



DARE TRANS-NATIONAL MEETING
Bucharest, Romania
February 25-28, 2013
Meeting report

INTRODUCTIONS

Life Together

- This organization is based in Ostrava
- There are about 10,000 - 20,000 people in Ostrava
- Most employees of Life Together are Roma

Integro

- They are an NGO based in NorthEastBulgaria, which is focused on Youth empowerment
- They also focus on networking coalitions – bringing together 32 local ngos
- They have worked on strategies on integration and anti-racism in media, as well as income generation activities, and quality education of Roma where they primarily work in secondary schools.

European Roma Rights Center

- An international NGO that works in 15 countries
- They focus on issues of Housing, freedom of movement, education
- They have litigated segregation cases in Czech and Slovakia and most recently in Hungary(Kiss v. Hungary)

Romani CRISS

This organization is based in Bucharest who work through three departments:

- 1) The Human Rights Department - promoting rights and litigation with a focus on housing, healthcare, and education;
- 2) The Health Department – in which are known for their health mediator program
- 3) The Education Department

Segregation Issues

ERRC

- The goal is to identify how to address problem and get involved.
- The mission is to fight discrimination - take cases on behalf of victims and local organizations.
- Their approach is to look at the phenomenon across Europe
- There are many reports on segregation
 - Roma only schools
 - Roma only classes
 - Disability schools
- They have now developed research in Macedonia and have new data in Serbia
- Orsus case -Enrollment into special classes, because of lack of mastery of language

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- ERRC is involved in all forms of segregation, not just special schools
- Macedonia – constitutes of a complaint on Roma only schools
- Girls more impacted in enrollment into special schools

It is the responsibility of the state to eliminate segregation. The ERRC is planning to assist implementation, but there is no work yet on the soft advocacy to collaborate with government. For instance, lobbying is needed to implement judgments; and competencies are needed to integrate children in schools.

Integro

The organization works with small towns and in connectivity with schools.

Through their services,

- 1) staffworks with children to avoid drop out from school;
- 2) they provide text books and supported debate clubs and youth activism;
- 3) they work with teachers and parents

Life Together

The organization's origins stem from the DH case

The Life Together staff speaks out and is civically active.

They also help in access to pre-school

Recently, they hosted the 5th anniversary of the DH case decision.

Romani CRISS

Focus on documenting cases of school segregation through monitors network

The initiative was not focused on intervention, but on documenting violations.

After documenting, the goal is to bring before the equality body.

Romani CRISS brought case before National Council for Combating Discrimination

The Council decided there was discrimination treatment against Roma children.

In 2007 –the Ministry of Education released an order to ban segregation, Romani CRISS is attempting to monitor the effectiveness of order.

The results still are not positive; more than 50 schools still segregated students.

They are working to create best practices in the European Social Fund Project

They implemented "Strategic Steps for improving the access to education of Roma children" project who took place from 2009 – 2012, in 4 regions in Romania, which included 20 counties and 90 schools.

Criteria: Segregated schools in disadvantaged communities; Urban, Rural, ethnic conflict, high marriage in Roma community.

Focus Areas:

- 1) Inter-cultural
- 2) Involve community
- 3) Teachers, parents, students
- 4) Trainings and activities
- 5) Grandparents Night - stories
- 6) Story of friend's family

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- 7) Debates which included public figures
- 8) Discussions
- 9) Donate a book - corporate and embassy support
6000 books and 2500 encyclopedias

For Parents:
 Mothers' Club
 Meetings with parents in high rated clubs
 Other activities

Implementation of Order for 1st and 5th grades
 Identified Roma and non-Roma to assess ethnic balance
 Results

- There seems to be many process indicators, but what is the overall impact?
- For one point, it looks like kids were more inclined to attend school

In 2003- Monitor from Salaj contacted Romani CRISS about school segregation
 Documented case: In Cehei, Roma community was 5 km from school
 There were two buildings on school grounds – main building and annex
 The Annex was used for Roma students
 A complaint was made to the National Council for Combating Discrimination
 The Council said yes and issued a warning (weakest of sanctions)
 It was then brought before Ministry, but they didn't recognize any problem
 In 2004 –The Ministry issued a notification [instruction without enforcement]
 Slow movement - but Ministry now recognized problem
 In 2005 – A National Program was established to address school access for vulnerable groups
 The initial phase addressed structural issues, but not segregation
 By, 2007, the issue of segregation started to be addressed
 In 2007 –A Ministerial Order was made, at the pressure of 10 organizations
 Three (3) orders were created - One was 1540/2007
 - One was on Educational Mediators
 After one year, the sustainability was an issue
 - One was Cultural Diversity Curriculae
 It stated there should be information on Roma history and culture
 It was largely not implemented

Important Provisions of 1540/2007

Each year:

Schools must report to school inspector the exact ethnic composition
 Inspectors report to Ministry
 Based on reporting, the distribution can be quite clear

The Order provided a definition for school segregation

Physical separation of Roma children in groups, classes, buildings, schools, etc. where the total is disproportional of children that is school age in the administrative unit

(Only 3 localities where Roma are a majority)

Language issues - Hungarian or Roma schools are not segregated

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Mainstream schools in Romanian language

Elective modules for minority languages

"Mother Tongue" Education (Hungarian) - including all core classes (2 Roma Schools exist)

In Article 4, the Order also predicts problems/loopholes that lead to segregation.

