

Volume 1: South-eastern Europe

Denied a future?

the right to education of
Roma/Gypsy & Traveller children in Europe



Save the Children

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Denied a Future? Volume I: Summary

The countries covered in this volume represent what can be seen as the heartland of Roma/Gypsies in Europe – the Balkans. This area has the highest concentration of Roma/Gypsy communities and is also the region that provides most of the continent’s native Romani speakers. However, there is considerable linguistic and cultural diversity amongst Roma/Gypsy populations even within this region. This is reflected in the various names that communities have for each of the Romani dialects used, and in the many different types of relationships that exist between the communities and wider society.

The region has faced enormous problems since the end of the Cold War. All the countries (with the exception of Slovenia – not included in this report) have experienced severe recession and an accompanying rise in social tensions. Most dramatically, the countries of the former Yugoslavia have undergone a decade of war. Although Roma/Gypsy populations have not been directly part of the ethnic fragmentation of the region, they have often suffered considerably from violence and insecurity. This has led to considerable migration both within the region and to countries further afield. Another effect of war has been that over the last ten years, Roma/Gypsies have not received the levels of attention and resources that populations have enjoyed in other countries. This is reflected in the considerable difficulties that exist in obtaining precise data about their numbers and circumstances.

In countries such as Croatia, the effect of internal displacement and the introduction of procedures to define membership of the new state have had a

negative impact on the ability of many Roma/Gypsy parents to register their children for schooling. The creation of new political units has also increased complexity, best shown in Bosnia and Herzegovina, which, divided between the Federation and Republika Srpska, limits access to international and even domestic rights to education. The Roma/Gypsy minority in Kosovo suffered considerably as a result of the conflict there (even though Roma/Gypsies were not directly party to it) with the majority of the population fleeing to surrounding regions.

War and conflict more generally has seen the destruction of infrastructure, including schools. Many Roma/Gypsy populations live in relatively isolated settlements and have found themselves either far from a school or having to attend schools which offer very low-quality accommodation. Unsurprisingly, little progress has been made in reforming mainstream educational systems and in enabling teachers to adopt a more positive approach to Roma/Gypsy pupils. In addition to this, although a significant number of Roma/Gypsies in the region speak one or other dialect of Romanes as their mother tongue, there is practically no provision for study in this language.

In general, attendance rates of Roma/Gypsy children in schools are low, and they rarely attend beyond primary school. The social status of Roma/Gypsies is equally low, and cultural and physical isolation has been compounded over the last decade by increasing impoverishment, economic marginalisation and conflict. Relations with wider society, at best, have not improved within a climate of strengthening “majority”

national identities. One exception is the Former Yugoslav Republic of Macedonia. There, while the Roma/Gypsy minority experiences similar problems to those throughout the former Yugoslavia, the existence of very large communities, notably the municipality of Shutka, has led to relatively greater attention being paid to Roma/Gypsy language and education, especially by NGOs.

In those states not directly involved in armed conflict (Romania, Bulgaria and Albania) the situation of Roma/Gypsies has been characterised by the effects of post-communist transition. As in other countries in Eastern Europe, the abandonment of communist integration/assimilation policies has produced high levels of unemployment, particularly for those with fewer skills, having a disproportionate effect on Roma/Gypsies. Assessing the situation of Roma/Gypsies in Romania is made difficult by the extensive diversity that exists within the population coupled with the lack of any comprehensive data about them. Romania has produced large numbers of Roma/Gypsy refugees throughout the 1990s, partly as a result of the economic circumstances, but also due to waves of violence at the local level. The Romanian state has been slow to address formally Roma/Gypsy issues, including education, and has preferred to allow the NGO sector to develop initiatives rather than to allocate its own resources.

In Bulgaria NGOs have also played a prominent (though sometimes controversial) role in relation to Roma/Gypsy education. A significant problem

revolves around the high number of Roma/Gypsy children placed in segregated schools that developed during the communist period. However, the effect of two recessions and the persistence of strong negative attitudes towards Roma/Gypsies on the part of much of the wider population has resulted in slow progress and the intensification of problems such as the growing number of street children, many of whom are Roma/Gypsies.

Albania has not been directly affected by war. However, the Albanian population has suffered as a result of economic collapse and political instability, further reinforcing the marginalisation of Roma/Gypsies within society. Unlike in Bulgaria and Romania, where a small number of Roma/Gypsies have succeeded within the educational system, in Albania, Roma/Gypsies remain a largely isolated, low-status group with little political presence.

Since the current circumstances of Roma/Gypsy minorities in the region have been heavily shaped by conflict, it can be assumed that the end of conflict will bring opportunities for Roma/Gypsies, local and national governments and the non-governmental sector to develop strategies that will enable all citizens to enjoy their right to education. Greater progress has been made in Romania and Bulgaria, not least because both are candidate countries for membership of the EU. Perhaps more than in any other region, those shaping educational change in the Balkans need to consider not only issues relating to economic and social marginalisation, but also issues surrounding language provision.



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 Western European context it refers to the stage of schooling that comes after pre-school 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 in 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

ADRA	Adventist Development and Relief Agency
AEDP	Albanian Education Development Project
AOR	Area of Responsibility (Kosovo)
BiH	Bosnia and Herzegovina (a state comprising two entities: the Federation of Bosnia and Herzegovina and the Republic of Srpska).
BSP	Bulgarian Socialist Party
CEGI	Chamber of Commerce and Industry of Romania and Bucharest
CIP	Centre for Interactive Pedagogy (Serbia)
COOPI	<i>Cooperazione Internazionale</i> (Italian International Co-operation)
CPS	Central European University Centre for Policy Studies
CRCA	Children's Rights Centre of Albania
CRS	Catholic Relief Services
CSCE	Conference on Security and Co-operation in Europe
DCA	Dan Church Aid (Danish)
DM	Deutschmark
DPNM	Department for the Protection of National Minorities (Romania)
ECRI	European Commission Against Racism and Intolerance
ERRC	European Roma Rights Centre
EU	European Union
FBiH	the Federation of Bosnia and Herzegovina (one of the two Entities in BiH)
FID	Forum for Democratisation (Kosovo)
FOC	<i>Fundatia Familia Si Ocrotireas Copilului</i> (Romania)
FOSIM	Foundation Open Society Macedonia
FRY	Federal Republic of Yugoslavia
FSD	Open Society Foundation Romania
FYR	Former Yugoslav Republic
FYROM	Former Yugoslav Republic of Macedonia
GDP	Gross Domestic Product
GTZ	<i>Deutsche Gesellschaft für Technische Zusammenarbeit</i> (German Development Agency)
HDZ	Croatian Democratic Union (political party)
HLC	Humanitarian Law Centre (Serbia)
HRK	Croatian Kuna (12 HRK = £GB1)
IDP	Internally Displaced Person
IEP	Institute for Educational Policy, Open Society Institute
IOM	International Organisation for Migration
IRC	International Rescue Committee

KFOR	NATO-led military security force, deployed in Kosovo
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
LCO	Local Community Officer (Kosovo)
MATRA	‘MATRA’ Programme of the Ministry of Foreign Affairs of the Netherlands
MES	Ministry of Education and Sport (Albania) Ministry of Education and Science (Bulgaria)
NGO	Non-Governmental Organisation
NORAD	Norwegian Development Agency
NPA	Norwegian People’s Aid
ODIHR	OSCE Office for Democratic Institutions and Human Rights
ODW	Operation Days Work (Danish organisation)
OECD	Organisation for Economic Co-operation and Development
OHR	Office of the High Representative in Bosnia and Herzegovina
OSCE	Organisation for Security and Co-operation in Europe
OSF	Open Society Foundation
OSI	Open Society Institute
RS	The Republic of Srpska (one of the two Entities in BiH)
SME	Small and Medium-sized Enterprise
SOCO	‘Social Consequences of Economic Transformation in East Central Europe’ Programme
SPOLU	Spolu International (NGO)
SPS	Socialist Party of Serbia
SRSG	Special Representative of the Secretary-General (Kosovo)
SURH	<i>Savez Udruženja Roma Hrvatske</i> (Union of the Associations of Roma in Croatia)
UDF	Union of Democratic Forces (Bulgaria)
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNMIK	United Nations Interim Administration Mission in Kosovo
USAID	US Agency for International Development
UXO	Unexploded ordnance
WWI	World War One
WWII	World War Two
\$US	US dollars
£GB	Pounds sterling

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 Albania

“Until 1991, there were two kindergartens here in M. One of them was in the Roma/Gypsy neighbourhood. In 1991, when the local co-operative to which it belonged was closed, they simply closed the kindergarten too... the teachers who used to work there tried to reopen it for a year. The other kindergarten was threatened with the same fate, but the authorities found a solution to save it.”

Primary-school teacher

“We would like a school nearby, but not one separated from *gadje*. We want an integrated school. We are against racial prejudice here.”

Roma community leader

Summary

Context

Since 1990, Albania has experienced severe economic recession resulting in widespread impoverishment and the destruction of public buildings, including schools. Political instability has meant that the state has largely neglected the Roma population, exemplified by the absence of efforts to develop policy directed towards the Roma minority during the post-communist period.

Roma population

The situation of the Roma population is characterised by a dearth of reliable information. Official census figures (1989) put the Roma population at a little over 1,000 whilst NGOs claim between 100,000 and 120,000. Prior to 1945, Roma were nomadic, but many settled during the communist regime. Some communities migrate within the country and others travel abroad in search of seasonal work. There are at least four dialects of Romanes spoken in Albania. The small number of Roma organisations are operating primarily in relation with NGOs rather than pursuing an explicit political course.

Roma and education

Roma make up a high proportion of those not attending compulsory school. This is partly due to the non-registration of migrants, but also due to experiences of discrimination in school as well the declining accessibility of schools due to infrastructure decay. Very few Roma attend preschool classes, due to cost, problems of accessibility and the high rate of female unemployment. Officials appear unwilling to enforce compulsory education on Roma and can only levy fines, which are not a viable tool given the levels of poverty among Roma/Gypsies.

Language provision

In school, Roma pupils learn alongside non-Roma pupils. Despite constitutional and legal opportunities for Roma minority classes and Romani teaching, a lack of materials and teachers mean these have not been utilised.

Balance of NGO and government activity

To date, the main initiatives to help Roma children have been carried out by NGOs and include Romani summer camps, curriculum development and vocational-skills training for disadvantaged young people.

Albania report contents

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Introduction – The Roma/Gypsy minority

Albania shares borders with the Federal Republic of Yugoslavia and Greece. It has a number of ethnic minorities, which mainly consist of: Greeks (by far the largest and found mainly in southern parts of Albania); Roma (some who are settled and some who are semi-nomadic); Egyptians (who claim Egyptian origins and are referred to as *Gjupci*, *Egjupci*, *Jupci*, *Ejupci* and *Ojupci*); and a small group of Macedonians who live in a cluster of fewer than 15 villages in the east. Other minorities include Montenegrin, Jewish and Armenian groups.

