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Denied a Future? Volume 2: Summary

The countries covered in this volume demonstrate the wide range of differences that exist not only between different Roma/Gypsy populations across the continent of Europe, but also in the way states have developed policy towards these populations. The Roma/Gypsy minorities in the former communist countries of the Czech Republic, Slovakia and Hungary are far larger (both in absolute and relative terms) than those of western states (Finland, Italy, UK). Greece represents a half-way house between the two. Though never a communist country and a full member of the European Union (EU) since 1981, geographically Greece is part of the Balkan peninsular and was historically under Ottoman rule. This accounts for the fact that the size of the estimated Roma/Gypsy population in Greece (around 300,000 or 3 per cent of the total population) is similar to that in Central and Eastern Europe and other Balkan states.

The Country Reports also indicate historical differences in governmental approaches to Roma/Gypsies that continue to have a significant impact on their circumstances, especially in relation to education. Communist policies, from the end of World War Two (WWII), aimed at mobilising the whole of society (including Roma/Gypsies). This led to a far greater rate of integration of Roma/Gypsies in Central and Eastern Europe than in the West. That integration/assimilation policies were economically driven is particularly clear in the Czech Republic where the indigenous Roma/Gypsies were almost entirely exterminated under Nazi occupation and the current population is largely made up of post-war migrants from Slovakia (and their descendants). However, communist policies were not uniform across

Central and Eastern Europe, with Czechoslovakia adopting harsher assimilation measures than Hungary due to greater cultural and linguistic differences between Roma/Gypsies and mainstream society. Today around half of Roma/Gypsies in the Czech Republic speak the Romani language. Similarly, there are a large number of Romani speakers in Slovakia. As Slovakia was under Hungarian influence for many centuries there are also many Roma/Gypsies who maintain Hungarian language and identity.

In Finland and the UK nomadism (to varying degrees) is still a strong feature of the Roma/Gypsy population, reflecting the absence of explicit assimilation/integration policies. The main difference between the Roma/Gypsy populations of these two countries lies in their proximity to Central and Eastern Europe. The Finnish population is largely composed of relatively recent migrants from the region, whilst British Gypsies and Travellers are more tenuously linked to the wider Roma/Gypsy diaspora and share more similarities with indigenous Irish Travellers. Recent migration also accounts for a significant minority of the Roma/Gypsy population in Italy. The circumstances of the larger Roma/Gypsy population in Greece (which varies considerably between communities) also reflects the western approach of neglect, demonstrating that population size itself is not the sole determinant of integration.

There are significant differences in educational opportunities between the Roma/Gypsy populations of formerly communist and non-communist countries. In the UK and Greece, Roma/Gypsy and Traveller school attendance is

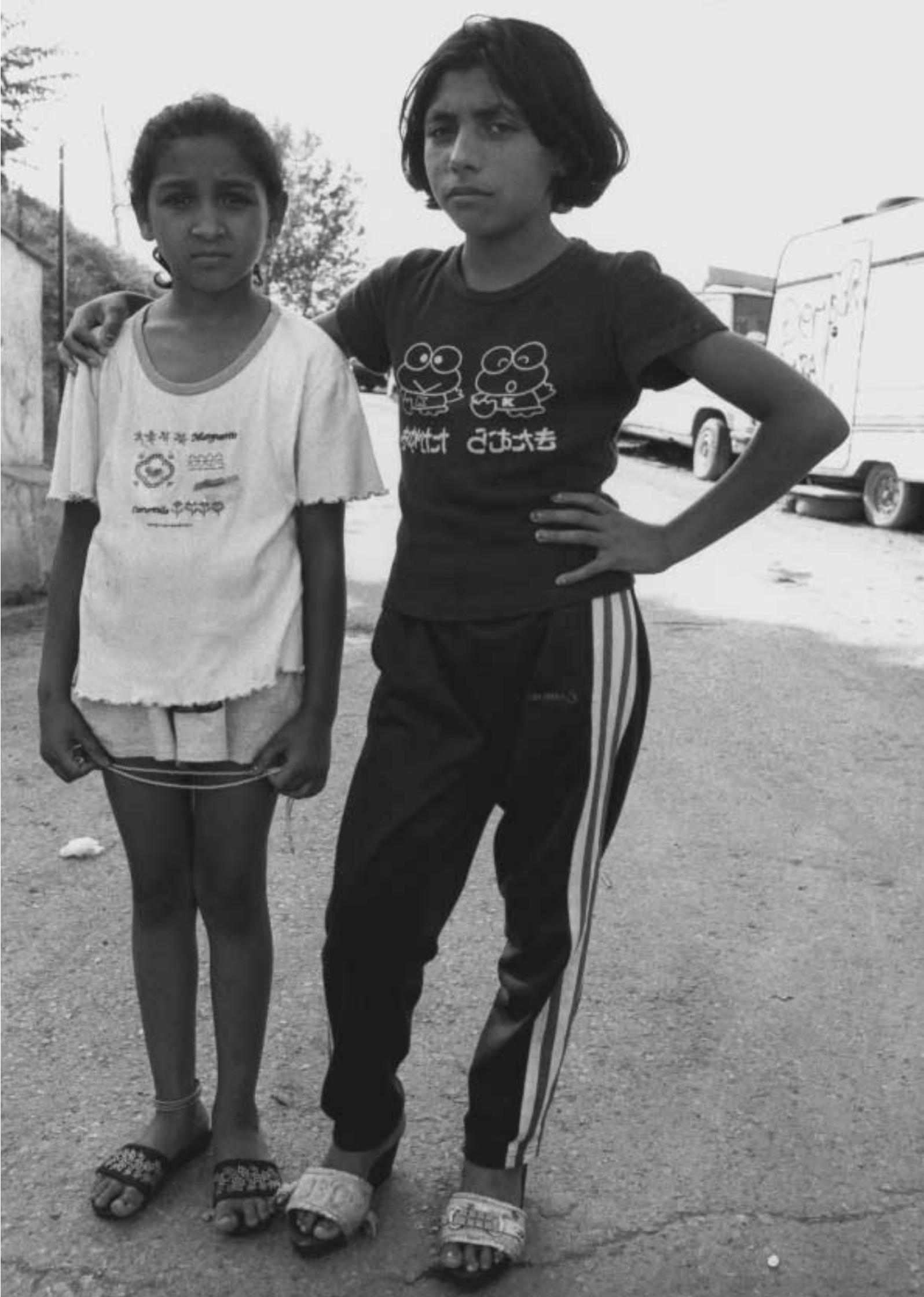
very low and the level of non-literacy high. The extent of social and cultural isolation from the mainstream means there is considerable anxiety about the impact of formal education on close-knit communities; this is being addressed slowly. A similar degree of isolation in Finland is being overcome by including Roma/Gypsies within the country's proactive approach to minority rights and support for minority languages. In Italy most Roma/Gypsies attend primary school, though with few going on to higher levels of education. The high number of post-war migrants speaking languages other than Italian creates particular challenges for education policy.

For the former communist countries, there is a notable difference between the educational circumstances of Roma/Gypsies in Hungary and those in the former Czechoslovakia. The practise of educational segregation, particularly the sidelining of Roma/Gypsy children into special remedial schools, is well entrenched in the Czech Republic and is practised, to a lesser extent, in Slovakia. The gross over-representation of Roma/Gypsies in these schools demonstrates that their placement often has little to do with educational need or ability, but reflects the failure of the mainstream education to adapt to the needs of those who use it.

In Hungary, the post-communist period has been characterised more by an embrace of minority rights and the discourse of Roma/Gypsy

“difference”. On the one hand, this allows for specific attention and support to be given to improve Roma/Gypsy educational attainment. On the other, it establishes the means for separating Roma/Gypsy children from their peers in special remedial schools, in “catch-up” classes or in separate hostels and schools. Whilst policy explicitly advocates equality and integration, in practice the immediate aim to create a small “middle class” of Roma/Gypsies draws attention away from the needs of the vast majority of Roma/Gypsy children.

In each of the countries covered in this volume, attention has been given increasingly in recent years to the educational circumstances of Roma/Gypsies, a process characterised by the deepening involvement of Non-Governmental Organisations (NGO) developing either new initiatives or complementing those taken by national authorities. Given the huge range in the circumstances, needs and aspirations of Roma/Gypsy populations in respect of education, these policies and approaches vary considerably from state to state. Although progress has been slow (and sometime measures are contradictory) the fact that more attention and resources are available is promising. If proper consultation is conducted with Roma/Gypsy pupils, parents and communities, there is the potential for all Roma/Gypsies to eventually be in a position where they can, alongside their neighbours and fellow citizens, enjoy their right to a relevant education.



Terms used

Each of the terms below is understood differently by different people. This list describes how we are using them in this report:

Preschool – sometimes referred to as nursery or kindergarten. This refers to the non-compulsory stage of schooling immediately prior to primary education.

Primary education – sometimes referred to as basic or elementary education. This refers to the foundation stages of a child's school education. In the Central and South-Eastern Europe context this means the compulsory element of schooling which in most cases caters for children between 6/7 and 14/15 years of age. In the West European context it refers to the stage of schooling that comes after preschool and before secondary. It can start for children as young as 4/5 years and usually goes up to the age of 10/11 years.

Secondary education – sometimes referred to as further education according to context. In Central and South-Eastern Europe, further education is the non-compulsory stage of schooling that immediately follows primary education. It caters

for young people aged from 14/15 years up to 18 years. In Western Europe, secondary education also follows on from primary education (ie, starting from 10/11 years) but is compulsory up to the age of 16 years. Pupils then have the option of continuing in further education up to the age of 18 years and the higher education post 18 years.

Community – a group of people who live within a defined context (eg, a Roma/Gypsy community in a remote rural area). When talking about “consulting with Roma/Gypsy communities”, we do not assume they are cohesive or that there is an organised structure to work through.

NGO (Non-governmental organisation) – this can be anything from a small voluntary group to a large development agency. More specifically:

Local NGO – a group working within a particular country, run by nationals, but who may be “outsiders” to the local communities with which they work.

INGO – an international non-governmental organisation.

Abbreviations used

CERD	UN Committee on the Elimination of Racial Discrimination
CJPOA	Criminal Justice and Public Order Act (UK)
CRE	Commission for Racial Equality
CSCE	Conference on Security and Co-operation in Europe
DETR	Department of the Environment, Transport and the Regions (UK)
DfEE	Department for Education and Employment
EC	European Community
ECMI	The European Centre for Minority Issues
ECRI	European Commission against Racism and Intolerance
ECU	European Currency Unit
EFA	Education for All
EMTAG	Ethnic Minority and Traveller Achievement Grant
EOC	Equal Opportunities Committee of the Scottish Parliament
EOTAS	Education Otherwise than at School (UK)
ERRC	European Roma Rights Centre
ESYE	National Statistical Service of Greece
EU	European Union
GDP	Gross Domestic Product
GHM	Greek Helsinki Monitor
GSAE	General Secretariat for Adult Education (Greece)
ISPO	EC Information Society Project Office
JRF	Joseph Rowntree Foundation
LEA	Local Education Authority (UK)
MCDC	Model Centre of Daily Care (Slovakia)
MPE	Ministry of Public Education (Italy)
MSP	Member of the Scottish Parliament
NGO	Non-Governmental Organisation
NMGS-G	National Gypsy Minority Self-Government (Hungary)
OECD	Organisation for Economic Co-operation and Development

OFMDM	Office of the First Minister and Deputy First Minister (Northern Ireland)
OFSTED	Office for Standards in Education (UK)
OSCE	Organisation for Security and Co-operation in Europe
PSI	Promoting School Inclusion (Northern Ireland)
RNN	Rom News Network
SME	Small and Medium-sized Enterprises
SPOLU	NGO based in the Netherlands
Sk	koruna (the Slovakian currency)
TES	Traveller Education Service (UK)
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WWII	World War Two

Preface

Why *Denied a Future?* was produced

The idea for the *Denied a Future?* report emerged at the 1999 session of the UN Commission on Human Rights. Save the Children presented information about the ways in which the right to education of Roma/Gypsy and Traveller* children was being compromised or violated in a number of European countries. Various people were interested in finding out more and asked us to recommend publications that they could refer to. We discovered that there were very few of these. While there was a lot of information available, from research institutes, from governmental sources, from organisations working with Roma/Gypsy and Traveller communities and from activists in those communities, this information was in libraries, archives and in people's heads, in many different locations and languages.

Large sums of money are being spent by governments, intergovernmental agencies and international NGOs on programmes that aim to reform education provision in Central and South-Eastern Europe and to improve the situation of Roma/Gypsy and Traveller children in Western Europe. The absence of an accessible text describing the starting point against which

* Given the vast number of names applied to the people who are the subject of this report, the term "Roma/Gypsies" is employed in accordance with Liégeois and Gheorghe's *Roma/Gypsies: a European Minority* (Minority Rights Group, 1995). In some Western European countries, the term "Traveller" is preferred. Therefore, in this report we employ the term "Roma/Gypsies and Travellers" or "Roma/Gypsy and Traveller" when we are referring also to countries with populations whose preferred term is "Traveller".

the impact of this expenditure could be measured meant that it was difficult to assess whether these programmes were actually bringing about positive changes for Roma/Gypsy and Traveller children. There appeared to be hundreds of small projects, many of which were highly innovative and successful. But it was hard to tell whether these successful pilot initiatives were having any significant impact in the long term or on a wider scale. In other words, was expenditure on pilots and experimental initiatives leading to any systemic change?

Save the Children decided that there was a need for a basic text that described legislation, policy and practice with regard to education provision for Roma/Gypsy and Traveller children in a number of European countries. *Denied a Future?* therefore describes law, policy and practice in the period June 2000 to June 2001. We intend the report to serve as a benchmark against which the impact of current and future investments by the World Bank, the European Union, national and local governments and other agencies can be assessed.

The issues addressed in *Denied a Future?* are of growing significance and relevance in contemporary Europe. They feature in the debates leading up to the enlargement of the European Union and in the work of the Working Table on Democratisation and Human Rights of the Stability Pact for South-Eastern Europe. The failure to safeguard the right to education of large numbers of Roma/Gypsy and Traveller children was highlighted at the UNESCO Education for All 2000 regional meeting for Europe and North America. It was also



highlighted at the European Conference against Racism, which was organised by the Council of Europe in preparation for the UN World Conference against Racism.

How *Denied a Future?* was produced

Each *Denied a Future?* country report was co-ordinated by a single author or editor. However, the authors/editors drew upon a wide range of written and verbal contributions in the countries concerned. The drafts were widely circulated by the co-ordinating team, and comments were particularly sought from individuals in Roma/Gypsy and Traveller communities who are clients and users of the education services under discussion. The views and experiences of Roma/Gypsy and Traveller children, young people, parents and teachers are central to the conclusions and recommendations of *Denied a Future?*

Who *Denied a Future?* is for

Denied a Future? comprises a Summary, an International Legislation Handbook and two volumes of country reports. The International Legislation Handbook describes the international and regional legal frameworks guaranteeing the right to education of children of minority groups. Volume One of the country reports covers South-Eastern Europe and Volume Two covers Central and Western Europe. There are summaries for each country report as well as volume summaries to allow for quick reference and ease of navigation. The Summary identifies the main findings of the 14 country reports, Save the Children's conclusions and recommendations for future action.

We expect different types of reader to use *Denied a Future?* in different ways. For international and locally based NGOs, we hope it will be useful as an advocacy tool. In the International Legislation Handbook, the relevant laws and articles are

explained and analysed, and the “control mechanisms” related to them are described. Each country report contains a section outlining the international legal instruments that have been ratified in that country. As a practical advocacy tool, *Denied a Future?* contains most of the information needed by NGOs that are interested in using international law to lobby for change at national and community level.

We hope that *Denied a Future?* will be widely used as a planning and briefing resource by staff and volunteers of intergovernmental agencies and international NGOs. The individual country reports provide an overview of law and policy, and also a detailed description of the situation in schools and communities and the views of pupils, parents and teachers. They also provide information about the different Roma/Gypsy and Traveller communities, their histories and the languages they speak. Within each country report there is a set of recommendations that Save the Children believes should be the focus for further attention and action.

We hope that policy-makers will find *Denied a Future?* a useful source of information about developments in other European countries. A great deal of good practice has been developed that can be scaled up and built upon. Although some of the country reports are critical of the records of governments to date, the intent in producing *Denied a Future?* is constructive. We are aware that there are significant financial and other barriers impeding policy implementation and also that a number of positive initiatives are underway, but have been instituted so recently that it is too early to discern

results. Our aim in producing *Denied a Future?* is to demonstrate where governments need to focus their efforts because their actions are such an important part of the solution. However, the country reports also indicate where action is needed by professionals, practitioners, NGOs, community leaders and activists.

The limitations of *Denied a Future?*

We should acknowledge from the outset that *Denied a Future?* is not the final word in the issue of the right to education of Roma/Gypsy and Traveller children. In some countries, it has proved difficult to get reliable information. However, in cases where we believed there was a possibility of bias, or where we were given information that was contentious or possibly out of date, we commissioned additional research and sought alternative views. We have not succeeded in getting as much information as we would have liked about how a child’s gender influences decisions about education. Also, the important issue of labour-market discrimination falls outside the parameters of this report.

