova and V. Popov, *Historical and ethnographic background*...,cit. p.36.

⁴³ W.Guy, *Romani identity and post-Communist policy*, in *Between Past and Future*..., cit. p.5.

The plight of the Roma in Walachia and Moldavia and their 'official' status as slaves during three centuries, determined their identity in consequence. As Nicolae Gheorghe has argued, it was a social identity, much more than an ethnic cultural identity, which mark an inferior social position, a legal segregation between Gypsies and non-Gypsies belonging to different owners.⁴⁵ During the Habsburg Empire under the rule of Empress Maria Therese Roma were victims of the forced assimilation programs, which aimed at suppressing their ethnic identity as a whole. The systematic attempts were made to transform Roma from nomadic peoples with no civil status to "normal" taxpayers of the Empire. They were no longer allowed to speak their own language, their dress code was changed and their original names replaced. Roma children were separated from their parents at the age of four and brought up by peasant families and state and religious education was made compulsory to them. In that century, Roma have been treated as "*de facto* aliens and inherent outlaws in several countries."⁴⁶

The use of the own language has a crucial effect on minority identity. The language is part of the cultural heritage of every minority and thus a unifying symbol for a separateness of a group. Social position and linguistic behaviour are always strongly linked.⁴⁷

The development of Romani identity in the twentieth century has been shaped by the history of that century. The extermination of impure races by the Nazi regime aimed at the instauration of a nation of pure Arians and because of the obsession with racial purity, the "Nazis prioritised the ethnic identity of Roma as an alien people over their social identity".⁴⁸ As we have seen in the historical overview the after war's Communist regimes fundamentally saw the Roma clearly unequal compared to the majority population and every effort was made to transform them to equal citizens. The difference between post war Eastern and Western Europe's way to handle the Roma problem lied fundamentally in the needs of the host economies in which they lived. Capitalism saw them as useless, "unproductive vagrants"⁴⁹ and laws were adopted to expel them. Whereas in the East, the Communist regime in some countries saw them as potential labour force and attempts were made to integrate them into the local labour market and thus eradicate the nomadism. As it has been

⁴⁴ E. Marushiakova and V. Popov, cit..., p.37.

⁴⁵ *ibidem*, p.158-9.

⁴⁶ OSCE, *Report on the situation of Roma and Sinti...*, cit. p. 23.

⁴⁷ J.P. Liégeois, *School Provision for Ethnic Minorities...*, cit. p.50.

⁴⁸ W. Guy, *Romani identity and post-Communist policy*, in *Between Past and Future...*, cit., p. 8.

⁴⁹ *Ibidem*. p. 7.

argued by Will Guy, while Communist rule strengthened the social identity of the Roma through their partial integration into labour force, it simultaneously made the effort to destroy their ethnic identity by denying its existence.⁵⁰ However, in the last years of Communist regimes some countries endeavoured to stress the ethnic identity of Roma by recognising them as a national minority. (i.e first Yugoslavia followed by Hungary and Czechoslovakia) But as the latest population census in Slovakia undoubtedly points out, the Roma are still afraid of declaring their ethnic origins because it has been used against them so often.⁵¹

The precarious living conditions of Roma from the aftermath of the Wall are still a cruel reality. The vicious circle produced by these conditions led to the increase of crime rates among the Roma and evidently, far more negative images of Roma began to circulate through the media. Public perception of Romani identity reflected to the image they carried by themselves. “To pretend to promote (cultural) diversity and respect for identity, without giving to each – particularly to minorities- the possibility of obtaining the instruments for active adaptation, is hypocrisy.”⁵²

As shown, the existence of Roma people has been in hands of the Gadge⁵³ for centuries and has clearly produced a Romani identity with the knowledge of inferiority and subordination. The continuity running through Roma experience during the long and dark centuries as Europeans, is characterised by persistent persecution and individual and institutional discrimination. This has deeply affected “not just how they are seen by others but, in a defensive reaction, their own perception of themselves.”⁵⁴ As Charles Taylor has argued, every human being is legitimised to receive an equal recognition because the “misrecognition can inflict harm” being in the same time “a form of oppression”.⁵⁵

⁵⁰ *Ibidem*.

⁵¹ The population and housing census in Slovakia was conducted in May 2001, according to the Act on 2001 Population and Housing Census No. 165/1998. This Census was a part of a worldwide census, and it was conducted for the first time after the foundation of the Slovak Republic. Population by nationality in the Slovak Republic shows that 89. 929 declared themselves as Roma. In the previous census of 1991 that numbers was 75. 802. In: <http://www.statistics.sk/webdata/english/census2001/tab/int2.doc>. As already noted in the introduction of this thesis, the estimated numbers of Roma in Slovakia are around 480.000- 520.000.

⁵² J.P. Liégeois, *School Provision for Ethnic Minorities...*, cit. p. 90.

⁵³ The Roma term for non-Roma.

⁵⁴ N. Gheorghe and T. Acton, *Dealing with multiculturalism: minority, ethnic, national and human rights*, “ODIHR Bulletin” 3, 2, winter 1994/1995, Warsaw, OSCE, p.20.

⁵⁵ C. Taylor...,cit., p.25.

The aim of the next part of the study is to present and to understand the Communist policy in education towards the Roma minority in Czechoslovakia, and how has it been further developed in Slovakia after the split of 1993. It's necessary to give a brief summary of the general information on Czechoslovakia and Slovakia and about the situation of the Roma in the country. Then the common practices in the field of education are presented, argued and questioned; namely, the special schools for mentally handicapped and the segregated Roma schools.

Chapter II

Case Studies- Czechoslovakia and Slovakia

2.1. Roma in Czechoslovakia

2.1.1. Demographic structure

A general demographic structure is very helpful for the initial understanding of the Roma communities in Czechoslovakia. The Roma population in Czechoslovakia belonged to the demographically developing populations and among them; the process of the demographic revolution is under way.⁵⁶ The difference between the Roma and the other population of the country was mainly characterised by the age structure; result from the levels of mortality, fertility and migration. According to the population census in 1980, young people under the age of nineteen amounted to 55 per cent among the Roma, thus demographically very young population.⁵⁷ The progressive type of age structure was characterised by a high share of children and low share of the aged, levels of fertility and mortality being both high.

2.1.2. Roma schooling in Czechoslovakia

The most recent officially recorded figures for the number of Roma in the Czech Republic are those from the 1991 Czechoslovak census, which recorded 33,489 people of Romani nationality out of a total population of 10,302,215.⁵⁸ This figure, which is much lower than previous ones, hideously underestimates the number of Roma in the Czech Republic.

Under the Communist rule in Czechoslovakia, the Roma has not been recognised as a nationality, under the five principles of nation advocated by Stalin. The five criteria, from

⁵⁶ K. Kalibova, *Romany children in Czechoslovakia from the demographic point of view*, Department of Demography and Geodemography, Faculty of Science, Charles University, Prague, ?, p.1.

⁵⁷ *ibidem*.

⁵⁸ European Roma Rights Centre, *A Special Remedy, Roma and Schools for the Mentally Handicapped in the Czech Republic*, June 1999, p.4.

which at least four were needed in order to obtain recognition as a national group were, common territory, history, language, culture and economic life.⁵⁹ Because of not fulfilling the demanded criteria⁶⁰, Gypsies were designated as ethnic group and liable to harsh policy of assimilation.

In 1952 adopted directive for “re-education” of the Roma was a failure and the successive official political approach, adopted by the Communist Party Central Committee in April 1958⁶¹ to future legislation regarding Roma, was the well-known forced assimilation policy. The forced settlement of travelling persons was initiated under the law 74/1958, which introduced penal sanctions in order to “settle Gypsies into ‘improved’ accommodation and employment.”⁶² Equally, State systematically tried to eliminate the use of Romanes and Roma children trying to use their mother tongue at school were punished. The education was compulsory under the Communist Czechoslovakia and part of the assimilation campaign focus upon attempts to force more Gypsy children into the public schools”.⁶³ About the effect of compulsory schooling, Liegeois has highlighted that when obligation becomes coercion, particularly in the context of the poor overall relationship between the two societies in question; it generates the opposite results to those intended.⁶⁴ Authoritarian assimilation policies of Eastern European countries have shown that these do not produce better scholastic results than more liberal policies.

During the seventies, the Czech dissident movement Charter 77 stated in the public document that Czechoslovakia was discriminating against its 300.000 Gypsies.⁶⁵ The document read that about 30 per cent of Czech Gypsies were illiterate and only 50 had a university education. Moreover, the fact that one in five Gypsy children was sent to ‘special schools’ (*zvlátní školy*) for the “backward and maladjusted, although psychological investigations show that most of them should not be there” was stated.⁶⁶ “Special schools” was “a euphemistic label for institutions catering to the needs of the mentally retarded.”⁶⁷ The

⁵⁹ H. O’Nions, *Czech Law Developments*, in Romani Studies and Work with Travellers Conference, July 1996, p.1.

⁶⁰ It was held that Gypsies did have no common land, culture or language.

⁶¹ K. Holomek, *Roma in the former Czechoslovakia*, Newsletter No 4, 1999, in www.

⁶² Law 74/1958 stipulates that anyone found guilty of the offence of being nomad is liable to imprisonment for the term of six months to two years, and thus Czechoslovakia was the only country in Eastern Europe to have made the traditional Gypsy way of life a criminal offence. See Radio Free Europe Background Report of 12 April 1978.

⁶³ D.M. Crowe, *A History of the Gypsies of Eastern Europe and Russia*, I.B Tauris Publishers, London, New York, 1994, p. 61.

⁶⁴ J.P.Liégeois, *School Provision for Ethnic Minorities...*, cit.,p. 89.

⁶⁵ See *Czechs Harass Gypsies*, in “the Observer”, 17 December, 1978.

⁶⁶ *Ibidem*.

⁶⁷ D.M. Crowe, *A history of the Gypsies...*,cit. p.61.

reason for this practice was the lack of knowledge of Czech or Slovak words by many Roma children, most of whom had a thorough knowledge of roughly 200 words.

As a result of the compulsory education process, literacy rates rose nationwide, up to 90 percent among Roma adults. On the other hand the Gypsy drop-out rates increased substantially in Slovakia and in 1983-1984, 72.2 percent of all Slovak students who failed to continue to second grade were Gypsies, and almost a third of the Roma children who managed to continue had “not acquired the minimal skills”⁶⁸ Drop -out rates for Roma/Gypsy children from 1976 until 1999 show that the rates have increased significantly since the seventies.⁶⁹

2.1.3. Further evolution

The Velvet Revolution on November 17, 1989 and the following events that took place saw an end on December 29, 1989 with the elections of Vaclav Havel as the nation’s president. The atmosphere that followed was charged with initiatives and creations of associations and political parties. A number of Gypsy parties emerged during this period.⁷⁰ A new and democratic government in the line of Charter 77 took power, and Roma participated from the first in the process of political and social redefinition. However, as quoted by the ERRC “Roma themselves expected many things as a result of the changes, but the majority of their desires have not been fulfilled.”⁷¹

During 1990-1991 both the federal and individual Czechoslovak republics recognized the Roma with full minority status, rights and protection.⁷² This couldn’t prevent the racially motivated attacks of skinheads against the Roma and the coexistence between on May 1990 the Charter 77 condemned it by saying:

“We call on all citizens to stop being indifferent to the manifestations of violence and intolerance. We appeal to our executive bodies to put a final stop to these attacks. Let us make the people who for years have

⁶⁸ *Ibidem.*

⁶⁹ See Table in the Annex.

⁷⁰ E.g. The Party of the Democratic Romany Union, the Party of the Integration of the Romany People in Slovakia and the most important one, namely the Romany Civic Initiative which had close links to Civic Forum, the Czechoslovakia’s umbrella for various dissident groups.

⁷¹ ERRC, *A Special Remedy: Roma and Schools for the Mentally Handicapped in Czech Republic...*,cit. ”p.

⁷² D. Crowe, *A history of the Gypsies...*,cit. p.65.

*been working in our country feel that they live in a society in which it is possible to have their basic human rights protected.”*⁷³

On January 1993, the break up of Czechoslovakia in two independent entities was accompanied by even more exorbitant attitudes and hatred toward the Roma. On September 1993, The Slovak Premier Vladimir Meciar made a speech in a village of Spis, which hosts a non-irrelevant number of Roma (13 percent of the population), and stated:

*“They[Gypsies] should be perceived as a problem group that is growing in size...This means that if we do not deal with them now, they will deal us later...Another thing we have to consider is extended reproduction of socially inadequate population.”*⁷⁴

That is how independent Slovakia began to deal with its second largest ethnic minority. Premier Meciar lost his post in March 1994, likely because of his immoderation and was replaced by M. Dzurinda.

⁷³ *ibidem.*

⁷⁴ *ibidem*

2.2. Slovakia

2.2.1. Background information

The Slovak Republic was established on the basis of Constitutional Act No. 542/1992 Coll. on the Dissolution of the Czech and Slovak Federal Republic on 1 January 1993.⁷⁵ Prior to its establishment the Declaration of the Slovak National Council on the Sovereignty of the Slovak Republic, proclaiming the sovereignty of the Slovak Republic on the basis of the internationally recognized natural right of nations to self-determination as the basis of a sovereign nation was adopted.⁷⁶

The Slovak republic is a parliamentary democracy, currently headed by the Prime Minister Mikulas Dzurinda of the Slovak Democratic and Christian Union. The President of the Republic is Rudolf Schuster.

2.2.2. Demographic structure

The ethnic structure of the population of Slovakia reflects the geographic location of the country. Slovak Republic is a landlocked country that has borders with Poland, Czech Republic, Hungary, Austria and Ukraine. The demographic structure of the country according to the May 2001 Slovak population census showed that 5.379.455 people live in Slovakia.⁷⁷ According to expert estimations, more than 22 percent belong to national minorities.⁷⁸ The largest minority is Hungarian which made up 9.7 percent of the countries population. Only 92.000 declared their ethnicity as Roma, but according to various NGOs the actual number is around 480.000- 520.000, meaning approximately 9 percent of the whole population.⁷⁹ Many Roma have been reluctant to declare their identity due to the experiences of persecution,

⁷⁵ United Nations, HRI/CORE/1/Add.120, 22 July 2002, p.4.