Although it is recognised that Roma and Egyptians¹ have been in Albania for many centuries, it is difficult to estimate when they first began to arrive. Before WWII, Roma in Albania were largely nomadic. The effects of communism and a number of other factors forced most of them to settle in various parts of the country. Roma form several distinct groups and, according to some scholars, can be grouped into a number of Romani dialectal divisions.² The Egyptian minority speaks the language of the surrounding population – Albanian. They are predominantly endogamous and are a settled population with no history of nomadism, mainly living in central or market parts of cities and villages.³

The 1989 census figures indicate that there were approximately 1,300 Roma (including Egyptians) living in Albania, although most people consider this to be a gross underestimate. Some people report that there are as many as 100,000 Roma alone in Albania. According to Roma NGOs

established in Tirana in the early 1990s, the overall number of Roma living in Albania is even higher at 120,000. These sources also claim that over half of the Roma population is under 18 years of age.

Although there is no legislated discrimination against the Roma/Gypsy minority in Albania, it is generally accepted that in practice racial discrimination against these groups can be found in most aspects of everyday life. Evidence of discrimination in formal schooling is discussed later in this report. Although Roma/Gypsy and non-Roma/Gypsy communities engage with each other on a number of levels, such as in commerce and the exchange of goods, both Roma and Egyptian communities generally live separately from the majority society.

International legislation

The Albanian government has not yet presented an initial or periodical report on the implementation of its obligations under the various Conventions. For example, Albania ratified the Convention on the Rights of the Child (CRC) in 1992. Article 44 of the Convention provides that, within two years of ratification, the State Parties must submit a report to the Committee on the Rights of the Child, indicating the progress made towards implementation. Further reporting is required after five years. At the end of 1997 the Albanian government nominated a commission to draft the first periodic report on the CRC. However, at the time of writing the report had not yet been submitted.

Further to the ratification of the CRC by the Albanian government, new legislation for the protection of children's rights was expected. A draft law on children's rights was prepared by the Children's Rights Centre of Albania (CRCA), with funding from the EU. This draft has been submitted for the attention of some MPs because NGOs are entitled to present draft legislation. However, this draft is still being discussed by the parliament's Preparatory Commission.⁴ Article 18 of the Draft Law states that the government has an obligation to protect and develop children's education in public and private schools.⁵ Furthermore, it should ensure the construction of new schools, the development of school curricula and teacher training. In addition, the Draft Law provides for the establishment of a Commissioner for Children's Rights.⁶

Article 5 of the Albanian Constitution, adopted on 21 October 1998, provides that the Republic of Albania shall apply those international laws that are binding upon it. Article 122 of the Constitution states that, after its publication in the Official Journal, any ratified international agreement constitutes part of the internal legal system. International agreements are directly applicable in the internal legal system, except when they are not self-executing. They are not self-executing when the adoption of further legislation is required. Furthermore, the second paragraph of this Article states that an international agreement ratified by law has priority over laws of the country that are incompatible with it.

Minority rights

Article 18 of the Albanian Constitution guarantees equality for all its citizens before the law free from discrimination. It gives a comprehensive list of criteria including gender, race, ethnicity, language, political and religious affiliation, income and social status. Article 20 of the Albanian Constitution provides that:

- 1 *Persons who belong to national minorities exercise in full equality before the law their human rights and freedoms.*
- 2 *They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as unite in organisations and associations for the protection of their interests and identity.*

Different levels of attention have been given to the educational needs of these populations. For example, the Council of Ministers Decision No. 502 of 5 August 1996 stipulates that in the cities of Saranda, Delvine and Gjirokastra, parents from the Greek minority can request school units for their children in order to learn in their mother tongue. Instruction No. 12 of 13 August 1996 of the Ministry of Education and Sport (MES) sets out the details of this provision in these three cities. It was decided that in one existing primary school there should be a Greek-language class for Greek-minority children. Order No. 83 of 16 December 1998 further stipulates that upon demand from members of Greek and Macedonian minorities, subjects such as the history of Greece and Macedonia may be added to the curriculum.

The Council of Ministers Decision No. 396 of 22 August 1994 deals more generally with elementary education for minorities. It stipulates that individuals belonging to minority groups have the right to be taught in their own language, according to plans and programmes determined by the Ministry of Education. This decision regulates the procedure for setting up school units for minority languages. The process is initiated by a request from the minority group, which is then examined by the Ministry of Education and the relevant mayor. The establishment of such units is granted only if certain criteria are met, such as a specific number of children from the minority. In addition to this, the Decision of the Ministry of Education No. 14 of 3 September 1994 regulates in which language subjects will be taught and exams held, ie, Albanian or the minority language.

The right to education

Article 57 of the Constitution provides that everyone has the right to education. It states that compulsory education is determined by law; that general high-school public education is open to all; and that professional high-school education and higher education are conditional upon merit alone. Article 57 also guarantees that compulsory education and general high-school education in public schools are free of charge. The Constitution also protects the right of students at all levels to be educated in private schools, which must operate according to the relevant legislation.

Article 10 of the Law on the Pre-University Education System, No. 7952 of 21 June 1995, provides that national minorities are entitled to learn in their own language and about their history and culture. Such subjects should be included in mainstream teaching plans and programmes. Article 10 also states that facilities must be created for national minorities to learn the Albanian language, history and culture. The last paragraph of Article 10 states that education for minorities is to be carried out in schools and specific education institutions, which must function according to particular procedures determined by the Council of Ministers. However, it seems that there is no specific budget law to implement this article. The National Budget Law allocates funds to the MES, which is then responsible for distributing them according to its priorities.

The Pre-University Education Law regulates the whole education system. Article 19 establishes that registration of children aged between three and six in kindergartens is optional. In terms of basic schooling, however, Article 24 states that it is compulsory and Article 59 provides for sanctions in case of violations. Article 22 sets out the structure of basic schooling. It states that basic schooling is made up of two levels: primary (from first to fourth grade) and advanced (from fifth to eighth grade), lasting eight years in total. Those students aged 16 years who have not yet completed basic schooling can attend either full time or part time. Pupils have the option after the eighth grade of continuing onto further education.



Article 25 provides that birth and vaccination certificates must accompany the registration of children in basic school. Articles 26 to 29 contain the general principles of the medium school, which is equivalent to secondary school. This is made up of high school and vocational training, both of which are regulated by the Pre-University Education Law.

Chapter 3 of this Law deals with Special Public Education, which is provided for children with a physical, mental or emotional disability. It is not clear what is meant by “emotional disability”, nor what form it may take. Special education is free of charge and depends on the consent of parents. Paragraph 2 provides for the establishment of special classes and institutions for those children with specific needs that cannot be met by the

mainstream school system. The Council of Ministers is responsible for deciding the criteria for diagnosing children with special needs.

Although various institutions in the governmental structure are responsible for education matters, MES is the central institution charged with the management of education. The Parliamentary Commission on Culture and Education is the key legislative body responsible for education matters. A National Commission on Education is the formal advisory body to the Minister of Education. The Institute for Pedagogical Studies forms a unit within the MES and provides technical support and advice. It is responsible for curriculum development, evaluation, education research and analysis, and staff development. It can also make recommendations to the MES

on various programmes and policy issues. There are seven University-based teacher-education programmes and training institutions that provide pre-service training for most Albanian primary- and secondary-school teachers.

In the 37 districts and municipalities of Albania, Local Education Authorities (LEAs) are particularly important mid-level institutions with primary responsibility for:

- monitoring and evaluation (including inspection and supervision)
- the allocation of financial and staff resources
- the execution of directives from the MES.

Moreover, they have recently been made responsible for in-service teacher training. Various *ad hoc* working groups assist the LEAs in their efforts. Each district and municipality has a functioning Commission for Social and Cultural Problems as an entity of its legislative body. These Commissions are responsible for overseeing educational matters, and are the local-government agencies that debate and recommend allocations from the local budget. They are also entitled to inquire into education programmes and management. Finally, school directors are responsible for implementing programmes, staff deployment and evaluation, and financial management in each school.

Preschool

Albania entered the transition period with a satisfactory level of education according to the per-capita income level. This was a reflection of the priority accorded this sector by the communist regime. However, the education system developed

under the communist regime has not fitted well with market reform. Consequently, school enrolment has been falling, and public investment in the sector has been insufficient to effectively address children's right to education. The most affected educational institutions have been preschools. Data from MES show that before 1999 there were 3,426 daycare schools across Albania, and that since then this number has dropped to 2,330. There are a number of reasons for this decline in the number of preschools. One main reason is simply the closing down of many daycare centres in cities and villages which, as part of the civil unrest associated with the collapse of the communist regime, took place between 1990 and 1992. During this period, 5,330 school buildings were destroyed or damaged. Those school buildings that have remained are often in very bad condition, with no heating or windows. Many schools simply do not function during the winter.⁷

Preschool attendance has also fallen by over a third, from 58 per cent in 1990 to 35 per cent in 1997. The extremely poor physical conditions and the lack of materials and teacher training are certainly important factors to consider. The high level of unemployment, especially among females, is also seen as a contributing factor. Families have to pay a considerable amount of money to register their children at preschool, and in schools where children receive lunch the fees may be higher. Many families simply cannot afford such fees. Many mothers who have lost their jobs during the transition prefer to keep their children at home. Attendance is further undermined by a fear felt by many parents of their daughters being

abducted for trafficking abroad. As highlighted in a Save the Children report *Child Trafficking in Albania*, there has been a dramatic decrease in the number of girls over the age of 14 years attending high school. Research carried out for the report revealed that in some areas, both north and south, where pupils have to walk for over an hour to get to school as many as 90 per cent of girls no longer attend high-school education. Although research into this area is just beginning, it does appear that Roma/Gypsy children are most susceptible. According to the Albanian NGO *Ndihmë për Fëmijët* (Help for Children), most children trafficked to Greece for forced labour are Roma/Gypsies.⁸

According to the MES, the overall number of children in preschool is 75,371. More children attend nurseries in rural areas (around 42,353) than in urban areas (around 33,018). While it was estimated that 27 per cent (8,836) of the latter are provided with food, very few children, if any, receive this service in rural areas.

Primary school

In 1990, according to official statistics, all children aged from six to fourteen years attended school. By 1997, primary school enrolment had fallen to 94 per cent. To what extent the decline in enrolment is a result of recent internal and international migration, or of an increase in drop-out rates, is still to be determined. However, it seems that migration is one of the main reasons for children not attending school. The Institute of Pedagogical Studies estimates that only seven per cent of those who migrate within the country enrol in schools in the new area of residence.

The completion rate for primary school was only 66.3 per cent in the school year 1993-94. In 1996-97 the number of children who completed the eight-grade compulsory cycle represented 71.2 per cent of those who enrolled for the first time in the first grade. As well as problems of migration and dropping out, many primary-school buildings (as with preschool buildings) were destroyed between 1990 and 1992 and have yet to be rebuilt.

In practice

The right to education for Roma/Gypsy children

Currently, there are no accurate data to determine to what extent Roma and Egyptian children aged seven upwards attend compulsory education.⁹ However, according to *Amaro Drom*, an NGO working on Roma issues, it is clear that the number of illiterate Roma children is increasing, indicating that Roma children are not benefiting to the same degree as other children from the education system.