Denied a Future? presents a “snapshot” in a dynamic period. Although every effort has been made by the project’s co-ordinators to ensure that the information is up to date, it is possible that, even in the few months between conducting research and going to print, new policies or initiatives will have been introduced. This is to be welcomed. We hope that the existence of *Denied a Future?* will make it easier for people to identify where and how things are changing for the better.

How we selected countries for *Denied a Future?*

A number of people have asked us how we selected the 14 countries that feature in the *Denied a Future?* report. Save the Children's UK and Europe Programme works in the United Kingdom and South-Eastern Europe. For our own purposes we were, of course, particularly interested in the situation in those countries. We wanted to include reports from other member states of the European Union in order to draw attention to issues which need to be addressed there too – the denial of the right to education of children who are labelled as “Gypsies” is often wrongly perceived as a problem limited to Central and South-Eastern Europe. Partner organisations in Italy, Finland and Greece were able to assist us in producing reports for these countries. Unfortunately, with the time and resources available to us, we were unable to extend the scope of the report to, for example, Spain, Germany, Ireland, Poland, Slovenia, the Baltic States or Russia. We have included reports on the Czech Republic, Slovakia and Hungary because, in these countries, segregation of Roma/Gypsy children and the practice of educating them in special schools for the mentally disabled present particular challenges.

Who are the children in the photographs?

Most of the photographs that appear in *Denied a Future?* were taken in Roma/Gypsy and Traveller communities in Bosnia and Herzegovina, Hungary, Italy, Serbia, Romania and Wales in the summer of 2001. The reports also feature images from the photographer's archive of work from other countries including the Czech Republic, England, Poland and Slovakia.

As a rule, the children and young people were closely involved in directing how they would be portrayed in the photographs. In many cases, they chose to be photographed alongside things and people that were important to them: brothers and sisters, friends, pets, toys, places where they play and work.

The photographer, Poppy Szaybo, has worked as a documentary photographer and organiser of cultural and educational projects with Roma/Gypsies and Travellers throughout Europe for over a decade. She extends her thanks to all of the communities she visited in summer 2001 for their kindness, hospitality and generosity. In particular, she would like to thank the young people that she worked with and photographed for sharing with her their humour, energy, vitality and warmth, making *Denied a Future?* an unforgettable and inspiring project with which to be involved.

I Roma/Gypsy and Traveller education in Europe: an overview of the issues

Introduction

The people to whom the term “Roma/Gypsy and Traveller” has been attached represent a unique phenomenon in European history and culture. From their first appearance in the historical record over 600 years ago, the relationship between Roma/Gypsies and mainstream societies has been marked by many tensions and changes. Roma/Gypsies are now widely considered to be Europe’s largest ethnic minority. The continental population is estimated to be between 7 to 8.5 million and rising. There are Roma/Gypsy and Traveller communities in practically every European country.*

This report examines educational policy and provision in relation to Roma/Gypsy and Traveller people from a child rights perspective. Access to formal education is more important than ever in enabling individuals to maintain and develop living standards in Europe’s increasingly knowledge-based economy. Formal education also plays an important role in promoting awareness of the diversity within society, as well as the recognition of our common humanity, providing the basis for our concepts of democracy and human rights. This report reflects growing concern in recent years about the failures of educational provision to Roma/Gypsy and Traveller people. In 1984 the European Commission instigated research into Roma/Gypsy and Traveller education, on the basis of which in 1989 the Council and Ministers of

Education passed Resolution 89/C 153/02 “On School Provision for Gypsy and Traveller Children”.

As its title suggests, the 1989 Resolution was drafted with reference to the circumstances and needs of the more mobile Roma/Gypsy and Traveller populations of the member states of the European Union (EU) at that time. The emphasis was on developing innovative practice to meet the needs of children and young people whose lifestyles presented practical and cultural challenges to service providers. The Resolution sought improvement rather than the achievement of any final aim and did not refer directly to rights. Over the following decade dramatic changes occurred both in terms of how Roma/Gypsies were perceived (to include the whole European diaspora), and in terms of how practice was developed, including the increasing importance of a human rights framework. This report aims to provide a basis for ongoing research into the relationship between rights and Roma/Gypsy and Traveller education. By gathering data on educational services and initiatives specifically targeted at Roma/Gypsies, and by compiling a summary of relevant national and international legal instruments, the report will provide a resource for all those involved in the field of Roma/Gypsy and Traveller education, including authorities with statutory duties to make appropriate provision. The need for such work is underlined by the recognition that the report comes at a time of rapid social, economic, cultural and political change, not only for Roma/Gypsy and Traveller people, but also for European society as a whole.

*It is important to note that Roma/Gypsies are not unique to Europe, but can be found in continents throughout the globe, including the Americas and Australia for example.

East and West

Since 1989, policy approaches towards the overwhelming majority of Roma/Gypsies and their access to public services, including education, have undergone dramatic changes as a result of the collapse of communism and the process of European reintegration. Over three-quarters of the continent's Roma/Gypsies live in the former communist countries of Central and South-Eastern Europe. There are considerable differences between Roma/Gypsies in Central and Eastern Europe, Roma/Gypsies in South-Eastern Europe and Roma/Gypsies and Travellers in Western Europe, in terms of their demographic distribution, and their historical, social, economic and cultural circumstances. Yet such divisions in themselves are arbitrary; there are just as many differences within countries as there are between countries.

Cultural and linguistic diversity

The inclusion of Roma/Gypsies from Central and South-Eastern Europe into Europe-wide policy initiatives emphasises all the more the need for policy-makers to consider the full range of cultural and linguistic diversities that exist. Central and South-Eastern Europe contain the overwhelming majority of Romani speakers in the whole of Europe, yet Romani speakers account for only around 40 per cent of Roma/Gypsies in the region. Furthermore, native Romani speakers use a wide variety of dialects. Most Roma/Gypsies speak the language of the surrounding society as their main language, and different

communities represent different stages of the transition from Romani to mainstream languages as mother tongue. Although the majority of Roma/Gypsies in Central and South-Eastern Europe live in the countryside, the region also has more and larger urban Roma/Gypsy populations than Western Europe. Finally, historically the relatively greater integration of Roma/Gypsies in the former communist states means that Roma/Gypsies in Central and South-Eastern Europe have been more exposed to majority cultural norms than their Western European counterparts.

A growing population

Roma/Gypsy populations in both parts of Europe differ in terms of their absolute and relative size. The often subjective nature of ethno-cultural identities, combined with the diversity and spread of Roma/Gypsy and Traveller communities, means that population figures should be treated as estimates. It is broadly accepted that approximately 4.2 million Roma/Gypsies live in eight Central and Eastern European states (which have a total population of 56 million). Only 1.5 million Roma/Gypsies live in the five largest Western European states (which have populations of between 30 and 80 million each) – over half of these live in Spain.

Table 1.1 Estimated size of Roma/Gypsy populations and GDP per head in selected EU and post-communist countries

Country	Total population	GDP per head (\$US)	Roma/Gypsy population (est.)	Roma/Gypsy % of total population
EU members				
France	59.3m	\$23,000	340,000	0.6%
Germany	82.8m	\$22,700	130,000	0.2%
Italy	57.6m	\$21,400	100,000	0.2%
Spain	40.0m	\$17,300	800,000	2.0%
UK	59.5m	\$21,800	120,000	0.2%
Post-communist states				
Bulgaria	7.8m	\$4,300	800,000	10.3%
Czech Republic	10.3m	\$11,700	300,000	2.9%
Hungary	10.1m	\$7,800	600,000	5.9%
Romania	22.4m	\$3,900	2,000,000	8.9%
Slovakia	5.4m	\$8,500	520,000	9.6%

Sources: Jean-Pierre Liégeois and Nicolae Gheorghe, *Roma/Gypsies: A European Minority*, Minority Rights Group International, London, 1995; *CIA Fact Book*, 2000

The context of transition

As well as considerable differences in wealth between the two halves of the continent, differences in economic development also have a major effect on the opportunities of Roma/Gypsy people and populations. Whereas Western European states generally allowed Roma/Gypsies and Travellers to develop traditional practices (for example, as private traders or seasonal farm labourers), in the communist states Roma/Gypsies were usually targeted for relatively

low-skilled employment within the centrally planned economy, in both agriculture and industry.

The transition in Central and South-Eastern Europe to a market economy has dramatically undermined the formerly state-owned extractive, manufacturing and agricultural concerns that provided the main employment opportunities for most Roma/Gypsies in this region. The result has been widespread long-term structural unemployment and a deepening dependence

on dwindling state benefits and services. Economic difficulties for Roma/Gypsies are exacerbated by slow economic recovery in some countries, coupled with the emergence of widening gaps between the more- and less-developed areas both within countries and between Northern Europe and South, East and Central Europe.

The importance of children

Within this wider context, the situation of Roma/Gypsy and Traveller children and young people is particularly important. Throughout Europe national populations are in greater or lesser decline, and there is growing concern about the implications of an increasingly ageing population. However, the age profile of Roma/Gypsy and Traveller communities diverges considerably from the national average in many states. A combination of higher fertility and lower life expectancy means that young people constitute a majority in most Roma/Gypsy communities and the percentage of Roma/Gypsies of school age is greater than that of the Roma/Gypsies as a whole within national populations. Addressing the educational disadvantages of Roma/Gypsy and Traveller children is therefore a matter of particular urgency in order, firstly, to ensure that a growing number of individuals can enjoy their human rights and equality of opportunity, secondly, to contribute to the development of Roma/Gypsy communities and cultures, and finally, to ensure the economic development and social cohesion of Europe and its individual countries.

In Western Europe the main challenge has been to connect mobile or socially isolated Roma/Gypsy and Traveller children to the education system. By contrast, in Central and Eastern Europe the vast majority of Roma/Gypsies are settled, with most children enrolled in primary school (although this is not necessarily the case in South-Eastern Europe). The question for many countries in Central and Eastern Europe is more one of the quality of education received rather than one of access. Currently about half of Roma/Gypsy and Traveller children in the EU never attend school, although the situation varies from country to country and between communities. In Central and Eastern Europe attendance rates (especially in primary school) are at least 50 per cent higher, although again with wide variations within the region.

A European issue

In spite of such huge diversities among Roma/Gypsy and Traveller communities across Europe, one feature is more or less ubiquitous: the persistence of prejudice and discrimination. This in turn reinforces their relative lack of success within mainstream institutions and processes and, in particular, in formal education. This focuses attention on the importance of tackling anti-Roma/Gypsy and Traveller prejudice. However, there are a variety of other factors that also affect the access of Roma/Gypsy and Traveller people to education. This demands that policy-makers be aware of the diversity that exists within the pan-European Roma/Gypsy and Traveller diaspora. This has proved particularly difficult to achieve, given the inherent tendency in

all policy-making to over-simplify issues in order to make the policy-making task both manageable and cost-effective.

During the Cold War division of Europe, policy towards Roma/Gypsies was almost exclusively framed within national boundaries. Since 1990, there has been a dramatic increase in the levels of attention and in the number of initiatives focusing on Roma/Gypsies drawn up by supra-national European institutions. Their number is so great (and rapidly increasing) that the timeline (see pages 22 and 23) indicates only the main developments explicitly relating to or directly affecting Roma/Gypsies.

European institutions with a pan-European membership (Council of Europe, OSCE) have shown particular interest in Roma/Gypsies. To date, their activities have largely centred on information gathering, including the establishment of offices to provide continual monitoring and information exchange on Roma/Gypsy-related developments within individual countries. EU activity has been divided between the provision of ongoing support for initiatives aimed at improving the educational opportunities of Roma/Gypsy and Traveller children and voicing concerns about the human rights situation of Roma/Gypsies in candidate countries within negotiations on EU enlargement.



Table 1.2 Timeline of main European initiatives aimed at Roma/Gypsies and Travellers

1969	Council of Europe Recommendation 563 (1969) "On the Situation of Gypsies and other Travellers in Europe".
1975	Council of Europe Resolution (75)13 "Containing Recommendations on the Social Situation of Nomads in Europe".
1983	Council of Europe Recommendation R(83)1 "On Stateless Nomads and Nomads of Undetermined Nationality".
1984	Resolution C172/153 "On the Situation of Gypsies in the Community" was passed in the European Parliament. It recommended that national governments of member states co-ordinate their approach to the reception of Gypsies.
1987	EU Report "School provision for Gypsy and Traveller Children". The report was extended until 1989 to take account of new member states (Spain, Portugal, Greece). The full report was published as "School Provision for Ethnic Minorities: The Gypsy Paradigm" in 1998 (Interface Collection).
1989	EU Council Resolution No. 89/C 153/02 (No. C 153/3) "On School Provision for Gypsy and Traveller Children".
1991	Paris Charter for a New Europe (CSCE) – which made specific reference to the need to address the "particular problems" of Roma/Gypsies and also developed a framework of explicit minority rights.
1992	Office of High Commissioner on National Minorities established in the Conference on Security and Co-operation in Europe (CSCE) (since renamed the Organisation for Security and Co-operation in Europe – OSCE) with responsibility for monitoring and resolving potential ethnic conflicts. The High Commissioner has taken particular interest in the situation of Roma/Gypsies.
1992	Council of Europe European Charter for Regional or Minority Languages – provisions of which may be applied in respect of "non-territorial languages" such as Romani.
1993	High Commissioner on National Minorities (CSCE) first report on "Roma (Gypsies) in the CSCE region".
1993	Council of Europe Recommendation 1203 (1993) "On the Situation of Roma in Europe".
1993	Standing Conference of Local and Regional Authorities in Europe, Resolution 249 (1993) "On Gypsies in Europe: the Role and Responsibilities of Local and Regional Authorities".

More broadly, the OSCE and the Council of Europe have been active in developing the concept of minority rights and proactive engagement to encourage the preservation and promotion of distinctive minority languages, cultures and identities. The EU has concentrated more on anti-discrimination and equal opportunities measures. Overall, in the 1990s, there has been a significant increase of interest

in issues of racism and inequality and a number of fora have emerged through which interested parties, including Roma/Gypsies and their organisations, can contribute to debate and policy-making at the European level.

Table 1.2 Timeline *continued*

1994	Appointment of a Co-ordinator of Activities on Roma/Gypsies, Directorate of Social and Economic Affairs – Council of Europe.
1995	Council of Europe – Framework Convention for the Protection of National Minorities – requiring states to develop a proactive approach to enabling minority communities to develop and promote their culture and identity.
1995	Specialist Group on Roma/Gypsies established in the European Committee on Migration (CDMG) – Council of Europe.
1996	Contact Point for Roma and Sinti Issues established in the Office for Democratic Institutions and Human Rights – OSCE. The Contact Point's role is to co-ordinate Roma/Gypsy-related initiatives within European institutions, to monitor relevant legislative and political developments in individual countries and to promote Roma/Gypsy self-organisation/representation.
1997	EU – Amsterdam Treaty, Article 13 of which provides the basis for the EU (and member states) to develop initiatives aimed at combating racial discrimination and promoting equal opportunities.
1997	Accession negotiation for membership of the EU opened with Poland, the Czech Republic, Slovakia, Hungary, Bulgaria, Romania and Slovenia. The situation of Roma/Gypsies is dealt with under Political Criteria, and the EU's annual "Opinions on Progress towards Accession" includes specific reference to the situation of Roma/Gypsy minorities in individual countries.
1998	EU – European Monitoring Centre on Racism and Xenophobia established to monitor development in race relations throughout Europe, publishing annual reports on each of the member states of the Council of Europe. Since its inception, it has taken a special interest in the situation of Roma/Gypsies.
1999	EU adopts "Guiding principles for improving the situation of Roma" in Candidate Countries that includes a large number of recommendations in the field of education.
2000	EU Race Directive 2000/43/EC, making provisions for equal treatment, regardless of ethnic origin, binding on member states.
2000	Second report by the High Commissioner on National Minorities (OSCE) "On the Situation of Roma and Sinti in the OSCE Area".

Information and policy-making

The way that Roma/Gypsies are viewed by policy-makers shapes how policy towards them is formed and implemented. The current lack of success of Roma/Gypsies and Travellers within mainstream educational systems reflects a long history of governments failing to adopt appropriate and effective policies towards

Roma/Gypsies in general. This failure is rooted in the inability and, in most cases, the reluctance of policy-makers and decision-takers to fully appreciate the history, circumstances, aspirations and capabilities of Roma/Gypsy and Traveller people. There are few, if any, other population groups in Europe against which regular racist pronouncements and actions still pass largely unremarked. The tendency has been for

Roma/Gypsies to be seen as “the problem” rather than the key to the solution, and it is still unusual to come across acknowledgements that “the problem” could be the outcome of personal or institutional racism or well-meaning but ill-advised policies. The consequences of failed governmental initiatives have been deepening misunderstanding, fear and suspicion, contributing to the generation and reproduction of prejudice on both sides. The end result is frequently to apportion blame to Roma/Gypsy and Traveller people themselves for policies and practices that were derived without any consultation with, or involvement of, their end users.