⁷⁶ *ibidem*.

⁷⁷ Eleonora Sandor, *Slovak Population Census 2001: The Politics of Ethnicity*, in "13 Transition newsletter", 34, 35 (Jan.-Feb. 2002), available at <http://www.worldbank.org/transitionnewsletter/pdf/JanFeb2002.pdf>.

⁷⁸ M.Vašecka, *Country Report on Minority Rights in Pre-EU Accession: Slovakia*, Institute for Public Affairs 3, 2001, available at http://www.ivo.sk/subory/country_report_mr.pdf.

⁷⁹ See supra footnote 6.

discrimination and forced assimilation during the socialist era. Regardless, Slovakia has the biggest Roma population in Europe both in absolute and relative terms. The other minority groups are Czechs (1,1%), Ruthenians and Ukrainians (1,0%) and smaller minorities such as Germans, Jews, Poles, Bulgarians and Russians.⁸⁰

2.2.3. National legislation

According to the Article 11 of the Constitution of the Slovak Republic, human rights agreements ratified by the Slovak Republic have precedence over national law. As far as discrimination is concerned, relevant provisions are scattered through the whole legal domain. The Constitution affirms the principles of non-discrimination, and the principle of equal treatment of all persons is guaranteed by Article 12 of the Constitution, which states “People are free and equal in dignity and their rights.” Paragraph 2 lays down the principle that “basic rights and liberties on the territory of the Slovak Republic are guaranteed to everyone regardless of sex, race, colour of skin, language, creed and religion, political or other beliefs, national or social origin, affiliation to a nation or ethnic group, property, descent, or another status.” It is further recognized that “No one must be harmed, preferred, or discriminated against on these grounds.”

2.3. General living conditions of the Roma in Slovakia

Roma communities are spread across Slovakia very unevenly, the higher concentration being in Eastern Slovakia, and in the southern districts of Central Slovakia.⁸¹ The living conditions of Roma people in Slovakia are far below of those of the majority population.⁸² The number of Roma settlements has increased to a large extent after the end of the Communism. The official statistical research carried out in 1997, showed a total number of registered Roma

⁸⁰ M.Vašecka...,cit. p. 3.

⁸¹ K. Orgovanova, *The Slovak government comprehensive development programme for Roma settlements.*

⁸² See for example the World Bank, *Slovak Republic Living Standards, Employment and Labour market Study*, 2002, p. 101-103.

settlements amounting to 516⁸³, whereas in 1988 it was still 278. However, local NGOs speak about 675 settlements in whole Slovakia.⁸⁴ The government responsible for the improvement of Roma settlements have argued that the explanation for the rapid growth of settlements could be seen in the absence of an accurate definition of what is a Roma settlement. However, after the collapse of Communism a great internal migration of Roma occurred from cities to the countryside in Slovakia, because of the economic transformation. New settlements emerged and the previous ones expanded of size. In Eastern Slovakia the trend was also to create whole streets and quarters, exclusively inhabited by Roma.⁸⁵ These areas are isolated and “city outskirts with social pathology high above the standards emerge.”⁸⁶

The Constitution of the Slovak Republic includes a number of minority relevant provisions and “from the perspective of law, the Roma in Slovakia are not a minority that is discriminated against.”⁸⁷ Institutionally opportunities exist, but the merciless practice is far away from official theory. In addition, a number of laws, decrees, and regulations are related to the protection of national minorities.⁸⁸

Roma in Slovakia are frequently facing unequal treatment, most notably in the fields of employment, housing, health and education. Article 12 of the Constitution guarantees the principle of equal treatment of all persons and the word “discrimination” is mentioned in 12 laws, besides the ratified international treaties and the new Labour Code.⁸⁹ The national legal standards do not include, however, *expressis verbis* definition of the discrimination, except the new Labour Code, which entered into force on 1st April 2002.⁹⁰ The existing Slovak anti-discrimination legislation lacks uniformity, and equality clauses in various laws do not always provide an equal level of protection.⁹¹

In the field of employment, Roma in the Slovak Republic suffer from unemployment four times more than the national average. Systematic unequal treatment from the part of the employers is easily perceivable and absence of education as well as the ghettoisation of Romani population increases the burden. Nevertheless, poor levels of academic achievement are not the only reasonable explanation for these sobering statistics. Even highly educated Roma encounter insurmountable barriers when they apply for jobs. The problem does not

⁸³ K. Orgovanova...,cit.

⁸⁴ Personal interview with Edmund Müller, Kosice, May 2003.

⁸⁵ See the explanation of the Lunig IX in the part 2.3.2.

⁸⁶ K. Orgovanova...,cit.

⁸⁷ M. Vašecka, *Country Report on Minority Rights in Pre-EU Accession: Slovakia*, Institute for Public Affairs 3 (2001), p. 1.

⁸⁸ In all in 27 legal documents. See J. Hrubala, cit.,p. 8.

⁸⁹ J. Hrubala,cit. p. 8.

⁹⁰ The new Labour Code, Act No. 130/2001 Coll. From July 2nd 2001, prohibits discrimination, defines the indirect discrimination, shifts the burden of proofs in discrimination cases and enables compensation of the victim in the case of discrimination. As quoted in J. Hrubala, cit. p.6.

⁹¹ *Ibidem*.p.9.

reside in the law itself but rather in the high level of prejudices toward this ethnic minority in the country. In fact, the new Labour Code says, “natural persons have the right to work and to the free choice of employment, to satisfactory working conditions and to protection against unemployment.” Everybody is entitled to these rights without any restriction or discrimination.

Institutional discrimination in State housing policy in Eastern Slovakia has been widely reported by the Roma Rights Centre in Kosice.⁹² An Increasing number of Roma in Slovakia is living in substandard living conditions, at least in part a result of discriminatory housing policies adopted by city council throughout Slovakia. As an example it is worth mentioning the practice by two municipalities in Eastern Slovakia, Rokytovec and Nagov, which adopted resolutions in 1997 banning Romani families from settling in or even entering the villages. These resolutions limited a ten-year campaign by local authorities and non-Romani citizens to "get rid of local Romanies," in the words of the mayor of one of the towns. In front of substantial international pressure as well as interventions by national Slovak authorities, these decrees were however formally rescinded last year.

The Slovak Constitution guarantees health care for all citizens, regardless of race, creed or gender. Notwithstanding, numerous reports revealed that the standard reserved for Roma is much lower compared to that of non-Roma population. Particularly Romani women in Slovakia continue to be subject to grave violations of their human rights and notably of their reproductive rights. As recently as in the beginning of 2003, the Centre for Reproductive Rights published a report of the in-depth fact-finding mission in Slovakia.⁹³ This report shows an outrageous policy of forced sterilization still present in the Slovak Republic. The practice of coerced and forced sterilization because of the racial prejudice was a well-known practice under both the Nazi and Communist regimes in the territory of Czechoslovakia.⁹⁴ The Communist era offered monetary incentives to Romani women who were willing to undergo sterilization. Notwithstanding this practice has been rescinded the Report published reveals that not only do coerced and forced sterilization continue in Slovakia, but so does as well the widespread abuse and discrimination against Romani women in the country's maternal health services. The treatment of Roma women by health workers is characterised by physical and verbal abuse, racially discriminatory standards of care, misinformation in health matters and

⁹² For concrete cases see the *Human Rights Report* of the Roma Rights Centre, Kosice, 2000-2001.

⁹³ Centre for Reproductive Rights, *Body and Soul, Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia*, 2003.

⁹⁴ *Ibidem*. p. 41.

denial of access to medical records.⁹⁵ Additionally life expectancy is over 10 years lower and infant mortality rates, as well as rates for most communicable disease are very much higher in the Roma population.⁹⁶

As in the field of education, what this thesis is going to argue more accurately, Roma in Slovakia are denied equal access to education. Roma children are frequently put to racially segregated schools and classes and even to special remedial schools for mentally handicapped. If they attend normal schools with majority population, they often suffer from unequal treatment by teachers, as well as by non-Roma pupils.

2.3.1. Example of Svinia settlement

My field trip covered a visit to one of the most well known Roma settlement in Eastern Slovakia.⁹⁷ Svinia is a small village of some 20 km from the city of Presov. Driving through the little “white” village it is impossible to imagine how the “black” part of it would look like. The ‘Svinia’ settlement has been defined as one of the most destitute and isolated Roma settlements in Slovak Republic.⁹⁸

Svinia is home for roughly 700 people which 352 children under 16.⁹⁹ After a flood devastated the settlement four years ago, the area is a morass of mud, dirt, garbage, pieces of broken glass and human waste. Home in the settlement means a squalid tenement block or a self-constructed one-room hut, made of sticks, mud, wood, dirt, metal or its combinations. The average number of people living in a single household, which contains children under the age of 16, was six.. Nothing in the settlement meets any valid technical or hygienic standards. Roma in the settlement live without basic infrastructure. The whole settlement get water from one faucet ‘growing’ from the ubiquitous mud but the “water is not qualified as potable”.¹⁰⁰

⁹⁵ Centre for Reproductive Rights..., cit.

⁹⁶ See for example, European Roma Rights Centre, *Written Comment to UN Committee on Economic, Social and Cultural Rights...*, cit. p.2.

⁹⁷ More examples of concrete visits to Roma settlements in Eastern Slovakia are provided by the Kosice based Roma Rights Centre’s human right report on 2001.

⁹⁸ Two Canadian researchers conducted a health survey in Svinia in 2001, Results available in UNDP, *Avoiding the Dependency Trap, The Roma in Central and Eastern Europe*, Bratislava 2002, p.67.

⁹⁹ *ibidem*.

¹⁰⁰ *Ibidem*.

The settlement has electricity but no sewage infrastructure is available. The shower facilities, which were available, were used by 172 people in a regular basis, and they had to pay energy used for their showers.¹⁰¹ Of 420 questioned, six people used the regular toilet in their apartment, flushing it with water brought from outside, 269 had their own outhouse, and another 75 shared an outhouse with up to six families.¹⁰² Some 52 reported that they simply use the field. Another serious matter was the trash problem. Apparently the village is not providing anymore garbage removal service and thus the overflowing bins are both a hygienic and practical problem.

Concerning the medical services, there are being found systematic patterns of overt institutional discrimination and grave violations of reproductive rights of Roma women from the settlement.¹⁰³ During the visit interviews were made by BBC Correspondent Sue Lloyd-Roberts who was inquiring about the conditions of the Roma in Slovakia. One of those interviews shows an abhorrent testimony of a 22 years old Roma woman from the Svinia settlement, who had been forcedly sterilized in the nearest hospital by Slovak health-care providers.¹⁰⁴ She had been asked to sign a piece a paper under narcotics. Not knowing what she was asked, being an illiterate, she found out later that she had undergone sterilisation.

. The substandard and inhuman living conditions characterise the life of the forgotten people of this settlement, where unemployment is almost 100 percent and majority of the adults are illiterate; only two people of the settlement have a regular income. The “white” Svinia is denying the existing segregation and the local council just refused to continue the collaboration with an American NGO ‘Habitat for Humanity’, which was providing help, precious knowledge and funds in order to allow the Roma to construct new houses for themselves. The Project Svinia included development aid for past four years, “doing things like digging wells and latrines and starting a kindergarten to prepare the children for school in the Slovak part of the village.”¹⁰⁵

The smallest children in the settlement had a timid smile in their faces; they might live in a happy ignorance not knowing how it is elsewhere. The Canadian International Development Agency (CIDA) is providing funds for a kindergarten inside the settlement.

The pattern of the school day morning for ‘white’ children is much brighter and nicer than for the Roma children from the settlement. The BBC correspondent fantastically captured the

¹⁰¹ UNDP, *Avoiding the Dependency Trap ...*,cit. ,p 67.

¹⁰² *Ibidem*.

¹⁰³ Centre for Reproductive Rights, *Body and Soul...*,cit.

¹⁰⁴ Interview is part of the reportage broadcasted by BBC World on May 2003, under title ‘Reporters’.

¹⁰⁵ D. McLean, *White Svinia remains a distant dream for the Roma*, in “Guardian Weekly”, 2003.

image during our visit in Svinia.¹⁰⁶ At 7.30 in the morning, ‘white’ children appear nicely dressed to the normal elementary school with adequate facilities, books, and began their school day in a well-equipped school. In the same time inside the same village not far away from the ‘white’ school some Roma children from the settlement made their way to the segregated Roma School. Roma children interviewed by the correspondent stated that they would like to attend the ‘normal’ school but are not allowed to. Quite interesting fact is the absolute denial of the school segregation by the Deputy Prime Minister for human rights and minorities, Pal Csaky, in the above-mentioned BBC Report. One could only guess the motivation behind such a statement.

2.3.2. Example of Lunig IX

Lunig IX is a district of Kosice, which has become the ghetto for roughly 4000 Roma citizens. It is commonly referred to as the “largest ghetto of Central Europe.”¹⁰⁷ The neighbourhood Lunig IX was initially built with the intention of creating an example of co-existence between Roma and non-Roma. In 1995, the city government of Kosice with the mayor of the city and actually the President of the Slovak Republic Rudolf Schuster, adopted Resolution No. 55 and initiated the renovation of the city centre by moving all the ‘problematic’ inhabitants to Lunig IX. The problematic inhabitants included the non-payers of rent, the socially weak and the Roma. The resolution did not explicitly mention Roma as a target group but the discriminatory policy has been widely disputed.¹⁰⁸ The Resolution was then put under prosecutorial investigation initiated by the Deputy Prime Minister for Human Rights, Minorities and Regional Development.