School abandonment and dropping out

Most Roma/Gypsy children study in mainstream public schools together with non-Roma/Gypsy children. However, the numbers of children dropping out of school have risen gradually in recent years, and for Roma/Gypsy children this rise has been particularly steep. It is estimated that only one to two per cent of Roma/Gypsy children attend pre-school education. Article 59 of the Law on Pre-University Education provides for sanctions against parents who do not send their

children to school. However, it seems that this provision has never been applied by courts or other state institutions, on the basis that families cannot afford to pay such fines.

The reasons for the high drop-out rates among Roma/Gypsies are numerous. Not the least important is the extremely poor condition of schools. There are also reasons specific to the situation of Roma/Gypsy children. Anti-Roma/Gypsy bullying is common among pupils and according to *Amaro Drom*, an NGO working with Roma/Gypsies, there are also examples of teachers being discriminatory against Roma/Gypsy children. Many Roma/Gypsy children are separated from their classmates, for example, by being made to sit at the back of the classroom. The European Roma Rights Centre (ERRC) has reported further examples of discriminatory practices in relation to the education of Roma/Gypsy children in Albania. In a town near Korçe in south-eastern Albania, a Romani woman told the ERRC:

“In school, Roma kids are treated differently from the others now. Two years ago, when my daughter L was eight years old, she had some problems in school. She was not a very good pupil, but instead of helping her, they sent her home. She was no longer accepted. They do not try to teach our kids... Now my daughter does not want to go back to school. She is afraid of the other children and does not trust the teacher. The other kids in her class used to beat her sometimes and call her ‘dirty Gypsy’. She was the only Romani kid in her class.”¹⁰

The woman’s father said that his brother’s two children had dropped out of school for the same reasons. He thought that a separate school for Roma/Gypsies in Maliq was the only solution to their problem.

In Berat, the school is only 200 metres away from the ghetto-like settlement to which the Roma/Gypsies in this town have been forced to move. The majority of Roma/Gypsy children do not attend school here either, however, because they have strongly negative associations with schools, teachers and other children. Forty-year-old AX, mother of 12 children, explained:

“Most *gadje* [non-Roma] are good when they are young, but as they grow up, they change, and their hearts turn to stone. There are some *gadje* kids who come here to play with our children, but then again, not all kids are good. In school, our kids have been beaten up and now they are afraid to go to school. Some of the children here go to school, but most of them have stopped.”

In May 1996, in Tirana, nine-year-old VD was expelled from school one month before the end of the school year because he went to school without his exercise book. He said that the day before he had quarrelled with his younger sister because she wanted to play with the exercise book, and that their mother had solved the fight by throwing away the exercise book.

Mrs MR, a primary school teacher of Roma origin in a community approximately 5km from Berat, explained:

“In M, Roma/Gypsies constitute around four per cent of the population. Despite the fact that there are about 400 children here who should be in school, only about 250 of them attend school. This means that most of the Roma/Gypsies are not in school. Younger Roma/Gypsy children of kindergarten age also stay at home. Until 1991, there were two kindergartens here in M. One of them was in the Roma/Gypsy neighbourhood. In 1991, when the local co-operative to which it belonged was closed, they simply closed the kindergarten too. The state did not do anything to ensure its continuity, despite the fact that the teachers who used to work there tried to reopen it for a year. The other kindergarten was threatened with the same fate, but the authorities found a solution to save it. The problem now is that this one remaining kindergarten is too far away from the Roma/Gypsy settlement. Also, there are just too many children here for only one kindergarten.”

The situation in the community of LA in Fier in southern Albania is typical. Parents are reluctant to send their children to school since several of them have been beaten by other pupils. They also complain about the long distance (3km) to the nearest school, and that they were afraid of their children being hit by cars or trains on their way to school. HZ, head of the LA community, said that

although the community of Baltez – one of the other large Roma/Gypsy communities around Fier – has its own Roma/Gypsy school, they do not want this arrangement at LA:

“We would like a school nearby, but not one separated from *gadje*. We want an integrated school. We are against racial prejudice here.”

In a community on the outskirts of Gjirokaster, children missed school because, as residents explained, every year the entire community leaves for Greece from April to October to take on seasonal work such as picking tomatoes and oranges. Similarly, in a south-eastern community near Korçe, 16-year-old KD dropped out of school after the fourth grade because he preferred to work with horses, a traditional Roma/Gypsy practice. However, his seven-year-old sister A said she liked school and did not want to stop going.

Despite legal mandate, local authorities responsible for educational issues do not seem to have taken firm steps to fight the ever-increasing drop-out rate of Roma/Gypsy children from school. Local authorities defend their passivity by arguing that, “Roma do not want to send their kids to school, so why should we force them?” The Mayor of FK, at the time, explained his response to the high level of non-attendance by Roma/Gypsy children in his school district in the following terms: “I could fine them, but they are too poor to pay the fines, so there is not much I can do.”

Language provision

In terms of minority language provision, Greek-minority children may be educated in their mother tongue regardless of their place of residence. In addition, the Greek government has funded some education support for students and for teacher training. Students of Macedonian descent – an extremely small group – receive modest assistance from the Macedonian government to support their education and cultural needs. According to Article 10 of the Law on Pre-University Education, Roma/Gypsy children should have the right to learn their own language, history and culture; however, Roma/Gypsies, although representing a larger proportion of the population, do not receive any such support. They do not receive any education in their own language, or on their own history or culture. According to Mina Qirici of *Amaro Dives* – an organisation working on Roma/Gypsy issues:

“It is very difficult to establish schools for Roma children because there are no books, no teachers who know the Romani language, and few Roma know how to write in their language. So it is not possible to find teachers for Roma schools.”

For all three groups, little is known about their curricula or about their special learning needs. While changes have been made in the Social Studies and Civics curriculum to emphasise democratic values, little attention has been given to addressing tolerance and respect for diversity in the context of ethnic difference. Furthermore, within the MES there is no one specifically responsible for the education of national ethnic minorities.¹¹

It is alleged that so far the Albanian government has made no effort to establish policies for the development of Roma/Gypsy communities in Albania. It seems there are no plans or other measures for the protection of Roma/Gypsy children.¹² The government may be supportive of some isolated activity, but it does not normally initiate anything to ameliorate the problems of Roma/Gypsy children. Education of these children does not yet seem to be a government priority.

NGO practice in the area

In the village of Baltëz, close to Fier, a local Roma/Gypsy established a summer school for Roma/Gypsy children aimed specifically at teaching the Romani language and history. Thirty children currently attend. A summer school for some 100 Roma/Gypsy children based along similar lines was also set up in the small town of Fushë-Krujë, 25km from Tirana. This was developed by a Roma/Gypsy teacher. In 1999, *Amaro Drom* also set up a summer school, which was attended by 30 Roma/Gypsy children.

The Open Society Foundation (OSF) has also been active in Albania. It established a programme designed to assist NGOs working on Roma/Gypsy issues in Albania, as it has in other countries in Central and Eastern Europe. At the time of writing, the annual budget for this programme ranged from US\$25,000 to US\$30,000. One such NGO funded by OSF is the Albanian Education Development Project (AEDP). This is a long-term project working on

the education of Roma/Gypsy children. Its activities include conducting research, introducing multicultural curricula, training teachers who teach Roma/Gypsy students and establishing resource centres in some schools for the Roma/Gypsy community. As part of its research programme, AEDP has distributed questionnaires to Roma/Gypsy and non-Roma/Gypsy teachers, students and others. It has also conducted structured and semi-structured interviews in order to gather background information on the education of Roma/Gypsy children. In partnership with Roma/Gypsy organisations, AEDP has visited several districts where large Roma/Gypsy communities live.

AEDP has also initiated teacher training in the Tirana area. Together with the Institute for Pedagogical Research, it has started revising curricula in order to include Roma/Gypsy history and culture. AEDP will submit its proposal to the Ministry of Education. Finally, AEDP recently opened a community centre in the Bairam Curri school, where most of the pupils are Roma/Gypsy children. They are now planning a calendar of activities there, with the involvement of the community. On 26 and 27 November 1999, AEDP organised a national workshop on the education of Roma/Gypsy children, in which teachers, head teachers, local education inspectors, Roma/Gypsy parents and representatives of Roma/Gypsy associations participated. The workshop emphasised that education is the key mechanism for integrating marginalised groups in society. The participants' evaluation of the workshop – the first in Albania – was very positive. For the first time, teachers were given useful information related to Roma/Gypsies.

The Save the Children Alliance also plans to develop work in the area of integrated education. It plans to work in Diber, a district in the north-eastern part of Albania, and Korca in a south-eastern district. Roma/Gypsy populations are particularly numerous in the latter district, and will therefore play a major part in the project. An internal strategy workshop is scheduled for July 2001, during which such plans will be made more concrete.

Another positive experience is that of the *Fondazioni Ndihme per Femijet* in Korcia (southern Albania), which has been running two education projects in three towns – Korcia, Elbasan and Berat. The projects target children who are disadvantaged for socio-economic reasons. Most of them are Roma/Gypsies: 80 per cent in the first project and 60 per cent in the second. The first project is aimed at children aged from 12 to 16 years, who have not attended school regularly because they have dropped out, mostly for socio-economic reasons. It offers general classes to help children fill in the gap, and additional classes which support the children by building up the relationship between the school and their families. These children also follow vocational training classes (hairdressing, mechanics, carpentry, for example) with local people. However, children do not attend vocational courses in all towns, because it is not always easy to find specialised staff locally, and some families do not allow children to go very far from the area where they live.

This project holds two classes, each of 25 children, in each of the three towns where it operates. Each class has two teachers, who are



paid from the project's budget, which is funded by the Swiss government. The vocational trainers are paid from the same budget. The project started in 1998 and was expected to terminate in July 2000. Depending on their circumstances, families who have continued to send their children to the classes will be allowed to receive food aid. All children receive school materials and clothes free of charge. The project has been very successful so far, with only three children dropping out: two left for Greece and one girl got married. It was reported that the children who went to Greece were taken by trafficking

gangs. The project manager went there to learn their whereabouts and to bring them back. The most difficult period is the spring, when families start travelling. To counteract this, it has been necessary to explain to them the importance of their children's regular attendance at school.

UNICEF and Care have funded a number of summer camps during which children go on excursions and prepare for the following school year.

The second project, funded by UNICEF, is aimed at children aged 6 to 12 who have dropped out of school, or who are at risk of dropping out and do not attend regularly for socio-economic reasons. These children receive extra support from teachers in mainstream schools through additional courses held for them. This project also grants food aid to families that send their children to school, as well as school materials and clothes. In addition, project staff and teachers visit the families regularly, offering advice on baby care and providing financial assistance for family planning and other essentials (a stove, a heater, the making of a door, for example). A hundred children in each town are involved in this project. The success rate so far has been 80 per cent.