Problems of accountability

Being aware of the reasons for past policy mistakes may help to avoid their repetition. In recent years this process has been greatly facilitated by the unprecedented degree of self-organisation displayed by Roma/Gypsy and Traveller people, and their desire to engage in decision-making processes that affect them. There are still significant obstacles to the development of reliable mechanisms of accountability between those who represent (especially at national and international levels) and those who are represented. Every activity in which Roma/Gypsies and Travellers come into contact with mainstream institutions (such as education) should have a basis of dialogue and consultation. It is increasingly recognised (at least in Central and Eastern Europe) that government policy cannot be implemented without the consent of Roma/Gypsy and Traveller people. Underpinning

this is the need to develop a dialogue that does not reinforce a Roma/Gypsy elite, but that reflects their diversity. The question is not only to what extent decision-takers invite and understand the views of Roma/Gypsies, but also to what extent they take into account these representations when decisions are made. It is important that supra-national institutions, governments, NGOs and other organisations are able to evaluate the growing data on Roma/Gypsies and their circumstances in order to avoid joining the long list of those who have failed to find an answer to the “Gypsy Question”.

A “common European home”

The movement towards the greater internationalisation of Roma/Gypsy and Traveller policy began in 1984 with the passage in the European Parliament of Resolution C172/153 “On the Situation of Gypsies in the Community”, which recommended that governments of member states co-ordinate their approach to the reception of Gypsies. The collapse of communism and the continuing process of EU enlargement have served to increase the diversity of legal instruments which can be deployed in relation to the education of Roma/Gypsy and Traveller children and young people. Indeed, the creation of a “common European home” could have particular significance for Roma/Gypsies. By making Roma/Gypsies and Travellers citizens of a multicultural Europe rather than minorities within nation states, they may finally be able to overcome some of the many problems they face. However, at the same time, the debate on EU enlargement has created scope for some national

governments to seek to evade their responsibilities towards their Roma/Gypsy populations by portraying Roma/Gypsies as a stateless “European problem” for whom no national government need take responsibility.

The rights framework

In addition to the current context of changing policy approaches to Roma/Gypsies, this report is being compiled at a time when large-scale political changes in Europe are creating new fora and an enhanced role for the discourse on human rights. For much of the post-war period, international law and the domestic legislation of European states have dealt with the rights of ethnocultural minorities by guaranteeing their right not to be discriminated against. Policy affecting Roma/Gypsies – including education policy – was developed and implemented within individual states and is therefore subject to domestic political and cultural considerations. Since they had little political influence at this level, Roma/Gypsy and Traveller people and their interests were rarely taken into account.

European enlargement has strengthened the position of international agreements with regard to domestic legislation through the process of legal harmonisation. In addition, new bodies have been established to monitor political developments within states and to check compliance with international agreements. In 1993 the Parliamentary Assembly of the Council of Europe endorsed Recommendation 1203 “On the situation of Roma in Europe”, which explicitly requested that governments

implement international agreements relating to Roma/Gypsies. Offices have been established within the Council of Europe (Specialist Group) and the OSCE (Contact Point) to monitor and advise on policy towards Roma/Gypsies against a rights background. Furthermore, the OSCE’s High Commissioner on National Minorities has conducted two detailed investigations into the circumstances of Roma/Gypsies (1993 and 2000). In respect of post-communist states (many of which have large Roma/Gypsy populations), their aspirations to join the EU are conditioned by the Copenhagen Criteria, which demand the “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”.

Minority rights

As a result of these developments there are now accessible institutions, charged with collating data and facilitating good policy and practice across Europe, working to a more rights-oriented agenda. The process of Europeanisation also means that more Roma/Gypsies are able to promote their interests at a wide range of international fora and may seek remedies at the European Court of Human Rights.

A key change in the rights discourse has been the development of special rights for ethnocultural groups, known collectively as minority rights. The degree to which minority rights will evolve, and the extent of their application with regard to Roma/Gypsies, is a matter of conjecture and will be decided ultimately by how useful they are perceived to be in different local contexts and at



the regional (European) level. In 1991, minority rights achieved detailed expression in the Paris Charter (CSCE/OSCE). This was followed, in 1995, by the Council of Europe's Framework Convention for the Protection of National Minorities, which implicitly recognises minorities as collective entities with legal entitlements. Given the wider debates about Roma/Gypsies, and most recently Travellers, as ethnic minorities, minority rights have an important bearing on Roma/Gypsy and Traveller education.

The primary justification of minority rights lies in the acknowledgement that the right not to be discriminated against has not ended discrimination. Their justification also lies in the recognition that minorities possess certain characteristics that are not dealt with by anti-discrimination and often require additional institutional or legal support to maintain. Whereas anti-discrimination rights seek to make sure that members of minorities can access mainstream resources, services and individual remedies, minority rights focus on enabling the minority community to develop and reproduce itself as a distinct cultural community.

Extensive linguistic and cultural diversity and the wide variation in relationships with extra-communal institutions, societies and cultures that characterise Roma/Gypsy and Traveller communities pose fundamental challenges to the development of a distinct cultural community. However, it is precisely because the Roma/Gypsy diaspora exhibits diverse circumstances and needs that minority rights may well prove to be the most useful instrument in addressing a particular issue or situation.

Human rights

Human rights mechanisms have also dealt with rights for Roma/Gypsies and Travellers. The UN Commission on Human Rights, the UN Sub-Commission for the Promotion and Protection of Human Rights and its Working Group on Minorities are examples of fora where the issue of Roma/Gypsy rights have been made explicit. For example, in 1999 the Sub-Commission entrusted one of its members to prepare a working paper on the human rights problems and protection of Roma/Gypsies. In addition, the reports of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance have frequently referred to discrimination encountered by Roma/Gypsies and Travellers.

Child rights

Finally, the existence of the United Nations Convention on the Rights of the Child and its almost universal ratification by governments across the globe has helped to reduce the invisibility of children and establish their value in their own right. The establishment of formal mechanisms to monitor child rights and in particular the UN Committee on the Rights of the Child have been instrumental in holding countries to account on a number of issues, some of them specific to Roma/Gypsy and Traveller children.

A voice for Roma/Gypsies and Travellers

The development of appropriate and effective policy and other initiatives targeting Roma/Gypsy and Traveller education has been facilitated by improved channels of communication between Roma/Gypsy and Traveller people and mainstream society, resulting from the unprecedented growth in formal Roma/Gypsy self-organisation. Since 1970, five World Gypsy Congresses have been held, with a continually expanding number of affiliated organisations. Since 1979, the International Romany Union has enjoyed Consultative Status at the UN (enhanced in 1993). European institutions have proved less enthusiastic about supporting the establishment of a permanent representative body for Roma/Gypsies; however, the Specialist Group and the Contact Point (see page 15) encourage both national and international Roma/Gypsy and Traveller organisations to play a greater role in decision-making.

At the national level, the steady growth in the number of Roma/Gypsy and Traveller organisations in Western Europe since the 1960s has been enhanced by Roma/Gypsies in Central and South-Eastern Europe exploring new opportunities to adopt a public role with the development of civil society in this region and the end of one-party political systems. Roma/Gypsy and Traveller representation currently plays a mediator role, allowing Roma/Gypsy and Traveller people to transmit information up to Government as well as providing policy-makers with a means of disseminating information and

explaining policy to Roma/Gypsy and Traveller communities. The balance in these relations varies according to the political context, ie, the degree of political authority that Roma/Gypsy and Traveller representation can command in any situation, and the extent to which policy-makers are interested in taking on board what Roma/Gypsies might have to say.

Decisions taken at local-government level often have direct significance for Roma/Gypsies and Travellers, especially in the field of education. Local authorities usually have the primary role in allocating resources and monitoring the quality of educational provision. As Roma/Gypsies and Travellers perceive the need to develop mechanisms for representing their view to local decision-makers, the response of authorities ranges from conflictual to co-opting. Roma self-organisation can also take cultural or religious forms and manifests itself within the activities of mainstream NGOs and other organisations. The development of Roma/Gypsy and Traveller media throughout Europe also provides means by which Roma/Gypsy and Traveller people and mainstream actors can establish a dialogue and aim for greater mutual understanding.

Finally, there are the Roma/Gypsy and Traveller individuals themselves, including children and young people. The arena of education is naturally favourable to identifying and establishing dialogue with those targeted by educational initiatives. In respect of education, it is particularly important to identify, understand and take account of the views of those most directly affected by education: children themselves.

Therefore, the *Denied a Future?* report includes many direct quotations from school pupils and other young people in which they explain their experiences and aspirations.

The diversity of Roma/Gypsies and Travellers, their long history and the continued pervasiveness of anti-Roma/Gypsy and Traveller prejudice means that governments and NGOs must be aware of the need to establish confidence in

themselves and their activities among Roma/ Gypsy and Traveller communities. Such confidence is best achieved through the representatives of mainstream bodies demonstrating their ability to understand the concerns of Roma/Gypsy and Traveller people, including those of children, and to establish a consensus on how Roma/Gypsy and Traveller people can enjoy their educational and other rights.

2 The Czech Republic

“According to an estimate of some experts and employees of the Ministry of Education, Youth and Sport, up to 80 per cent of all Romani children go to special schools.”

Racism, Xenophobia and the Position of Romanies,
Czech Helsinki Committee,
21 February 1998.

“What would you like to be?”

“I would like to be a teacher. My mum wants me to change schools, because she says that it is the only way for me to become a teacher.”

“What subject do you like best?”

“I like mathematics and Czech language.”

Roma/Gypsy girl, 11 years old, in a special remedial school for the mentally handicapped

Summary

Context

Czech Roma/Gypsies have very high levels of unemployment, and suffer discrimination in housing and education. There is severe racial violence, with little protection provided by the police or judiciary. Government policy has lacked coherence, but the approval in 2000 of the “Concept of the Governmental Policy towards the Members of Romany Community” indicated a changed attitude.

Roma population

There are 200,000-250,000 Roma/Gypsies, mainly Slovak, Hungarian and Vlach Roma. They live in all parts of the country, with the highest concentrations in the north of Bohemia and the north of Moravia. Almost all are settled, often in poor and effectively segregated housing. The main dialects of Romani spoken are Slovak and New Vlah. There are several Roma/Gypsy organisations and publications, and Roma/Gypsy members of municipal councils and Parliament.

Roma and education

The education system is highly segregated. The education Roma/Gypsy children receive is generally of very low quality and they leave with no or few qualifications. The ‘Concept of the Governmental Policy’ recognises the severe inequality in the education system, but as yet has had little impact.

Language provision

There is little education in Romani language and culture, although there have been recent moves by government to improve this situation.

Special schools

Two-thirds of Roma/Gypsy children attend special schools for the “intellectually deficient”. Their misallocation lies in biased IQ tests, prejudice and the lack of information given to parents about their options. They are over-represented in children’s homes and instruction centres.

Other separate provision

Attempts to create separate provision for Roma/Gypsies have had varied results. Parental participation appears to be important to the success of these endeavours.

Balance of NGO and government activity

“Zero year” classes and teaching assistants in schools are the two main government projects to improve educational attainment. There are several joint NGO-government initiatives.

Czech Republic report contents

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Introduction – the Roma/Gypsy population

Demography and Roma/Gypsy groups

According to unofficial estimates the number of Roma/Gypsies living in the Czech Republic is between 200,000 and 250,000 – about 2-2.5 per cent of the total Czech population (although according to the official census the figures are much lower). According to the Prague-based Fund for Threatened Children, Roma/Gypsy children now make up about four per cent of all children.

Roma/Gypsies live in all parts of the country, with a stronger concentration in the north of Bohemia and the north of Moravia (areas of the former Sudetenland). Almost all Czech and Moravian Roma/Gypsies were exterminated during WWII, and most Roma/Gypsies currently living in the Czech Republic have either migrated from Slovakia since 1945 or are descendants of those who have done so. Of these, about 90 per cent are “Slovak” and “Hungarian” Roma – the descendants of Roma/Gypsy communities settled in Slovakia since at least the 18th century. The remaining approximate ten per cent are mainly Vlach Roma¹ – descendants of Roma/Gypsy slaves from Romania liberated during the 19th century, who lived semi-nomadically until 1958, when the Czechoslovak “Law on the Permanent Settling of Nomadic Individuals” enforced their settlement.²

Czech Roma/Gypsies speak in the main two dialects of Romani: Servitka and Vlashika (ie, the Slovak and New Vlach dialects).

In addition, Hungarian and Sinti are spoken by a number of families. In the Slovak villages from which the families of current Czech Roma/Gypsies have recently migrated, the first language was overwhelmingly Romani. In the Czech lands these Roma/Gypsies were subjected to considerable social change and resulting assimilatory pressure. Extended family structures and traditional trades were partly lost as Roma/Gypsies were proletarianised in the industrial areas around the frontiers of Bohemia and Moravia, and under strong anti-Romani language pressure from the communist government. As a result, the use of Romanes has tended to decline, with third-generation Czech Roma/Gypsies often being monolingual in Czech.

However, there is no consistent pattern of language use. In communist days, Romanes was variously characterised as a language which “would only slow down the process of re-education of Roma”, or as the “decaying language of a socially and culturally backward part of the population”. Specifically, in schools, Roma/Gypsy children were punished for speaking Romanes. Punishments included fines for each word of Romanes spoken, refusal of access to camps and clubs, and even the shaving of Roma/Gypsy children’s heads. It is not surprising that parents, under this pressure, tried to speak Czech to their children, or, if they couldn’t, tried to hide the fact. After the Velvet Revolution in 1989, however, Roma/Gypsies began asserting their distinct identity, producing Romani language periodicals and literature. In 1991, a Czech-Romani dictionary was published.

The socio-economic status of Roma/Gypsies

Roma/Gypsies have suffered from high rates of unemployment, discrimination, segregation and racial violence. Unemployment for Roma/Gypsies ranges between 70 per cent and 90 per cent. Discrimination in jobs and services is common. Many Slovak-descended Roma/Gypsies were denied citizenship of the Czech Republic following the division of Czechoslovakia, and although the situation has since been remedied somewhat, there is a feeling among many Roma/Gypsies that they are without a recognised place in Czech society.

Minority rights

In its 1998 concluding observation on the Czech Republic, the UN Committee on the Elimination of Racial Discrimination (CERD) noted with concern that the Czech Republic does not have civil or administrative law provisions expressly outlawing discrimination in education, housing and healthcare. It further noted that there was no administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies. The denial of access to public places such as restaurants, pubs, discotheques and similar establishments by people belonging to some ethnic minorities, especially Roma/Gypsies, is also



noted with concern, as is the marginalisation of the Roma/Gypsy community in the field of education. Evidence that a disproportionately large number of Roma/Gypsy children are placed in special schools, leading to *de facto* racial segregation, and that they also have a considerably lower level of participation in secondary and higher education, raises doubts about whether Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination is being fully implemented.

In its 2000 report on the Czech Republic, CERD still expressed concern with issues raised in 1998 and recommended that the government “undertake effective measure to eradicate racial segregation in the area of housing and education of the Roma population.” CERD further expressed the opinion that measures taken to combat racial discrimination in the field of teaching, education, culture and information should be intensified.³ It further reiterated its concern at the “lack of criminal, civil or administrative law provisions expressly outlawing racial discrimination in education [...]”⁴

In its 1997 concluding observations on the Czech Republic, the Committee on the Rights of the Child noted with concern that adequate measures had not been taken to prevent and combat all forms of discriminatory practices against children belonging to minorities, including Roma/Gypsy children, or to ensure their full access to health, education and other social services. The Committee is concerned that the principles and provisions of the Convention on the Rights of the Child are not fully respected as

regards Roma/Gypsy children, in particular those who are in detention or otherwise institutionalised.

The Opinion on the Czech Republic’s Application for Membership of the EU from July 1997 expressed concerns over the treatment of the Roma/Gypsy population in areas of education, social situation and called for stepping up measures to combat discrimination against the Romani population.

The Progress Report 2000 of the European Commission calls for intensifying protection of women and children against trafficking. Although the situation of Roma/Gypsies in the area of education was judged to have improved due to the support of the education system, the Czech Republic was still seen as not having achieved lasting improvement for the overall situation of Roma/Gypsies.⁵

In early 2001 the Czech Republic agreed that CERD can hear individual cases under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. This may provide opportunities for redress that are currently denied by the Czech judicial system. In April 2001 the Deputy Foreign Minister, Martin Palous, signed a memorandum of understanding on co-operation towards improving the condition of Roma/Gypsies. In May the Foreign Ministry set up a department specifically to deal with Roma/Gypsy issues, and announced that it will appoint an advisor on Roma/Gypsy affairs.

The right to education

Article 33 of the Charter of Fundamental Rights and Freedoms, published as Law No.2/1993, is the constitutional safeguard of the right to education. It states that:

- 1 *Everybody has the right to education. School attendance is obligatory for a period specified by law.*
- 2 *Citizens have the right to free education at elementary and secondary schools and, depending on the citizen's ability and the potential of society, also at university-level schools.*
- 3 *Schools other than state schools may be established, and instruction provided there, only under conditions set by law.*
- 4 *The conditions under which citizens are entitled to assistance from the state during their studies are set by law.*

Article 3, paragraph 1, of the Charter proclaims the general right to education without discrimination. Pupils and students may attend any kinds and grades of school according to their abilities, academic achievement and state of health.

The primary legislation is contained in Law No. 29/1984 Coll. on the system of elementary and secondary schools, as amended; in Law No. 171/1991 Coll. on universities, as amended, and in Law No. 390/1992 Coll. on preschool facilities and schools, as amended.