Within four years of time this renovation policy worsened dramatically the already existed social relationships between Roma and non-Roma living in Lunig IX since two decades. Consequently all non-Roma were re-housed, according to their requests, outside the ‘ghetto’, notably in “new housing estate across town”¹⁰⁹

¹⁰⁶ See footnote 104.

¹⁰⁷ Roma Rights Centre, *Human Rights Report on the Situation of Roma in Eastern Slovakia*, Kosice 2001, p.10.

¹⁰⁸ OSCE, *Report on the Situation of Roma and Sinti...*,cit., p.103.

¹⁰⁹ Save the Children, *Denied the Future*, , p. 201.

At the present Lunig IX hosts roughly 4000 Roma, living in incredibly overcrowded flats. People have been crammed into a complex built for half that number, and the city has cut off electricity, hot water, heat, and garbage collection.¹¹⁰ There is a local mayor's office in the 'ghetto' as well as one general doctor. Normally a village with 3000 inhabitants already have a polyclinic, Lunig IX not. Women in need of gynaecologists are required to go to a clinic in other part of the town, which has information on the door, stating that Roma women are allowed on consultation only on Friday afternoon.¹¹¹ Some small shops scatter around the area which stands next to the city's garbage dump for toxic waste, and apparently many people are affected by cancer.¹¹² 99 percent of the inhabitants are unemployed although qualified for manual work.

For Zdenko Trebula, the current mayor of Kosice, moving Roma to Lunik IX was a normal development. He holds the opinion that if you know that a certain group of people is criminal and intolerable, of course you will not want them for neighbours. Despite pressure from the European Union to reintegrate national minorities, a number of towns in eastern Slovakia have recently passed regulations banning Roma from entering the limits of the city.

2.4. Roma and schooling

Traditionally, schooling is only a part of the education of Roma children. Their education takes place within an educative system where various elements comprise an organised whole.¹¹³ Everything in the life of a Roma child happens around the family, which is an all-comprising unit. The family is the symbol of permanence, stability and knowledge, which

¹¹⁰ The Cristian Science Monitor, from the January 03, 2003 edition -

<http://www.csmonitor.com/2003/0103/p04s02-woeu.html>

¹¹¹ Personal interview with Edmund Müller, Kosice, May, 2003.

¹¹² Personal interview with Edmund Muller, Kosice, May 2003.

¹¹³ J.P. Liégeois, *School Provision for Ethnic Minorities...*, cit., p.65.

never leaves the individual alone. A Roma child within the family is part of the broad network of powerful emotional relationships “where social solidarity is both social and psychological security”¹¹⁴.

In the core of this strong and important ‘unit’ the child’s education is collective. She might live together with three or four generations which are “not separated nor opposed; children and adults work together, live together, suffer together”.¹¹⁵ As Leonardo Piasere has sharply pointed out in the report dealing with “Gypsy in-family education, to ‘grow-up Gypsy’ often means that a child has three different categories of educators and at the same time is an educator himself.¹¹⁶ The first of the three educators in a child’s life are the grandparents who represent the aged people teaching a child what old age means and how it is to be accepted. In the second place, parents are a symbol of married people, which are to be imitated. They are people who inspire curiosity and authority and who reward the child’s initiative from the very early childhood. The third category of educators in a Roma child’s life is the other children, sisters and brothers. They play an important “mediating role”¹¹⁷, since they find themselves linked simultaneously with the older generation and with the generation of their own.

Considering this complex and extremely united structure of Roma families, one has to ask “where the schooling fits into this context.”¹¹⁸

The Roma perception of public instruction has for centuries been characterised by the vision of schooling not as having an educative function but as a possibility of mastering the “code used by non-Gypsies: writing.”¹¹⁹ School is an institution often perceived by the Roma as something coercive. Hesitating parents fear that the formative impact of the school might alienate their children from their own culture. This seemed to be a very justified fear, considering the nature of State policies in education. The unwillingness to understand and care about the cultural differences, language, habits, socio-economical conditions, values and the dignity of every child belonging to Roma minorities is clearly absent. Hence the statement that, “Roma parents don’t care about their children’s’ education”, has no clear justification. Teachers should be aware of the cultural differences of all pupils, and to promote understanding and tolerance inside the classrooms through multicultural curricula. They have

¹¹⁴ *ibidem*.

¹¹⁵ *ibidem*.

¹¹⁶ L. Piasere, *Connaissance Tsigane et Alphabetisation*, as quoted in Liegeois, *School Provision for Ethnic Minorities*., cit. p.28.

¹¹⁷ *ibidem*.

¹¹⁸ J.P.Liégeois, *School Provision for Ethnic Minorities*...,cit., p.32.

¹¹⁹ *ibidem*.

a role in Roma children's 'schooling' even though the 'education' of these children happens inside the family. Teachers should be the promoters of the indispensable values of the education. Through a favourable and equal access to education for all, 'schooling' would much easily become an accepted value among the Roma parents, and it could be seen by them as a necessary instrument for improving the living conditions for many Roma communities. The aim is to make schooling an 'enjoyable duty' for Roma pupils, who would take place in an equal playground; otherwise, better results are hard to achieve.

Nowadays the success of Roma children in schooling is alarmingly low. The compulsory attendance of primary and secondary school under socialist rules provided the basic education to majority of children. The previous educational system was however intended to function in an "ideologically uniform environment"¹²⁰ and was somewhat intolerant of diversity.

The change of regime has worsened the overall conditions of almost all Roma communities, as we have already seen in the previous chapter. The dreadful effect of the new 'democratic' policy in the field of education has been to produce unskilled citizens with a low self-esteem and further incapability to compete in the contemporary society due to low academic skills, perpetuated stigmas and stereotypes.

Poverty, early marriages and births, the collapse of centralised education and socialization opportunities in the 1990s, the isolation of Roma communities and the growing role of ethnicity in educational institutions have been mentioned as possible obstacles which can limit Roma children's' access to education.¹²¹ Even though it has been widely argued by the UNDP that poverty is a major impediment to the education of Roma children, there is reason to believe that the issue of Roma education is not that simple. It's certain that poverty does not play a marginal role in general marginalisation of many Roma communities, but as we will see, there are other serious hurdles in the path of Roma children's education. One of those major causes for unsuccessful education, is the practice of routing children into the special schools for mentally handicapped.

Even though the communist education system allowed basically all children to be enrolled in school, it produced however the noxious practice of routing Roma children in special schools for mentally handicapped. Common practice, this form of institutionalised racism, was present generally in the whole area of Central and Eastern Europe and continuous to persist as a 'natural' way of schooling to many Roma children.

¹²⁰ UNDP, *Avoiding the Dependency Trap...*, cit. p. 56.

¹²¹ *Ibidem.* p.53.

Special schools are characterised by the curricula which is much inferior in quality than the normal mainstream curricula. The common belief that persisted, and still does, is the natural disability and difficulty in learning attributed to Roma children.

Another widespread practice for Roma children is to attend schools that are largely comprised of Roma pupils or to be “relegated to Roma classes within mixed schools”.¹²² Across a wide range of countries their destiny is the same; forced to sit in the back rows, segregated in “Roma schools” or “classes”, or reserved a “special area” in the mainstream classes.¹²³ In any case, they are forced to humiliation and differentiated treatment. From the very early childhood the future of these children seem to have been decided. Children are doomed to failure, marginalisation and segregation.

Recent studies indicate that at least 75 percent of Roma children in Slovakia is enrolled in special schools for mentally handicapped.¹²⁴ Apart from these severe patterns of schooling, many Roma children are simply excluded from enrolment in schools. Romani parents often encounter problem when trying to enrol their children in mixed or predominantly non-Roma schools.¹²⁵

2.4.1. School status in Slovakia

According to Slovak Constitution Article 42 “Everyone has the right to education”, school attendance being compulsory and its period and age limit will be defined by law.

Kindergarten or preschool is attended by children from three to six years, but is not compulsory in Slovakia. Education is obligatory for all children aged 6- 16 years. Primary education takes place in a regular school or in a special school, which both are divided in nine grades.

Slovak and Hungarian are the working languages in Slovak schools.¹²⁶ Two kinds of categories of schools exist in Slovakia: normal and special schools. Originally the special schools were

¹²² OSCE, *Report on the situation of Roma and Sinti...*, cit. p.72

¹²³ Both Silvia Rigova and Edmund Muller stated the practice of reserving a separated area for Roma pupils inside the classroom, Kosice may, 2003.

¹²⁴ Save the Children..., cit.,p.

¹²⁵ OSCE, *Report on the situation of Roma and Sinti...*, cit., p. 75.

¹²⁶ Pascal Bavoux, *Report on Education*, Seminar of June 2002, Bratislava.

created for the mentally handicapped children but an exaggerated number of Roma children attend these schools due to the failure of passing the entrance tests.

Article 34, paragraph 2 of the Slovak Constitution provides that citizens who are members of a national minority have the right to use a minority language for official communications, the right to education in their language and the right to participate in the solutions of matters concerning national minorities and ethnic groups. The Law on the Use of the Languages of National Minorities was adopted on 10 July 1999 and recognise the right to use the minority language in the municipalities where a minority constitutes at least 20 percent. On August 1999, the Slovak Government adopted Regulation No. 221 that provides a list of 656 villages where minorities make up at least 20 percent of the population. This list contains 57 villages where the Roma minority meets the above -mentioned limit.¹²⁷

Despite these developments Roma are not able to use the right to speak their minority language in any of the Roma settlements in the Slovak Republic.¹²⁸ There is no known instance in which Romanes has been successfully used as a language of official communication,¹²⁹ and there is not a single school which provide instruction in Romanes. The inability of Roma children to learn in their own language is obviously seen as a further impediment in their schooling. Romani language has not been officially recognised as codified language but plans for using it for primary and secondary education have been made. In the Regular Report on Slovakia's Progress towards accession is mentioned that the office of the Government Plenipotentiary for Roma affairs¹³⁰, in co-operation with other institutions "has started codifying the Roma language."¹³¹

2.4.1.1. Preschool education

The Slovak Republic is responsible for ensuring the education for children in the preschool level, but the attendance of a kindergarten is not compulsory. As the statistics available show, until 1991 85-90 percent of all Roma children attended kindergarten. After 1991 the fees for

¹²⁷ M. Vašecka..., cit.p.8.

¹²⁸Roma Rights Centre, Kosice,, p. 27.

¹²⁹ Save the Children, cit. p. 191.

¹³⁰ See section 2.5.for more information about this office.

kindergarten increased substantially in the same time that the general socio-economic conditions of the Roma worsened dramatically.¹³² The low attendance rates are consistent even today. The Government Strategy for the Solution of the Problems of the Roma national minority has identified two reasons for the high dropout rates in the preschools. Firstly, the monthly fees for the kindergarten (approximately 700 Slovak crowns, 20 euros) often are the obstacle for poor Roma families living with social benefits. The minimum unemployment benefit per person being at the level of a minimum wage 3400sk. Secondly, the additional expenses are often required by parents, such as pencils, paper or other. In 1997 by the government decision the monthly fee was waived for children coming from a “socially disadvantaged background”¹³³, but still the costs for food and school materials have to be covered by the parents.

Lack of preschool education has been recognised as one of the main obstacles hindering the Roma children’s further success in education. Children not attending preschool are at a “disadvantage because they lack exposure to basic knowledge and skills, socialization and communication with other children.”¹³⁴ Moreover, the often scarce knowledge of the Slovak language would be markedly improved by attending preschool and thus the level of language spoken in the beginning of the primary school would give Roma children better chance to compete. A teacher from Rimavska Sobota district noted: “In the first grade, we spend our energy teaching Roma children what they should have mastered long ago: telling colours, the basic hygiene, and physical activities. The reason is that these children do not acquire this basic knowledge in their families and they do not attend kindergartens that could partially substitute for parents.”

2.4.1.2. Primary education

Basic education is compulsory and according to the Slovak Constitution, free of charge.¹³⁵ In the school year 1998-1999 there were 622,665 pupils attending basic schools, of which just 6,098 were Roma.¹³⁶ The Constitution of the Slovak Republic guarantees members of the

¹³¹ Commission of the European Communities, *Regular Report on Slovakia's Progress towards accession*, COM (2002)700 final, p.30. (hereinafter 2002 Regular Report)

¹³² Save the Children pilot study, p. 201.

¹³³ *Ibidem*. p. 181.

¹³⁴ The Worldbank, *Poverty and Welfare of Roma in the Slovak Republic*, p.35.

¹³⁵ Art. 42, 2 of the Constitution

¹³⁶ Save the children..., cit., p. 182.

ethnic minorities an equal right to receive an education at elementary and secondary schools in Slovak language and in their native language for the purpose of fulfilling their national development.¹³⁷ However in the case of Roma minority, there are no schools that provide instruction in Romanes, even though in the Eastern part of Slovakia, some teachers use Romanes books in the preparatory classes.¹³⁸

Roma children attending primary schools are often segregated from the non-Roma pupils. Various NGOs and educational experts have reported the practice of division inside the classes.

2.4.1.3. Secondary schools

There are several types of secondary schools in the Slovak Republic and they can either provide a programme which lead to the final exam or not. In order to attend higher education the final exam is compulsory.

Grammar schools provide students with adequate tools to mainly continue studies at university. Grammar schools have from four to eight grades and passing the final exam in the final year provides the student with a complete secondary education.¹³⁹ As statistics show again the worrying reality, in 1995 just two Roma students attended grammar school and by 1999 the number had increased to six students.¹⁴⁰

In addition of the grammar schools there exist a wide range of secondary expert schools providing skills for different occupations; including technical, agricultural, economic, pedagogical, medical, legal, administrative, art and cultural professions. Completion of this kind of secondary school allows student to pursue their studies at the university as well. In 1998/99 out of total student population of 96,128, just 200 were Roma.¹⁴¹ Out of this amount concerning the Roma students, 109 were enrolled at the secondary art school in Kosice.