In the early stages these projects experienced problems concerning the lack of information about the children. Because of overcrowding and subtle discrimination, head teachers and teachers would not recognise that there are children who do not attend school. The projects have not enjoyed government support. In some cases the relationship with the Director of Education at the local level is very difficult. The Albanian government does not seem to be committed to tackling these children's problems effectively, nor to including positive experiences, like these projects, in its national policy.

Recommendations

Given that Albania has ratified:

- the International Covenant on Civil and Political Rights (ratified 4 October 1991, entered into force 4 January 1992)
- the International Covenant on Economic, Social and Cultural Rights (ratified 4 October 1991, entered into force 4 January 1992)
- the International Convention on the Elimination of All Forms of Racial Discrimination (ratified 11 May 1994, entered into force 10 June 1994)
- the Convention on the Rights of the Child (ratified 27 February 1992, entered into force 28 March 1992)
- the UNESCO Convention against Discrimination in Education (However, Albania did not ratify 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 2 October 1996, entered into force the same day)
- the First Protocol to the European Convention on Human Rights and Fundamental Freedoms (ratified 2 October 1996, entered into force the same day)
- the Framework Convention for the Protection of National Minorities (ratified 28 September 1999, entered into force 1 January 2000; ratification published in the Official Journal, *Fletorja Zyrtare*, on 3 June 1999 (Issue No. 21, Law No. 8496))

Save the Children recommends that:

The Government of Albania

- Submits its first report to the Committee on the Rights of the Child, highlighting the educational problems particularly in relation to Roma/Gypsy children.
- Invites the Special Rapporteur on the Right to Education to conduct a field mission in order to assess the shortcomings of the Albanian education system, in particular with regard to the right to education of Roma/Gypsy children.
- Produces sound statistics on Roma/Gypsies, including educational data on access of Roma/Gypsy children to school, and on their attainment.
- Supports morally and financially those projects which have so far demonstrated a positive outcome and could be included in a national policy plan for implementing the right to education of Roma/Gypsy children.
- Addresses related problems, such as child labour, parents' employment and living conditions, which inevitably affect the equal access of Roma/Gypsy children to their right to education.

The Albanian NGOs

- Actively engage in and monitor the reporting process of the government to the Committee on the Rights of the Child and any other international obligation.

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

- Closely monitor the international obligations undertaken by the Albanian government in respect of the right to education with particular attention to the right to education of Roma/Gypsy children.
- Strongly encourage the Albanian government to comply with its international reporting obligations under the main international human rights instruments, taking into consideration children's rights, and including information on children from ethnic minorities.

Albania: Notes on the text

1 “Roma/Gypsy” is used to refer to both the Roma and Egyptian populations in Albania. Where we wish to refer to just Roma, then ‘Roma’ is used.

2 Human Rights Watch/Helsinki, *Human Rights in Post-Communist Albania*, March 1996.

3 Elena Marushiakova and Vesselin Popov, *Identity Formation among Minorities in the Balkans: the cases of Roms, Egyptians and Ashkali in Kosovo*, Minority Studies Society Studii Romani, Sofia, 2000.

4 A. Hazizaj, “A New Law for the Protection of Children’s Rights in Albania”, in *CRCA Revista*, No. 3, January 1999, pp. 58-63.

5 For a copy of the Draft Law see *CRCA Bulletin* No. 4, May 1999, pp. 77-90.

6 It is worth noting that a law establishing an Ombudsperson for Human Rights has been adopted and that the Ombudsperson has now been nominated and is operational.

7 UNICEF, *Children’s Situation in Albania*, 1999.

8 Daniel Renton, *Child Trafficking in Albania*, Save the Children, March 2001.

9 Dr M. Gjokutaj, “The Needs of Roma Children for Education”, in *Se Bashku*, AEDP Newsletter, 1999, pp. 18–24.

10 See ERRC. “No record of the case. Roma in Albania”, *Country Reports*, No. 5, June 1997, p. 65.

11 This information has been drawn from the paper “An Education Development Strategy for Albania” of the Albanian Education Development Project (AEDP), 1999.

12 This information has been drawn from the report entitled *The Forgotten Children*, 1999, by the Children’s Human Rights Centre of Albania; a local partner of Save the Children Alliance.

3 Bosnia and Herzegovina

“I wanted to go to school this year too, but I have to take care of my sister. She is eight and cannot walk. Mother works at the market, and my sister Z got married. I know how to read and write. It was nice to go to school. The teacher was good.”

Roma girl, 11 years old

“My son will continue attending school even when I do not have the bread to eat. He rides a bicycle to school now. It is 6km to get there. But how will he go in the winter? It gets dark early in the afternoon... I am afraid for him.”

Roma mother

Summary

Context

The state of Bosnia and Herzegovina (BiH) was born in a war during which it is estimated up to a quarter of a million people died (from a pre-war population of 4.4m), with many more people displaced, either internally or abroad. Following the Dayton Agreement, the state has been effectively divided between the Federation of Bosnia and Herzegovina (FBiH) and the Republic of Srpska (RS). Roma are not explicitly recognised in the state's Constitution or considered a “constituent people” in either of the Entities, which effectively precludes Roma engagement in public life or enjoyment of minority rights. In recent years a number of Roma organisations have emerged, mainly in FBiH. Before the war almost 9,000 people declared themselves to be Roma, yet other estimates put the Roma population up to 80,000. During the war, in addition to those killed, there was considerable displacement within the country (including between the two Entities) and abroad. However, Roma still constitute the country's largest ethnic minority.

Roma population

These events mean that it is difficult to obtain accurate information about the Roma population. In FBiH many Roma are still nomadic, but many are well integrated with majority communities. Most speak Romanes.

Majority nationalism and widespread impoverishment have strengthened the marginalisation of Roma and reduced living standards. The Roma population of RS is smaller than in FBiH and divided along religious lines as well as between long-standing residents and refugees from the Bosnian and wider conflicts. The lives of many Roma are shaped by coping with the dislocation and material destruction caused by war.

Roma and education

It is equally difficult to obtain accurate information on the educational circumstances of Roma, and there is considerable complexity in respect of educational provision and authority. While the central state applies international agreements, responsibility for educational provision is handled by the two Entities (and subdivisions within them). In FBiH different curricula apply in areas with Bosniak and Croat majorities, and responsibility for education is exercised at either canton or municipal level depending on the ethnic composition of the locality. Authorities apply different rules in respect of language, alphabet and religion used in schools. There are differences in the applicability of rights to education between authorities, there are no Roma classes, and there is no teaching in Romanes. In RS, education policy is consistent across the Entity as it is handled at Entity level.

The low social status of Roma across BiH is reflected in bullying in school. Educational statistics do not include Roma ethnicity, but surveys show high levels of illiteracy (23 per cent of households in BiH). Preschool and primary-school attendance in FBiH is low and there is practically no attendance at secondary and tertiary levels. In RS, practically no Roma attend preschool. Though Roma primary-school attendance is unknown, it is recognised that few complete this level of education and thus Roma participation in secondary and higher education is negligible. Roma were over-represented in special schools before the war, but this no longer appears to be the case.

Balance of NGO and government activity

NGO and community groups have been active in terms of establishing preparatory classes, for example, in the Tuzla and Sarajevo Cantons. More recently, a Step-by-Step programme has been introduced for Romani children in FBiH. National and international NGOs have also set up projects aimed at integrating children with disabilities into mainstream schools.

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Introduction

Bosnia and Herzegovina (BiH) is a country still coming to terms with its recent conflict. Children have been affected more than most and are struggling to survive in a post-war environment. They are faced with a multitude of problems related to, for example, internal displacement, returning after having been a refugee and high unemployment, in particular of parents and other care-givers. These difficulties are compounded by a weak infrastructure and a state of transition within education systems and youth services more generally. The multiple layers of government that lack a clear hierarchy in terms of areas of responsibility and the constitutional inequalities of people within each Entity of Bosnia and Herzegovina further undermine the overall situation. In addition to these problems there are those specific to Romani children, contributing to their low levels of participation in the education system.¹ These include poverty, irrelevance of mainstream education, discrimination and harassment at school, mistrust of government, travelling culture, war and displacement, language, cultural beliefs and practices, and a lack of educated leaders or role models.

BiH is bordered on the north, west and south by Croatia, on the east and south-east by the Yugoslav republics of Serbia and Montenegro and on the south-west by the Adriatic Sea. BiH is one of five states created after the dissolution of Yugoslavia in 1991, declaring its sovereignty in October 1991. It held a referendum for independence from Yugoslavia in 1992. This was one of the factors that sparked the war in BiH, when those who sought to maintain the republic



within Yugoslavia responded with armed resistance. In March 1994, Bosnian Croats and Bosniaks united to create the joint Bosniak/Croat Federation of Bosnia and Herzegovina, thereby reducing the number of parties to the conflict in BiH to two. In November 1995, the warring factions signed a peace agreement in Dayton, Ohio, which brought the conflict to an end. The effects of the conflict – which, at the time of writing, ended a mere five years ago – were devastating for the people of BiH. Over two million people, slightly more than half of the population, left their homes, being displaced internally or seeking refuge outside the country. It has been reported that as many as 250,000 were killed or are missing. Children lost their parents, friends, teachers and homes.

The two Entities of BiH

BiH obtained its present state structure through the Dayton Peace Agreement of 1995. The agreement divided BiH into two geographical areas known as “Entities”, namely the Federation

of Bosnia and Herzegovina (the Federation – FBiH) and the Serb Republic (Republika Srpska – RS).² The Dayton Agreement has resulted in BiH having a complicated state structure within which the two Entities have a high level of autonomy in the performance of the functions of the state authorities. Article III of the Constitution of BiH grants the central state legislative power over a number of areas including foreign policy and inter-Entity transportation. Any area not expressly assigned to the central state authorities, such as education, is devolved to the Entities. However, the Constitution of BiH makes a number of international legal instruments directly applicable in BiH. Those instruments contain obligations in areas other than those expressly assigned to the central state. The consequence of this is that the central state has the ability to implement international obligations only for those areas within its responsibility. Although it retains responsibility over international obligations in other areas, it has no enforcement mechanism to ensure implementation of those obligations.

The organisation of state authority differs markedly between FBiH and RS. Power is decentralised within FBiH according to the Constitution of the Federation of Bosnia and Herzegovina, but this decentralisation is inconsistently implemented as it is based on the dominating position of cantons (the federal units of FBiH) and the vague and uncertain position of municipalities. There are four vertical levels of functioning of the authorities: the respective levels of municipality, town, canton and the federation, in ascending order. As will be shown, this creates a great deal of confusion and inconsistency. By contrast, the Constitution of Republika Srpska contains only two functional levels of authority, at municipality and Entity level. Due to the uncertain status of municipalities in terms of responsibilities and sources of funding, power is concentrated at the Entity level in RS.

As a result of this new framework, public administration in BiH functions on three levels: the central state, the Entities (FBiH and RS) and various local levels within the Entities. The myriad of institutions, each with differing levels of power, leaves administrators and citizens alike confused as to which institution has the power to perform which function.³ When considering the implementation and realisation of human rights, it is not sufficient simply to refer to law and practice in BiH. Rather, we need to consider all levels of government in BiH and how they interact. This underlying complexity, together with the post-conflict difficulties of reconciliation and reconstruction, must form the basis for any analysis of BiH, especially with regard to the issue of the right to education of Romani children.

