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Testimony :: Angela Kocze

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Commission on Security and Cooperation in Europe

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"Human Rights of the Romani Minority"

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It is an honor to be appearing before the Commission on Security and Cooperation in Europe to discuss the education of Romani children in central and eastern Europe. Before I begin, let me just say a word about myself and the organization I represent. I am the Human Rights Education Director of the European Roma Rights Center based in Budapest, Hungary. The ERRC is an international, non-governmental organization, which monitors the situation of Roma in Europe, providing legal defense to victims of abuse. Since it was established in January 1996, the ERRC has undertaken field research in more than a dozen countries, and has disseminated numerous publications, advocacy letters and public statements. In the summer of 1998, the then Legal Director of the ERRC, Mr. James Goldston presented testimony before this body about the current human rights situation of Roma in the region, and why the United States government and public should be concerned. For further information and reports, see <http://www.errc.org>

Apart from my activities related to the ERRC, I am also the Council of Europe's representative for Hungary on their Specialist Group on Roma/Sinti Issues.

THE NATURE AND IMPORTANCE OF EDUCATION: LINKS TO SOCIO-ECONOMIC FACTORS

Public education plays a compelling role in society. In particular, it is one of the most sensitive and important issues in minority-majority relations in various countries. I believe that education can be considered as academic capital, which results from formal education and is measured in society by degrees or diplomas held. Unfortunately, Roma quite often than not, are deprived such academic capital which could be a meaningful tool for integration in European society. Powerful structural changes can be rendered by education. Without equal access to appropriate education, structural mobilization is almost impossible. It is important to note that within the post-communist countries of Central and Eastern Europe, the economic transition has meant drastic budgetary cuts in educational programs.

The problems of access to education are quite complex, and they have a profound and lasting impact on the self-esteem of Roma. With reference to Romani children's education, the following points are inextricably linked: the socio-economic status of Romani communities (throughout the region today, Romani unemployment lies between 70-100% officially) has adverse impacts on maintaining a home, the health of the community, and naturally, school attendance. Many Romani children, just like children in the Third World, are forced to work alongside their parents in farming, scrap collection, trading, and even in the informal economy. Those in urban areas may drift towards delinquency given the poor socio-economic circumstances of their household. Lack of socio-economic opportunities result in increasing welfare dependency. A sense of hopelessness pervades these

Romani communities.

Racism, prejudice, misconception and hostility against Romani children are openly tolerated in the region. Central and Eastern Europe is today characterized by racism against Romani children in the classrooms, by both students and teachers. There are some myths concerning Roma children and parents all over Europe, one of that is the Roma parents do not encourage children to go school, however almost everybody want to seek a better future for their children life as it they had. Many of them parents report the real danger of skinhead violence when sending their children to school. Teachers and local authorities refuse to guarantee their safety. Then of course there is the isolation of most Romani children in the classroom and the neglect on the part of their teachers. This neglect can be considered as a form of passive racism. No wonder that Romani children, left to a traditional system of education coupled with socio-economic hardships in their family, and facing racism, drop out in large numbers even before completing primary education. While the last decade in the region witnessed an increasing emphasis on the attainment of civil and political rights for the Romani communities, the social and economic rights of Roma seem to have been relegated to a secondary status. However, it is precisely these rights that tend to determine whether the Romani communities will be viable in the future---viable enough to practice their civil and political rights.

Though there are serious issues related to the provision of Romani children's education in Western Europe(1), I will focus on the post-communist countries, where the majority of Roma live today. The estimated Romani population in Europe is between 8-10 million. My brief presentation will focus on problems of access (or lack thereof) to quality education and offer some recommendations for the members of the U.S. Congress.

HISTORICAL OVERVIEW OF THE EDUCATION OF ROMA

The lack of access to a quality education for Roma in the region has been the result of the peculiar and complex history of state policy in each country. Time does not permit me to give an exhaustive overview of the history, however, the legacies of the strong assimilationist policies of the Hapsburg monarchy in central Europe, and in the Balkans, the policies of the Ottoman Empire, have had profound consequences for such issues as language preservation and identity of the Romani communities today. In present-day Romania, which has the largest per capita Romani population, the history of slavery in Wallachia and Moldavia finally ended in the late 1800s. And it would be amiss of me if I didn't mention the greatest tragedy for Roma in the 20th century, the Holocaust or Porrajmos in Romani, an event which resulted in the destruction of whole Romani communities, and which is conservatively estimated at over half a million dead. As I am focusing on education in this presentation, I would like to emphasize that one of the continuing ways we are discriminated against is that our history is completely neglected in mainstream textbooks and research on our past, as well as contributions to society, are generally neglected by mainstream scholars.