Secondary training centres provide a student with skills for manual occupations. In 1998/1999 out of total student population of 114,947, 169 were Roma.

¹³⁷ Law No. 350/ 1994.

¹³⁸ See p.39 for the Lunig IX

¹³⁹ Save the Children..., cit. p.186.

¹⁴⁰ Analyses of schooling non-success of pupils from linguistically disadvantaged and neglected environment, 1998/1999, Institute for Information and Prognoses in Education, as quoted in the Save the Children...cit.p. 202, footnote 83.

¹⁴¹ *Ibidem.* p.5.

2.4.1.4. University education

The percentage of Roma who finish university is “minuscule.”¹⁴² In 1999 there were just 56 Roma students enrolled at universities in Slovakia.¹⁴³ One of the main reasons for incredibly low attendance rate at universities is the practice of routing Roma pupils to special schools for mentally disabled. Completing a special secondary school which doesn’t supply a final exam in the end, doesn’t allow the students to further pursue their studies at university.¹⁴⁴ It is also lack of examples that hinders Roma students to aim at higher education. It is widely agreed view that Romani university graduates would act as role models to younger Roma, inculcating among them positive attitudes toward higher education. Furthermore, it would have a beneficial effect in their self-confidence and self-esteem.

2.4.2. School segregation of Roma in Slovakia

Even though racial discrimination has been outlawed, it has not been eliminated. The traditional pattern of accommodating differences through segregation is still visibly at hand in the present-day Slovak society. The Kosice -based Roma Rights Center stated in its human rights report (2000-2001) on the situation of Roma in Eastern Slovakia that at the present time “the government of Slovakia has not voiced any regret at this social segregation” and has not taken any steps to resolve the problem.¹⁴⁵

The International Committee for Elimination of Racial Discrimination has stated in its General Recommendation XIX of 1995, that racial segregation of Roma in education exists in variety of forms, including “special schools” or “special classes” for the mentally handicapped

¹⁴² OSCE, *Report on the situation of Roma and Sinti...*,cit., p.94.

¹⁴³ Roma education, Material of the Foundation Open School, Table 3.4, Level of Education of the Romani community in Slovakia, 2000, as quoted in Save the Children Pilot Report, p. 203, footnote 89.

¹⁴⁴ See further part 2.4.3. for the practice in special schools.

¹⁴⁵ Roma Rights Centre, Kosice...,cit.27.

where the official curricula are based on inferior academic standards. Another form is separate or predominantly Romani schools and classes where the quality of education is lower. In practice we can identify four different types of segregation in the Slovak school system. First, there are separate schools for only Roma pupils. Second, there has been the creation of separate classes inside the mainstream schools, normally because of the unwillingness of non-Roma parents to ‘mix’ their children with Roma children. Third way of segregate Roma pupils within the mainstream classes is to locate them in the back of the class where they are often ignored by the teachers. Fourth method used is the so called special schools for mentally disabled children

2.4.2.1. Racially segregated schools

Next year United States will celebrate 50th anniversary of the end of the school segregation, decided by the Supreme Court’s unanimous decision in *Brown v. Board of Education* (1954). This paramount decision ended up the racially segregated education arrangements in the U.S. The doctrine called “separate but equal” was finally made unacceptable and illegal.¹⁴⁶

Separate schools for the reason of the race are a form of unequal treatment Roma children are facing in Slovakia. The solution to route Roma children into the “Roma schools”, attended exclusively by Roma children or to place them into the separate classes inside the mainstream schools is a clear form of exclusion of equal access to education.

Many “Roma schools” in Slovakia are formally integrated schools “with de facto ethnic segregation.”¹⁴⁷ Roma schools can often be found predominantly in Romani surroundings, next to the settlement or areas lived by the Roma.

2.4.2.1. Lunig IX primary school

¹⁴⁶ This landmark Supreme Court case of *Brown v. Board of Education* (1954) overturned the 1896 case of *Plessy v. Ferguson*, which established the doctrine “separate but equal”. This doctrine believed that separate public facilities of equal quality are not in violation of the equal protection clause of the 14th Amendment of the United States Constitutions.

¹⁴⁷ UNDP, *Avoiding Dependency Trap*...cit.,p.54.

The primary “Roma school” in Lunig IX, was opened in 1983 and there have always been only Roma pupils enrolled in the school. The school hosts 750 pupils from the first to the ninth class and a 0-class or pre-school is available for those who are not yet ready to beginning the school according to the preparatory test.¹⁴⁸The number of pupils outnumbers the capacity of the school, which operates in shifts from morning until afternoon.¹⁴⁹

The interview with a responsible of the Lunig IX basic school clarified some aspects of the current school pattern. At the moment there are 9 classes in the first grade, each of which has around 15 pupils. Whereas the ninth grade is comprised by one class and attended by 17 children! From these children 12 have been accepted to vocational secondary school for the next academic year and five pupils were attending results from a gymnasium in the period of my visit.

What about these gigantic drop-out rates? The school responsible hold an opinion that many children are not motivated to continue because they are lacking concrete examples of the outcomes of education. In the ‘ghetto’ even the students who have completed secondary school are unemployed and the prospective in the labour market is insignificant. Another reason to renounce schooling is to put up new families.¹⁵⁰ It was stated that the Lunig IX basic school is trying to support children who wants to continue schooling after completion of the basic school. An important element in this direction is the agreement and support of child’s parents. A very relevant work in this field is being done by the Roma teaching assistants.

Children entering the school speak normally a little bit of Slovak language. No teaching is provided in Romanes, but the excellent practice of introducing Roma teaching assistants in the first grade helps children to feel themselves more in a familiar ambience. Roma teaching assistants in Lunig IX started to work on March 2003 and are very optimistic about the future. One of the teaching assistants stated that it is very easy to work with the children. They speak a little bit of Romanes and a little bit of Slovak, but neither very good. Another task of the assistants is to visit families and make them participate in their children schooling. Family reactions vary. Unemployment stands out for 99 percent in Lunig IX, and thus families have difficulties to care about the schooling for their children. They have no concrete

¹⁴⁸ Personal interview with a responsible in the Lunig IX primary school, Kosice, 2003.

¹⁴⁹ See the Save the Children...,cit., p.193.

¹⁵⁰ At the moment in the Lunig IX basic school, four girls were pregnant.

examples that it really serves for something. A parent of one first grade pupil stated that it's enough to know how to sign.¹⁵¹

2.4.3. School segregation by use of special schools

There exist several types of special schools: special remedial schools for mentally handicapped children (*Specialna skola pre mentalne postihnutych*), special remedial schools for physically handicapped children and special remedial schools for mentally and physically handicapped children.¹⁵² It is important to mention that special schools are clearly a different thing from 'specialised schools', which offer bilingual curricula or use of a minority language as a supporting teaching language.¹⁵³

The practice of placing Romani children in schools for mentally handicapped children in the Czech Republic appears to have begun shortly after World War II.¹⁵⁴ At the present is very difficult to have reliable data and statistics for the Slovak Republic. The case of Czech Republic's special schools has been widely reported but according to the OSCE this practice is also prevalent in the Slovak Republic and Hungary, and present as well, even though less prevalent, in Bulgaria and Romania.¹⁵⁵

According to the OSCE "no legally-sanctioned practice affecting Roma is more pernicious than the phenomenon of channelling Romani children to 'special schools' i.e. schools for the mentally disabled."¹⁵⁶

The European Roma Rights Centre has argued that *de facto* segregation of Romani children in special schools is tantamount to "cultural genocide".¹⁵⁷ It is already a well-known fact that the Roma children are clearly overrepresented in special schools for mentally handicapped children in Slovakia. Current statistics show that more than 75 percent of Roma children

¹⁵¹ Personal interview with a teaching assistant, Lunig IX, Kosice, May 2003.

¹⁵² Save the Children..., cit.,p. 179.

¹⁵³ School Act Law No. 29/1984

¹⁵⁴ European Roma Rights Centre, *A Special Remedy: Roma and Schools for the Mentally Handicapped in Czech Republic...*,cit. "p.

¹⁵⁵ OSCE, *Report on the situation of Roma and Sinti...*,cit.,p.76.

¹⁵⁶ OSCE, *Report on the situation of Roma and Sinti...*,cit p.76.

¹⁵⁷ European Roma Rights Center, *Time of Skinheads, Denial and Exclusion of Roma in Slovakia*, A Report by European Roma Rights Center, January, 1997, p.10.

attend this type of school.¹⁵⁸ For example, in Kremnica, a town in central Slovakia where Roma pupils form 14 percent from the whole school population, 75 percent of this group attend the local special school. Roma children in Kremnica are thus 25 times more likely to be put in the special schools than their non-Roma peers. This might be considered as a small sample to show the Slovak average proportions of Roma in special schools, but several NGOs fully support this statement and many education experts agree with the calculation emphasizing that the proportion could be even higher.¹⁵⁹ What are then the reasons behind this inhuman and humiliating practice, which devaluates the image and destroys the identity of these minority children? Two concrete examples of Eastern Slovakia attempt to clarify this practice..

2.4.3.1. Turna nad Bodvou

These findings are based on the fact-finding mission the Roma Right Centre from Kosice has made on the situation of Roma in the Kosice region on March 2001. Turna nad Bodvou is a village located approximately 30 minutes west of Kosice. Roughly 4600 residents live in Turna nad Bodvou of which 800-900 are Roma and the rest are primarily of Hungarian ethnicity. Living conditions of Roma in the village vary widely. Two main areas where Roma are living are the Skolska Street and Kvetna Street. Some are living in apartments without many utilities the others have to be satisfied with much less.

Turna has three elementary schools, one Hungarian, one Slovak, and one “osobitna” (special) school. Most of the children living on Kvetna attend the special school for mentally disabled. When inquiring parents about the reasons their children attended a special school they responded that the school administration told them that their kids did not have the material things that the other students had, so they send their children to special schools.¹⁶⁰ The special school is also located about 60 meters away from the Roma area on Kvetna Street. One father tried to enrol his three year old son to the preschool but was not admitted because of his ethnicity. There has been reported a strong feeling of discrimination in regard to the preschool.

¹⁵⁸ Save the children pilot study in three cities in western, central and eastern Slovakia, in *Denied the future...*, cit., p. 188.

¹⁵⁹ *Ibidem*.

¹⁶⁰ Roma Rights Centre, Kosice *Human Rights Report...*, cit., p.44.

2.4.3.2. Moldava nad Bodvou

Moldava nad Bodvou is the closest significant town situated around 20 kilometres west of Kosice. According to unofficial sources there are 2000 Roma living there, which is about 18-19 percent of the 16,000 inhabitant's town. Some 300 Roma live in a squalid settlement in abhorrent conditions compared to the majority Hungarian population. The settlement includes two partially destroyed and decaying four-story apartment buildings.¹⁶¹ Many people in the settlement are living without drinking water, there are no gas lines into the buildings and neither is there any hot water. Apparently some 6 families have electricity.

Moldava has two elementary schools, one Slovak and one Hungarian, and two secondary schools, one Slovak and another in Hungarian. There is an "osobitna" school, which is a special school for mentally and physically handicapped.¹⁶² Many of the Roma families reported that their children were attending the "osobitna" school, although they did not know why. It seemed as though this has been a long tradition and that the families have accepted that this is just the way things are in Moldava. It is not clear whether the Roma felt that their children were being discriminate against in the school system. They had no information of percentage of each ethnicity attended each school. Furthermore they were aware of two Roma community members who were university educated, but they noted that both were unemployed at the moment.

2.4.3.3. Allocation to special remedial schools

Children coming from the Roma communities face incredible challenge when beginning the education system. Their common communication inside the families often occurred in Romanes, meaning that they might almost completely lack the knowledge of the Slovak language. They often come from bilingual or trilingual families, but in many cases do not master the Slovak language. Equally the level of command of the Slovak language varies from region to region. It has been stated by teachers that, there are not much difficulties of Roma

¹⁶¹ Roma Rights Centr, Kosice, *Human Rights Report on the Situation of Roma in Moldava nad Bodvou*, March 2001, p.35

¹⁶² *Ibidem*.

children speaking Slovak in western and central Slovakia, whereas the lack of knowledge of the official language is far more present in eastern Slovakia, as well as in the rural areas.¹⁶³

There are approximately 380 special schools for mentally and physically disabled children in Slovak Republic which are attended by roughly 31,000 students.¹⁶⁴

2.4.3.4. Tests

Before being placed into these special schools for mentally handicapped children, Roma children are subjected to undergo an IQ test conducted at the regional Psychological-Pedagogical Counselling Centre. The tests are clearly culturally and linguistically biased as the example by the Save the Children Study accurately shows. For example, when the examiner asks a child what letter “sun” starts with, the Roma children tends to answer first in his/her mother tongue, saying “k”, as the Romanes word for sun is *khamoro*.¹⁶⁵ That would be, however unjustly, considered as a wrong answer and serve as evidence of the mental deficiency of the child. Important as well, IQ tests used to measure the intellectual ability of the children include questions which have as a reference the dominant society. Roma children are lacking familiarity with words such as “insurance companies” or “cutlery”¹⁶⁶ and thus receiving low results from the tests.

The example of the Czech Republic shows also how educators sometimes place Roma children to special schools because they seem not to understand their teachers questions. Evidently here we deal with a linguistic barrier and not with the mental impairment of the child.

2.4.3.5. Who makes the choice?

The choice of putting a child into the special school is often done by the psychologists, without allowing parents to give their opinion about their own children’s education. This is

¹⁶³ *Ibidem*, p. 203

¹⁶⁴ UNDP, *Avoiding the Dependency Trap...*, cit. p.55.