The Roma population in Bosnia and Herzegovina

Demography

Official data on the number of Roma in BiH is only available for the years before the war, as the last census was conducted in 1991. As noted, during the war, many people were forced to leave their houses and were either internally displaced or left the country entirely. While there have been returns, it is impossible to know precisely how many people returned to where they had been living before the war. Therefore, while the 1991 statistics may be indicative of the position of Roma in BiH generally – although this is in itself by no means certain – it cannot give an accurate idea of the distribution of the population between FBiH and RS since the war.

When the 1991 census was conducted, 4,377,033 citizens were registered in Bosnia and Herzegovina, during which citizens also declared their nationality/ethnicity (*nacionalna pripadnost*). On this question, 35,670 citizens were registered as those whose nationality/ethnicity was unknown, 17,592 were “others”, 14,585 did not declare themselves as members of a specific ethnic group and 8,864 citizens declared themselves to be Roma. The following table compiles data from censuses conducted between 1961 and 1991 in relation to persons with permanent residence in BiH. Statistics for “unknown”, “other” or “undeclared” nationality could, among others, include Roma covered by the census who may not have wished to declare themselves as Roma. Roma may also have declared themselves first as Serbs or Muslims, for example. There were perceived and real benefits

Table 3.1 Population of BiH grouped according to nationality/ethnicity, by censuses 1961 – 1991

Nationality/ethnicity	Total				Distribution in %			
	1961	1971	1981	1991	1961	1971	1981	1991
TOTAL	3,277,948	3,746,111	4,124,256	4,377,033				
Muslim	842,248	1,482,430	1,630,033	1,902,956	25.7	39.6	39.5	43.5
Serb	1,406,057	1,393,148	1,320,738	1,366,104	42.9	37.2	32.0	31.2
Croat	711,665	772,491	758,140	760,852	21.7	20.6	18.4	17.4
Yugoslav	275,883	43,796	326,316	242,682	8.4	1.2	7.9	5.6
Montenegrin	12,828	13,021	14,114	10,071	0.4	0.4	0.4	0.2
Roma	588	1,456	7,251	8,864	0.0	0.0	0.2	0.2
Albanian	3,642	3,764	4,396	4,925	0.1	0.1	0.1	0.1
Ukrainian	...	5,333	4,502	3,929	...	0.2	0.1	0.1
Slovene	5,939	4,053	2,755	2,190	0.2	0.1	0.1	0.1
Macedonian	2,391	1,773	1,892	1,596	0.1	0.1	0.1	0.1
Hungarian	1,415	1,262	945	893	0.1	0.0	0.0	0.0
Italian	717	673	616	732	0.0	0.0	0.0	0.0
Czech	1,083	871	690	590	0.0	0.0	0.0	0.0
Polish	801	757	609	526	0.0	0.0	0.0	0.0
German	347	300	460	470	0.0	0.0	0.0	0.0
Jewish	381	708	343	426	0.0	0.0	0.0	0.0
Russian	934	507	295	297	0.0	0.0	0.0	0.0
Slovak	272	279	350	297	0.0	0.0	0.0	0.0
Turkish	1,812	477	277	267	0.1	0.0	0.0	0.0
Romanian	113	189	302	162	0.0	0.0	0.0	0.0
Ruthenian	6,136	141	111	133	0.2	0.0	0.0	0.0
Other	811	602	946	17,592	0.0	0.0	0.0	0.4
Undeclared	...	8,482	17,950	14,585	...	0.2	0.4	0.3
Regional affiliation	3,649	224	0.1	0.0
Unknown	1,885	9,598	26,576	35,670	0.1	0.3	0.7	0.8

Source: Federation Office of Statistics, Statistical Yearbook of the Federation of Bosnia and Herzegovina, 1999, Chapter 4 – Population, Table 4–6; Federalni zavod za statistiku, Statistički godišnjak/Ijetopis Federacije Bosne i Hercegovine, 1999, poglavlje 4 – Stanovništvo, tabela 4–6.

(and detriments) to declaring oneself as such, depending on where one lived.

According to the 1981 census, the number of Roma living in municipalities where there were 50 or more Roma was 6,838 out of a total of 7,251 Roma in BiH. Of the 1981 total, 3,703 Roma lived in towns/municipalities in RS and 3,135 lived in towns/municipalities in FBiH.⁴ It is important to be clear that these statistics show a particular point in history and do not provide a realistic picture for the current situation.

There is a wide disparity between the official statistics on the number of Roma in BiH and those obtained from Roma Associations. According to some Roma Associations, approximately 17,000 Roma lived in BiH in 1991, while others have cited the far larger number of 80,000.⁵ According to the Centre for Protection of the Rights of Minorities, Sarajevo, the actual number of Roma in BiH should be placed somewhere between the official and unofficial sources. There are many reasons for the vagueness of such estimates. For example, many Roma live a nomadic lifestyle, making it difficult to count them in any one place. Many Roma communities also have a lack of interest in, or mistrust of, the census. Finally, many Roma are also well integrated into mainstream society and identify themselves first as members of one of the three constituent groups.

According to the Roma Association *Babtales Roma*, which operates in the area of Travnik and Turbe, approximately ten per cent of the Roma in that area declare themselves to be members of other ethnic groups, believing that by doing so they will

have better status in society. Taking data from other sources into account, it is evident that the real number of Roma living in BiH is far larger than indicated by the official census.

Displacement

As a consequence of the war, Roma communities were displaced within and between Entities and also abroad, primarily to Germany and Italy. Return of BiH citizens to their pre-war places of residence is one of the largest problems for normalisation of relations in the post-war period. Roma who were displaced internally and externally are facing the challenge of return to their places of origin. Political problems have created obstructions to returns, and these present a significant obstacle alongside practical problems resulting from the devastation of housing and economic facilities and their reconstruction.

Different Roma groups in the Federation of BiH

The Roma minority in FBiH comprises a complex mix of different groups. They include:

- **Domicile Roma populations** who have been in the FBiH over many generations.
- **Internally displaced persons (IDPs)** from what is now Republika Srpska.
- **Refugees** from Kosovo and the rest of Serbia who fled either during the air strikes or as the Kosovo Albanian population returned and conflicts emerged between the returnees and the Roma.⁶
- **Returnees** who have returned from abroad after fleeing during the war in BiH.

Romanes is the first language of most Roma in FBiH, although this varies between regions. Research by the Centre for Protection of the Rights of Minorities showed that Romanes was the first language of 86 per cent of the Roma surveyed. The majority of those who do not speak Romanes as their first language are from the younger age-group. The survey also revealed that the Romani language was better preserved among the populations in Tuzla, Bijeljina and Brčko. In Travnik, just one-third of Roma declared the Romani language as their mother tongue and in Sarajevo, almost half of the Roma interviewed stated that they did not speak the Romani language.⁷

Different Roma groups in Republika Srpska

Before the war, there were two main Roma communities in RS, who had little contact with each other: Muslim communities, who settled mainly in urban areas and their outskirts, and Orthodox Christian communities, who called themselves *Karavlabs*, and lived mainly in rural areas.⁸ The Muslim Roma communities were relatively isolated, maintaining little contact with mainstream populations. However, most of their children did attend school. The *Karavlabs* worked on the land and dealt in crafts such as wooden dishes and cutlery. Many of them also worked abroad. Before the war, children from these communities regularly attended primary and secondary school or craft apprenticeships. At the same time, it was common for Romani children to marry and start families young, thus cutting short their school careers.

Following the war, however, it would be more accurate to describe Roma communities in RS as falling into four general groups.

- **Domicile Roma communities**, including both the Muslim and *Karavlab* communities who stayed during the war and whose circumstances remain practically the same as before the war, though affected by and struggling with post-war circumstances.
- **Internally displaced persons (IDPs)**, mostly Roma families originally from FBiH. This group consists of Muslim Roma who left Sanski Most and settled in Prijedor in 1995. Their children continue to attend school, despite living in hard conditions in an improvised settlement near Prijedor.
- **Refugees**, including those who fled from Croatia in 1992, and from Serbia, including Kosovo, in 1999. The Christian Roma from Croatia settled in the area of Srpski Brod and Srbac, in vacated Croat houses, although they are expecting relocation. They live mainly on paid employment, cultivating the land, collecting and reselling waste material, begging and, sometimes, modest social welfare. Most Romani children who are refugees from Croatia attend school, but there is an increasing tendency to drop out of school due to severe poverty. The Orthodox Christian Roma from Serbia, fleeing from the NATO bombing, have neither a regulated status nor resident permits and reside in established settlements for Roma, although they are often forced to move from location to location, and generally do not have steady employment. Children from these communities live in very hard conditions and tend not to attend school. The Roma who are refugees from Kosovo live with their relatives

in Prijedor, where they have no official status, have not been registered, and cannot return to Kosovo, for various reasons.

- **Returnees**, approximately 384 families who have returned to their pre-war homes either from FBiH or from abroad. Most of the returned families are now in Bijeljina, in the area of Modriča and on the outskirts of Brčko. While some houses have been built using humanitarian donations, most families live in tents on assistance from UNHCR, although they did receive some assistance from local authorities when they returned. Given that they live in very difficult conditions where mere survival is the priority, some Roma regard the issue of schooling for children as of relatively less importance.

Socio-economic status of Roma in Bosnia and Herzegovina

Roma usually live in private houses, whose quality and size depend on their material means, ranging from structures made of whatever materials can be gathered to solid, large houses. Usually, several families are accommodated in one house (immediate and extended families). Within most Roma communities, the problems of infrastructure – such as sewerage, water and electricity supply systems, and access roads – have not been resolved. This is particularly acute in rural and peripheral communities.

The Association of the Roma Citizens, *Naša budućnost – Sarajevo*, has produced data on Roma receiving welfare support: 80 people residing in Sarajevo (two per cent), 110 in Zenica (three per cent), 15 in Kakanj (less than one per cent) and 30 in Travnik (two per cent). This support

includes minimum funds for heating and electricity, but does not cover basic living requirements. Most Roma are unaware of their rights to social welfare and even if they are sufficiently informed, many are unable to fulfil the necessary administrative conditions to exercise those rights. In some instances, Roma do not declare births in their family, particularly in larger families. In other cases, their documents were lost or destroyed during the war and have not been replaced for a number of reasons, including the fees for replacement documents, which are often prohibitive for Roma. There have been few organisations with the necessary will, knowledge and experience in the particular problems facing Roma to assist them both in knowing their rights and navigating the bureaucracy. This may change, however, as Roma associations are being formed and gaining strength.

The situation of Roma is very difficult due to a number of factors. They belong to the poorest part of the BiH population and rarely have steady permanent employment, instead earning money by gathering secondary raw material and having occasional seasonal jobs.⁹ Research undertaken by the Centre for Protection of the Rights of Minorities in 1999 showed that 80 per cent of the surveyed Roma families did not have a single member who was permanently employed.¹⁰ This can also be seen from data obtained from the Roma Association *Naša budućnost – Sarajevo*, which includes Roma from Alipašino Polje in Novo Sarajevo municipality.