School attendance is compulsory in the Czech Republic, and generally starts on the first day of the academic year (1 September) following the

child's sixth birthday. It lasts nine years and ends on the last day of the academic year in which the pupil completes his or her compulsory school attendance. People who endanger the education and upbringing of minors by failing to register a child for compulsory school attendance, or by neglecting to supervise the compulsory school attendance of a pupil, are guilty of an offence.⁶

Rules on schools providing special instruction for people belonging to national minorities are set out in Law No. 29/1984 Coll. on the system of elementary and secondary schools, as amended. In the academic year 1995/96, some 30 schools in the Czech Republic provided instruction in the Polish language (in the north of Moravia), and one school in the Slovak language.

An amendment (no. 19/2000 Coll.) to School Act No. 29/1984 Coll. slightly improved the situation of the vast generation of Roma/Gypsies that completed their education at special remedial schools for the mentally handicapped. The amendment says that all pupils – not only those who completed primary schools and thus completed their primary education, but also those who only finished primary schools without actually completing their elementary education – are now entitled to continue at the secondary school (Article 19, Section 1 of the School Act).⁷ However, in practice, as pointed out by a Prague-based NGO, Counselling Centre for Citizenship, Civil and Human Rights, “many Roma have not accomplished the basic education that allows them to benefit from the amendment.”⁸

In practice

The right to education of Roma/Gypsies

“Special measures should be taken as regards education and training of the members of minority groups, particularly members of the Roma/Gypsy community.”

European Commission against Racism and Intolerance, ECRI’s country-by-country approach, Vol. I, 1997, Report on the Czech Republic, G. 9.

In the Czech Republic, Roma/Gypsy children are about 15 times more likely than non-Roma/Gypsy children to be placed in special schools for children with learning disabilities. Research conducted by the European Roma Rights Centre (ERRC) resulted in a similar conclusion.

In 1998/99, ERRC found that Roma/Gypsy children outnumbered non-Roma/Gypsy children in special remedial schools by more than 27 to 1. Although Roma/Gypsies represented fewer than five per cent of all primary school-age students in Ostrava, they constituted 50 per cent of the special school population.⁹ In this way, more than two-thirds of Roma/Gypsy children are institutionally deprived of the education and qualifications necessary for them to lead a full and varied life. In addition, the special school system, in which an estimated 75 per cent of children are Roma/Gypsies, is effectively a substandard segregated system. There is no doubt that this is the most serious problem to be addressed with regard to the education of Roma/Gypsy children in the Czech Republic.

The Czechoslovak “Law on The Permanent Settling of Nomadic Individuals” (1958),¹⁰ was in

many ways a reworking of Roma/Gypsy laws from 1927. It obliged local councils to support the process of making “regular working citizens” out of nomadic individuals, and imposed prison sentences upon anyone who insisted on continuing with a nomadic lifestyle in the face of such “help”. In practice, while the law made no specific reference to Roma/Gypsies, and while the great majority of Roma/Gypsies in Czechoslovakia were already “settled”, the law was often used as an excuse to forcibly relocate Roma/Gypsies, whatever their lifestyle. In 1965, the “Ordinance on Provisions for the Solution of Questions of the Gypsy Population” attempted to deal with “undesirable concentrations of Gypsies”, aiming particularly to break down settlements (*osady*) in Slovakia and move their inhabitants into the Czech Lands.¹¹

These two political moves, which had a serious impact on social structures within the Roma/Gypsy community, were not matched with adequate guarantees of state support. In particular, the 1958 law did not even register the educational needs of newly “settled” or resettled Roma/Gypsy children, while the 1965 Ordinance only repeated weakly (three times) that “more attention” should be devoted to Roma/Gypsy children. There was no recognition of a Roma/Gypsy identity and, in general, laws directly and indirectly concerning Roma/Gypsies were based on the assumption that they were ill-adapted Czechoslovaks. The same was true in education. The tradition of the “unified” school, dating back to Austro-Hungarian times, and re-encapsulated in the 1948 Schools Act, provided a system in which ethnic difference, just as any other deviation from an average which became a

norm, was treated as a failure to adapt. At no point in the communist period did Roma/Gypsies have nationality or minority status.

From the 1960s onwards, the failure of the Czechoslovak education system to provide adequate education for Roma/Gypsy children is reflected in the steadily growing proportions of Roma/Gypsy children sent to special schools. In special schools where the proportion of Roma/Gypsy children seems to have been realistic originally, that proportion rose to 50 per cent or more. It was over this period that the popular and professional educators' view of special schools as the "solution" to the problem of Roma/Gypsy education was formed. This view remains prevalent in many places today.

After 1989 a new and democratic Government did not appear to have time to deal with the problem of Roma/Gypsy children in special schools. A 1996 Human Rights Watch/Helsinki report was forced to conclude that "the situation with special schools [had] not improved much in recent years." 1997 brought a chance for change. On 29 October 1997 the Czech Government accepted the Council for National Minorities' "Report on the Situation of the Romani Community in the Czech Republic," including its 44 recommendations, 11 of which were addressed to the Ministry of Education. On 1 November 1997 a Roma/Gypsy co-ordinator was appointed at the Ministry, with the task of supervising the implementation of the government's recommendations. However, two subsequent changes of government have reduced the impact of these recommendations. On 7 April 1999 the government issued Resolution no. 279

ordering the Plenipotentiary for Human Rights and the Chair of the Inter-Ministerial Commission for Roma Community Affairs to draft a "Concept of the Governmental Policy towards the Members of Romany Community" [hereafter Concept]. On 14 June 2000, the Concept was approved by the government in Resolution no. 599.

The Concept shows a changing attitude towards Roma/Gypsy children in the educational system on the part of the government. Research that preceded the drafting of the policy document and that became a second part of the Concept devotes a substantial section to the education system. Although the Concept and the accompanying study analysing the situation of Roma/Gypsies present a relatively new and refreshing approach to the issue there are still a number of concerns:

- While the commitment to a more flexible education system is welcome, the terms are extremely vague. However, the commitment to equality of opportunity is made clearly for the first time, as is the principle of state responsibility.
- The approach to education of Roma/Gypsies as "primarily" a question of dealing with mother tongue Romani-speakers is inaccurate and will lead to waste of energy and funds.
- The statement still stops short of discussing wrong diagnosis, and fails to refer to discrimination (although the accompanying notes are clearer on this). As a result, the concern arises as to who will decide on the placement of children in the proposed "flexible" classes? There still appears to be an assumption that it is Roma/Gypsy pupils

who have inherent problems, rather than the school system which has problems with Roma/Gypsies.

- There is no reference to anti-discrimination legislation in schools.
- The idea of scrapping special schools entirely has been entertained by some at the Ministry of Education for a while now. This would have the particular advantage of liberating large amounts of money for integrative projects (a special school place currently costs twice as much as an elementary school one). However, there will be considerable opposition to this from special schools and from the MPs (at the time of writing it was proposed that the Schools Law be discussed in the Lower Chamber of the Parliament). According to some observers there is a little chance that the law will be passed in its present form, because it proposes abolition of special schools as well as elite gymnasiums. Several MPs have a vested interest not to support this law, since their children attend the elite gymnasiums.
- There is no clear indication of time-scale. Since the Resolution was passed, the Czech Commission for Human Rights has criticised Ministries for dragging their feet.

Overall, though, this is an encouraging document, starting as it does from educational needs as perceived by Roma/Gypsy parents, rather than from abstract ideas of what minorities might want. Previous experience however has shown that this working-out period is very unpredictable, and that many recommended policies disappear into individual Ministries, only to be lost entirely at the next change of government. It is therefore crucial that international bodies make informed

representations to the Czech government now. One encouraging sign is the publication in December 2000 by the Inter-Ministerial Commission for Romani Community Affairs of a detailed report relating to the Concept and previous government resolutions on Roma/Gypsy issues.¹² Another is the recent completion of the introductory *Report on Human Rights Education in the Czech Republic*, to be submitted to the UN, and the related government resolution.¹³

Further government-supported initiatives include the launch in March 2001 of *Varianty*, a project to tackle xenophobia. Although concerned with all forms of xenophobia, its primary focus will be on Roma/Gypsies. It is sponsored by the EU and organised by the People in Need Foundation, with Czech government support and involvement. The government has emphasised the aims of the project in contributing to the development of a multicultural curriculum and greater acceptance of Roma/Gypsies and other minorities by Czechs.

Citizenship and education

In spite of such attempts at improving the situation for Roma/Gypsies in the area of education, the general context of citizenship remains a major problem for many Roma/Gypsies. The 1993 Law on Citizenship effectively prevented about 30,000 Roma/Gypsies living on the territory of the Czech Republic from obtaining Czech citizenship. Among those affected were many thousands of children whose parents lost their entitlement to child benefit, and who found themselves required to pay fees at secondary school. While recent amendments to the citizenship law should now enable many of these families to claim citizenship successfully,

the situation must be monitored. One group of people who may not be helped by the amendments are those who have returned to the Czech Republic after seeking asylum, thus losing their permanent residence. In the early 1990s, when some Roma/Gypsy families sought asylum in Germany, their children were all placed in special schools on their return because they were behind with the Czech syllabus. At present, many families seeking asylum in the United Kingdom, Canada and elsewhere will be extremely vulnerable if returned to the Czech Republic. It will be particularly important to ensure that those children who have been successful in education systems in other countries are not automatically placed back in the special school system.

Special schools

“Considering the fact that education is a key area in view of Romani integration, efforts of the Czech State have been insufficient so far ... Although the Czech Republic undertook to develop an active policy, we do not see integration but on the contrary segregation activities.”

Development of the Situation of Romany Minority in View of Compliance with the Framework Convention, Czech Helsinki Committee Annual Report for 1998, <http://www.helcom.cz/en/zprava98>.

“According to an estimate of some experts and employees of the Ministry of Education, Youth and Sport, up to 80 per cent of all Romani children go to special schools.”

Racism, Xenophobia and the Position of Romanies, Czech Helsinki Committee, 21 February 1998.

As mentioned above, a Roma/Gypsy child is almost 15 times as likely as a non-Roma/Gypsy child to be designated “intellectually deficient” and placed in a special school. As a result, estimates suggest that more than two-thirds of Roma/Gypsy children pass through special schools, and that in many special schools Roma/Gypsy pupils make up of over 80 per cent of the school population.¹⁴ The result is greatly reduced educational success and employability for Roma/Gypsies.

The UN Human Rights Committee in its Concluding Observations (July 2001) on the Czech Government’s compliance with the International Covenant on Civil and Political Rights expressed “particular [...] concern [...] about the disproportionate number of Roma children who are assigned to special schools designed for mentally disabled children, which would seem to indicate the use of stereotypes in the placement decisions in contravention of [...] the Covenant.” The Committee called upon the government to “take immediate and decisive steps” to eradicate what it termed “the segregation of Roma children in its educational system.”¹⁵

Sources for information about the education of Roma/Gypsy children include the most recent officially held statistics on the ethnicity of school children, published in 1991 by the Federal Ministry of Work and Social Affairs and the most recent (1999) volume of the Institute for Information on Education’s Statistical Yearbook. However, the Statistical Yearbook does not make full reference to ethnicity. It has therefore been common practice in the Czech Republic to



suggest that there are no accurate statistics on the distribution of Roma/Gypsies within the education system, and to claim as justification for this the “civic principle” which refuses to distinguish between citizens on the basis of their ethnicity. Concern at this approach was raised by ECRI’s suggestion in 1997: “steps should be taken to improve information on the Roma/Gypsy community at the level of local authorities, research institutions and non-governmental organisations in order to facilitate the planning of social policies in relation to the Roma/Gypsy community.” To this it should be added that research has shown that many local authorities do, in practice, keep records of ethnicity in schools which are not made public. As a result, the possible beneficial aspects of statistics (in campaigning for improvements in educational policy) are prevented, while the privacy of the Roma/Gypsy individuals involved is still not respected.

The following sections consider the legal status of special schools, the procedure by which a child is placed in a special school; some of the reasons why Roma/Gypsies are so over-represented in these schools and the possible legal remedies available to Roma/Gypsies who are discriminated against in this way.

What are special schools?

Section 4 of the Czech Schools Law is devoted to “specialised schools”, at both elementary and secondary levels.¹⁶

“Specialised schools offer, using special educational and teaching methods, means, and forms, education and teaching to pupils with mental, sensory or physical handicap, pupils with speech impediments, pupils with multiple impediments, pupils with behavioural difficulties and sick or weakened pupils placed in hospital care; they prepare these students for integration into work processes and the life of society.”

There are three subcategories of “specialised schools”: those that offer the full elementary school syllabus to pupils with physical handicaps or behaviour disorders; “special schools” offered in the place of elementary schools to pupils with learning disabilities and “auxiliary schools”, for “pupils who cannot even be educated in special schools.”¹⁷ Roma/Gypsy children are massively over-represented in special schools; they are not significantly over-represented in specialised schools or auxiliary schools.

Despite smaller classes and higher funding per pupil, it is unambiguously disadvantageous for a social group to have its children disproportionately allocated to special schools, for several reasons. First, the Schools Law is clear on who special schools are for:¹⁸

“in special schools pupils are educated who have intellectual deficiencies [*rozumové nedostatky*] such that they cannot successfully be educated in elementary schools, nor in specialised elementary schools.”

It also clearly states where “mentally handicapped” children and pupils are to be designated: “special kindergartens, remedial special schools, auxiliary schools, technical training centres and practical schools”.¹⁹

Secondly, pupils in special schools are not provided with an education of equal value to that received in elementary schools, and are able to progress only to “technical training centres” and “practical schools” – which offer shortened and limited programmes and do not award full school-leaving qualifications. In other words, a

decision to allocate a small child to a special school has immediate implications for the whole of his or her future education.

How do children enter special schools?

“The majority of Romani children are, from the very beginning, perceived as outsiders who will not succeed, both in their own community and by the school, and it is only a matter of time until these students are transferred to a special school. Many, if not most, elementary school teachers follow teaching methods which try to ‘paint Romani children white’, without considering the fact that a Romani student is just as valuable a client as any other, whatever his starting position. ... The traditional solution in situations where the difference between Romani and other children’s achievements is unmanageably high has been transfer to a special school – seen by both sides as a release.

‘Report on the situation of the Romani community in the Czech Republic’, attached to Resolution No. 686/1997, on the present situation in the Romani community, of the Czech Government, 29 October 1997, Sections 4.1.2. and 4.1.7.

The organisation, funding and structure of specialised schools, and the process by which pupils are placed in them, are the subject of the 1997 Specialised Schools Decree of the Ministry of Education.²⁰ The Decree reiterates the fact, established in the Schools Law, that special schools are offered to pupils with learning disabilities, here reformulated as “mentally handicapped”. According to the ERRRC,

“This is the only group of students to whom special schools are offered; in other words, special schools are designed to meet the needs of ‘mentally handicapped’ children, and of no other group. It is therefore evident that 80 per cent of Roma/Gypsy children are now, *de facto*, designated ‘mentally handicapped’ by the Czech education system.”²¹

Article 7 of the Decree establishes the process by which a child is placed in a special school. The placement depends upon three things: the decision of the director of the (designated) special school, the consent of the legal guardian of the child, and the opinion of an educational psychologists’ centre. While the director makes the final decision, he or she can only place a child outside the mainstream system with the agreement of the legal guardian:²²

“The placement and transfer of children and pupils into specialised kindergartens and specialised elementary schools, special schools, auxiliary schools and preparatory-level classes is decided by the director of the school, with the agreement of the pupil’s or child’s legal guardian.”

The requirement for parental consent is often used to refute the idea that Roma/Gypsies are sent to special schools regardless of their actual abilities. However, there is ample evidence that many Roma/Gypsy parents are either manipulated into consenting or inadequately informed of the effect of their consent.

The parents and special school director respond to an initial recommendation, which may come from one of a variety of people:²³

“A suggestion to place a child or pupil in one of the schools referred to in No. 7/1 may be made to the director of that school by any of the following: the pupil’s legal guardian, the school already attended by the pupil, an educational psychologists’ centre, a health establishment, an organ for family and child care, an education centre or a diagnostic institute of social care for mentally-handicapped youth.”

In practice, it is normally made by the “mother” school, and there is a tendency for teachers in this school to attempt to get rid of the “weaker” children. This initial recommendation is followed by an assessment made by an educational psychologists’ centre. The decree fails to define the precise nature of this assessment:

“an educational psychologists’ centre will collect together all the materials necessary for a decision and will suggest to the director of the school the placement of the child or pupil in the appropriate type of school.”

The tests usually performed by the educational psychologist are of the IQ-test type. These may be supplemented by a doctor’s report and, if the child has already started school, a report from the mainstream school. On the basis of the tests and other information, psychologists can recommend that the child is sent to a special school. While in theory this initial placement should be temporary,

and while the pupil's stay at a special school should always hold open the possibility of a transfer back, in practice neither of these correctives is used. Although the recent amendment to the Schools Law makes transfers possible, there is still a significant group of children who do not have access to the benefit of transferring to a regular primary school. Most children are placed in special schools either at the beginning of school attendance or within the first two years, and nearly all of these pupils stay in special school for the remainder of their primary education.

There is nothing in the Schools Law or the Specialised Schools Decree that is explicitly discriminatory. In fact, neither refer at all to ethnicity nor nationality. However, they provide the framework against which the discriminatory placement of Roma/Gypsy children in special schools is carried out, and establish that special schools will then provide Roma/Gypsy children with second-rate education. Ultimately, the laws fail to provide any mechanism for specific complaint or legal remedy against placement in special school.