¹⁶⁵ *ibidem*. p.189

¹⁶⁶ OSCE, *Report on the situation of Roma and Sinti...*, cit. p.78. Example is taken from the test used in Czech Republic.

clearly in breach of the provisions guaranteeing parental freedom of choice.¹⁶⁷ The fact of not mastering the Slovak language when entering school can be detrimental to the whole school career of Roma children. In fact the choice of putting such a child to the special remedial school is often made up by psychologist and pedagogical advisors, diagnosing such children as “social debilitated” as an expert has put it.¹⁶⁸ Thus the notorious fact that the Roma children outnumber non-Roma in special schools does not have good health-related grounds. A teacher in France has made an apt remark by stating:” No one would dream of classifying as having a ‘psychomotor handicap’, someone whose table manners are inappropriate because he’s unfamiliar with the etiquette required by the situation.”¹⁶⁹

2.4.3.6. The curricula taught in special schools

The curricula taught in the special schools are much poorer in contents than the one used in normal schools. If the child is enrolled in a special primary school, the only way open to continue schooling is the special secondary school. It has been stated in the case of Czech Republic that the curricula is organised such that by the end of the third grade, students are at least two years behind their respective pupils, educated in the mainstream schools. There is reason to believe that in Slovakia the case is very similar. The harm provided by this practice is overwhelming, placing Roma children in a dead-end in their education experience. The tools provided by this type of education are very limited and the stigma stick to them through the special schools stays forever. If a child manages to complete the primary school, the regular secondary school is not open for him/her and thus, he/she is not allowed to continue to higher education. In Slovak republic the child that finishes the program at a primary level special school “can continue their education only at remedial technical schools that provide training for low-skilled labour.¹⁷⁰ These schools are commonly referred to as „schools for mops and brooms”. The school Act of 1984 obliges children from special schools to continue at special secondary schools. The image of deficient and mental defective person will prevent her to make career in any other place than. As stated by one former educational teacher in Czech Republic, “graduating from such a school at best provide Romani children the

¹⁶⁷ The parental freedom of choice in education of their children is guaranteed by Universal Declaration of Human Rights, Unesco Convention against Discrimination in Education, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and by the Convention of the Rights of the Child.

¹⁶⁸ Save the children...,cit. p. 188.

¹⁶⁹ Castanié, 1978,p.34, as quoted in Liégeois, *School Provision for Ethnic Minorities...*, cit. p.87.

¹⁷⁰ *ibidem.* 75.

opportunity to assist a carpenter.” Children accommodated in a class which is not made for them, will never make any progress and neither gain feasible skills to compete.

2.4.3.7. Other grounds

The fact that the placement of Roma children in such a school comes partly from parents as well must not be underestimated. Often parents’ first priority is to keep their children together. If the first child is already placed to the special schools they allow the sibling to be routed there as well.¹⁷¹ Some Roma parents have very low expectations and don’t really care if their children attend school for mentally disabled. That clearly reflects the education experience they have had, and completes the vicious circle surrounding the issue of Roma children schooling.

The picture identified by the UNDP /ILO Survey¹⁷² gives some other explanations. When asked, for what reason was the children placed in a special school, 27.5 percent of respondents in Slovakia indicated an option that the child had mental disability. More than half (57, 7 percent) pointed out that the school programme there is easier and the child will cope with it. From the remaining 7 percent 3,7 chose the option of child having a physical disability, 2,1 opted for the reason that “the family was too poor and could not feed the children whereas 1,1 percent stated that the child will have secure living (clothes and shelter) in the special school.

Special schools have financial incentives to keep ‘their children’. Financial incentives are given to teachers tied to minimum graduation rates, which leads teachers to send Roma children to the “special schools” rather than take the time to provide a full understanding of concepts to Roma children.¹⁷³ European Committee on Romani Emancipation (ECRE) made an investigation on the impact of Special Schools on the Roma in Central Europe, and the aim was as well to ascertain the levels of funding available to Special schools because these were and remain extremely ill-equipped. ECRE has uncovered a gruesome situation where Roma

¹⁷¹ Personal interview with Silvia Rigova, Kosice, May 2003. The agreement of parents has been noted also by Liégeois: “parents accept their children being put into classes for the retarded, because they know they will be better treated, perhaps better protected, than in ordinary classes where they would be subjected to rejection, discrimination and violence.”

¹⁷² UNDP, *Avoiding the Dependency Trap...cit.*, p. 92.

¹⁷³ B. Zoltan, *The East European Gypsies: Regime Change, Marginality and Ethnopolitics*, Cambridge University Press, New York, 2002, p.168.

children are herded together in Special schools in exchange for massive financial transfers.¹⁷⁴ They found out that “Special school budget for each town or village is transferred from central government as a lump sum equivalent to the number of Special children in any particular town or village.”¹⁷⁵ The amounts transferred in 2002/2003 are roughly the equivalent to Euro 1,750 each year per every child allocated to the Special school. Their investigation has discovered that 4.5 percent of the money allocated to the special schools is actually accounted for and even this only in terms of teacher’s salaries. Rest of the money appears to be directed to other ill-defined ends. The investigation did not find out where this money disappears but they ascertained that these funds are evidently not spent on the Special school or the Special school children. Roma parents are supported not to question about the reality that their children are being put to such a schools by threaten them by withdrawal of family allowances or unemployment benefits. ECRE has been reporting that in some countries, including Slovakia, the major reason for the high number of Roma children in special schools is financial corruption combined with overt racial prejudice. The estimation for the Slovak Republic states that between 1989 and 2003 the number of Roma children in Special schools increased from 10,000 to 80,000. During this same period the total financial transfers have been of the order of Euro 700 million. And only some Euro 54 million can be accounted for in terms of teachers salaries.¹⁷⁶ It would be inadequate and irresponsible, however, not to recognise the commitment of many educators working with the Roma children in special schools. However inequitable the practice is in reality, there are fortunately many dedicated individual trying to carry out the devotion to improve the situation of marginalised children. As observed by the ERRC one of the “special” features of the remedial special school is that so many competent and committed people are working with Roma in a system which turns out an unsure, underachieving and isolated Romani youth.

2.5. Recent practices from the Slovak government

¹⁷⁴ECRE (2003)002 The report of an investigation; *The impact of Special Schools on the Roma in Central Europe, A case of wilful criminal neglect & professional incompetence*, Brussels, 18 March 2003, in : <http://www.eu-romani.org/ec302ss.htm#6>

¹⁷⁵ *ibidem*.para.38.

¹⁷⁶ *ibidem*. para. 88-91.

As for the good example of practices initiated by the Slovak government considering the Roma issue in the country it is worth mentioning the establishment of the post of the Deputy Prime Minister on Human Rights, National Minorities and Regional Development in 1998. He is coordinating government's activities in this field, being in the same time the "coordinating umbrella entity for human rights and rights of minorities and ethnic groups, churches and religious societies."¹⁷⁷ In February 1999 the post of the Plenipotentiary for Addressing Roma Minority Issues was established by the Government. In September the same year the Government approved the Strategy for the Solution of the Problems of the Roma National Minority and the Set of Measures for its Implementation -Stage I. The next step for its implementation was to elaborate concrete measures to take at the levels of individual sectors, regions and districts, including securing finance for projects from the 2000 state budget.¹⁷⁸ This process led to Stage II of the government strategy, which is called "The Elaboration of the Strategy of the Government for Addressing Problems of the Romani National Minority into a Package of Concrete Measures for year 2000"¹⁷⁹.

As stated by the Regular Report the office of the Government Plenipotentiary for Roma affairs has been strengthened, enabling it to function more efficiently than in previous years. A regional office was opened in October 2001 in Eastern Slovakia, where the majority of the Slovak Roma lives. As a follow-up to the two stages of the Roma strategy, the office drafted "Priority tasks for the Roma community in 2002".¹⁸⁰ The focus here is put among other things to education. Moreover the Act on Public Service was amended in June 2002, introducing the position of teaching assistant into the school system, as well as the pre-school education.¹⁸¹

In December 2001 the Parliament approved the institution of an ombudsman as an institutional mechanism in the protection of human rights. The first ombudsman was appointed in March 2002. It has been, however, criticised that this office has no enforcement

¹⁷⁷ UN Committee on Civil and Political Rights, *Slovakia's State Report submitted under article 40 of the Covenant*, CCPR/C/SVK/2003/2, 6 August 2002, p.4.

¹⁷⁸ J. Hero, *The Strategy of the Government of the Slovak Republic for the Solutions of the Problems of the Roma National Minority in the field of Education*, Ministry of Education of the Slovak Republic, p. 1.

¹⁷⁹ The Elaboration of the Strategy of the Government for Addressing Problems of the Romani National Minority into a Package of Concrete Measures for year 2000 - Stage II was approved through Governmental Resolution No. 294/2000 on 3rd May 2000

¹⁸⁰ Commission of the European Communities, 2002 Regular Report, cit.p.30

¹⁸¹ *ibidem*.

power,¹⁸² and that on October 2002 the Office was still in the process of being set up and therefore not yet fully operational.¹⁸³

The last Regular Report issued by the Commission of the European Communities on 2002 recognises that despite efforts in all sectors where the Roma are being treated unequally, the situation of Roma in Slovakia has remained difficult.

The next part is going to examine the Guiding Principles issued by the European Union for improving the situation of Roma in candidate countries, have addressed the field of education through a set of recommendations for the candidate countries to adopt. Moreover discrimination in education has been prohibited by several international provisions which Slovak Government is bound to comply with.

¹⁸² Centre for reproductive Rights, *Body and Soul...*, cit.,p.114.

¹⁸³ Commission of the European Communities, 2002Regular Repor..., cit.p.27.

Chapter III- Slovakia – ready for accession?

The candidate countries that have applied to join the European Union and recently signed up the Accession Treaty¹⁸⁴ are required to adopt a comprehensive approach to Roma issues. The Guiding Principles issued by the EU recognised that only a “long –term vision of the solutions to the problem that gives due consideration to the initiatives designed to build bridges between Roma and non-Roma” can lead to a lasting improvement in the situation of Roma. Furthermore it has been acknowledged that there is a need to increase efforts to ensure that Roma are able to play a full and equal part in society, and to eradicate discrimination against them.¹⁸⁵ Additionally in accordance with Article 6 (ex Article F) of the TEU¹⁸⁶, the European Convention for the Protection of Human Rights and Fundamental Freedoms, forms part of the “acquis communautaire” of the ‘next’ member states. As for the protection of the minorities, the Framework Convention for the Protection of National Minorities of the Council of Europe, lays down the provisions member states should comply with.¹⁸⁷

Slovakia, as a country wishing to join the EU on May 2004 is asked to take into a full consideration the recommendations included in the Guiding Principles for improving the situation of Roma in the country, which cover several fields including the field of education.¹⁸⁸ As an instrument to overcome the disadvantaged position of Roma in European societies, a clear emphasis is put on equality of opportunities in the field of education.

¹⁸⁴ The Accession Treaty has been signed by the candidate countries in Athens on April 2003.

¹⁸⁵ Guiding Principles adopted by the EU at the Tampere summit, december 1999.

¹⁸⁶ The Article states: 1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

3. The Union shall respect the national identities of its Member States.

4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

¹⁸⁷ The Framework Convention for the Protection of National Minorities was adopted by the Committee of the Ministers of the Council of Europe on 10 November 1994. Slovakia has ratified the Convention on September 1995.

¹⁸⁸ The Guiding Principles cover the area of racism and discrimination against Roma, education, women, economic and employment problems, housing, urban planning and health problems and international mobility of the Roma.

Moreover all international and regional human rights instruments prohibiting discrimination on the basis of the race and addressing the equal access to education which Slovakia has ratified, are part of Slovakia's national legislation and thus binding upon the State.

3.1. International human rights law

International human rights law is best visualized as a complex of different treaties and conventions whereby governments overtly accept specific human rights obligations. The realm of the acceptable is delineated by minimum standards which should be in place worldwide; optimal standards vary in time and place.¹⁸⁹

There are several international human rights instruments containing standards which Slovak government is bound to comply with. "Every treaty in force is binding upon the parties to the treaty and must be performed by them in good faith."¹⁹⁰ The international human rights treaties of which Slovakia is a State party, "are not only a part of the valid legal order of Slovakia but with view to the application of article 11 of the Constitution, the so-called reception clause, its prevalence over the laws of the Slovak Republic is ensured when it guarantees a greater scope of constitutional rights and freedoms because Slovakia ratified and promulgated it in the manner as laid down by law."¹⁹¹ Slovakia's duties under international human rights standards include respecting, protecting and fulfilling human rights of all its citizens and especially of the most vulnerable ones. Additionally, international human rights law demands the Slovak government to take adequate affirmative measures to protect its citizens. "Exposing abuse of power, manifested in denials or abuses of education, is the first necessary step towards opposing it."¹⁹²

¹⁸⁹ K. Tomasevski, *Education Denied, Costs and Remedies*, Zed Books, London, New York, 2003, p.,

¹⁹⁰ Vienna Convention on the Law of the Treaties of 1969, Article 26.

¹⁹¹ Committee on Civil and Political Rights, Second *periodic Report of States parties under article 40 of the ICCPR, Slovakia*, CCPR/C/SVK/2003/2, 6 August 2002, p.3.

¹⁹² K. Tomasevski, *Education Denied...*, cit., p.1.

3.2. Right to education as a human right

That “education is both a human right in itself and an indispensable means of realizing other human rights” has been acknowledged by the CESCR in the General Comment No.13.¹⁹³ Education is therefore also recognized as “a precondition for the exercise of other human rights.”¹⁹⁴ It has also been designated as a "cross-sectoral right" meaning that it is contained within the bodies of both first and second generation rights. The right to education “enhances all other human rights when guaranteed and forecloses the enjoyment of most, if not all, when denied.”¹⁹⁵ In this respect, as recognised by the General Comment 11, “right to education epitomizes the indivisibility and interdependence of all human rights.”¹⁹⁶

Although the right to education is generally considered to be a cultural right¹⁹⁷ it encompasses also elements of a social right.¹⁹⁸ Legal standards on the right to education include two main components, respectively the enhancement of access of everyone to education on the basis of equality and non-discrimination and the freedom to choose one’s education. The provisions relating to the right to education create corresponding State obligations. States threefold obligation is to respect, to protect and to fulfil. The obligation to respect means that the State must refrain from interfering with the exercise of such rights and freedoms. Obligation to protect requires State to take steps to prevent the violation of individual rights and freedoms by third parties. Finally the obligation to fulfil entails States to take positive measures for ‘facilitating’ individuals to enjoy the right to education as well as ‘providing’ the right to education for those who are unable to realize the right to education by their own means.