Socialist Period

The next significant period in Romani history is the period after Nazism, where the liberation by Russia, and the subsequent strengthening of their hold on the region took place. The States in central and eastern Europe were in the process of power centralization as the communist parties became hegemonic. During this period, the Romani communities were seen in need of integration into the larger society, but an integration that was directed solely by the State. Though this resulted in significant improvements with regard to material and social benefits, for example, a guaranteed job and loans for housing, as well as a gradually increasing rate of school attendance for Romani children, the Socialist state tended to be hostile towards the maintenance of Romani identity. It was at this time that a system of differential learning began in central Europe: one for Romani children (many of whom spoke Romani as their mother tongue) who were labelled as "learning deficient", another, far superior education for non-Romani children. Those children who attended school with non-Romani children, were in many cases sent to separate classes. Even within the classroom, Romani children were at times placed on one side of the classroom, while the non-Romani children were placed on the other side. This system of segregated education has continued with some modifications to this day (eg. Ostrava case).

Post-Socialist Period

Since 1989 the educational policy towards Roma and their access to public services, including education has seen dramatic changes. I would now like to focus on several issues or problems which Roma children face today in the educational system:

I. Educational Segregation: This manifests itself in many different forms and varies from country to country in the region. If we look to contemporary history, two examples of systematic discrimination of minorities within the mainstream educational system stand out. The first has been the exclusion of African-Americans in U.S. society, while the other has been a parallel exclusion for European Roma. U.S. legislators need to be aware of the example set forth by the *Brown v. Board of Education* (1954) decision which heralded a new way of thinking in minority-majority relations in America.

At present, the societies in Central and Eastern Europe have become increasingly polarised, and this has resulted in growing segregation in the region. Hungarian philosopher Tamas Gaspar Miklos has classified this as one of the symptoms of a global phenomenon which he calls "post-Fascism", which in this case is characterised by stronger segregation in the school systems of central and east Europe.

A. Exclusion from Educational System

In many cases, mainstream schools don't accept Romani children for enrolment (in great part due to pressure by non-Romani parents), and re-direct them to so-called "Gypsy schools". Another form of exclusion is legislative restriction. For example, the current Romanian law on education (June 1995) prohibits children who have dropped out from the educational system for more than 3 years from resuming their studies. Coupled with poor socio-economic conditions, many Romani children become drop-outs and street children. One human rights advocate stated that in Romania the children are rejected very easily from schools if they do not have identification cards, thus ID cards are determining factors in obtaining an education. Needless to say, many Romani children do not possess these ID cards. Moreover, the parents, many of whom are illiterate, have a difficult time in negotiating with the bureaucracy, which inevitably requires written requests for their children. Romani families without valid documentation (as a result of forced marginalization) tend to fall out of the social safety net. Finally, I would like to make special mention of the situation in the Balkans. The thousands of Romani children from ex-Yugoslavia who were internally displaced and rendered de facto refugees (eg. Croatia, Bosnia, Serbia, etc.) have been unable to attend school for various reasons. The results of the previous decades wars, both the internal fractures within former Yugoslavia, and the most recent NATO war on Yugoslavia (re: Kosovar Roma) have resulted in massive internal displacements of Roma as well as loss of citizenship, disenfranchisement, and rights for thousands. Many of these families are living lives of legal limbo, and their children are deprived of educational possibilities. This has emanated from the tendency among many states of the region (eg. Croatia, Czech Republic, and others) to define one's nation on the basis of the dominant ethnic group's affiliation, thereby resulting in the de facto exclusion of Roma from citizenship.

B. Special Schools -Schools for mentally or physically impaired children

The over-representation of Romani children within the "special school" systems in the region has been an "open secret" for the past two decades. There was research conducted on the problem, but there was seemingly little will to change the policies. There are several reasons for the tracking of these Romani children into these substandard schools. For many Romani-speaking children, instead of receiving Romani-language instruction, they received lessons on how to "speak properly" in the language of their country. Another problem was the culturally biased test for entering school. These tests were based to a large extent on the values of the particular state's middle-class. To combat this severe institutionalised discrimination in the region, my organization now has a lawsuit before the European Court of Human Rights. This is a landmark case, which is drawing attention to one of the most serious educational problems facing the Romani community today (unfortunately, it could be many years before the ECHR reaches a decision). I quote the ERRC press release below:

Representing 18 Romani children from the Czech city of Ostrava, the European Roma Rights Center and local counsel filed an application with the European Court of Human Rights in Strasbourg, to challenge systematic racial segregation and discrimination in Czech schools. Dimitrina Petrova, ERRC's Executive Director, observed. "The Czech Republic's aspirations for integration with Europe cannot be reconciled with continued with continued racial segregation in education. We are asking Strasbourg to declare what

the Czech Republic, have suffered racial discrimination in violation of their human rights.