The educational psychologist and the IQ test

Reasons for the over-representation of Roma/Gypsies in special schools include the linguistic and cultural specificity of the IQ tests used; the failure of elementary schools and assessment systems to take into account the linguistic situation of young Roma/Gypsy children, and sometimes explicit discrimination by teachers and educational psychologists who see special schools as the “natural home” of Roma/Gypsy children.

Crucial in the decision to allocate a child to special school is the examination and expert opinion of the educational psychologists' centre, and crucial in that expert opinion is the IQ, or psychometric, test. A 1997 Czech government report states that “Romani children are transferred [to special schools] on the basis of a standard procedure, a psychological examination”.²⁴ The key word here is “standard”: a frequent argument against the existence of discrimination in the allocation of Roma/Gypsy children to special schools is that they are placed there on the basis of objective tests.

The tests include verbal and non-verbal elements and are based on the Wechsler and Stanford-Binet tests used in the West. A significant step against the discrimination of Romani children in schools is the recent standardisation of new test WISK-III-UK, which is less culturally biased than previous tests. The debates about the effectiveness of IQ tests in general, and about their tendency to reflect racial biases in the society in which they are applied are well documented. On top of this, the use of the tests in the Czech Republic is further complicated by the fact that they have never been properly reconfigured even for the Czech language (let alone for Romani). As a result, in practice, different psychologists use different tests or different versions of the same tests. However, some commentators feel that discussion about altering IQ tests to make them reflect the cultural specificity of Roma/Gypsy pupils is unproductive; the evidence suggests that, while IQ tests may be the basis of educational psychologists' decisions about ethnic Czech children, they are not crucial in decisions about Roma/Gypsies.

There is no definition of, or administrative decision about, the cut-off point at which a pupil's IQ test designates him or her as having "intellectual deficiencies" (Schools Law), and therefore as being special school material. As a result, even the supposedly "standard" IQ test results are subject to non-standard interpretation. In practice, investigations (both by NGOs and by the Ministry of Education itself) have found Roma/Gypsy pupils with IQs as high as 120 who have nonetheless been placed in special schools. Reasons given in these cases include "antisocial behaviour" in the classroom. This is very worrying for two reasons: first, if a child – Roma/Gypsy or non-Roma/Gypsy – genuinely shows behaviour disorder, he or she should be placed in a specialised school offering the full normal syllabus, rather than being inappropriately placed in a school for children with learning disabilities. Secondly, it seems that while this misdiagnosis is not exclusive to Roma/Gypsy children, it is very widely applied to them. This generates the speculation (supported by Roma/Gypsy parents and activists) that when Roma/Gypsy children misbehave in the classroom of an elementary school, they are punished by effective "demotion" to special schools.

Other factors leading to placement in special schools

"Romani children are disproportionately placed in such schools because they under-perform in tasks designed for majority Czechs, and because of the racist attitudes of schooling authorities. As a result of centuries of discriminatory and degrading treatment at the hands of authorities, some Romani parents

co-operate in placing their children in remedial special schools or, in a scenario decried by many Roma and non-Roma, request that their children be placed there."

ERRC, *A Special Remedy: Roma and Schools for the Mentally Handicapped in the Czech Republic*, June 1999 p.11

A number of other factors may be important in the pattern of gross misallocation of Roma/Gypsy children to special schools. One is the problem of parental consent. It has been a great source of frustration to Roma/Gypsy leaders in recent years that many Roma/Gypsy parents continue to give their consent to, or even to request, the placement of their children in special schools. There may be several reasons for this. Roma/Gypsy parents have very often been educated at special schools themselves and are unable to help their children with the very heavy burden of homework required by the Czech basic school system. They are often inadequately informed of the educational difference between special school and elementary school, and may, wrongly, believe that special schools are advantageous for Roma/Gypsies.

In addition, in many towns special schools are located in areas with high concentrations of Roma/Gypsies, and families may feel under economic pressure to send their children to the "local" school. Special schools, with their high budget per child, provide children with books and club activities, and poor families may feel that their children are getting a better deal going to a school which imposes less of a financial burden on them.

A further factor behind the placement of Roma/Gypsy children in special schools is that many Roma/Gypsy parents remove their children from elementary schools as a result of the discrimination and bullying which the children suffer there.

Yet another factor is particularly worrying. There are frequent examples of special school heads canvassing Roma/Gypsy parents of preschool children to persuade them to send their children to special school. In such cases, with parental consent and the consent of the special school head, children may be in special school for years before they even have a psychologist's assessment, by which time it may be too late for them to catch up on the elementary school syllabus. As schools in the Czech Republic are now financially self-regulating, there is increasing pressure on special school heads not to risk losing their Roma/Gypsy pupils.

While there is clear evidence that psychologists are responsible for sending many Roma/Gypsy children inappropriately to special schools, they are to some extent only responding to demands from the "mother" elementary schools and from the "destination" special schools. Roma/Gypsy parents are not properly informed of the implications of the decisions they are making for their children.

As a response to this situation, Article 60 of the Amendment to the Schools Law allows organisations of courses that are aimed at completing elementary education. Another major step is the establishment of preparatory classes,

in accordance with the Article 58 of the Schools Law for children from socially disadvantaged environments. Ironically the majority of the preparatory classes were established in the special remedial schools for mentally handicapped. In 1999/2000 there were 1,425 children in 114 preparatory classes.

Legal remedies

The Framework Convention for the Protection of National Minorities was ratified by the Czech Republic in December 1997, and entered into force on 1 April 1998. In accordance with Article 10 of the Czech Constitution, this Convention is "directly binding and take[s] precedence over the law". However, previous experience has shown that local courts, and even the Supreme Court and the Constitutional Court, are reluctant to give weight to international treaties.

The most recent Resolution passed on matters concerning the Roma/Gypsy community was the "Concept of the Governmental Policy towards the Members of Romany Community" in June 2000. This requires the Ministry of Education to "create conditions limiting racial (and other) discrimination and if necessary present to the government suggestions for amendments to existing laws." Such amendments have not, so far, been presented to the government, although work on a new Schools Law has been in progress since early 1998. In particular, the recommendations made by CERD in 1998 do not appear to be leading to laws specifically protecting against discrimination in the Czech Republic. As the Commissioner for Human Rights said in a speech in December 1998, "at the moment we have no

stipulation under which it would be possible to punish a school headmaster who says to a Romani mother ‘Romani children do not attend this school. Go a kilometre or two further along, that is where Romani children go.’” Practices of this kind are outright racial discrimination, and a violation of the agreement by the state (CERD), yet the state has no means of preventing them. In other words, the lack of legislation converting constitutional guarantees of equal opportunity into anti-discriminatory laws renders those constitutional guarantees functionally useless.

These problems were illustrated recently by a case put together over two years by the ERRC. In January and February 1999 ERRC conducted research in Ostrava, the third biggest city in the north east of the Czech Republic. The parents of 12 Roma/Gypsy children from Ostrava were assisted in filing a lawsuit with the Czech Constitutional Court and the Ostrava School Bureau, charging the Czech Ministry of Education and local school authorities with segregating Romani children into remedial special schools for the mentally deficient because they are Roma/Gypsies. In all instances, there was strong evidence (including IQ re-testing) that the children had been incorrectly placed and the case was backed by a large amount of objective evidence. However, the case was rejected by the Constitutional Court. In its decision of 20 October 1999, the Court acknowledged the “persuasiveness” of the applicants’ arguments. However, it did not find that a policy or practice could be unintentionally discriminatory and ruled that it had no authority to consider evidence demonstrating a pattern and practice of racial discrimination in Ostrava or the Czech Republic.

The Court also questioned the issue of whether the parents and the ERRC had successfully exhausted all domestic remedies, pointing out that ERRC filed a complaint directly with the Constitutional Court, rather than with lower courts. The Court effectively refused to apply applicable international legal standards for proving racial discrimination. On 18 April 2000, representing 18 Roma/Gypsy children from Ostrava, the ERRC and local counsel filed an application with the European Court of Human Rights in Strasbourg. At the time of writing this is still on-going.

In spite of such developments, it is clear that such intensive legal activity, supported by a specialised international organisation, is simply unavailable to most Roma/Gypsy parents. This gap will become increasingly apparent to Roma/Gypsy parents as they learn more about their children’s educational rights.

Elementary schools

“The level of education among Roma is particularly low [...] Czech curricula do not include Roma history, language or culture, Roma advocates assert that many Roma view the offered education as ‘foreign’ and not relevant to their well-being.”

UNHCR, Guidelines Relating to the Eligibility of Czech Roma Asylum-Seekers, 21 April 1998.

Roma/Gypsy children who do start at elementary schools may find themselves alienated by the absence of any reference to Roma/Gypsies in Czech schoolbooks; by attitudes of non-Roma/

Gypsy pupils (who receive no multicultural education) and by the inexperience of teachers, the vast majority of whom receive no information about Roma/Gypsies before arriving in the classroom. The fact that so many Roma/Gypsy children are placed so early in special schools means that Roma/Gypsy children in basic schools may feel extremely isolated, and may request to go to a special school with their friends.

Many Roma/Gypsy parents complain that their children suffer bullying in elementary schools, and that teachers are not prepared to defend them. In addition, fears are expressed about the violence that Roma/Gypsy children may suffer on the way to or from school; there have, in fact, been a number of skinhead attacks on Roma/Gypsy schoolchildren in recent years. Government and other reports on the education of Roma/Gypsy children confirm the practice of seating these children at the back of the class, excluding them from classroom activity. These problems must be seen in addition to an elementary school system which is widely criticised for its excessive demands on all pupils and its failure to accommodate those who diverge from the average (including gifted children, children from minorities and children with special educational needs). No attempt to prevent Roma/Gypsy children from being sent to special schools will be successful until the elementary school system is made radically more accommodating.

The Concept of a Government Policy towards the Members of the Romani Community (June 2000) requires the Ministry of Education to:

“effect changes in syllabi at basic and secondary school in order that these syllabi contain information about Roma, their history (including the history of the Nazi holocaust), their culture and their traditions.”

Until then, school textbooks on history, geography, literature and civic society had no mention at all of Roma/Gypsies (with the exception of very brief references to the Roma/Gypsy holocaust). The result of this is implicitly to present Roma/Gypsies (who have been on the territories of the Czech lands for at least 500 years) as having no part in Czech history, and therefore as being recent, foreign immigrants without a history of their own. This gives Roma/Gypsy children in basic schools the feeling that they are outsiders – a feeling that continues to be widespread among the majority of Czechs.

Any incorporation of Roma/Gypsy history and culture is therefore to be encouraged. Some researchers have expressed concern about the question of who will be given the crucial task of preparing documents on Roma/Gypsy history. However, it is probable that, as in the writing of the history of any group, accurate and interesting accounts will be arrived at by a process of trial and error, once the first important step of introducing Roma/Gypsies into the syllabus has been taken. Another concern involves the financing of such textbooks. Previous materials, including a valuable anthology of writings by and about Roma/Gypsies published in 1998, have been supported by the Czech Ministry of Education. However, they have been inadequately funded, with the result that they have been available only to a very small number of schools,

usually ones which already had specific projects aimed at Roma/Gypsies. It is essential that any teaching materials on Roma/Gypsy history and culture be made available to the entire community of children in the Czech Republic, and not only to Roma/Gypsy children. Otherwise, Roma/Gypsy children and their parents will consider Roma/Gypsy culture to be a non-prestige and useless subject at school. This has already been seen to be the case in projects, for example, that teach Roma/Gypsy folksongs to Roma/Gypsy children. Their parents have objected to what they perceived as both segregation (“Why should our children learn something different from white children?”) and a waste of valuable school time (“How will they ever learn Maths if all they do at

school is learn songs?”.) Here, as elsewhere, it is crucial that the rights of the Roma/Gypsy minority should be seen as based on equal access rather than on concern for a Roma/Gypsy “cultural identity” which, in practice, leads towards segregation.

Roma/Gypsy children in institutions

In addition to residential schools (including residential special schools) there are two main kinds of institution for school-age children – children’s homes and instruction centres. Children’s homes, mainly for children aged 6 to 18 (with a very few for three to six year olds), receive children after a court decision based on the quality of home care available to them.



Previously it was possible for municipal authorities to place a child in a home on the basis of a preliminary decision. Children's homes are often misleadingly referred to as "orphanages", whereas in fact most children have living parents, who often retain legal guardianship. Instruction centres also receive children on the basis of a court decision – usually in connection with a criminal process. They exist for teenagers aged 15 to 18 and are used by courts as alternatives to prison sentences or fines.

Roma/Gypsy children are severely over-represented in both kinds of institution. According to the Prague-based Fund for Threatened Children, Roma/Gypsy children now make up about four per cent of all children, but their presence in institutions is far higher – between 30 per cent and 60 per cent, depending upon the kind of institution. In instruction centres, the figure can be as high as 90 per cent. The relatively high proportion of Roma/Gypsy children in children's homes – which is linked at least in part to the social fragility of Roma/Gypsy families – includes many with unresolved citizenship. The shocking figures for instruction centres suggest a worrying pattern of discrimination. Placements in these institutes are made without specific terms, so a 15 year old placed in one can expect to be there until he or she is 18. Does this mean that a high proportion of Roma/Gypsy offenders aged 15 to 18 are receiving long terms in institutions while their non-Roma/Gypsy contemporaries are far more likely to receive halved or suspended sentences under normal criminal law? The institutionalisation of Roma/Gypsy children requires further study.

Language provision

It has become common in sympathetic accounts of the difficulties faced by Roma/Gypsies in the Czech education system to talk of "linguistic handicap", or of the linguistic situation of Roma/Gypsy children as a reason for their non-achievement. The 1997 Czech Government report was criticised by some educationalists for using this terminology, in that it suggested that full or potential bilingualism may be a "linguistic handicap". In order to assess the effect of linguistic difference on the education of Roma/Gypsy children, it is necessary to consider the linguistic situation of Roma/Gypsies in the Czech Republic as discussed earlier in the report. In particular it is important to counter the notions both that the Romani language has effectively died out and that Romani-language teaching could solve the problems of Roma/Gypsy children.

Given that Roma/Gypsies have traditionally been discouraged (often actively) from speaking Romani, many developed a Romani ethnolect of Czech, immediately recognisable, and marked by literal translations into Czech of characteristic Romani constructions, judged to be "wrong" in Czech schools. Roma/Gypsy parents deliberately try to use this ethnolect with their children, but, as historian Ctibor Necas has written:

"The majority even of those children who now know little or no Romani fail in the teaching language and have disproportionate problems in understanding national history and geography and other subjects dependent upon the language. This is because, while their mother language is not Romanes in its formal structure, its structure continues to be present and to be expressed in indirect ways."

Then, as the 1997 Report states:

“as the demands made by the curriculum increase, the language deficiency markedly deepens, and its results are often mistakenly judged to be a handicap justifying the transfer of the child to a special school.”

There is therefore at least a double question.

First, psychologists assessing young Roma/Gypsy children must be able to judge whether they are in fact doing so in a language that the child understands. Second, both those responsible for assessing children and the education system as a whole must be prepared for the existence of a non-standard ethnolect of Czech.

A quite different question is whether it would be useful to introduce Romani, either as a teaching language or as an optional second language, in schools. Some international assessments have seen this as the logical way to tackle a problem of educational exclusion. The Slovak Romani dialect most frequently used in the Czech Republic has been well codified; there are a number of books and a dictionary. In theory it would be possible to teach the language immediately (which is an important counter-argument to many in the Czech ministries which still argue that Romani is not a “proper” language).

However, it remains true that the great majority of Roma/Gypsy parents in the Czech Republic want their children to have equal opportunities in Czech. All international support of Romani educational projects should take account of this. Such a desire on the part of Roma/Gypsy parents is not socially neutral, and it is possible that in the

future, if Romani becomes perceived as a prestige language, some parents will want their children to learn in Romani. For the moment, this is very clearly not the case. On the other hand, the introduction into schools of Romani as an optional subject, and assessment systems which would record and value Roma/Gypsy pupils’ bilingual skills, should be supported.

The government, in aiming to create the conditions for changing the education system, hopes to introduce methods that will break down this language barrier. These include:

- preparatory classes
- Romani as an auxiliary teaching language
- Romani assistants in schools
- an individual approach to pupils.

The government also plans to introduce a system of flexible and permeable remedial classes in basic schools with a lower number of pupils than standard classes. It also plans to offer adult Roma/Gypsies the chance of completing basic and, if appropriate, further education.

Government and private initiatives

The two main government-supported projects to improve the educational record of Roma/Gypsy pupils in the Czech Republic are the preparatory year and the programme of Roma/Gypsy teaching assistants. Any school may set up a so-called “zero-year”, aimed nominally at “socially handicapped” or “socially weak” children, but in practice directed at Roma/Gypsy children, to provide a preschool introduction to the school environment. Such a project is particularly

important now, as the introduction of fees for kindergartens in the early 1990s prevented many Roma/Gypsy parents from sending their children there. The teaching assistant programme originated in a similar idea – that the unfamiliarity and foreignness of the school environment to Roma/Gypsy children must be broken down. In the programme, Roma/Gypsy assistants co-teach in elementary school classes, acting as linguistic and cultural translators for Roma/Gypsy children.