The basic framework of government obligations establishes the core content of the right to education. This is represented by the 4-As scheme.¹⁹⁹ Governments are obliged to provide available, accessible, acceptable and adaptable education. For education to be ‘available’,

¹⁹³Committee on Economic, Social and Cultural Rights, *General Comment 13*, E/C.12/1999/10, 8 December 1999, para. 1.

¹⁹⁴ M. Nowak, *The right to Education*, in A. Eide et al. (eds.), *Economic, Social and Cultural Rights*, 2nd ed., Kluwer Law International, Netherlands, 2001, p.245

¹⁹⁵ K.Tomasevski, *Education Denied...*,cit., 2003, p.1.

¹⁹⁶ Committee on Economic, Social and Cultural Rights, *General Comment 11*, E/C.12/1999/4, CESCR, 10 May 1999.

¹⁹⁷ M. Nowak, *The Right to Education...* cit. p.

¹⁹⁸ For example provisions about scholarships, etc.

¹⁹⁹ Commission on Human Rights, Annual report of the Special Rapporteur on the Right to Education, Katarina Tomasevski, UN Doc. E/CN.4/2002/60, paras.22-45.

States must guarantee free and compulsory education for all. 'Access' to education is defined in a different way according to levels of education, but governments are however obliged to secure access to all in a compulsory level of education. 'Acceptability' provides States with a burden to "guarantee quality of education, minimum standards of health and safety, or professional requirements for teachers which have to be set, monitored and enforced by the government."²⁰⁰ As last but absolutely not the least core content of right to education is 'adaptability'. It is meant that the school must adapt to children following the principle of "best interest of the child", laid down by the CRC. As Katarina Tomasevski has put it, "for human rights to be indivisible, adaptability requires safeguards for all human rights within education as well as enhancing human right through education."²⁰¹

International human rights law has defined the aims of the education. What is the nature and the scope of the right to education? The right to education constitutes an essential part of contemporary human rights. Art. 26 of the Universal Declaration of Human Rights states that the primary aim of education is the development of the human personality and the strengthening of respect for human rights and fundamental freedoms. The same objective is reaffirmed by Art. 13 of the International Covenant of Economic, Social and Cultural Rights (ICESCR). Right to education is recognised in the Protocol 1, art.2 of the European Convention of Human Rights and Fundamental Freedoms (ECHR) which states "No person shall be denied the right to education." Prohibition of discrimination on education is further acknowledged by, the Convention on the Elimination of all Forms of Racial Discrimination (CERD), Art. 26 of the International Covenant on Civil and Political Rights, Art.10 of the Convention of All forms of Discrimination against Women (CEDAW), the UNESCO Convention against Discrimination in Education and additionally by several regional and national instruments.²⁰²

The most detailed provision concerning the aims and objectives of the right to education can be found in Art. 29(1) of the Convention on the Rights of the Child (CRC). States parties to the CRC agree that education shall be directed to: " the development of the child's personality, talents and mental and physical abilities...the development of respect of human rights and fundamental freedoms...the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations

²⁰⁰ K.Tomasevski, *Education Denied...*, cit., p.51.

²⁰¹ *ibidem*.p.52.

²⁰² See http://www.right-to-education.org/content/index_4.html.

different from his or her own...the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all the peoples, ethnic, national and religious groups and persons of indigenous origin...and to the development of respect for the natural environment. It has been generally agreed, through different legal instruments that the priority lies in personal development of the pupil.²⁰³

3.3. The Guiding Principles issued by the EU

The Guiding Principles adopted by the European Union in 1999 for improving the situation of Roma in candidate countries are based expressly on recommendations of the Council of Europe's specialist group of Roma/Gypsies and of the OSCE High Commissioner on National Minorities²⁰⁴. The following analysis of the Guiding Principles is done also in the light of other international human rights instruments.

The recommendations dealing with education requires the candidate countries to consider education: (schooling)

“ as a priority...designing policies to improve the situation of the Roma; the disadvantaged position of the Roma in society and, in particular, their often very difficult socio-economic situation, should be borne in mind when designing such policies.”

Since the interdependence between formal education and better socio-economic conditions has already been clearly demonstrated in the framework of this thesis and specifically in the part 1.4., Slovakia, as the other candidate countries should consider education for Roma children as an ‘absolute priority.’ The future of many Roma communities depends to a great extent upon the schooling of their children. Without adequate education the Roma will not be self-sufficient but remain dependent of state subsidies; not competitive in the labour market and thus forced to live in the margins of the societies. An adequate formal education is the only way which would lead them to integration in the society they are living.

²⁰³ Committee on Economic, Social and Cultural Rights, *E/C. 12/ 1998/14*, 29 September 1998, p.4.

²⁰⁴The office of the OSCE High Commissioner for National Minorities was established in 1992. The objective was to identify and seek early resolution of ethnic tensions between the OSCE member States. The mandate of the High Commissioner on National Minorities is to conduct on -site missions and engage in preventive diplomacy. One of the tools used by the High Commissioner are the recommendations addressed to OSCE member States in the treatment of their national minorities.

The initiative of improvement of the Situation of the Roma in the Slovak Republic carried out in the framework of PHARE Twinning Programme²⁰⁵ included an objective to improve the education of Roma children. The results from a seminar held in Bratislava on June 2002 reported that: “The Ministry of Education has no strategy for the schooling of Roma children; the department of the Ministry of Education which is in charge of Roma children’s schooling is under staffed; actions in favour of Roma children are undertaken by NGOs mostly whose programmes have a limited span and are neither well known nor coordinated and that the exact number of Roma children in particular schools and regions is not known.”²⁰⁶

“National governments must make concerted efforts to eradicate manifestations of anti-Roma discrimination at schools, and to ensure true equality of opportunity.”

“National law should include adequate provisions banning discrimination in the sphere of education and providing effective remedies.”

The last Regular Report on Slovakia’s progress towards accession²⁰⁷ informs that even though the Slovak Constitution contains a general anti-discrimination provision, “specific anti-discrimination legislation transposing the EC anti-discrimination *acquis* remains to be adopted.” The Parliament rejected two relevant draft laws in June 2002.

Standards on anti-discrimination law in European Union are currently set mainly by the European Council of the European Union Directive 2000/43/EC, “implementing the principle of equal treatment between persons irrespective of racial and ethnic origin.” This provision is part of the ‘*acquis communautaire*’, and therefore candidate countries have the duty of the incorporation and correct implementation of the provisions of the Directives.

But also international human rights law prohibits discrimination with regard to education. Article 2(2) of the ICESCR states “The State Parties to the present Covenant undertake to

²⁰⁵ Twinning is an initiative of the European Commission to assist Candidate Countries in acquiring the independent capacity to adopt, implement and enforce the full ‘*acquis communautaire*’ before accession to the European Union. The initiative is carried out through the cooperation of two countries, Candidate Country and Member State, which are called twins. The above mentioned PHARE Twinning Programme is based on the cooperation of the Slovak Republic as a Candidate Country and France as a Member State.

²⁰⁶ P. Bavoux, Report on Education, Twinning Programme, Seminar of June 2002, Bratislava.

guarantee that the rights enunciated in the present Covenant will 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.” As always rights require correlative duties and duties are primarily held by the States.

General Comment No.13 on the right to education (Art.13 of the Covenant) includes an immediate obligation to ensure that the right “will be exercised without discrimination of any kind.” The obligation deriving from the Article 2(1) of the Covenant contains to take steps towards the full realization of Article 13, to the maximum of the State party’s available resources and with a view to achieving progressively the full realization of the right. The steps taken must be “deliberate, concrete, and targeted” and the progressive realization should not be interpreted as minimizing the obligations of the State parties in order to achieve a full realization of a right.

The minimum core obligations” is the key concept in economic, social and cultural rights in the ICESCR. It has been defined as “the nature or essence of a right...the essential element or elements without which it loses its substantive significance.”²⁰⁸ The Committee on Economic, Social and Cultural Rights has pronounced upon the concept of minimum core obligation in its General Comment No. 3 in 1990. The concept indicates that every State party is obliged to guarantee at least the minimum essential level of the rights of the Covenant. Thus “the State party in which any significant number of individuals is deprived of essentials foodstuff, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant”.²⁰⁹ It is furthermore stated that if the Covenant were not to establish the minimum core obligation it would be “largely deprived of its raison d’être.”

The minimum core obligation with respect to the right to education has been defined by the Committee as entailing an obligation to:

“ensure the right of access to public educational institutions and programmes on a non-discriminatory basis; to ensure that education conforms to the objectives set out in article 13(1); to provide primary education for all in accordance with article 13(2)(a); to adopt and implement a national educational strategy which includes provision for secondary higher and fundamental education; and to ensure free choice of education without interference from the State or third parties, subject to conformity with “minimum educational standards (article13(3) and (4)).²¹⁰ “

²⁰⁷ The last Report is from October 2002, hereinafter 2002 Regular Report.

²⁰⁸ A. Chapman and S. Russel (eds.), *Core Obligations: Building a Framework for Economic, Social and Cultural Rights*

²⁰⁹ Committee on Economic, Social and Cultural Rights, *General Comment 3*, para. 10.

²¹⁰ Committee on Economic, Social and Cultural Rights, *General Comment 13*, para.57.

The analyses of implementation of the right to education by State parties reveal the possible violations of the core content of the right to education. The evaluation of violations of the right to education can be done by using the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights as a tool.²¹¹ Maastricht Guidelines acknowledges that violations of the Covenant occur when a State fails to satisfy what the Committee on Economic, Social and Cultural Rights has referred to as minimum core obligation. It has been further recognized that such minimum core obligations apply notwithstanding of the “availability of resources of the country concerned or any other factors and difficulties”²¹².

Violations of article 13 can occur through the direct action of States or other entities insufficiently regulated by States or through the omission or failure of States to take necessary measures required by the Covenant. Violations through the direct action by the State party include for example the active denial of such rights to particular individuals or groups, whether through legislated or enforced discrimination.

The violation of article 13 can occur by wilful failure to meet generally accepted international minimum standards. The international minimum standards in respect of right to education have been identified as including four different components.²¹³ The right to access to existing public educational institutions in the basis of non-discrimination represents the first element. The case study on Slovakia showed how two groups of children are treated unequally in access to education. The Roma children in many cases are denied access to public educational institutions and separated to “Roma schools” or schools for mentally handicapped.

The second minimum standard with respect to the right to education is the guarantee to choose one’s education between public and private education and the parental freedom of choice concerning education of their children. Our case study illustrated how Roma children in Slovakia are often being put to special schools without consent of the parents.

As a third minimum standard, the right of individuals or groups to establish educational institutions and the right of members of minorities to be taught in their mother tongue in the institutions outside the public education system, has been identified. A last aspect being part of the minimum essential standards in the international level is the requirement that the

²¹¹ The analyses of the violations of the core content of the right to education by using the Maastricht Guidelines as a framework, has been made by Fons Coomans, in A. Chapman and S. Russell (eds.) *Core Obligations..*, cit. p.

²¹² Maastricht Guidelines, para.9.

²¹³ See F. Coomans in A. Chapman and S. Russel (eds.), *Core Obligations..cit.,p.*

intentions of a State's educational policies "must be consistent with the principle of pluralism and respect of human rights"²¹⁴ as established by the article 13 of the Covenant.

The Roma children in Slovakia are facing differential treatment in the access to education. They clearly don't have the same possibilities of access as the majority Slovak pupils. Since the Roma children and the majority Slovak children have exactly the same interest and needs with regard to access of education this differential treatment does not have any well founded grounds or justifications. It leads to the statement that the differential treatment of Roma children in access to education in Slovakia, amounts to discrimination. According to the evaluation of violation of right to education by using the Maastricht Guidelines it must be acknowledged that Slovak Republic is violating the minimum core obligation under the Covenant. Furthermore Slovakia is in breach of art. 13 of the Covenant by failing to meet generally accepted international minimum standards.

The Committee of the Economic, Social and Cultural Rights, considering the last State Report by Slovakia, has issued Concluding Observations and Comments in 2001.²¹⁵ The Committee is deeply concerned about discrimination against Roma people in the field of employment, housing, health care and education. It recognises the inadequacy of the legislative and administrative measures undertaken by Slovakia to improve the socio-economic conditions of the Roma. The Committee also express its concern about the "absence of a comprehensive anti-discrimination law."²¹⁶ Especially in the field of education, the Committee is "alarmed about the low rate of primary school enrolment and the high drop out rates at secondary schools among the Roma."²¹⁷ The Committee further "urges the State party to take concrete measures, including the adoption of a comprehensive anti-discrimination law, in accordance with article 2, paragraph 2, of the Covenant, to combat and eliminate discrimination...in particular against Roma people."²¹⁸

The Committee on the Elimination of Racial Discrimination has issued a general recommendation in its 57th session on August 2000, specifically directed to the measures to take to eliminate the racial discrimination against Roma. The Committee in its concluding observations to Slovakia on 2001 has recommended that the State party address the various factors responsible for the low level of education among the Roma with a view to improving

²¹⁴ *ibidem*.

²¹⁵ CESCR, Concluding Observations to Slovakia, E/C.12/1/Add.81, 19 December 2002.

²¹⁶ CESCR, Concluding Observations, para. 9.