Late enrollment cannot be a reason for separate classes

Transfers of children from Roma schools enrolled in Roma classes

- This cannot happen; they must be integrated

This Order has become a useful tool for the Equality Body.

Combat Segregation in Article 5

Desegregation Plans are located in Article 6

Municipalities are required to have a plan if classes are seg

Use of space; training of teachers; code of conduct; Roma/Intercultural curriculae;

Roma mediators;

Reporting: The Annual report must include desegregation progress

Article 16 - includes sanctions for violations

Cases:

Cehei—This was the first case to be brought by Romani CRISS on discrimination.

The complaint focused on the conditions, but not on the quality of education.

In response, the Equality Body showed up unannounced and evaluated the school.

They found the Roma kids alone playing chess.

There was no rationale for separating the children and they identified unequal quality of education.

The result was the construction of a new school close to Roma neighborhood, but therefore allowed residential segregation.

This experience showed Romani CRISS how to build a case - Build beyond Cehei

The result of the Order was "avant-garde"

Working groups for the development of the order

Harvard representative presented the achievements of the study- interviews, open discussions after a fixed timetable.

Romani CRISS's Experience with Affirmative Action Programs

This focuses on addressing suffering and discrimination in the past

Establish equality from past practices of policy

In 1998 –The Ministry of Education supported affirmative action by establishing 144 spots at university -

In 1992-93 – The Faculty of sociology University of Bucharest allocated 10 spots for Roma. This was expanded upon at Univ of Cluj.

Interested students were required to apply with recommendations included

Romani CRISS led an information campaign in 52 communities

[Many positive results, including 125 in university]

In 2008 – Need for Quality and Equality in Education

This was an information campaign - fliers, etc.

They also organized debates on HR issues.

Justification of affirmative action

Censoring xenophobic statements

2009 - Strategic Steps for Education..."Radio spots for a social campaign; 500 Roma students

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contacted RCRISS for recommendations

Weaknesses

- No evaluations of impact for affirmative action
- There needs a periodic review by the gov and not NGOs
- There needs to be academic study of the practice
- There is no law that legitimizes, nor are the any measures to assess
- Some orgs sell recommendations (15% are occupied by non-Roma)
- Employment opportunities are few for graduates
- The lack of consistent discussion leaves some non-Roma with a level of displeasure with the affirmative action system

Affirmative Action Programs do not exist in Bulgaria

2.5% of Romanian Roma has a university degree (compared to 27% of nonRoma)

Three Cases for Preventing Discrimination

Two Roma children tried to enroll in kindergarten, but the principal refused to enroll them. The principal also rejected the children by including offensive statements.

The principal believed that the kids should be in a special needs school.

Parents had doctor's papers saying they weren't delayed.

Romani CRISS issued a complaint

Six months later, the national council for combating discrimination determined that there was a violation

The only criteria the principal used was their ethnic origin

The father of the children called national media and created pressure

The children were finally admitted, but asked to bring their own tables and chairs

(Though that is provided to all students)

Now: The kids are in primary school on the same grounds.

The teacher still makes offensive remarks

Movement of main stream education to special education

This form of abuse happens by justifying a misdiagnosis through a special commission, but only Roma children are diagnosed

Sibiu - Theoretical high school transferred Roma students

Held back the students several years in a row to then transfer them

Often, greater benefits (like a food allowance) are available in the special school

National Council determined that discriminatory effects were present by transferring and by providing increased benefits to entice the change

Upon investigation, most of the children transferred were Roma, and with no medical rationale.

A general recommendation was issued to ensure the relative quality in schools and to eliminate the practice of transferring students

The special schools needed students to justify their existence

It drew off of the local community, which was Roma, as a result.

Parents wanted their children in the mainstream school and were not consulted

School age students and Discrimination

Romani CRISS filed a complaint with the National Council for a village in the southwest.

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1st A (step by step) and 1st A (regular) and 1st B (Roma)

The Council investigated and identified that the class was only Roma

12 kids in 1B, when there needs to be at least 20

Conditions and infrastructure was worse

Ever since the 1st day, there wasn't a regular teacher, one was hired after the school year started.