Each applicant, ranging from almost 9 to 15 years of age, was initially assigned to a special school for the mentally deficient on the basis of tests which have been validated for the Czech Roma, pursuant to procedures which give free rein to conscious and unconscious racial prejudice on the part of teachers, psychologist and school administrators. For decades, despite ample evidence of disparate racial impact, Czech officials have knowingly perpetuated a system which routinely brands disproportionate numbers of Roma have been deprived from an early age of equal educational opportunities essential to future life success.

The Strasbourg application contains abundant evidence showing that, in the district of Ostrava, Romani children outnumbered non-Roma in special schools by a proportion of more than twenty-seven to one. Although Roma represent fewer than 5% of all primary school-age students in Ostrava, they constitute 50% of the special school population. Nation-wide, as the Czech government itself concedes, approximately 75% of Romani children attend special schools, and more than halves of all special school students are Roma.

As a result of their segregation in dead-end schools for the mentally retarded, the applicants, like many other Romani children in Ostrava and around the nation, have suffered severe educational, psychological and emotional harm, including the following:

- They have been subjected to a curriculum far inferior to that in basic;
- They have been prohibited by practice from entrance to non-vocational secondary educational institutions, with attendant damage to their opportunities to secure adequate employment;
- They have been stigmatised as stupid or retarded with effects that will brand them for life, including diminished self-esteem and feelings of humiliation, alienation and lack of self-worth;
- They have been forced to study in racially segregated classrooms and hence denied the benefits of a multi-cultural educational environment.

In June of 1999, the present applicants unsuccessfully pursued administrative remedies and sought redress from the Constitutional Court of Czech Republic. The lawsuits charged the Czech Ministry of Educational and local school authorities with segregating the plaintiffs and numerous other Romani children into special schools for mentally deficient because they are Roma. The complaints noted that racial segregation and discrimination in education violate the Constitution of the Czech Republic, the Czech Charter of Fundamental Rights and Freedoms, other provisions of domestic law, and numerous binding international treaties including the European Convention on Human Rights.

The Constitutional Court, acknowledging the "persuasiveness" of the Applicants' arguments, nonetheless rejected the complaints, ruling that it had no authority to consider evidence demonstrating a pattern and practice of racial discrimination in Ostrava or the Czech Republic. The Court effectively refused to apply applicable international legal standards for proving racial discrimination.

Having exhausted domestic remedies, the applicants are now turning to the European Court of Human Rights in Strasbourg. Their Application contends that their assignment to special schools constitutes "degrading treatment" in violation of Article 3 of the European Convention of Human Rights. In so doing, it relies on the legal authority of the Strasbourg organs, which have made clear that "a special importance should be attached to discrimination based on race". The submission further argues that the Applicants have been denied their right to educational, in breach of Article 14; and that the procedure that resulted in their assignment to special school did not afford the minimal requisites of due process required by Article 6(1).

As Slovak Romani activist, Mrs. Anna Koptova has emphasised in the past, the placement of Romani school children in tantamount to the cultural and spiritual genocide of the Romani nation.

C. Schools in Romani Settlements

Throughout the region, there has been historical segregation of the Romani population that today continues to be manifested in separate Romani settlements or shantytowns on the edges of villages and towns. Though the socialist regimes of the region attempted to provide better housing for Roma and integrate them into the cities in some cases, they were not entirely successful in overcoming society's prejudices. The segregation of Romani children, already in place under the socialist regime, has been exacerbated by the liberalization of the educational system whereby parents can choose to place their children (eg. Hungary and Czech Republic) in schools with no or very few Romani children. In effect, the new regimes of central Europe have ceded their moral and legal mandates to curb the segregation and alienation of schoolchildren.

The so-called 'Gypsy' schools in the settlements are situated in or near the Romani quarters, and have a majority of Romani children. In Bulgaria for example, apparently more than 70% of Romani children attend such schools. Generally, the schools in the Romani settlements have poor infrastructure, where the buildings are substandard, toilets are unhygienic, etc. In addition, the teaching staff at these schools tends to be of poor quality, and unmotivated to help with the children's development.