²¹⁷ *Ibidem*.

enrolment and continue efforts to develop and expand strategies to facilitate the integration of minority pupils into mainstream education. Furthermore in the same document the Committee notes the absence of examples of the practical implementation of the provisions of the Convention and invites the State party to monitor trends which give rise to racial segregation of the Roma.²¹⁹

“The UNESCO Convention against Discrimination in Education” of 1960 states “The States Parties to this Convention undertake to formulate, develop and apply a national policy which...will tend to promote equality of opportunity and of treatment...The term ‘discrimination’ includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex...has the pure or effect of nullifying or impairing equality of treatment in education and in particular: of depriving any person or group of persons of access to education of any type or at any level; of limiting any person or group of persons to education of an inferior standard and of establishing or maintaining separate educational systems or institutions. Such systems are permitted...if its object is not to secure the exclusion of any group.”

“States should provide the necessary funding to implement education policies and arrangements in order to close the gap between Roma pupils and majority pupils and ensure equal educational opportunities for Romani children.”

The General Comment No. 3 of the Committee of Economic, Social and Cultural Rights describes the nature of States parties’ legal obligations under the Covenant. While the Covenant “provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes various obligations which are of immediate effect.”²²⁰ One of these obligations to take immediately is the “undertaking to guarantee that relevant rights will be exercised without discrimination.”²²¹ As previously seen, right to education imposes three types of obligations on States parties: obligation to respect, protect and fulfil. The obligation to ‘fulfil’ “incorporates both an obligation to facilitate and to provide.”²²² The obligation to ‘fulfil’ requires that States make education accessible and available for all and that they maintain that level of realisation. Primarily this means policy

²¹⁸ CESCR E/C.12/1/Add.81, 19 December 2002, Concluding Observations on Slovakia, para.22.

²¹⁹ CERD/C/304/Add.110, 1 May 2001.

²²⁰ CESCR General Comment 3, para.1.

²²¹ *ibidem*.

²²² CESCR General Comment 13, para.46

measures and financial and material support. Therefore this recommendation calls for States to provide necessary funding to implement education policies to make certain that Roma pupils and majority pupils have the same equal educational opportunities.

“The very difficult situation of many Roma constitutes a violation of the rights of the children in the sense of the UN Convention on the Right of the Child. States should make sure that equality of opportunities in all fields of life, and in particular in the field of education, is ensured for Roma children.”

The Committee on the Rights of the Child in consideration to the last State Report submitted by the Slovak Republic points out its astonishment that children who spoke little Slovak were placed in special classes with children suffering from psychological disorders, whereas they could be given intensive remedial classes and be admitted to regular classes.²²³ A Committee member pointed out that placing children with learning difficulties in “special schools” was risky, because relegating them to such institutions made it hard at a later date to bring them into normal schooling.²²⁴

“National governments and other authorities with responsibility for education should avoid taking measures which have the effect of separating Roma children from the school population as a whole, particularly the practice of routing Romani children to schools or classes for mentally disabled students.”

As the case study in the Chapter 2 has clearly illustrated the practice of school segregation is very common in Slovakia and four different ‘types of segregation’ have been acknowledged.²²⁵ The practice of routing Roma children into special schools is very widespread and estimated²²⁶. As stated by the European Commission when evaluating Slovakia’s readiness to join the EU in 2002, “the under-representation of Roma students in the education system has persisted, hand in hand with over-representation in schools for retarded children.”²²⁷

²²³ Summary record on the 664th meeting of the Committee on the Rights of the Child, Slovakia, CRC/C/SR.664, 15 February 2001, p.2.

²²⁴ *ibidem*.

²²⁵ See part 2.4.2.

²²⁶ Many sources estimate this percentage; some believe it being even higher. See the Save the Children Report, cit.

²²⁷ Commission of the European Communities, *2002 Regular Report...*, cit. p. 31.

The percentage of Roma children in special schools for mentally handicapped in Slovakia is estimated to be at least 75 percent. Children enrolled in special schools are cut off all the opportunities to continue to normal secondary school and then to higher education.

As article 2(2) in connection with Art.13 of the ICESCR prohibits discrimination in education. Roma children in Slovakia are facing differential treatment as well inside the school system. Segregated Roma schools and the practice of routing them to special schools for mentally handicapped children is a well attested reality in Slovakia. What could be the interest of having two separated school system? A possible reasoning could be that the practice of separating Roma children and the majority children is in the best interest of the child since Roma children often have learning difficulties, due to the lack of knowledge of Slovak language, or are less eager to adapt to the school environment and thus might influence the learning process of Slovak pupils. Keeping two separated and segregated school systems is, however, very harmful practice. This system favours prejudice and carries on the existing inequality within the Slovak society. It does not allow Roma children to receive quality education thus further promoting their marginalisation. The Roma children are facing an unequal treatment which is humiliating them, decreasing their self-esteem and upholding the inferior perception they have from themselves.

There are different ways of allowing Roma children to catch up the disadvantage they face. By introducing additional Slovak language courses to help them catch up the difficulty due to the problem of language, would make a major step towards equal schooling. By maintaining segregated schooling institutions, the objective of many pluralistic societies to achieve a mutual understanding and more tolerant society is never going to be achieved.

The school segregation by means of “Roma schools” or special schools is a differential treatment which doesn’t have objective and reasonable justification. There is no rational justification for the unequal schooling of Roma pupils and of the majority pupils and thus the treatment faced by the Roma children amounts to discrimination. There is an urgent need of integrated education for Roma pupils.

The Committee on the Elimination of Racial Discrimination in its concluding observations to Slovakia in 2001 has expressed its concern, that “despite school education being compulsory, a disproportionately large number of Roma children are not enrolled in schools, have high drop-out rates, do not complete higher education or are segregated and placed in schools for mentally disabled children.”²²⁸

²²⁸ Committee on Elimination of Racial Discrimination, /C/304/Add.110, 1st May 2001.

“In order to affirm the cultural heritage of all groups within society, and eradicate manifestations of anti-Roma discrimination in schools: Governments should ensure that teachers and other education professionals receive adequate training in multicultural education.”

“Education for all children should have an intercultural approach; governments should ensure that educational texts include material on Romani history and culture, especially in regions and localities with substantial Romani populations”

As argued in the part 2.4. teachers have an extremely important role in promoting mutual understanding and tolerance within the classroom. Slovak society is a multicultural society in substance. The cultural variety of Slovakia augments the importance of multicultural education of future teachers. The existing prejudices inside the Slovak society require as well an anti-bias training. The Slovak educational system needs a basic change when taken into account its present abilities to respect the cultural differentiation and contribute to the intercultural understanding.²²⁹

A reform in the school curricula is fundamental in the existing Slovak school system. Roma children should have the possibility to learn their history and culture at school. This would make the school institution more familiar to them and the “schooling” more pleasant, improving their capacity to learn. Components of the Roma culture and history should be included in the curricula even in the majority schools. The enhanced understanding of the minorities brings an increased tolerance inside the society.

“The legitimacy of introducing affirmative action to enhance the quality and effectiveness of education of Roma children should be recognised.”

The Committee on the Elimination of Racial Discrimination, recognising the fact that the Roma are among those who suffer most of the unemployment because of the low levels of education, recommends the State party to implement affirmative action programmes to improve the employment situation among the Roma.

The Deputy Prime Minister for human rights and minorities recently stated that Slovak government is actively preparing to undertake measures aiming at equality of opportunities

²²⁹ E. Mistrik, *Multicultural Education in Teacher Training*, Bratislava, 2000, in <http://www.fedu.uniba.sk/keov/em/knihy/curr/curr.html>

between the Roma and non-Roma.²³⁰ But at the moment there is no information about the affirmative action measures adopted in the field of education in the Slovak Republic, which would increase the quality of education for Roma children.

“Governments may wish to consider supporting pre-school programmes that help prepare Romani children for primary schools, as well as ‘booster’ programmes that provide appropriate support to Romani children while they are attending regular schools”

The Act on Public Service which was amended in June 2002 in Slovakia, introduced into the school system the position of teacher assistant and pre-school education. The paramount importance of the pre-school education for Roma children has been widely acknowledged. It provides a unique opportunity for them to gain knowledge of Slovak language before the beginning of the compulsory schooling. As many obstacles Roma children are facing in the path of schooling are a matter of language difficulties, supporting more actively the pre-school education could provide a significant tool for preparing Roma children to “standard educational system”²³¹ and make their integration easier.

An example of a project in the framework of the Phare Programme, a pilot project (450 000E) aimed at improving the situation of the Roma population in the Spis region was launched, aiming at the community development of five Roma settlements and the preschool education for Roma children.²³²

“Educational policies should incorporate measures for adult and vocational educational.”

The Strategy I of the Slovak Government²³³ recognised, that the “consequence of the existing rigid school system is that many of the adult Roma have even failed to complete basic education.”²³⁴ Therefore many Roma parents are illiterate and thus unemployment is the common reality for them. The UNDP/ILO survey data indicate how unemployment rates differ according to educational level.²³⁵ Additionally uneducated Roma parents can’t help the

²³⁰ The speech of Pal Csaky, the Deputy Prime Minister for Human Rights, Minorities and Regional Development, in http://www.vlada.gov.sk/csaky/aktuality_start.php3?id_ele=3395

²³¹ Commission of the European Communities, *2002 Regular Report...*,cit.,p.40.

²³² *Ibidem.* p.14.

²³³ The Stage I of the Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma National Minority and the Set of Measures for its Implementations was adopted on 27 September 1999. The Stage II was approved on 3rd May 2000. See part 2.5.

²³⁴ The Strategy I..., cit. p.16.

²³⁵ UNDP, *Avoiding the Dependency Trap...*,cit., p.34.

children in their homework, which gives to Roma children even more disadvantage position compared to majority children.

In the Strategy I, the government promised that educational and training programmes for adult Roma lead the responsible ministries targeting such a form of education. This, as well as many other potentially adequate measures was in fact never implemented. According to the opinion of the European Commission, both Strategies (I and II) lack concrete tasks and have failed to propose following steps.²³⁶ The Government recognised in its evaluation report on the Strategy in January 2001 that the tasks laid out in the document for the year 2000 in the area of education had not been fulfilled.

“Roma communities as a whole should be considered as a partner when designing educational policies in favour of Roma; governments should utilise or take steps to increase the number of mediators/trainers and teachers recruited within the Romani community, and dialogue between school authorities and families/parents should be supported and developed.”

In 2000 an educational expert working for the Slovak Government noted, “the Slovak policy papers are a result of work of the state administration exclusively.”²³⁷ With the words of another educational expert, working in the field of school curricula for a research institute in Slovakia: “the Government does not know the situation of the Romany children in the educational system.”²³⁸

The parent involvement is a crucial component in Roma children’s schooling. Historically the attitude towards schools institutions have been characterized by lack of trust by Roma parents. In order to achieve necessary changes inside the school system, which would lead to the improvement of schooling for Roma children, approval and confidence by the Roma parents is of paramount importance. Roma parents should be able to participate in their children’s schooling.

“Mechanisms should be developed for making a regular assessment of the effectiveness of education policies and measures in improving the educational attainments of Roma children.”

The first obstacle in assessing the effectiveness of education policies for Roma children is the lack of official data about the size of Roma people in Slovakia. As already stated there is an

²³⁶ Evaluation Report of the European Commission, November, 2000.

²³⁷ Save the Children...,cit., p.178. Quotation from the year 2000.

²³⁸ *Ibidem.*

enormous divergence between the official numbers and the estimated numbers of the Roma. The objectives of the new education policies should be clearly defined and the establishment of evaluation methods are important features in determining the success of such policies.

3.4 .Conclusion and Recommendations

The 2002 Regular Report on Slovakia's progress towards accession, issued by the EU, assesses Slovakia's ability to assume the obligations of the membership, and what still remains to be done. Moreover it includes an assessment of Slovakia's track record since the 1997 Opinion. According to the evaluation of the EU, Slovakia fulfils the Copenhagen criteria and "continues to respect human rights and freedoms."²³⁹ This is what the conclusion of the 2002 Regular Report states.

Nevertheless, the findings described in the framework of this paper indicate serious violations of human rights of Roma and of Roma children in Slovakia. This research has tried to demonstrate the injustice Roma children are victims of, facing a despicable denial of access to formal and adequate education in Slovakia. This systematic unequal treatment amounts in many cases to discrimination. Roma are the 'perpetual outcast' and victims of segregation, exclusion and discrimination in Slovakia.

The social impact of transition in Slovakia, as well as in other CEE countries, has been particularly detrimental to the regions Roma who found themselves more and more marginalised. The Roma remain the Europe's "third class" citizens, forgotten people with less and less expectation on the future and a majority of them live under the poverty line. Their exclusion extends to almost every sphere of life, with extremely far-reaching effects, in particular, in respect of schooling. The present system of schooling in Slovakia is steering young Roma to a downward spiral and pushing them to major deprivation and exclusion.

We have identified different types of segregation inside the Slovak school system. The "Roma schools", reserved only for the Roma pupils are a form of institutionalised racism. Furthermore, there are separate classes inside the mainstream schools due to the refusal of non-Roma parents to merge their children with Roma children. The practice of routing the Roma children into the special schools for mentally handicapped is another form of school segregation in Slovakia. Roma children are clearly overrepresented in special schools, which

²³⁹ Commission of the European Communities, *2002 Regular Report...*, cit.,p. 32.

are characterised by much poorer curricula than the normal ones. To be enrolled in such schools means to be stigmatised for the rest of the life and to be refused the access of quality secondary education and no accession to higher education. Moreover, the harm provided by this practice is overwhelming, placing Roma children in a dead-end in their education experience. The future of many Roma communities depends upon the schooling of their children. Schooling can provide them with tools, not only to survive, but become full, equal and participating citizens.