Both these projects have a clear and significant effect on the children who pass through them, and greatly increase the likelihood of those children remaining in the elementary school system. There are, however, a number of problems. First, the projects are dependent upon the host school making a request for them, and allocating funds. The willingness, and financial ability, of school heads to take such a step is very uneven. Second, the state has not provided adequate instruction to schools as to how to run the projects, with the result that in some places zero-years have collapsed due to inadequate communication with Roma/Gypsy parents. Third, these projects, tacked on to the already existing elementary school system, may not go far enough.

Overall, with a school-age population of more than 30,000 Roma/Gypsy children in 88 educational authorities, it is clear that the 114 or so zero-years and the 20 teaching assistants are inadequate. In addition, a large number of the teaching assistants are paid for by NGOs on a one-year-contract basis, and there have been examples of projects suddenly being cut due to funding drying up. One-year contracts are an

inadequate solution, because there is no guarantee that the government will have the means or will to pay teaching assistants. Some Czech educationalists have suggested that the only real solution is to have officers for Roma/Gypsy (or minority) education attached to each local authority, charged with assessing needs on a regional basis. In this way, the state would be able to commit itself to offering a certain level of support, rather than naming acceptable projects but leaving individual schools or charities to finance and run them.

There have been a few examples of entirely private schools with mainly Roma/Gypsy students. For example, a Roma/Gypsy Social and Legal Secondary School was established in the central Bohemian town of Kolín in September 1998. The aim, drawing on previous part-time schemes, was to provide Roma/Gypsies with qualifications that would enable them to work in the state sector as social workers. Funding was entirely private, partly from international sponsors and partly from private (mainly Roma/Gypsy) sponsors in the Czech Republic. However, this school functioned for only one year, as a result of administrative inexperience and problems with sponsorship. This failure illustrates some of the problems with expecting the private sector to provide an educated Roma/Gypsy workforce.

There are also a number of locally based state-funded initiatives, but these remain sporadic. For example a clerical school in Ostrava, run by a former special school teacher, has piloted zero-years, teaching assistant projects, microclasses and syllabus reorganisations at the school. The school employs seven Roma/Gypsy

assistants to work alongside teachers. The school also incorporates within its programmes aspects of Romani culture, such as music and dance. Another important aspect of this school is that it welcomes the participation of Roma/Gypsy parents, some of whom come to the school every day while others come for special programmes. Finally, the school employs a social worker whose responsibility lies with maintaining social contacts between the school and the students' families

The results are impressive. Now in its seventh year, the school is sending Roma/Gypsy children to gymnasiums (the most prestigious secondary schools). However, the Director repeatedly expresses frustration that the successful experiments carried out at her school are not being systematically incorporated into the structures of the Czech educational system. Thus, the school, although originally aiming at providing an example of integrative educational mechanism for Roma/Gypsies and non-Roma/Gypsies, remains largely a Romani school.

There are a number of other initiatives with Government involvement or support which aim to develop Roma/Gypsy education and also improve race relations. The Ministry of Education developed a project entitled *Complex Improvement of Roma Education*. Part of the EU's PHARE programme, it is designed to develop the Roma/Gypsy education syllabus better to reflect the needs of Roma/Gypsy children and also to educate schoolchildren from the Czech majority about Roma/Gypsies and other minorities.

Under the auspices of the *Varianty* project, Brno University is developing a research programme on race relations to examine how conflict between the Czech majority and the Roma minority can be reduced or resolved. In addition, courses will be held for Roma/Gypsy activists, and the project will also support the Roma/Gypsy teaching assistants employed in schools. In August 2000 the New School Association received 2 million Kč (just over \$US 50,000) from the government to help integrate Roma/Gypsy children into mainstream schools.

The Ministry of Culture has supported Roma/Gypsy cultural activities. It funds the Museum of Romani Culture in Brno, and has subsidised the production of books in the Romani language. *Drom*, the Romany Center in Brno, also runs cultural and educational programmes. It offers after-school activities for Roma/Gypsy school children and works with Masaryk University and the Brno School Office to train Roma/Gypsy teaching assistants. It also is involved in promoting Roma/Gypsy culture, and is in the process of setting up a recording studio in co-operation with the Stories Exchange Project and the Museum of Romani Culture. The studio will record, document and publicise the work of Roma/Gypsy musicians.

Several universities include Romani issues as part of the undergraduate curriculum. These include Charles University (Prague), Palackého University (Olomouc) and the University of Jan Evangelista Purkyn (Ústí nad Labem). Other universities include Romani studies in more specialised parts of their curricula.²⁵ The government has also launched a preparatory police training course to

encourage minorities to join the police. At the moment the numbers involved are small: two Roma/Gypsies and five Poles passed the most recent course in February 2001.

Conclusion

The overwhelming majority of Roma/Gypsy parents in the Czech Republic clearly express the desire that their children's education should be accomplished, fairly, within the framework of the mainstream Czech education system. This subjective desire must be taken into account as the Czech government develops, and international organisations support, policies to remove the critical discrimination from the Czech education system. A three-pronged policy approach is required:

- the practice of sending Roma/Gypsy children to special schools must be stopped
- the elementary school system must be altered (both in terms of syllabus and in terms of education of teachers) to make it capable of embracing multiculturalism
- effective legal remedies must be introduced to protect Roma/Gypsy children from ongoing discrimination.

If such measures are not introduced, the growing political and social impact of an under-educated, and therefore practically unemployable, minority will soon be felt by the entire EU.

Voices of Roma/Gypsy children

Roma/Gypsy boy, six years old, in a preparatory class which runs the Step-by-Step programme, using a special method for activities in the class

“What do you like to do best in school?”

“I like to go to the number corner and look at the numbers, I talk to the aunt [Romani assistant] and she explains.”

“Do you go also to other corners in the class?”

“Yes, I like to go to the logical corner and play with the games.”

“What language do you speak at school?”

“I speak with the aunt, she can understand me better, but also the teachers shows us how to do some things.”

“Do you like it?”

“Yes, I like very much.”

Roma/Gypsy girl, 11 years old, in a special remedial school for the mentally handicapped

“What would you like to be?”

“I would like to be a teacher. My mum wants me to change schools, because she says that it is the only way for me to become a teacher.”

“Do you like your school?”

“Yes, I have many friends here.”

“What subject do you like best?”

“I like mathematics and Czech language.”

“Do you also speak other languages?”

“Yes, I speak Romanes and a little English from the TV.”

Roma/Gypsy girl, 14 years old, in a regular elementary school

“What would you like to be?”

“I would like to be a model and make a lot of money.”



“Do you have any hobbies?”

“Yes, I like very much dancing.”

“What do you do for making your dream true?”

“Many things, for example, I am on a diet, because all models must be very slim. My mum is angry and calls me a crazy goat and says that if I do not stop dieting, she will drag me to the doctor and they tie me to the bed and will give me food through tubes, directly into my veins.”

“What subjects do you like in school?”

“None in particular, maybe music classes, and physical education, but I like to talk in the class and answer the questions of the teacher.”

Roma/Gypsy boy, 15 years old, at regular elementary school

“What subjects do you like in school?”

“I like history. We have a very young teacher and he tells us all about what happened. He likes me, because I know the answers to the questions.”

“What are you discussing now?”

“We are in the middle of Czechoslovakia’s

establishment, somewhere in the 1920s, I can’t tell you exactly, but it is interesting.”

“Would you like to be a teacher?”

“No, I don’t think so, I am not patient enough. It is very tough you know, sometimes, we don’t know anything and the teacher gets very upset with us sometimes. I get angry with the others in the class myself, because they don’t know the answers, so I tell them quietly so at least they can repeat, but then the teacher gets angry with me.”

Pavel, nine years old, Special Remedial School for Mentally Handicapped

[During arts class]: “This is a nice picture you are drawing, what is it?”

“It is bunch of flowers I would like to give to my mum for her birthday.”

“Do you like drawing?”

“Yes, I like the colours and I like to mix them all together and make new ones.”

“What would you like to be when you finish school?”

“I don’t know, I could be a teacher or a cook.”

Recommendations

Given that the Czech Republic has ratified:

- the European Convention on Adoption of Children (ratified 8 October 2000)
- the European Convention on Recognition and Enforcement of Decision Concerning Custody of Children and on Restoration of Custody of Children (ratified 8 October 2000)
- the European Convention on Legal Status of Children Born out of Wedlock (ratified 26 April 2000)
- the European Convention on the Exercise of Children's Rights (ratified 26 April, 2000)
- the European Charter for Regional or Minority Languages (ratified 9 November 2000)
- the Hague Convention on the Protection of Children and on Children Participation in Armed Conflicts (ratified 24 January 2000)
- the Hague Convention on the Rights of Authorities, Legal Remedies, Recognition and Co-operation in matters of Parental Responsibility and Measures for the Protection of Children (ratified 2 February 2000)
- the International Covenant on Civil and Political Rights (ratified 22 February 1993, entered into force 1 January 1993 – this discrepancy and those below are due to the fact that the Czech Republic has assumed some of Czechoslovakia's obligations)
- the International Covenant on Economic, Social and Cultural Rights (ratified 1 January 1993, entered into force 1 January 1993)
- the International Convention on the Elimination of All Forms of Racial Discrimination (ratified 22 February 1993, entered into force 1 January 1994)

- the UN Convention on the Rights of the Child (signed 30 September 1990, ratified 7 January 1991, entered into force 1 January 1993)
- the UNESCO Convention against Discrimination in Education
- the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified 18 March 1992; entered into force 1 January 1993)
- the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified 18 March 1992; entered into force on 1 January 1993)
- the Framework Convention for the Protection of National Minorities (ratified 18 December 1997; entered into force on 1 April 1998)

and that it has not yet ratified:

- the Optional Protocol to the UN Convention on the Rights of the Child (signed on 6 October 2000)
- the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any dispute which may arise between States Parties to the Convention against Discrimination in Education.

Save the Children recommends that:

The Government of the Czech Republic:

- Ratifies the Optional Protocol to the UN Convention on the Rights of the Child.
- Ratifies the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any dispute which may arise between States Parties to the Convention Against Discrimination in Education.

- Takes measures to end segregation of Roma/Gypsy and non-Roma/Gypsy children in schools as perpetuated through the special school system.
- Adopts the appropriate anti-discrimination legislation as recommended by CERD and other international bodies.
- Accords priority to the principle of an integrated and equally accessible education for all.
- Establishes Romanes as both subject and medium of teaching, where relevant, and as a supporting language in preparatory classes and first grade of elementary school.
- Establishes a fund to support extra-curricular and training programmes for Roma/Gypsy children.
- Establishes training of teachers on issues of human and minority rights, ethnic and multicultural issues including Roma/Gypsy history and culture. As part of this it should provide teachers in all elementary schools with supporting textbooks.
- Provides free integrated kindergarten for all children, including Roma/Gypsies.
- Bases education on the principle of intercultural and multicultural education and modifies the curricula to include history, culture and languages of all minorities including Roma/Gypsies.

The international organisations, including the UN Commission on Human Rights, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, European Commission against Racism and Intolerance:

- Closely monitor the international obligations undertaken by the Czech government in respect of the right to education with particular attention to the right to education of Roma/Gypsy children.
- Make informed representations to the Czech Government in respect to the Plenipotentiary for Human Rights and the Chair of the Inter-Ministerial Commission for Roma Community Affairs, “Concept of the Governmental Policy towards the Members of Romany Community”, which was approved by the government on 14 June 2000.

Czech Republic: Notes on the text

1 Vlach Roma in the context of Central Europe are communities that speak the New Vlach dialects, referred to in other contexts as Kardarasha, Vlah or Olah.

2 *Zákon o trvalém usídlení kočujících osob*, No. 74/1958, 17 October 1958.

3 *Concluding observation of the Committee on the Elimination of Racial Discrimination: Czech Republic* CERD A/55/ 18, paras 271 – 288.

4 *Concluding observation of the Committee on the Elimination of Racial Discrimination: Czech Republic* CERD/C/SR.1411 and 1412.

5 *EU Progress Report*, 8 November 2000, pp 22–27. For more see <http://europa.eu.int/comm/enlargement/index.htm>

6 Under Section 31 of the Law of the Czech National Council No. 200/1990 Coll. on offences, as amended.

7 Until 1999 the Law on Schools [*Školský zákon*] did not recognise the Special Remedial School as an institution where one can obtain complete primary education. This prevented Roma/Gypsy children from further studies at secondary schools. A Roma/Gypsy MP, Monika Horakova, was the main initiator of this legislative change and the government supported her undertaking. For more see the Report of the Plenipotentiary for Human Rights, 14 June 2000, Part II. pp.22. This aims to outline the contemporary situation of Roma/Gypsy communities. Government policy towards members of Roma communities is ultimately aimed at assisting their integration in society.

8 Even though the legal aspect of the problem may have been solved, education provided by special schools still does not prepare pupils for further studies. Furthermore, the amendment has failed to establish a subsidiary form of extra education that would balance the difference between basic and special schools. For more on this, see *Comments on the Report on the Czech Republic on Performance of the Obligation Arising from the Convention on the Elimination of All Forms of Racial Discrimination*: http://www.pili.org/library/brief_bank/commets_to_the_czech_report.htm

9 For more see *ERRC, A Special Remedy: Roma and Schools for the Mentally Handicapped in the Czech Republic*, Country Report Series No. 8, June 1999.

10 *Zákon o trvalém usídlení kočujících osob*, No. 74/1958, 17 October 1958.

11 *Usnesení vlády CSSR o opatřeních k řešení otázek cikánského obyvatelstva*, No. 502, 13 October 1965.

12 Government of the Czech Republic, *Report of the Inter-Ministerial Commission for Romani Community Affairs*, December 2000.

13 Government of the Czech Republic, *Report on Human Rights Education in the Czech Republic*, 2001, and *Resolution of the Government of the Czech Republic No. 28*, 3 January 2001.

14 *ERRC, A Special Remedy: Roma and Schools for the Mentally handicapped in the Czech Republic*. Country Report Series No. 8. June 1999.

15 Concluding Observations of the Human Rights Committee: Czech Republic. 24/07/01. CCPR/CO/72/CZE.

16 Schools Law, No. 77/1996, October 10, 1996, 28 (1).

17 Schools Law, No. 29/33.

18 Schools Law 1996, No. 31/1.

19 Article (2) 4, 1997 Special Schools Decree

20 Decree on Specialised Schools and Specialised Kindergartens, No. 44/1997, 7 May 1999.

21 *ERRC, A Special Remedy: Roma and Schools for the Mentally handicapped in the Czech Republic*, Country Report Series No. 8. June 1999.

22 Specialised Schools Decree, No. 7/1.

23 Specialised Schools Decree, No. 7/2.

24 1997 Report, 6.1.7.

25 Dobal, V, *Report on the Situation of the Romani Community in the Czech Republic*, website: <http://www.cts.cuni.cz/~dobal/report/index.html>, 1998.

3 Finland

The main stated objective of the Finnish education policy is to provide all citizens with equal opportunities to receive education, irrespective of age, domicile, economic situation, sex or mother tongue: “Education is considered to be a fundamental right of all citizens”.

UNESCO, Education for All, Finland Report

Summary

Context

Finland has a long track record of positive work with Roma/Gypsies. It spends a high proportion of Gross Domestic Product (GDP) on education, although cuts were made following the recession of the early 1990s.

Roma population

In 1995 Roma/Gypsies in Finland gained the same minority status as that enjoyed by the Swedish and Sami. Unofficial estimates put their number at 10,000. Most are concentrated in urban areas, especially the south.

Discrimination exists in housing, education and employment, leading to marginalisation, although there is a lack of research into their living conditions. There are several Roma/Gypsy representative groups.

Roma and education

The educational level of the Roma/Gypsies has improved, but remains low compared to the overall population. Most do not complete comprehensive school and cannot progress on to further education. The Government created the Education Unit for the Romani Population to develop training and education for Roma/Gypsies.

Language provision

Most Roma/Gypsies speak Finnish as their first language. The Government has stimulated interest in Romanes through the Romani Language Board. Roma have the right to be taught in Romanes, although there is a dearth of suitably qualified teachers and teaching materials.

Balance of NGO and government activity

Finland has a high number of government initiatives regarding Roma/Gypsy education. The Ministry of Social Affairs and Health has a longstanding “Advisory Board for Gypsy Affairs,” half of which is made up of representatives of national and local Roma/Gypsy associations. In 2000 it established the Inter-Ministerial Working Group for Roma Affairs. The Government’s work is not balanced by a high level of NGO involvement, although there are two well-established charities and a number of newer NGOs working with and for Roma/Gypsies.

Finland report: contents

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Finland stands out as one of the few countries in Europe that appear to have many positive examples of government initiatives in this area. We therefore felt it important to include Finland in this report. However, despite our best efforts, it was possible to gather only limited, anecdotal information on NGO activity in this area. We were able to identify just a few key NGOs working with Roma/Gypsies and detailed information had not arrived by the time this report went to print. The Finland report is therefore based mainly on secondary research and primarily focuses on formal government initiatives as an example of the more active role that governments can play. More research is required in order to make recommendations.