D. Segregation in Separate classrooms/school facilities

Even in those schools in the region where Roma and non-Romani children share their social space, there are at times separate classes for Romani children and/or separate facilities for the children. As pointed out earlier, the segregation of Romani children within the schools and their facilities is still common.

In 1997, it was revealed that in the eastern Hungarian town of Tiszavasvari, 17 Romani students graduated from the Ferenc Pethe Primary school (8th grade). The ceremony was segregated, with the Romani children graduating at a different time than their non-Romani classmates. Upon further investigation by activists and journalists, it was revealed that the students had been physically segregated for eleven years. Moreover, these children were not allowed to use the gym or the students' cafeteria either. These practices were in direct abrogation of the Hungarian Constitution, Article 4 (7) of the Law on Public Education, as well as Law 77 of the Rights of Ethnic and National Minorities (1993). In addition, Article 76 of the Civil Code regards discrimination of the above nature as a violation of personal rights.

This graduation ceremony was the ultimate expression of the continuing discrimination in contemporary Hungarian educational practice. In a lawsuit brought forward by the Roma Foundation for Civil Rights, the School administration was charged with discrimination, and compensation for moral damages in the amount of approximately US\$2350 was requested. On December 1, 1998, the Nyiregyhaza City Court ruled that the personal rights of the children had been violated (under Article 76 of the Civil Code). The court's decision, however, did not recognize the anti-discriminatory provisions under the Law on the Rights of Ethnic and National Minorities.

Finally, though there certainly have been changes in the region in terms of the discourse on Roma (formerly "Gypsies") and in terms of national policy programmes, it has proven enormously difficult in the present political circumstances whereby the solution to the "Romani question" has been seen as a tool by the regional governments to gain accession to the European Union. We seek a political willingness to improving access to school and opportunities for academic achievement by Roma.

Moreover each country should develop an effective educational policy with a Roma community involvement.

In recent years there have been several successful projects addressing the Roma educational problem , which

mainly initiated by the civil sector. A substantial innovative programmes are supported by the Open Society Institute.

When the First Lady, Mrs. Hillary Clinton came to Budapest a few years ago, I had the pleasure of meeting her at the District VII Community Center. Here, many Romani people had the chance to raise their concerns about the problems facing our community, and now I feel privileged to share with you, the U.S. Congress, my personal views on the matter. Below, I highlight some concrete suggestions, which the U.S. government could assist with to encourage education of Roma in the region.

Recommendations:

- 1) In the present circumstances in the region, independent observers⁽²⁾ have suggested the importance of anti-discrimination legislation to fight segregation and societal disintegration.
- 2) Programmes for Romani assistant teachers in the primary school classrooms, and sensitization of non-Romani teachers (here both class and cultural issues are important). Teachers need to understand the child's needs, and in order to understand their needs, must understand their family situation. Thus, improved training for teachers in the teacher training colleges is needed.
- 3) Encouragement of parent-teacher communication by providing incentives at the local level (parent-teacher dinners/workshops, etc.)
- 4) Information about Roma should be "mainstreamed", not merely as projects in a few localities, but throughout the region (perhaps the European Union educational directorate-general should assist the applicant countries with this task).
- 5) In those Romani communities where the Romani language and other languages (such as Beas or Sinti) are the lingua franca of the local population, bilingual primary educational programs should be investigated and scholarships offered to Romani teachers to study bilingual methodology in the United States; this could be conducted through the auspices of USIS or the USAID. In addition, scholarships for Roma to learn about adult education in their own communities should be encouraged in the same manner.
- 6) Strengthening and re-orientation of vocational school programmes to meet market needs; for example, schools that will teach computer and information technology, re: USAID programs in the region.
- 7) University and High School exchange programmes for learning English, this could be conducted through a variety of public-private initiatives involving the US government and colleges/universities.
- 8) Finally I would like to add that the problem of anti-Romani sentiment in the region is not likely to go away without the continuous push on the part of domestic actors to overcome racism and xenophobia in society. Campaigns in the schools to educate European children in the mainstream about the contributions of Roma to their society and culture would be useful and certainly anti-bias education should also be implemented in this regard.

Ladies and Gentlemen of the United States Congress, thank you for your consideration.

* I would like to thank Ms. Nidhi Trehan, a doctoral student at the London School of Economics and Political Science, for assisting me in the drafting of this statement.

1. 1 This has been covered in School Provision for Ethnic Minorities: The Gypsy Paradigm, ed. Jean-Pierre Liegeois, University of Hertfordshire Press, 1998.

2.

2 For example, see the Draft Report by the Save the Children Foundation, "Denied a Future? The Right to education of Roma, Gypsy and Traveller Children", March 2000.