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# Racism, Racial Discrimination, Xenophobia and Related Intolerance in Education

## The Case of Roma Children in Slovakia

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### Education in Durban

The Durban Declaration and Programme of Action, adopted by consensus at the 2001 World Conference against Racism in Durban, South Africa, made key recommendations in the sphere of education: (1) the need to guarantee access and inclusion of all children and adults to a quality education, eliminating intra-school and outside-school factors that hinder access, attendance and success in learning experiences; (2) full, precise and objective teaching and communication of the history, culture and contributions of all the different populations; (3) the guarantee of opportunities for indigenous populations to learn in their mother tongue and (4) Human Rights education.

Seven years later, these recommendations remain largely unattended. Racism, Racial Discrimination, Xenophobia and Related Intolerance are still endemic to the education system in many contexts, leading to severe inequalities in access and retention of schooling, and to the perseverance of intra-school processes that directly violate the principles of human rights and dignity.

### The violation of Roma children's right to education in Slovakia

Roma communities have historically been victims of marginalization and persecution, particularly in Central and Eastern Europe. Stereotypes and prejudices about their culture and way of life frequently result in racism, exclusion, discrimination and often violence. Within education, only 3% of Roma children reached secondary school in 2006.<sup>1</sup>

A key barrier relates to the Slovak legislation and implementation in practice, which segregates Roma children into special needs education or "Roma-only" classes. Such segregation, together with lack of access to pre-school education and a total denial of linguistic and cultural rights<sup>2</sup>, result in the violation of the right to education.<sup>3</sup>

The Committee on the Elimination of Racial Discrimination has recommended that Slovakia "prevent and avoid the segregation of Roma children, while keeping open the possibility of bilingual or mother-tongue education"<sup>4</sup>. Furthermore, the Grand Chamber of the European Court of Human Rights, in a historical decision in 2007, has ruled against the segregation of Roma children in "Roma-only" classes or schools, considering it a violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights. However, though not clear from official statistics, segregation is still an alarmingly common practice, particularly in Eastern Slovakia.<sup>5</sup> The Slovakian government is thus violating Roma children's right to education, by not making it **available** on a basis of equal opportunity; by not making it **accessible**, when failing to prevent segregation; by not making it **acceptable**, when offering a discriminatory and inferior education to Roma; and by not making it **adaptable**, when failing to respect, protect and fulfil the rights of children and minorities.

## International Law

The principle of equal treatment and non-discrimination is enshrined in all international Human Rights legislation. "Education must be accessible to all in law and fact, without discrimination. The prohibition against discrimination is subject to neither progressive realization nor the availability of resources", says General Comment 13 of the Committee on Economic, Social and Cultural Rights. According to international human rights law on education and non-discrimination (CERD, art. 5; ICESCR art. 13 and 14; CRC art. 28 and 29; ECHR Protocol 1, art 2) government obligations related to the right to education can be framed according to "four As": Availability, Accessibility, Acceptability and Adaptability.

## Recommendations

- The Durban declaration and plan of action must be reaffirmed and states must guarantee its immediate implementation;
- States must acknowledge the persistence of racism and multiple discrimination within the education system and must therefore put in place appropriate legislation and affirmative action policies to tackle the problem;

- National and local laws, policies and programmes must put in place a curriculum that is based on the acknowledgement and appreciation of difference and on the principles of human rights education, as well as the central role education can play in combating racism and discrimination must be recognized;
- States must immediately ratify international agreements related to the fight against racism and discrimination in education. We underline the importance of universal ratification of the International Covenant on Economic, Social and Cultural Rights (1966) as well as its Optional Protocol, approved in December 2007 by the United Nations General Assembly. We also call on states for universal ratification of the UNESCO Convention against Discrimination in Education (1960).

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**This case study was adapted from two Amnesty International reports: 'A tale of two schools: Segregating Roma into special education in Slovakia' and 'Still separate, still unequal: Violations of the right to education for Romani children in Slovakia'. Amnesty International is a partner in the Right to Education Project.**

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## References

<sup>1</sup> Council of Europe, Office of the Commissioner for Human Rights, *Follow-up Report on the Slovak Republic (2001-2005): Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights* (29 March 2006), § 31.

<sup>2</sup> The 1992 Constitution recognizes the right to be educated in a minority language and Roma were recognized as a national minority in Slovakia in 1991.

<sup>3</sup> Amnesty International (2007) "Slovakia: Roma children and the right to education. Factsheet". 15 Nov. 2007.

<sup>4</sup> UN Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Slovakia 10/12/2004* (UN Doc. CERD/C/65/CO/7), at §8.

<sup>5</sup> According to Amnesty International in some part of Eastern Slovakia up to 100% of schools are segregated and Roma children constitute up to 80% of pupils in special schools. AI 2007.