The Constitution and laws of BiH declare that all BiH citizens are equal under the law. However, in practice, some citizens, Roma in particular, are

disadvantaged due to a number of factors. The economic and political aftermath of war and transition have affected the lives of all of BiH's citizens. However, the lower economic 'starting point' of many Roma has left them particularly adversely affected. Regardless of the fact that they are formally afforded most of the same rights as all other citizens, Roma live at or, more frequently, below the minimum standards necessary for survival and generally lack the means to adequately support their families or to secure education for their children.

Minority rights in Bosnia and Herzegovina

The Constitutional Court of BiH recently issued a number of decisions stipulating that several provisions of the Constitutions of the FBiH and RS were inconsistent with the Constitution of BiH. These provisions concern, *inter alia*, the ethnic origin of the constituent people of each Entity and the official use of languages and alphabets in each Entity. Decisions of the Constitutional Court of BiH create a legal obligation on the Entity Constitutions to initiate appropriate provisions. Although the decisions have yet to be implemented, they will entail a critical reconsideration of a number of constitutional provisions for both Entities, which place people in legally different positions according to their ethnicity. Even if the Entity Constitutions are amended, however, the BiH Constitution still retains several provisions whose import is identical (and more explicit) to those which have been proclaimed unconstitutional in the Entity Constitutions.

According to a declaration in the preamble of the Constitution, BiH is composed of "constituent peoples", namely "Bosniaks, Croats, and Serbs... (along with Others)" as well as citizens of BiH. It appears that a basic characteristic of the constitutional framework of BiH is that the organisation of both the state and its power is based on explicit domination by national factors. This is further reflected in the Constitutions of FBiH and RS, which provide respectively that the Bosniaks and Croats, without Serbs, are the constituent people in FBiH, and that Serbs, without Bosniaks and Croats, are the constituent people in RS. Therefore, despite the declaration in the preamble of the BiH Constitution according to which the Bosniaks, Serbs and Croats are the constituent peoples of BiH, the members of these groups are only constituent peoples in half of the territory. In other words, any of these three peoples has equal rights only in half of the territory of BiH (in one Entity), while their members who are living in the other Entity are restricted or prevented from the realisation of many constitutional rights. In accordance with the Constitution, in order to exercise rights the citizen must live within the Entity in which his/her people are a constituent. Otherwise, a person's civil right to be elected to public office is either fully eliminated (within some bodies) or restricted (within other bodies). The right of citizens of BiH to participate fully in public life, particularly within the political process as elected officials, shows a weakness in the constitutional treatment of citizens on the basis of national grouping.

Given this constitutional situation and the fact that the national parties of Bosniaks, Serbs and Croats have divided all state power among

themselves, members of minorities are practically out of the sight and care of the actual state and political authorities. This is equally true in each of the Entities, where minorities always fall within the category of “Other”. Therefore, a member of a minority cannot be elected to several state functions in BiH regardless of where he/she lives. Even if the authorities were to seek out members of minorities, their status would still be subject to discrimination, given that they are defined as a “citizen” rather than a “constituent people”.

Given that the Constitution of BiH is based explicitly on the national factor, minority rights remain unacknowledged. Although international instruments guaranteeing minority rights have been signed and ratified by BiH, national minorities, including Roma, are not granted equal status and do not have scope for political power.

The right to education

The right to education in Bosnia and Herzegovina

The situation before the war

Before the war, the Assembly of Bosnia and Herzegovina was responsible for regulating education at all levels across BiH as a whole. Article 3 of the Law on Primary Schools (*Official Gazette of SR BiH*, No. 39/90) states that teaching was to be provided in Serbo-Croat (*jekavian* dialect) and that children in the first three grades were to learn both alphabets (Cyrillic and Latin), which were to be used equally. The School Assembly was supposed to determine which alphabet was to be learned first, on the basis of a proposal by the Council of Teachers and taking into account parental opinion and the



environment in which children lived. Article 36 of the Law on Primary Schools mandated the republic body responsible for education to approve the textbooks and teaching methods that could be used in primary schools. While classes were to be taught in Serbo-Croat, Article 4 provided that if there were at least 20 pupils in one classroom¹¹ from a particular ethnic group, whose mother tongue was not Serbo-Croat, additional classes of the mother tongue were also to be organised. In primary schools attended by pupils belonging to only one ethnic group, the entire teaching process was to be performed in the language of that particular ethnic group, with additional compulsory classes of the Serbo-Croat language.

On the basis of a motion passed by the Republic Pedagogical Institute and on the decision of a committee appointed by the Republic Administration Body for Education, the secondary-school curriculum was issued by the republic body responsible for education. Teaching in these schools was in Serbo-Croat (*jekavian* dialect) and both alphabets (Latin and Cyrillic) were equally used. The Law on Secondary School also prescribed that where the mother tongue of at least 30 pupils in one classroom¹² was not Serbo-Croat, additional classes of that mother tongue should be organised.

During the war and post-war

In November 1993, at the beginning of the war in BiH, the Republic of BiH Presidency (whose authority was recognised only in Bosniak-administered areas) issued a Decree by which the Laws on Primary and Secondary Schools were amended. Among other things, the provisions on

the use of language in primary and secondary schools were amended to prescribe that the teaching process was to be performed in a standard language, *jekavian* dialect, of the constituent peoples of Bosnia and Herzegovina, namely Bosnian, Serb, and Croatian. Equal use of both alphabets (Latin and Cyrillic) was prescribed for secondary schools, while for primary schools, Steering Boards were to determine which of these two alphabets would be learned first, taking into account the parents' opinion and the background of the children.

Following Dayton, however, the central state authorities of BiH no longer have competence over the field of education *per se*. The Entities are entirely responsible for this issue.

The Constitution of FBiH devolves the responsibility down to cantonal level. While this does not in itself present difficulties, the basic paradox (not only in this field) is that the state of BiH is responsible for international legal obligations such as for education while, at the same time, it is deprived of the authority to ensure the Entities meet those responsibilities.

The post-war situation with respect to education in BiH is extremely complex and burdened with large problems. Strong national interests considerably burden the curriculum and the mere organisation of education. BiH is a post-war country and this is reflected in every aspect of life. As already mentioned, there are two separate education systems in BiH, one in FBiH and one in RS, with different curricula. Further, in FBiH it could be said that two separate curricula exist, one used in the areas with the Bosniak majority and one used in the areas with the Croat majority.

At present, the international community is currently working with the Entity ministries of education to forge a common approach to education out of the different curricula, school systems, textbooks and laws. In addition, educational textbooks are being revised under the supervision of the international community.

The right to education in the Federation of Bosnia and Herzegovina

Article III.4(b) of the FBiH Constitution explicitly prescribes that the determination of educational policy, including the regulation and provision of education, is a cantonal responsibility. Presently therefore, education falls within the sphere of competence of the cantonal ministries of education. Article V.2(2) of the Constitution allows cantons to transfer their responsibilities related to education to municipalities within their territories. Where the majority population in a municipality is not from the same group as the majority population in the canton as a whole, cantons are obliged to transfer responsibility to the municipalities. In addition to this, Articles III.2(a) and III.3 of the Constitution ensure that FBiH authorities, jointly or separately or through the cantons co-ordinated by them, are responsible for guaranteeing and enforcing human rights.

Cantons have each developed laws for all levels of education from pre-school to university, where relevant. These laws have been enacted in ten different locations, without basic common principles being agreed at the federal level. An examination of the content and form of the cantonal regulations and the curricula reveals that

inter-cantonal co-operation in the development and enactment of such laws has taken place on an *ad hoc* basis, for example, between those that have common national characteristics. In general, cantonal laws prescribe that teaching is to be carried out in the Bosnian and Croatian languages, using the Latin alphabet. Only a few cantons have imposed the obligation that, during the first three years of school, pupils attending primary school should also learn Cyrillic to a functional level (eg, Article 3 of the Law on Primary School in the Tuzla canton, *Official Gazette of TPC*, No. 4/96 and 9/97).

Likewise, the issue of religion and religious practice in schools is treated differently from one canton to another. Whereas most laws do not include any declaration on this matter, some stipulate specific measures on religious practice in schools. For example, the Laws on Changes and Amendments to the Laws on Primary School and Secondary School (*Official Gazette of Una-Sana Canton*, No. 11/98) in the Una-Sana Canton provides that religious education shall be included in the curriculum as a compulsory subject for pupils of primary and secondary schools. However, Article 1 of the Laws on Changes and Amendments to the Laws on Primary School and Secondary School provides that at the parents' request, a pupil may be released from their obligation to attend these classes.

The various cantonal laws on education also differ in their regulation of the treatment of national minorities in the educational system. A number of the cantonal laws do not touch upon the rights of national minorities in the educational system at all (for example, the laws

in the cantons of Podrinje, West Herzegovina, Herzeg-Bosnia and Posavina). Other cantons (for example, Tuzla, Zenica-Doboj and Una-Sana) regulate this issue with just one article, which is essentially the same as the regulation that existed prior to and during the war. These laws differ from each other only in terminology: Tuzla and Zenica-Doboj cantons refer to “a member of a people and ethnic group”, while the Una-Sana canton refers to “members of national minorities”. The laws generally prescribe that in the case of primary schools, if there are at least 20 pupils in one classroom¹³ who belong to an ethnic group whose mother tongue is neither Bosnian nor Croatian, additional classes of their mother tongue shall be organised. Article 4 of the Law on Primary Schools in the Tuzla canton further states that in primary schools attended by pupils who belong to only one ethnic group, the entire teaching process shall be performed in the language of that ethnic group, with compulsory Bosnian language instruction. If in a secondary-school class there are at least 30 pupils who belong to an ethnic group whose mother tongue is neither Bosnian nor Croatian, additional classes of their mother tongue shall be organised. Article 7 of the Law on Secondary Schools in the Tuzla canton states that in secondary schools attended by pupils who belong to only one ethnic group, the entire teaching process shall be performed in the language of that ethnic group, with compulsory learning of Bosnian/Croatian.

Although many cantonal education laws are similar, if not identical, across FBiH, ultimately there is no single system of policy formation and regulation, leading to inconsistencies in

implementation. In theory, the laws allow for equal rights in access to education at all levels and even allow for teaching of minorities in their mother tongue. However, for Romani children this does not translate into practice.

The right to education in Republika Srpska

Education policy is formed and implemented at the Entity level in RS, and not at a municipal level. This ensures that policy remains consistent throughout RS, though differs from that in FBiH. Article 38 of the RS Constitution states that among the basic human rights there is the right to education under equal conditions including compulsory and free primary schooling. It also states that education at the secondary and higher levels shall be accessible to everyone under equal conditions.