Traditionally, in the history of education, discrimination has played a significant part. These experiences have led to the formulation of prohibition of discrimination on any ground by several international provisions. Unfortunately education strategies are not based on international human rights law and there are “no internationally comparable statistics on access to education by race, ethnicity or religion.”²⁴⁰ The serious forms of discrimination meet by Roma children in the meadow of education in Slovakia violate their fundamental rights of equality and non-discrimination. Roma, as all the other citizens of the Slovak Republic are entitled to human rights because of the inherent dignity of each and every human being. The principle of equal dignity of all human beings entitled to equal rights is a keystone of the concept of human rights. The Slovak Republic instead, as a duty-holder is obliged to protect the inherent dignity of the right holders.

The illustrious and eminent paradox of human rights is that the main protector of human rights is also their main violator. Human rights have been widely confirmed but are incessantly violated by the very governments that affirmed them. “The key is recognizing denials and abuses of education and responding to them.”²⁴¹ Human rights work is permanent work, new denials and abuses occur all the time and there will be no end to this work. Much courage and commitments is required and much hope is to be created.

It is worth questioning what has been the justification by the EU to state that Slovakia is respecting human rights and fulfilling the criteria required for the membership. Even though the 2002 Regular report states that notwithstanding further efforts across all sectors, the situation of the Roma minority has remained difficult, ²⁴² it has not impeded the country to gain the official access to the “club of fifteen“. The European Union’s position has been rather contradictory towards the extent of conformity of the membership requirements. We could only guess what is hiding behind this “blindness” of the EU? Whether it is due to the

²⁴⁰ K.Tomasevski, *Education Denied*, cit., p. 57.

²⁴¹ K.Tomasevski, *Education Denied*, cit., p.6.

²⁴² Commission of the European Communities, 2002 Regular Report, cit., p.30.

effort of concealing the compliance in the treatment of minorities by the existing member states, remains to be seen. The EU should clearly recognize that the nature of the problems facing Roma is not only of economic and social nature. The violations occurring inside the Slovak Republic towards the Roma are human rights problems.

All the effort must be canalize to this direction and a great deal of support is needed from the part of the EU. If allowing the country to become a member, even though its treatment of Roma is far away from being satisfactory, the EU should not become reluctant to persist in the improvement of the Roma even when Slovakia will already be part of the new enlarged Europe. A lot of commitment, consistency and resources are needed from the EU as well as from the national government.

The recommendations proposed include measures improving the access to schools and to quality education for Roma children and measures ending the magnitude of discrimination against the Roma. These recommendations are partly the outcome of several inspiring recommendations already issued by some inter-governmental and non-governmental organisations. The recommendations for the Slovak government could be seen as relevant also in a wider context.

Recommendations for the Slovak Government

- ? Reconsider the Guiding Principles issued by the EU in 1999.
- ? Stop to consider segregation of Roma as a pure social or economic problem but understand it as a grave human rights problem.
- ? Create a new independent body in charge of investigating the serious and widespread issue of school segregation.
- ? Initiate an intensive and comprehensive fact-finding mission about the issue of school segregation in order to have a clear picture of the practice.

- ? Instigate a comprehensive desegregation campaign as already successfully implemented in some of the Eastern European countries, namely Bulgaria.
- ? Ratify the Additional Protocol No 12 of the European Convention on Human Rights.
- ? Adopt a comprehensive anti-discrimination legislation and establish a competent body to analyze the pervasive forms of discrimination against the Roma minority. This body should identify concrete solutions and provide assistance for victims of discrimination.
- ? Promote the involvement of Roma in the process of defining government policies
- ? Provide adequate multi-cultural education training for all school teachers and education professionals and introduce human rights education in all school curricula.
- ? Make preschool education free for all children and promote the attendance of Roma children in preschool education by giving them adequate help in the early language learning.
- ? Ensure that the dignity of all children is fully respected in schools.
- ? Organize awareness raising campaigns and training for Roma parents, in order to make them recognize the paramount importance of the education and to make them participate in their children schooling.
- ? Introduce multi-cultural curricula in all schools, teaching Roma history and culture even for majority pupils.
- ? Promote the development of cultural identity of Roma children by providing education in Romanes.
- ? Take further steps to improve the living conditions of the Roma since the substandard living conditions are an increasing obstacle in the path of schooling and thus in the development of their identity.

To the European Union

? Consider the problem facing by the Roma communities in Slovakia as a serious human rights problem and not a straightforward social and economic problem.

? Support more eagerly the Romani non-governmental organisations which are doing vital work with the Roma communities.

? Make funding of the Roma projects more transparent. Ensure that the money given to civil society doesn't remain to the hands of government but reaches its real destination.

? Spending on the education projects should be seen as a long-term investment and eligible for EU funding.²⁴³

²⁴³ This recommendation has already been acknowledged by UNDP.

Bibliography

Books

Chapman A. and S. Russel (eds.), *Core Obligations: Building a Framework for Economic, Social and Cultural Rights*, Antwerp, Intersentia, 2002.

Coomans F., *In Search of the Core Content of the Right to Education*, in A. Chapman and S. Russell (eds.) *Core Obligations: Building a Framework for Economic, Social and Cultural Rights*, Antwerp, Intersentia, 2002.

Crowe D.M., *A History of the Gypsies of Eastern Europe and Russia*, London, I.B Tauris Publishers, 1994.

Georghe N. and Acton T., *Citizens of the world and nowhere: Minority, ethnic and human rights for Roma during the last hurrah of the nation state*, in W. Guy (ed.), *Between past and future, the Roma of Central and Eastern Europe*, University of Hertfordshire, 2001.

Gheorghe N., *The social construction of Romani identity*, in T. Acton (ed.) *Gypsy Politics and Traveller Identity*, Hatfield: University of Hertfordshire Press, 1997.

Guy W., *Romani identity and post-Communist policy*, in Guy W. (ed.) *Between past and future, the Roma of Central and Eastern Europe*, University of Hertfordshire, 2001.

Hancock I., *foreword*, in G. Will, (Ed.) *Between Past and Future, the Roma of Central and Eastern Europe*, University of Hertfordshire, 2001.

Liégeois J.P., *School Provision for Ethnic Minorities: The Gypsy Paradigm*, Centre de recherches tsiganes and University Hertfordshire Press, 1987 new edition 1998.

Marushiakova E. and Popov V., *Historical and ethnographic background: Gypsies, Roma, Sinti*, in G. Will (ed.) *Between past and future, the Roma of Central and Eastern Europe*, University of Hertfordshire, 2001.

Nowak M., *The right to Education*, in A. Eide et al. (eds.), *Economic, Social and Cultural Rights*, 2nd ed., Kluwer Law International, Netherlands, 2001.

Nowak M., *U.N. Covenant on Civil and Political Rights, CCPR Commentary*, Strasbourg, N.P. Engel Publisher, 1993.

Sen A., *Reason before Identity*, Oxford University Press, 1999.

Taylor C., *Multiculturalism and the Politics of Recognition*, Princeton University Press, New Jersey, 1992.

Tomasevski K., *Education Denied, Costs and Remedies*, Zed Books, London, New York, 2003.

Zoltan B., *The East European Gypsies: Regime Change, Marginality and Ethnopolitics*, New York, Cambridge University Press, 2002.

Articles

Farnam A., *Slovakian Roma forced to ghettos*, in “The Christian Science Monitor”, January 3rd 2003, <http://www.csmonitor.com/2003/0103/p04s02-woeu.html>.

Gheorghe N. and Acton T., *Dealing with multiculturalism: minority, ethnic, national and human rights*, “ODIHR Bulletin” 3 2 winter 1994/1995, Warsaw, OSCE.

K. Holomek, *Roma in the former Czechoslovakia*, Newsletter No 4 1999
<http://www.czechia.com/hcaroma/newpage31.htm>

McLean D., *White Svinia remains a distant dream for the Roma*, in “Guardian Weekly”, 2003.

Mirga A. and Gheorghe N., *The Roma in the Twenty-First Century: A Policy Paper*, Project on Ethnic Relations policy paper, Princeton: PER, 1997.

Sandor E., *Slovak Population Census 2001: The Politics of Ethnicity*, in “13 Transition newsletter”, 34 35 (Jan.-Feb. 2002).

<http://www.worldbank.org/transitionnewsletter/pdf/JanFeb2002.pdf>.

Reports

BBC World reportage broadcasted on May 2003 under title ‘Reporters’.

Centre for Reproductive Rights, *Body and Soul, Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia*, 2003.

Csaky P., The speech of the Deputy Prime Minister for Human Rights, Minorities and Regional Development, 2003.

http://www.vlada.gov.sk/csaky/aktuality_start.php?id_ele=3395

Commission of the European Communities, 2002 Regular Report on Slovakia’s Progress towards Accession, COM (2002) 700 Final.

http://europa.eu.int/comm/enlargement/report2002/sk_en.pdf

The European Union, *EU support for Roma communities in central and Eastern Europe*, May, 2002.

http://europa.eu.int/comm/enlargement/docs/pdf/brochure_roma_may2002.pdf

The European Union, *Copenhagen Criteria of the European Union*, 1993.

<http://europa.eu.int/comm/enlargement/intro/criteria.htm#Accession%20criteria>

The European Union, *The Guiding Principles for improving the situation of the Roma in candidate countries*, 1999.

Bavoux P., *Report on Education*, Twinning Programme, Seminar of June, Bratislava, 2002.

ECRE, (2003)002 *The report of an "investigation," The impact of Special Schools on the Roma in Central Europe, A case of wilful criminal neglect & professional incompetence*, Brussels, 18 March 2003.

<http://www.eu-romani.org/ec302ss.htm#6>

European Roma Rights Centre, *Written Comments of the ERRRC concerning the Slovak Republic, for consideration by the UN Committee on Economic, Social and Cultural Rights*, at its 29th Session, Nov 29 November, 2002.

European Roma Rights Centre, *A Special Remedy, Roma and Schools for the Mentally Handicapped in the Czech Republic*, June 1999 p.4.

European Roma Rights Centre, *Time of Skinheads, Denial and Exclusion of Roma in Slovakia*, A Report by European Roma Rights Center, January, 1997.

Hero J., *The Strategy of the Government of the Slovak Republic for the Solutions of the Problems of the Roma National Minority in the field of Education*, Ministry of Education of the Slovak Republic.

Hrubala J., *Legal analysis of national and European anti-discrimination legislation, A comparison of the EU Racial Equality Directive and Protocol No 12 with anti-discrimination legislation in Slovakia*, September 2001.

Liégeois J.P., *Tsiganes et Voyageurs*, Strasbourg, Council of Europe, 1985.

Kalibova K., *Romany children in Czechoslovakia from the demographic point of view*, Department of Demography and Geodemography, Faculty of Science, Charles University, Prague.

Liégeois J.P. and Georghe N., *Roma/Gypsies: A European Minority*, Minority Rights Group, 1995.

Mistik, *Multicultural Education in Teacher Training*, Bratislava, 2000.

<http://www.fedu.uniba.sk/keov/em/knihy/curr/curr.html>

O'Nions H., *Czech Law Developments*, Romani Studies and Work with Travellers Conference, July 1996.

Open Society Institute, *Monitoring the EU Accession Process: Minority Protection*, 2002.

K. Orgovanova, *The Slovak government comprehensive development programme for Roma settlements*, Slovak Government, 2002.

http://www.government.gov.sk/orgovanova/dokumenty/rozvojovy_program_romskych_osad_en.doc

OSCE High Commissioner on National Minorities, *Report on the situation of Roma and Sinti in the OSCE Area*, OSCE, 2000.

Radio Free Europe, *Background Report*, 12 April 1978.

Roma Rights Centre, *Human Rights Report on the Situation of Roma in Eastern Slovakia*, Kosice 2001.

Vašecka M., *Country Report on Minority Rights in Pre-EU Accession: Slovakia*, Institute for Public Affairs 3 2001.

http://www.ivo.sk/subory/country_report_mr.pdf.

World Bank, *Poverty and Welfare of Roma in the Slovak Republic*, Foundation S.P.A.C.E., Ineko, The Open Society Institute, April, 2002.

UN Documents

United Nations, HRI/CORE/1/Add.120, 22 July 2002.

Committee on Economic, Social and Cultural Rights Documents

CESCR General Comment 11 on Primary Education, E/C.12/1999/4, , 10 May 1999.

CESCR, General Comment 13 on the Right to Education, E/C.12/1999/10, CESCR, 8 December 1999.

CESCR, General Comment 3 on the nature of States parties obligations, 14 December, 1990

CESCR, Concluding Observations to Slovakia, E/C.12/1/Add.81, 19 December 2002.

CESCR, E/C. 12/ 1998/14, 29 September 1998 .

Committee on the Elimination of Racial Discrimination Documents

CERD/C/304/Add.110, 1 May 2001.

Committee on Civil and Political Rights Documents

CCPR, Slovakia's State Report submitted under article 40 of the Covenant,

CCPR/C/SVK/2003/2, 6 August 2002.

Committee on the Rights of the Child Documents

Summary record on the 664th meeting of the Committee on the Rights of the Child, Slovakia, CRC/C/SR.664, 15 February 2001 p.2.

Commission on Human Rights, Annual report of the Special Rapporteur on the Right to Education, Katarina Tomasevski, UN Doc. E/CN.4/2002/60.

The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights.

UNDP, *The Roma in Central and Eastern Europe, Avoiding the Dependency Trap, A Regional Human Development report*, 2003.

Table 1. Dropout rates for Roma/Gypsy children (%).

School Year	1 st	2 nd	6 th	7 th	8 th	9 th
1979/77	49	20+	0.15+	58	75	95
1987/88	61	31	36	46	46	0*
1988/89	56	32	81	46	88	0*
1989/90	64	33	32	41	96	0*
1990/91	61	28	23	30	87	0*
1997/98	63	30	28	30	61	88
1998/99	63	5+	30	29	45	87
Average	61	20	30	40	71	90

*There was no 9th grade at elementary schools in Slovakia in these school years.

Source: Save the Children, Denied the Future, p.185