Introduction – the Roma/Gypsy population

Demography

Most commentators believe that Roma/Gypsies first began to arrive in what was then the Kingdom of Sweden during the mid-16th century.¹ It is difficult to estimate their current numbers. Finnish citizens are not officially registered according to their ethnic origin, and many Roma/Gypsies maintain a dual Finnish and Romani identity. According to unofficial sources, there are at least 10,000 Roma/Gypsies in Finland.² In the most recent official survey (1995) 8,910 Roma were counted. This survey showed that Romani communities are concentrated in urban areas, particularly in the south of the country. Most Roma in the Uusimaa County live in Helsinki (about 85 per cent).³

Language

There is no recent research data on the languages spoken by Roma/Gypsies. According to a survey carried out in 1981 it was reported that 81 per cent of Romani youth knew less than 50 words in the Romani language.⁴ In research carried out in 1954 about 80 per cent of Roma/Gypsies interviewed most commonly used Finnish in their daily conversation; this would suggest that most Roma/Gypsies in Finland speak Finnish as their first language.

Minority rights

International law and international conventions are not directly applicable to Finnish domestic law. Broadly, however, international conventions, can be incorporated into domestic law in three ways. The most usual method is by Act of Parliament or by Decree. International law may also be incorporated by harmonising existing domestic law with the convention in question. The third method is to insert special clauses into existing national legislation, explicitly referring to an international convention.⁵

For international conventions relating to human rights however, there is a little more leeway. The Finnish constitutional framework includes a provision guaranteeing that, as a rule, the rights enshrined in human rights treaties apply to all persons residing within the jurisdiction of Finland whether or not they are Finnish citizens. Although race is not explicitly mentioned as a ground of discrimination, it can be presumed that it falls under the general expression “other reason

relating to person”. At the time of writing this report, we were not aware of any test cases, so it is difficult to assess if and how this translates into practice. Furthermore, the government noted that the concept of “origin” found in Article 5 of the Constitution covers the concepts of race, national origin, ethnic origin and colour. This Article provides the principle of non-discrimination and is fundamental to the protection of all human rights.

In February 1995, Finland amended its Constitution in order to raise the level of protection for Roma/Gypsies as a minority to match that granted to Swedish and Sami minorities.⁶ This protection covers the adoption of measures for maintaining and developing their own language and culture. These measures, as well as the amendments of the Constitution, are the result of a consultation process between the Roma/Gypsy communities and the local and national authorities.

The Ministry of Labour has recently proposed an action plan to combat ethnic discrimination and racism, which is due to be adopted in the course of 2001. If adopted it will run in the period 2001-2003. The programme refers to a number of minority groups including Roma/Gypsies. Measures will be carried out at national, regional and local levels. Although they do not refer specifically to education, these measures will certainly have implications for education policy and practice. They include:⁷

- a government report to Parliament in 2002 on measures to promote ethnic equality and diversity

- the establishment of an office of a discrimination ombudsman as of 1 September 2001
- a duty placed on every branch of state administration to promote recruitment from all ethnic minorities
- measures by all branches of the administration to provide services for ethnic minorities and to develop consultation
- a study to be commissioned by the government to examine the roles, regulation and practices of ministries and administrations, including the Social Insurance Institution, in order to determine whether they include practices that infringe on the rights of immigrants and ethnic minorities
- arrangements ensuring the availability of resources and development of research in this area.

In addition to this, the Foreign Minister gave a report in November 2000 to the Foreign Affairs Committee which assessed progress to date with human rights policy and offered new objectives. It devotes particular attention to the fight against racism and the promotion of Roma issues at international forums. In January 2001, the President proposed to the Parliamentary Assembly of the Council of Europe that a Pan-European Consultative Roma Assembly be set up and supported.⁸

The right to education

The Act on Children's Day Care (36/1973) incorporates a special obligation on the municipality to arrange daycare: a so-called "subjective provision on the right to day care". This provision is contained in paragraph 1 of §11a of the Act on Children's Day Care:

"it must be possible for a child to attend the day care referred to in the provision until he or she, as a child subject to compulsory school attendance, starts attending a comprehensive or comparable school".

On the basis of the provision, since 1996, all parents and carers of children of preschool age have been entitled to obtain for their child daycare centre or family-care placements, as provided by the municipality (referred to in paragraph 2 or 3 of §1 of the Act).

Under paragraph 1 of §2a of the Act on Children's Day Care, the core task of daycare is to support in the nurturing of children attending daycare and to further balance the development of the child's personality in consistency with their home life. Under §1a of the Decree on Children's Day Care (239/1973), the objectives in §2a of the Act on Children's Day Care also include support for their native tongue and culture. This applies to children of Finnish- and Swedish-speakers, Samis, Roma/Gypsies and various immigrant groups and is to be done in collaboration with representatives of the group in question.

The Act on Children's Day Care does not include special provisions on preschool instruction.

A large number of municipalities have arranged preschool instruction targeted in particular at children aged six years, but also at younger children.

An amendment to the Children's Day Care Decree entered into force on 1 January 1995 (1336/94). It builds on the earlier Act by stating that one of the educational goals of daycare is the promotion of the language and culture of Sami, Roma/Gypsies and immigrant children, with the help of representatives of the culture in question. However, in practice, municipalities have yet to take measures regarding Roma/Gypsies as a result of the amendment.

§1 of the Act on Basic Education (628/1999), which took effect at the beginning of 1999, concerns not only basic education and compulsory school attendance but also, *inter alia*, preschool instruction in the year prior to compulsory school attendance.⁹ According to §2 of the Act, preschool instruction is designed to promote the general objectives set for basic education and, as part of early education, to improve the child's capacity to learn. Under §9 of the Act, preschool instruction lasts for one year. Under §15 of the Act on Basic Education, the body which arranges preschool instruction is obliged to draw up a curriculum for teaching. The teaching of minority languages and minority cultures has been made possible at all levels of schooling: primary, secondary and vocational. The curriculum is approved separately for instruction in Finnish, Swedish and Sami and, where relevant, instruction in other languages including Romanes and sign language. The obligation to provide preschool instruction

will be imposed on the municipalities under a separate act, which will enter into force in 2001. These amendments will be made to both the Act on Day Care and the Act on Basic Education. Preschool instruction can be introduced prior to the entry into force of the Act.

In practice

The right to education for Roma/Gypsy children

Among the Nordic countries, Finland is generally regarded as having worked progressively with Roma/Gypsies for the longest period. It set up an Advisory Board on Romani Affairs in 1956 and was one of the first countries to ratify the



European Charter for Regional or Minority Languages and the Council of Europe Framework Convention for the Protection of National Minorities.¹⁰ However public opinion and official policy up until the 1970s were still very much based on ideas of assimilation. For example, Romani children were forcibly removed from parents and placed in state-run children's homes.¹¹

Although Roma/Gypsies are entitled to the same education as the majority population, in practice their position as regards education is more difficult than that of Finnish citizens. In recent years, the educational level of Roma/Gypsies has improved considerably, but, compared to the majority population, it remains low. Many Roma/Gypsy children fail to complete comprehensive school, which makes it difficult for them to enter further education. On the other hand, their participation in and experience of formal education is still relatively recent. There are no comprehensive data on dropout or attendance rates with reference to Roma/Gypsy children. This is a gap that has been identified by the Education Unit for the Romani Population, which has initiated a nationwide survey of 4,000 schools. Each school was issued with a questionnaire on a number of issues including the question of how many Roma/Gypsy pupils drop out and why. At the time of writing it was hoped that results would begin to be analysed in August/September 2001.¹²

In the Education for All Report, the main stated objective of the Finnish education policy is to provide all citizens with equal opportunities to receive education, irrespective of age, domicile, economic situation, sex or mother tongue:

“Education is considered to be a fundamental right of all citizens”.¹³ The right to free basic education for all residing in Finland – not just Finnish citizens – is guaranteed by statutes, which also set out provisions on compulsory education. Moreover, the public authorities are obliged to secure an equal opportunity for all in respect of obtaining education beyond the basic level. This equal opportunity is according to abilities and special needs underpinned by an impetus to ensure development regardless of economic circumstances. In principle, post-compulsory education is also free of charge, with students being entitled to the state's financial aid.

Finland's regular education system is financed almost entirely out of public funds.¹⁴ In 1995, public expenditure on educational institutions came to 6.6 per cent of GDP, one of the highest in the Organisation for Economic Co-operation and Development (OECD) countries.¹⁵ It is important to note, however, that this was immediately preceded by a recession, which meant that in 1993, education spending had fallen back to levels reached in 1988. This had meant that cuts were made in the comprehensive school by combining schools, reducing the range of tuition (curtailing remedial teaching and club activities) and increasing the size of the teaching groups. The biggest relative cuts were made in administrative expenditure. Spending cuts on real estate and student welfare were made at the general and vocational upper secondary level.¹⁶

The responsibility for education provision, construction and financing is divided between central government and local authorities or other education providers. In addition to their own

funding, local education providers are entitled to receive a state subsidy for the founding and operating costs of educational institutions.

Despite progress in recent years in promoting the level of education for Roma/Gypsies, it remains lower than that of the mainstream population. The transfer of Roma/Gypsy pupils to special groups and their modest participation in further education continues to raise questions.

Furthermore, austerity measures taken by municipalities have affected Roma/Gypsies more than most in terms of cut backs in remedial instruction. A large number of Roma/ Gypsy children still leave comprehensive school without completing it, and of those who do, very few pursue further studies. As a result, Roma/ Gypsies have more difficulty than most in entering the labour market. This was recently confirmed by the Finnish government on 24 May 2000 before the sixth session of the UN Working Group on Minorities. In her oral declaration, the delegate from Finland paid special attention to educational rights. She added that “a low level of education is common among the Roma and an unfortunate reason for many consequences, such as unemployment, social problems and resulting social exclusion”. Furthermore, in its 1999 Concluding Observations on Finland the UN Committee on the Elimination of Racial Discrimination (CERD) recommended that the government adopt additional measures to alleviate the situation of the Roma/Gypsy minority with respect to housing, employment and education.¹⁷ In its 2000 Concluding Observations on Finland CERD noted with concern that Roma/Gypsies continue to experience discrimination in the fields of housing, education and employment.

It expressed concern that immigrants, refugees and minorities, in particular Roma/Gypsies, have higher rates of unemployment, difficulties in accessing housing and social services and higher rates of school dropout. CERD recommended that the Finnish government take additional measures at national and municipal levels to improve the situation of the Roma/Gypsy minority with a view to preventing social exclusion and reducing discrimination.¹⁸

Provision for Roma/Gypsy children faces a number of difficulties. Teachers’ limited knowledge of Romani culture and the inadequate co-operation between the school and home are two reasons why Roma/Gypsy children are more likely to discontinue comprehensive education than most.

Some projects to support Roma/Gypsy children and their parents in matters relating to schooling have been launched. These include *Romano Missio’s Aina ammattiin asti* (Right through to a job) project, which is designed to help young Roma/ Gypsies complete comprehensive school and take up further education. It also aims to determine the difficulties that arise in the schooling of Roma/Gypsy children. A study conducted during the project indicates that, depending on the locality, as many as 10-20 per cent of Roma/ Gypsy pupils discontinue school.

In its second report to the Committee on the Rights of the Child, the Finnish Government recognised that Roma/Gypsy children have in recent years often failed to complete school.¹⁹ The situation in respect of school attendance and acquired post-school education had been

improving every year, but there was still a high school dropout rate among Roma/Gypsy children. Furthermore Part II of the 1998 Annual Report of the European Monitoring Centre on Racism and Xenophobia indicated that social and economic inequality between Roma/Gypsies and the Finnish population was still very significant, resulting in problems with accommodation, unemployment, education and social marginalisation.²⁰

The Advisory Board for Romani Affairs has drawn attention to the fact that since the early 1970s no overall investigation has been made into the living conditions of Roma/Gypsies in Finland. This lack of thorough basic research makes it difficult to intervene in serious problems. The latest survey (1985) showed that 20 per cent of the Roma/Gypsies lived in “very poor” housing conditions or had no housing, while in the entire population the proportion of those with “inadequate” housing was 13.5 per cent. Although some municipalities have taken steps to improve the living conditions of Roma/Gypsies, the Advisory Board believes that, in the country as a whole, the housing conditions of Roma/Gypsies have not improved since 1985.

Language provision

Legislation on comprehensive schools guarantees certain prerequisites for maintaining and developing Romani language and culture. For example, the Basic Right Reform of 1995, §14.3 of the Constitution observes that: “the Sami, as an aboriginal people, and the Roma and other groups are entitled to develop and maintain their own language and culture.” The reform of the school legislation, which took effect in 1999, continues

in the same vein: “The language of instruction at school shall be either Finnish or Swedish. The language of instruction can also be Sami, Romanes or sign language.” (§12 Instruction in the mother tongue: Paragraph 2). Likewise, “In accordance with the guardian’s choice, Romany, sign language or some other mother tongue of the pupil may also be taught as the mother tongue.” (Act on Basic Education, §10 Language of instruction: Paragraph 1).

Official statistics show that the Finnish State pays 86 per cent of the costs required for the teaching of minority languages. This, together with the reform of school legislation has made it possible for instruction to be carried out in the Romani language at comprehensive and senior high school levels, as well as in vocational training and adult education. However, it is not possible to study the Romani language at university level.

Romanes has been taught at a comprehensive school in Finland since the early 1980s, although initially provided in the form of extra-curricula activity. Since 1989, instruction in the Romani language and culture has been provided more broadly at comprehensive schools, such as Helsinki, Espoo and Vantaa schools. National curricula for the Romani language have also been drawn up for senior high schools.

However, despite legislation in this area, municipalities are under no obligation to provide this kind of education. In practice, no such separate education or cultural allocations have been assigned for Roma/Gypsies, as they have been for Samis. Out of the approximately 1,700 Roma/Gypsy children of comprehensive

school age, just 250 children in about ten localities receive instruction in Romanes.²¹ Furthermore, instruction in Romanes is often arranged in accordance with the notice issued by the Ministry of Education concerning instruction in the mother tongue for children who speak a foreign language. This means that instruction tends to be provided to groups of four to five Roma/Gypsy children for just two hours a week either within or outside the curriculum. Ultimately the question remains of whether, by excluding the Romani language from the main curricula, it is effectively rendered an “extracurricular activity”, thus confining it to outside of official school hours.

There are a number of reasons for the scarcity of instruction in Romanes. The main reason cited by municipalities is lack of funding and resources. Other major obstacles include the lack of qualified teachers of Romanes. In response to this the Education Unit for the Romani Population arranges further training for teachers of Romanes in collaboration with Heinola Education Centre. The training, which is offered free of charge, has been running now for two years and has so far involved ten Roma/Gypsies.²²

Another reason given is that requirements concerning the size of groups have made it difficult to extend the teaching of the Romani language to children living in sparsely populated areas. The Advisory Board for Romani Affairs is of the opinion that the economic problems of municipalities (austerity measures taken as a result of reduced state subsidies) have affected the capacity of schools to offer teaching in the mother tongue of minority groups.

In addition to this, the teaching of Romanes is hampered by a lack of teaching materials. An ABC Book in the Romani language was first published in 1982 and a grammar book in 1987. New textbooks for the Romanes language were published in 1996. In 1989, a booklet on the opportunities of Roma/Gypsy children in Finland and Sweden was published jointly by the two countries. A 1991 report by the Working Group for Day Care established by the Ministry of Social Affairs and Health (*Romanilapsen maailma*, “The world of a Romani child”) gives important background information, drawing attention to the linguistic and cultural needs of Roma/Gypsy children in daycare. Further to this, little information on aspects of “Romani culture” or on ways of working with Roma/Gypsies has been provided in the training of daycare centre personnel. It has been estimated that the number of Roma/Gypsy children in daycare or preparatory school is relatively small compared to other children. In the summer of 1991 an international summer school was organised in Finland; participants from Finland and other countries were taught such subjects as the Romani and Hindi languages and the history and culture of the Roma/Gypsy peoples.

As well as teaching Romanes, teachers are also required to perform a number of other tasks such as mediation. Roma/Gypsies acting as Romani language teachers and as school assistants support Roma/Gypsy pupils and function as mediators between teachers on the one hand and schools and homes on the other. They are also expected to teach aspects of Romani culture. The Education Unit is therefore extending training for teachers of Romanes to include a

Further Qualification of Culture Instructor and Specialist Qualification of Culture Instructor for Roma/Gypsies. These qualifications are required for teaching in vocational schools and the basis of the syllabuses is currently being compiled by the National Board of Education. The intention is to have a syllabus that will help Roma/Gypsies to obtain work with municipal offices as contact persons, cultural interpreters, school assistants and teachers of Romanes.

Government initiatives

The Advisory Board on Romani Affairs

An “Advisory Board for Gypsy Affairs” was first established in 1956 in conjunction with the Ministry of Social Affairs and Health. Its original aim was to establish a permanent link between the Roma/Gypsy population and local and regional authorities. In 1989, the Board was given permanent status and was renamed The Advisory Board on Romani Affairs. It is now a central instrument for co-operation between the authorities and Roma/Gypsy communities. It has become an avenue through which Roma/Gypsies can put their demands to the authorities and in this capacity is frequently called upon to represent the Roma/Gypsy minority and defend its interests.²³ It works with the assistance of Roma/Gypsy social workers whose task is to enable Finnish social workers to understand the specific needs and problems of Roma/Gypsies. Municipalities employ Roma/Gypsy mediators (usually elder people from local Roma/Gypsy communities) when particular questions or problems arise.