The prefecture formed a commission to determine whether desegregation was respected and they made the determination that a desegregation plan was necessary.

The practice of assigning students to the classes was not transparent and it had a discriminatory effect.

After only findings and recommendations, a fine was implemented to the school and to the school inspector (500 euros). This is currently in appeal.

Even though there is a good legislative framework, the violations are subtle and the protections are difficult to put in practice.

Excuses are normally late enrollment and other classes were already established

Such as the third class in this case.

Another excuse is that the parents prefer to separate the children.

Anti-Discrimination Legislation is there, but segregation in education is not in the section of the law where sanctions can be implemented.

All the decisions from the administrators were cognizant of the limitations to apply sanctions.

The special section has housing and health, but not education

The education section does not call for sanctions for segregation.

Chave Zurale project

Support Clubs to Avoid School Leaving

500 children involved in after-school clubs

Goals:

- 1) Avoid dropout for the 500 students involved.
- 2) Increase intercultural awareness for teachers
- 3) Increase awareness on dropout and recovery

Academic tutoring

Activities: fun math and other exercises

Increase awareness of education as a tool of social mobility for parents

Common priorities

Key Debates

Qualitative Education in July 2010

Priorities after 2010:

- 1) Promoting Intercultural Education
- 2) Improving School Attendance
- 3) Increase parental involvement in decisionmaking process
- 4) Early childhood education
- 5) Desegregation

Abuse of diagnoses in transferring to special schools is a concern

Culturally sensitive test are necessary

August 2011 - Nat Strategy of Roma Integration

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It is a 50 page document that was not considered by government
 Priorities are included in the set of documents

European Roma Rights Center

Horvath and Kiss v. Hungary

2005 - CSOs were fighting the segregation of Romani children

Victoria Mohaci led the effort

Often, tests were being used for channeling Roma students to be sent to special schools.

Before entering primary school, children can be tested for school readiness, using a test with a majority bias.

Poverty issues clearly manifest in test results.

A failure to pass, does not exactly demonstrate disability.

Case went through all domestic remedies.

The Supreme court stated that they didn't have the capacity to determine that the test was not accurate.

Using the DH (2007) finding that their test was biased, ERRC filed a case of indirect discrimination, but also filed a charge of direct discrimination that the state knew of its impact.

Decision that stated that only one affected group was not direct discrimination. [Court disagreed that only one group was affected by the test.]

Just 3 weeks ago, the Court determined that there was no justification for race discrimination (which is subject to strict scrutiny).

This allows NGOs to push governments to uphold their positive obligation to prevent such problems. You have to review your testing, procedures and make sure that discrimination doesn't exist.

Good Practices

The arguments made and the Principles said by a national court can be used in future cases. But, the issue is how to implement the decision.

Courts say that schools be desegregated, but don't explain how to do it. Supreme Court doesn't have the competence to dictate what should be done.

Equal Treatment Act - Segregation: a conduct that separates one group of individuals from others without a law that justifies. {paraphrased}

ERRC has litigated cases of segregation in Czech Rep, Croatia, Hungary, and Greece.

ERRC Croatia

Orsus and others v. Croatia

Mainstream Education and separate classes

The Sampaniscase used a different facility

The Orsusc case had separate classes

Roma kids didn't speak Croatian so they were put in a different class.

First instance court said is no discrimination.

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Court said:

- 1) Language is not a pretext for segregation;
- 2) State obligation to take positive measures to support students for integrated education.

Committee of Ministers invited Croatia to address the low attendance and high dropout rate.

There was no legal ground for separating kids

The test was not specifically designed to test command of the language.

As a result, the amendment to the law created a new form of testing and an appeal process.

Curriculum: Roma kids also had a reduced curriculum (30% reduced) which had no legal basis for doing so. Of equal concern, there was no specific program for addressing the Croatian language inefficiency.

NOW – The Curriculum and Method of Transferring:

No mastery - early classes and mainstream during the day

Better mastery - additional lessons

Teachers received additional materials and mediators to assist students.

BUT, there is a lack of a transparent monitoring procedure, nor a timeframe for when kids join the regular program.

Dropout at the time of the case was 84%

Institute support for students and parents

100% enrollment in kindergarten

With two meals and transportation

The Committee of Ministers is tracking progress and monitoring

Integro

700,000 Roma in Bulgaria

Working with an NGO in Vidin

Local authorities were not involved in the busing in Vidin

Not sustainable for NGOs to continue busing

Gov should take over; NGO should provide parent and teacher support

Kavarna Municipality Case

Access to books and Open Libraries / After School Programs / Computer Labs

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