Article 4 of the Law on Primary School (*Official Gazette of Republika Srpska*, No. 4/93) prescribes that the curriculum shall be taught and developed in the Serbian language. When there are at least 20 pupils in the same classroom belonging to an ethnic group whose mother tongue is not Serbian, classes of their mother tongue shall be organised for them at school. In a primary school attended by pupils belonging to only one ethnic group, the entire teaching process shall be performed in the language of that particular ethnic group, with compulsory Serbian-language classes. Article 4 of the Law on Secondary School (*Official Gazette of Republika Srpska*, No. 4/93) includes provisions almost identical to those on primary schools, although increasing the number of pupils to 30 in the same class in order for classes in their mother tongue to be organised. According to Article 8 of the Law on University (*Official Gazette of Republika*

Srpska, No. 12/93), the teaching process at the University and Institution of Higher Education shall be in the Serb language only.

Article 7(1) of the RS Constitution sets Serbian, written in Cyrillic, as the official language, a prescription that applies equally in the field of education. However, Article 7(2) of the Constitution goes on to state that where there are minority groups that speak other languages, their respective languages and alphabets may be used in an official capacity, in accordance with the respective law. The Law on Official Use of Language and Alphabet (*Official Gazette of Republika Srpska*, No. 15/96) prescribes that an official use of the language and alphabet shall mean use in, *inter alia*, all educational institutions, including textbooks, school forms and public signs, and in official records and correspondence. Article 3 of the Law provides that in the second to fourth classes of primary school and in addition to Cyrillic, Latin shall be compulsorily learned and used once a week. Article 5(3) of the Law allows religious communities and national cultural-educational associations that preserve the linguistic tradition of the people and national minorities in RS to use both standard dialects (*jekavian* and *ekavian*) and both alphabets (Cyrillic and Latin). Although stating that the right to use one's own language is a citizen's special personal right, the RS Constitutional Court held that only those provisions of the law prescribing compulsory use of the *ekavian* dialect are unconstitutional.

In theory, the law allows for equal access to education for all children across Republika Srpska, including provision for organisation of classes in

a child's mother tongue. However, as with FBiH, for Romani children this does not translate into practice.

In practice

The right to education of Roma children in Bosnia and Herzegovina

Before the war, a high percentage of children attended school (96-98 per cent in the 1980s), with approximately equal enrolment of male and female children. Of those enrolled in primary school, approximately 99 per cent finished school while some 80 per cent were enrolled in secondary schools. In the 1990/91 school year in BiH, 736,069 pupils attended 2,484 educational institutions. Within this period, approximately 800,000 citizens were involved in the education and educational process, that is, 34 per cent of the total population.¹⁴

Despite the impressive results in attendance in education before the war, there was still significant illiteracy, particularly among older people (see Table 2.2). It should be noted that government censuses do not include data on the number of Romani children in preschool, primary-school, secondary-school or university education. Further still, the censuses do not include the age structure of the BiH population by nationality or ethnicity. However, research by the Centre for Protection of the Rights of Minorities from 1999 shows that in the surveyed sample only 30 per cent of Roma families were without illiterate members. It further showed that almost a quarter of Roma families (23 per cent) have four or more illiterate members.¹⁵

Table 3.2 BiH population older than ten years, by age, literacy and gender, according to censuses (totals and percentage illiteracy)

Age group		1981			1991		
		Total	Male	Female	Total	Male	Female
All ages	Total	3,383,159	1,672,135	1,711,024	3,697,232	1,835,272	1,861,960
	Illiterate	491,044 14.5%	92,694 5.5%	398,350 23.3%	367,733 9.9%	62,659 3.4%	305,074 16.4%
10-19	Total	826,328	423,719	402,609	707,598	363,224	344,374
	Illiterate	7,859 1.0%	2,707 0.6%	5,152 1.3%	5,722 0.8%	2,728 0.7%	2,994 0.9%
20-34	Total	1,057,026	546,008	511,018	1,093,621	569,408	524,213
	Illiterate	32,244 3.1%	5,434 1.0%	26,810 5.2%	12,538 1.1%	3,868 0.7%	8,670 1.7%
35-64	Total	1,239,532	591,602	647,930	1,509,186	745,673	763,513
	Illiterate	293,397 23.7%	40,402 6.8%	252,995 39.0%	196,135 13.0%	27,083 3.6%	169,052 22.1%
65 + or unknown	Total	260,273	110,806	149,467	386,827	156,967	229,860
	Illiterate	157,544 60.5%	44,151 39.8%	113,393 75.9%	153,338 39.6%	28,980 18.5%	124,358 54.1%

Source: Federation Office of Statistics, Statistical Yearbook of the Federation of Bosnia and Herzegovina, 1999, Chapter 4 – Population, Table 4-7.

While the situation regarding education is considered below in the context of each Entity, some general observations can be made about the overall position of Roma in BiH, which impacts upon the ability of Roma to exercise the right to education. Particularly during the last ten years, the ruling parties have focused their attention on the interpretation and representation of the interests of their “own” people. Consequently, their concern for ethnic minorities, including the Roma, has been considerably reduced. This is compounded by the marginalisation of Roma from mainstream communities on account of differences in culture, traditions and lifestyles. The prevailing view of Roma in almost all

mainstream communities consists primarily of stereotypes, rather than a real knowledge, expressed in beliefs that most or all Roma beg, deal in contraband and are generally undisciplined. A distinction is rarely made between practices that result from poverty and practices that are traditionally associated with Roma. Behaviour that evolves out of necessity among most people living in poverty (for example, children needing to work to support the family, children not being able to attend school, a lack of adequate nutrition and of potable water) is perceived as being traditionally and voluntarily Roma, rather than behaviour that is a result of the pervasive poverty experienced by generations of Roma.

The right to education of Roma children in the Federation of Bosnia and Herzegovina

In FBiH, the relevant ministries, offices in the field of education and official statistics bureaux do not maintain records on the school attendance rates according to the nationality of pupils and students. Therefore there are no official data on the numbers of Romani children attending school. The only possible sources of information on this issue are Roma associations and individual schools. Perhaps the only official acknowledgement of the lack of school attendance by Romani children has been by the Ombudsman Institution for the FBiH and its Division for the Rights of the Child. The ombudsman reported that a significant proportion of those children who had not been enrolled in primary schooling were Romani children with unknown permanent residence.¹⁶ Research by the Centre for Protection of the Rights of Minorities shows that it is more common than not for Roma to drop out of school before completing the first four grades of primary school. Furthermore, very few Romani children attend secondary school and even fewer attend college or university. The research also

shows that, with respect to the surveyed sample, one or more children from 37 per cent of families attend some level of schooling.¹⁷ Data from *Naša budućnost – Sarajevo* giving Roma by age in Sarajevo, Zenica, Kakanj and Travnik-Turbe in 1999-2000 is shown in Table 2.3. According to *Naša budućnost – Sarajevo*, at all locations covered by its survey, 1,430 children of preschool, primary- and secondary-school age (10 per cent of the eligible population) were regularly attending school. However, the organisation also noted that in Sarajevo canton there are no Romani children attending preschool within the existing mainstream network of kindergartens. Again it is important to be aware that such data is problematic given the huge shifts in populations.

In the early 1980s, the first primer in the Romani language was developed by Roma themselves and was published in preparation for the introduction of the study of Romanes by Romani children at schools. However, this was never implemented, due to the outbreak of war, and has not yet been reintroduced.

Table 3.3 Roma population in some towns in FBiH, by age-groups

Location	From 1 to 15 years	From 15 to 20 years	From 20 to 50 years	From 50 to 70 years	Total
Sarajevo	1,700	1,250	1,700	400	5,050
Zenica	1,300	1,000	1,400	300	4,000
Kakanj	1,200	600	1,500	100	3,400
Travnik-Turbe	200	700	600	105	1,605
Total	4,400	3,550	5,200	905	14,055

Source: Roma Association *Naša budućnost – Sarajevo*, 1999/2000.



Roma and preschool education in FBiH

Preschool education is organised for children from one year of age until school age, although it is not compulsory. The structure of the educational programme for preschool children includes the care and upbringing of children aged two and three (infant nursery age) and preschool upbringing and education from three years of age until school age. In addition to these two programmes, there is also a programme for children with “mild disabilities”, which may be conducted in preschools if there is a child in need of such a programme. The existing laws in FBiH also enable the introduction and realisation of shorter, more specialised programmes intended for various groups of children with specific needs, such as music and art, according to the affinity of the child.

Following the end of the war, the percentage of children in preschool institutions within FBiH decreased considerably, from about ten per cent

of the eligible population before the war to about five per cent. The public institutions for preschool upbringing and education are partly funded from the cantonal budget, but the main source of income is payments by parents whose children attend preschool. Local and international organisations, as well as individuals, are also able to set up preschools.

All children, according to the law, have equal opportunities to enrol in preschool institutions. However, realistically, there are a number of factors limiting equal access, including the payment of fees. This is amply illustrated by the fact that, both during and after the war, no Romani child has been involved in preschool institutions in Sarajevo canton. Indeed, in the 1995-96 school year, the Roma Association *Naša budućnost* registered 119 Romani children under seven years in the Sarajevo canton, of whom none were enrolled in a preschool institution.

Roma and primary school education in the FBiH

Primary school education and upbringing in FBiH lasts 8 years, from 7 to 15 years of age, and is compulsory for all children regardless of their sex and ethnicity. This includes children with disabilities, who are expected to attend special classes or schools (though children of rural areas are rarely able to afford the transportation to these schools or classes, which are predominantly in urban centres). In the 1995-96 school year in Sarajevo canton, there were, according to *Naša budućnost* approximately 582 Romani children in total aged from 7 to 18 years, of whom only 189, or 33 per cent, attended regular school.

According to the Law on Primary Education and Upbringing, children who have turned 16 and have not finished primary school or have not attended primary school at all can take extraordinary exams for grades of primary school. However, the preparatory classes for this are not organised, and there is a fee to take the examinations.

Beginning in the school year 2000/01, some cantons, notably Sarajevo and Mostar, have initiated preparatory classes for children from five and a half to six and a half years. The establishment of the preparatory classes is aimed at enlarging children's experiences, language skills, development and socialisation to prepare them for entry into the formal schooling system. There are also examples of preparatory classes taking place through activities of community groups and NGOs, as in the Biberovići Romani community in Tuzla canton, Sapna municipality, where preparatory classes were organised for a group of Romani children during 1998-99. The classes were

the initiative of the adult members of the Roma community in conjunction with an unofficial Roma association *Kate Acha* and with support in equipment and supplies from the local school. The classes took place in one of the private houses in the Roma community and were delivered by the adult Romani members of the community. In the school years 1999 to 2002, the NGO *Budi moj prijatelj/Be my Friend*, Sarajevo, in partnership with Save the Children UK, has organised preparatory classes for Romani children in three Roma communities in the Sarajevo canton. More recently, a Step-by-Step programme has been introduced for Romani children in FBiH.