The Board has 16 members who are renewed every three years by the Council of State. Half of its members represent the central government administration and the other half are representatives of national Roma/Gypsy associations. These include *Romano Missio*, The Finnish Free Romani Mission, The Finnish Romani Society and other local Romani groups.²⁴ Currently the Board’s main concern is to give more opportunities for Roma/Gypsies to become involved in the community at large and influence society. Its functions cover a number of areas:

- monitoring Romani living conditions and opportunities for social participation
- taking initiatives to improve economic, educational, social and cultural living conditions for Roma/Gypsies
- working to end all forms of discrimination
- furthering Romani language and culture
- participating in international co-operation to improve conditions for Roma/Gypsies.

The work of the Board is shared and taken forward by three subcommittees: the preparatory working group for the Board’s monthly meeting, the committee on international affairs and the Committee on Health and Social Affairs.

According to a report entitled *Strategies of the Policy on Roma*, originally published in Finnish in 1999 and then in English in 2000, the Board needs additional resources in view of the increase in its international contacts. The rapporteurs proposed that it be given a statutory basis and that it be transferred to the Ministry of Education. This is seen as important for developing its work in the areas of cultural, linguistic and educational policies.²⁵

In addition to this Advisory Board, there are a number of other formal groupings representing Romani interests:

- the Education Unit for the Romani Population, established by the National Board of Education in 1994
- the Inter-Ministerial Working Group for Roma Affairs established by the Ministry of Social Affairs and Health in September 2000 and, at the time of writing, due to operate until the end of May 2001
- the Romani Language Board established in 1997 within the Research Institute for the Languages of Finland.

The Education Unit for the Romani Population

The Finnish Parliament is ultimately responsible for enacting laws on education and thus deciding on the general principles of education policy. The Government, the Ministry of Education and the National Board of Education are responsible for implementing these principles at the central administration level. Nearly all publicly funded education is steered or supervised by the Ministry of Education. Most existing private institutions are in the vocational sector, but they, too, rely heavily on public funding, and the education they provide is subject to public supervision.

The National Board of Education is a national expert agency responsible for development of primary, secondary and adult education. It draws up and approves national guidelines for curricula and qualifications. It is also responsible for assessing the education system, with the exception of institutions of higher education.

On 1 February 1994, the National Board of Education, with support from the Advisory Board on Romani Affairs, established the Education Unit for the Romani Population, sometimes referred to as the Romani Education Unit.

The Education Unit for the Romani Population acts independently and, as a management group, Romani members take forward the work. The National Board of Education ultimately appoints all members of the Romani Education Unit management group and Roma organisations are able to nominate Roma/Gypsy individuals.²⁶

The Unit has three Roma/Gypsy members of staff and the management group consisting of 18 members, has nine members of Roma/Gypsy origin. The Unit has a number of aims:

- to develop and implement nationwide training and education for the Roma/Gypsy population
- to promote the Romani language and culture
- to engage in information and publicity activity in areas of “Romani culture” and education
- to carry out the increasing number of international tasks which have arisen as a result of Finland’s EU membership.

The permanent activity of the Education Unit for the Romani Population includes further training arranged annually for teachers of the Romanes language, training of contact persons and summer schools in Romanes. The Unit undertakes curriculum planning, eg, currently for the Further Qualification of Culture Instructor and Specialist Qualification of Culture Instructor for Romani. These qualifications aim to provide teachers of Romanes who are already in work in particular with formal competence so that they can find work in the municipalities on a broader and more equal basis.



Learning materials have been and are being drawn up by the Education Unit for the Romani Population aimed at meeting the needs of both the majority and Roma/Gypsy populations. Material for the majority population is designed to improve knowledge of “Romani culture” and thereby “reduce prejudices” and “foster tolerance”. The material for Roma/Gypsies is designed to increase the knowledge of their own roots, to strengthen their own identity, and to bolster and develop Romanes.²⁷ In addition to national funding, there has also been support from the EU’s Comenius programme.

The National Board of Education has produced the following learning materials for promoting the Romanes language and “Romani culture”:

- a booklet and cassette of children’s songs in Romanes, 1997
- a video called *Samuelin päivä* (Samuel’s day), which describes Romani culture through a Roma/Gypsy boy’s day at school and with his family, 1997
- *Romanioppilas koulussa* (the Romani student at school) are materials designed to provide ideas for school authorities, headmasters and other individuals who need to know about Romani culture in school work, 1997
- a primer and grammar book in Romanes to support language instruction, 1995
- *Romanit ja terveystalvelut* (Roma and health services) – a guide for public health professionals.

The Ministry of Education has also provided funding for a Romanes-Finnish-English dictionary, completed in 1994.

Although no formal evaluation has taken place, the Unit claims that this material has contributed to a growing interest among Roma/Gypsies in their own language. They see this as having influenced their self-confidence, most notably in terms of helping to motivate Roma/Gypsy children to attend school. In addition, they claim that the majority population has learned more about “Romani culture” and as a result, the levels of hostility and prejudices against Roma/Gypsies have decreased.²⁸ It is important to note that no figures are provided to back this up, nor would it be possible to identify clear causal links.

The National Board of Education and the Education Unit together are currently planning a three-year (2000-2002) package of learning materials in Romanes for comprehensive and senior high schools. The package includes practice books and workbooks, readers, a basic guide to civic skills, senior high school textbooks and other peripheral material. The Education Unit is also starting an extensive long-term comprehensive school project. One of its aims is to work with teachers and Roma/Gypsy families to find ways of encouraging Roma/Gypsy children to complete comprehensive school.

The Unit also publishes an information bulletin on Roma/Gypsy issues, *Latso Diives*, four times a year. It is aimed at the majority as well as Roma/Gypsy populations. Its aim is twofold: first to increase the Roma/Gypsy population's

knowledge of opportunities for education, training and of society in general and secondly, to provide the majority population with information on “Romani culture”.

Publicity work also includes arranging and taking part in various seminars, lectures, and exhibitions as well as participation in multicultural and “tolerance” events. The work seeks to distribute information on both sides and to improve opportunities for co-operation. The Education Unit, for example, has arranged workshops on issues affecting women. Attended by Roma/Gypsy women,²⁹ these examined issues such as parenthood, childcare, schooling and “Roma culture”.³⁰ Although we have no examples of these, the Education Unit also supplies various Finnish authorities, the Council of Europe and other international bodies with statements and stances on educational matters affecting Roma/Gypsies.

The Inter-Ministerial Working Group for Roma Affairs

This working group was established by the Ministry of Social Affairs and Health in September 2000. At the time of writing it was due to continue until the end of May 2001. Members of this group include representatives from the Ministry of Education, Ministry of Labour, Ministry of Interior, Ministry of Social Affairs and Health as well as from the Associations of Finnish Local and Regional Authorities. The task of the working group is to make proposals on how best to administrate Roma affairs at state, provincial and municipal levels in order to achieve greater participation from Roma communities.

The Romani Language Board

The Romani Language Board was established in 1997 within the Research Institute for the Languages of Finland. As part of the overall aim of researching various languages, the Romani Language Board is responsible for developing, preserving and researching the Romani language and offering recommendations on its usage.

As part of this and in conjunction with the Advisory Board on Romani Affairs, the Romani Education Unit and the Finnish Romani Society, The Romani Language Board arranges annual seminars on the Romani language.

The Rom-sf project

Since Finland's accession to the European Union, it has been able to take part in the EU's Socrates training programmes, and in particular its Comenius programme. Comenius is an inter-school programme and focuses on training and education for migrant workers, the itinerant population and Roma/Gypsy children, and on intercultural instruction. One goal of the Socrates programme is to foster skills in seldom-used languages within the European Union and the European Economic Area. The Socrates programme incorporates the Comenius-2 programme, which focuses on the education of migrant workers, the itinerant population and Roma/Gypsy children, as well as on intercultural instruction. The Education Unit for the Romani population is currently co-ordinating the Comenius-2 programme's *Rom-sf* project in collaboration with Sweden and Portugal. The *Rom-sf* project is concerned with gathering, recording and publishing Romani biographies and stories.

The idea for it was conceived in 1996 by the Area Advisory Committee on Romani Affairs of the Provincial Government of Southern Finland and what was then Håme province. The National Board of Education and the Education Unit for the Romani Population applied for and obtained support from the EU for the two-year project, running from 1998 to 1999. The EU support totals 60,000 ECU, most of which have been spent on gathering interviews and on the practical costs of the project (publicity, a national seminar etc.). The national share of the funding includes the project secretary's salary, and publishing activity such as writers' and illustrators' fees.

In Portugal, the Ministry of Education and four schools are taking part in the project. In Sweden, the Nordic Romani Council and the National Association of Finns in Sweden are involved. In Finland, the Provincial Governments of Southern and Western Finland, Järvenpää Parish institutes and the lower forms of two comprehensive schools are running the project.

As part of the project more than 120 interviews were conducted in Finland, approximately 100 in Portugal and 40 in Sweden, all aimed at gathering information on Romani traditions.³¹ We do not know at what level these interviews were conducted, ie, whether at individual or household level, so it is difficult to have a sense of the scale of this research. Nevertheless, from this research, two books have been published, one of which is a volume of stories to be used for teaching in the lower grades of the comprehensive school.³² The publication is targeted at both Roma/Gypsy children, to strengthen their culture and identity,

and at the majority population, in order to increase knowledge of “Romani culture” and “promote tolerance”.³³

The other work is for use in teaching in the upper grades of comprehensive school, at senior high school and in tertiary and university education. It is a compilation of biographies based on interviews with Roma/Gypsies. Roma/Gypsies talk in their own words about their lives and experiences in and of Finland within the context of Finnish history. It does not consist, therefore, solely of entire biographies.³⁴ A working group with Roma/Gypsy members supports the writers of both books. A book of stories and a book of biographies are also being produced in Portugal. Both countries will publish their own books, in their own languages. The aim is to apply to the EU for additional support for possible translation of the works into a language of the EU and to subsequently publish the books as a complete set.

NGO practice in the area

There are a small number of national NGOs in Finland working specifically with Roma/Gypsies.³⁵ The largest and oldest Romani NGO is *Romano Missio* established in 1906. With a membership of about 400, it works primarily in the areas of national child welfare and social services. It also provides one of the members of the Advisory Board on Romani Affairs. It produces Christian and educational services aimed specifically at Roma/Gypsies. In co-operation with the Evangelical Lutheran Church of Finland, United Christians, communities, state bodies and other

Romani organisations, it has carried out a number of projects, such as working with young drug offenders. It also offers scholarships for young Roma/Gypsies who would otherwise not be able to afford further education.³⁶

Other smaller NGOs include:³⁷

- *Suomen Vapaa Romaniyhdistys* (Finnish Free Romani Mission). Established in 1964 it has a spiritual and social work focus.
- *Soumen Romaniyhdistys* (Finnish Romani Association). This was established in 1967 as a pressure group for Roma with an emphasis on social affairs.
- *Ryhdyt*. This was set up in 1993 as an association or network for all those working with Roma. These include those working with youth, the elderly and drug users.
- *Gypsies Future*. This is a Romani youth organisation established in 1998. It carries out volunteer work in child welfare.

International covenants, conventions and charters

Finland has ratified:

- the International Covenant on Civil and Political Rights (ratified 19 August 1975, entered into force 23 March 1976)
- the International Covenant on Economic, Social and Cultural Rights (ratified 19 August 1975, entered into force 3 January 1976)
- the International Convention on the Elimination of All Forms of Racial Discrimination (ratified 14 July 1970, entered into force 13 August 1970)

- the Convention on the Rights of the Child (ratified 20 June 1991, entered into force 20 July 1991)
- the UNESCO Convention against Discrimination in Education and the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any dispute which may arise between States Parties to the Convention against Discrimination in Education
- the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified 10 May 1990, entered into force 10 May 1990)
- the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified 10 May 1990, entered into force 10 May 1990)
- the European Framework Convention for the Protection of National Minorities (ratified 3 October 1997, entered into force 1 February 1998)
- the European Charter for Regional or Minority Languages (ratified 9 November 1994; the Charter entered into force 1 March 1998).

Finland has signed:

- Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (signed on 4 November 2000, due to be ratified in 2001).

Finland: notes on the text

1 Information provided by Henry Hedman, *Romano Missio*, 15 July 2000.

2 Core Document Forming Part of the Reports of States Parties, Finland., UN Doc. HRI/CORE/1/ Add.59/Rev.1, 25 June 1996; National Board of Education, Education Unit for Romanes Population, *Report on the Education for Romanies in Finland*, 1999.

3 Suonoja, K. and Lindberg, V., *Strategies of the Policy on Roma*, Reports 2000: 8 eng Ministry of Social Affairs and Health, Helsinki, 2000. pp. 4–5.

4 Jokela, J., *A Child Must be Held Like a Glass Dish: Romani parents estimate goals of upbringing*, Graduate Thesis in Pedagogics, University of Jyväskylä, 1992. Suonoja and Lindberg, *Strategies of the Policy on Roma*, op. cit.

5 Report of Finland on the Application of the Framework Convention on the Protection of National Minorities, submitted on 16 February 1999.

6 The Samis or the Lapps are considered as an indigenous people in Finland. The Sami Parliament estimates that there are approximately 6,400 Samis in the country, representing 0.1 per cent of the total population. The Statistical Yearbook of Finland gives the figure 1,738 for the Samis at the end of 1993. The counting methods of the two differ. Most of the Samis live in Lapland in the north of Finland (see: Core Document Forming Part of the Reports of States Parties, op. cit.); Vuolasranta, M. and Suonoja, K., The Advisory Board on Romani Affairs, Finland, distributed at the OSCE Supplementary Human Dimension Meeting on Roma/Sinti issues, 6 September 1999.

7 Alvaro Gil-Robles (Commissioner of Human Rights), *Recent Government Measures*, Finland, Ministry of Social Affairs and Health in co-operation with the Ministry of Foreign Affairs, 2001.

8 Alvaro Gil-Robles (Commissioner of Human Rights), *Recent Government Measures*, Finland, op. cit.

9 Roma/Gypsies, like their school peers, are subject to compulsory school attendance.

- 10** Olgac, C. R., 'Roma children in a Nordic perspective', paper presented at the seminar *Children's Rights in Europe – Challenge and Responsibility*, organised by the Swedish Embassy, Swedish Institute and National Széchényi Library, Budapest, Hungary, 26 March 2001.
- 11** Ministry of Social Affairs and Health, *Finland's Romani People*, Brochures 1999: 14 eng. Helsinki 2000 p. 5. See also: Sloane, W., "Gypsies Still on the Fringe in Finland", *Patrin Web Journal*, 1995, available from: <http://www.groceries.com/Paris/5121/finland.htm>
- 12** Information provided by Eine Lillberg, National Board of Education, June 2001.
- 13** EFA Finland Report <http://www.unesco.org/education/efa>.
- 14** EFA Finland Report <http://www.unesco.org/education/efa>.
- 15** The OECD brings together 29 countries: the original 20 members of the OECD are located in Western countries of Europe and North America. Next came Japan, Australia, New Zealand and Finland. More recently, Mexico, the Czech Republic, Hungary, Poland and Korea have joined.
- 16** EFA Finland Report <http://www.unesco.org/education/efa>.
- 17** Concluding Observations of the Committee on the Elimination of Racial Discrimination, Finland, 4 April 1999. CERD/C/304/Add.6.
- 18** Concluding Observations of the Committee on the Elimination of Racial Discrimination: Finland, 9 August 2000. CERD/c/57/CRP.3/Add.3.
- 19** See: Finland, 18 November 1998, CRC/C/70/Add.3.
- 20** See: European Monitoring Centre on Racism and Xenophobia, *The Situation Regarding Racism and Xenophobia in the European Community. Looking Reality in the Face*, Annual Report 1998, Part II.
- 21** Report of Finland on the Application of the Framework Convention on the Protection of National Minorities, submitted on 16 February 1999.
- 22** National Board of Education, Education Unit for Romanes Population, *Report on the Education for Romanies in Finland*, 1999.
- 23** Council of Europe, *Second Meeting of National Consultative Bodies between Roma/Gypsies and Governments*, Helsinki, 30 October – 1 November 1997, MG-S-ROM (98), 15.
- 24** Ministry of Social Affairs and Health, *Finland's Romani People*, Brochures 1999: 14 eng. Helsinki 2000.
- 25** Suonoja and Lindberg, *Strategies of the Policy on Roma*, op. cit.
- 26** Information provided by a member of staff of the Education Unit for the Romani Population.
- 27** National Board of Education, Education Unit for Romanes Population, *Report on the Education for Romanies in Finland*, 1999.
- 28** Information provided by a member of staff at the Education Unit for the Romani Population.
- 29** Information provided by a member of staff at the Education Unit for the Romani Population.
- 30** National Board of Education, Education Unit for Romanes Population, *Report on the Education for Romanies in Finland*, 1999.
- 31** Information provided by a member of staff at the Education Unit for the Romani Population.
- 32** This is available in Finnish and Portuguese. Information provided by Eine Lilberg, National Board of Education, June 2001.
- 33** The authors of this book are Leena Laulajainen and Malla Pirttilahti, and Kari Lindgren is the illustrator. It was published by the National Board of Education, spring 2000.
- 34** The author of this book is Marketta Ollikainen. The report was published by the National Board of Education in summer 2000.
- 35** While Save the Children Finland includes Roma/Gypsy children in its programmes, it does not have a programme specially aimed at working with this group.
- 36** This information was taken from their web site: <http://www.romanomissio.fi/>.
- 37** Suonoja and Lindberg, *Strategies of the Policy on Roma*, op. cit. It was not possible to gather more detailed information from the NGOs themselves in time for the publication of this report.