A large number of school facilities were severely damaged during the war and some of them were completely destroyed. In addition to this, some school buildings temporarily housed soldiers and displaced people, which contributed to the destruction of school equipment and furniture. During the war, therefore, in some locations the teaching process was performed in flats, shops and other premises. However, in the post-war period, foreign donors have used their funds to renovate school buildings, and a large proportion of school buildings have been rebuilt and refurbished and sometimes are even in a better condition than before the war. Nonetheless, a shortage of teaching aids and equipment remains a problem in primary schools.

Given the large numbers of children displaced or killed during the war, it is difficult to calculate general attendance at primary school compared with the total number of children of primary-school age in the FBiH.¹⁸ For the time being, it is

Table 3.4 Situation in primary-school education from 1990/91 to 1998/99, BiH/FBiH & RS

Year	Area	Schools	Classes	Pupils	Female pupils %	Teachers	Female teachers %
1990/91	BiH	2,202	19,280	532,468	47%	23,664	57%
1991/92	BiH	2,195	19,533	537,256	48%	23,486	59%
1992/93	FBiH	510	8,197	232,612	46%	9,179	61%
1993/94	FBiH	662	8,065	224,479	48%	8,822	66%
1994/95	FBiH	830	8,461	236,933	48%	10,026	64%
1995/96	FBiH	898	8,982	252,332	48%	10,821	64%
	RS	657	4,920	126,487	49%	6,086	
	BiH	1,555	13,902	378,819	49%	16,907	
1996/97	FBiH	943	9,572	259,882	49%	11,830	64%
	RS	734	5,414	130,517	49%	6,879	
	BiH	1,677	14,986	390,399	49%	18,709	
1997/98	FBiH	951	9,956	266,918	49%	12,382	63%
	RS	737	5,414	127,736	49%	6,842	
	BiH	1,688	15,370	394,654	49%	19,224	

Source: UNDP, Human development report: Bosnia and Herzegovina 1998, Chapter VII – Education, Table 18 (Compiled using the data from the Statistical Almanac 1993/1998, Statistical Bulletin no. 269, Statistics Bureau of FBiH and Statistics Bureau of the RS).

only possible to discuss existing data on the absolute number of children who are enrolled in and attend primary school.

Primary school education in state primary schools is free, with funding coming from the cantonal budgets. After the war, local and international entities have been able to open private primary schools, which was not possible prior to the war. There are now six private schools in Sarajevo and two requests for opening further schools have been submitted. Generally, private schools are not

free, although there is a private primary school for children without parental care that does not charge either school or residential fees. Another new development in primary education has been the opening of boarding schools in FBiH.

In recent years, the primary-school curriculum has changed, and it continues to change, as the aims of primary school education have shifted. There has been a move away from developing a child's capacity to serve collective aims towards a focus on the development of individual capability,

taking into account factors such as psychological and physical capacities and upbringing. The alteration of the aims should encourage, in theory at least, increased attendance by enabling all children to come to school, including Roma.

There are no official data on Romani children enrolled in primary school education. However, an illustration of the small number of Romani children included in the education system is provided in data taken from the *Analysis on the Current Status of the Roma Returnees to the Tuzla Canton*.¹⁹ For that 1999 report, 798 Roma returnees (189 Roma families) were interviewed, and it was established that only ten families (5 per cent) enrolled their children in school. Similar results were found during August 2000, when Save the Children UK conducted

preliminary research into the situation of Romani children and their communities in Tuzla canton (see Table 2.5). As noted, primary school education is compulsory for all children regardless of sex or ethnicity. The Law on Primary School Education and Upbringing prescribes sanctions for parents whose children irregularly attend classes or do not attend them at all, which are seldom, if ever, applied.

According to information obtained through contact with Roma Associations, it is evident that few Roma finished primary school or even four classes in primary school. As illustrated in Table 2.5, only a small number of Roma continue their education and attend secondary schools, and it is rare that someone attends higher education beyond the secondary level. In addition, Romani

Table 3.5 Data on population, children and education of Roma communities in Tuzla canton

Location	No. of population	No. of families	No. of children	Attendance at:			
				Preschool	Primary	Secondary	College & university
Biberovići community (Sapna municipality)	180	36	50	–	6	–	–
Živinice municipality	1450	304	448	–	123	11	–
Poljice community (Lukavac municipality)	300	50	140	–	n/a (at least 3)	–	–
Veseli Brijeg community (Gračanica municipality)	100	25	35	–	5	–	–
Čubrić community (Banovići municipality)	253	52	114	–	15	1	–
Kiseljak community (Tuzla municipality)	309	72	210	–	94	–	–

Source: Information collected in support of preliminary research into the situation of Romani children and their communities in Tuzla Canton by Save the Children UK, August 2000. Information was collected from Roma associations and Romani communities. Data given in the table are approximate only and should be viewed as such.

children often do not attend classes regularly and drop out of school before completing their education, most often between the 3rd and 5th grade.

Roma and secondary school and higher education in FBiH

In the FBiH school system, secondary school education is not compulsory. In the pre-war period, approximately 80 per cent of pupils went on to attend secondary school after primary school. In the post-war period, the authorities responsible for education estimate that attendance at secondary school has not considerably changed from pre-war enrolment levels.

There are three types of secondary schools: general high schools, technical and related schools and vocational schools. Education in the general high schools and technical and related schools lasts for four years, and enrolment is based on an entrance examination. There is no entrance examination for vocational schools, and pupils are enrolled on the basis of their primary-school performance until a pre-established quota of pupils is reached.

Following completion of secondary education at a general high school, pupils may enter the college or university of their choice upon passing the entrance examination. Pupils who finish technical and related schools may apply to the faculties related to the school they finished (for example, from a secondary medical school to the faculties of medicine, dental medicine, pharmacy and veterinary medicine) and pass an entrance examination for acceptance onto that faculty.

According to research carried out by the Roma Association *Naša budućnost* in 1995/96, there were 582 school-age Romani children living in Sarajevo canton, of whom just 13 (two per cent) were enrolled in secondary schools and four (one per cent) in universities. Given that Sarajevo is an urban area with higher levels of enrolment in secondary and university education than in other regions, this data indicates that in the rest of FBiH, such figures would be even lower.

Roma and special schools and institutions in the FBiH

Special schools in FBiH provide education for children with disabilities as a part of the school system. There are special institutions with residential placements for children with disabilities that are considered special schools (see Table 2.6). At the same time, there are also special classes within some mainstream schools where education is provided to children with disabilities. More recently, daycare centres for children with disabilities have been established. Projects aimed at integrating children with disabilities into mainstream schools have also been set up, in co-operation with national and international NGOs. A child can be placed in a special institution or included in a special class or school, following a disability assessment (“categorisation”) that assesses the child as disabled. There is no known practice of placing children in special institutions with residential care for other reasons, such as social, ethnic and linguistic.

Since the FBiH Ministry of Social Welfare does not keep a national/ethnic breakdown of beneficiaries of social-welfare institutions, there

Table 3.6 Special primary and secondary schools in FBiH

Year	Level	Number of schools	Number of classes	Total pupils	Girls
1993/94	Primary	10	68	505	173
1994/95	Primary	12	66	524	206
1995/96	Primary	16	77	610	252
1996/97	Primary	21	111	819	321
1997/98	Primary	25	122	937	348
1993/94	Secondary	8	28	190	66
1994/95	Secondary	9	30	185	54
1995/96	Secondary	11	36	226	66
1996/97	Secondary	13	42	299	97
1997/98	Secondary	11	38	288	112

Source: Federation Office of Statistics, Statistical Yearbook of the Federation of Bosnia and Herzegovina, 1999, Chapter 18 – Education, Table 18-1.

are no official data on the current number of Romani children in institutions such as children’s homes, institutions for disabled children or institutions for young offenders. Research conducted for this report suggests, however, that Roma are not disproportionately represented in the special-school system (see Table 2.7).

The right to education of Roma children in Republika Srpska

According to a field assessment in 2000 by Save the Children UK, there are currently 741 Roma families with 1,761 children in RS, though this number is changing due to returns to the Entity. There are no accurate data on how many Romani children attend school in RS. However, in the former Yugoslavia before the war, although

many Romani children did not complete their schooling, a reasonably high percentage of Romani children overall did attend primary and secondary schools.

In the Centre for Social Work in Banja Luka, a Romani social worker stated that higher levels of education, employment and participation in social-community life for Roma parents could increase the chances of Romani children regularly attending and completing primary and secondary schools. However, such families form a very small proportion of the total number of Roma families. This social worker also argued that the education system both before and since the war is not conducive to Romani children successfully getting a basic education.

Table 3.7 Survey of some special/social institutions in FBiH, with respect to the number of Romani children in these institutions

Location	Name of institution	Type of institution	Number of Romani children	
			Female	Male
Sarajevo	Centre for upbringing, education, vocational training and employment of children with mental disabilities, children with autism and cerebral palsy "Vladimir Nator"	Secondary special school without residential care	2	4
Sarajevo	Institute for special upbringing and education of children "Mjedenica"	Primary special school and social institution with residential care	–	1
Sarajevo	Centre for hearing and speech rehabilitation	Special school without residential care	–	–
Sarajevo	Centre for blind and partially sighted children	Special school with residential care	–	–
Pazarić	Institute for protection of children and the youth	Special social institution with residential care	–	–
Tuzla	Special school for hearing-impaired children	Special school without residential care	–	–
Sarajevo	Institute for upbringing of male children and the youth of Sarajevo (known as "Hum")	Social institution for young offenders with residential care	–	–

Source: Data collected during research for this report relating to the 1999/2000 school year.

Roma and preschool education in RS

Pre-school education is organised for children from two to six years of age in government facilities. These are funded through the local community budget and fees are paid by parents. More recently, some private preschools have opened. The Ministry of Education, which draws up school curricula and monitors teaching in the preschool facilities, regulates the functioning and legal status of preschools according to the Act on Children's Protection. While general preschool education is not free, children of poor financial status, those without parental care, those with special needs and disabled children can have a free or sponsored stay in preschool facilities. Fewer than five per cent of children attend preschool, which is generally considered a "privilege" of the

urban, developed population. There are no specific data available on the attendance of Romani children, but it can be extrapolated from the general situation of Roma in RS and the difficulties faced by those Roma who attend primary school (see below) that very few, if any, Romani children go to preschool.

Roma and primary school education in RS

Primary education is obligatory and free for all children from 7 to 14 years of age. It is organised in state schools and funded from the RS budget fund. In addition to regular education in state schools, there are special schools for children with special needs/disabilities and classes in primary education for adults, namely persons over 16 years of age.



There are currently very few Romani children attending primary school in RS, although there are no official data to indicate this. Furthermore, of those Romani children who do attend primary school, most tend to discontinue their schooling at a very early stage. Although there are no reliable data, girls more than boys tend to leave school before completing their primary education. Indeed, most Romani children who do attend primary school are refugees from Croatia, who now live in Srpski Brod and Mali Sitneš near Srbac. Some domicile Romani children in Prijedor, Ostružnja near Doboj, and in Teslić also attend

school. Among the returned Romani children there are very few who continued schooling. In Bijeljina there are five children who continued schooling after their parents returned. Three of them still regularly attend, but two have dropped out, which according to their parents is due to the problem of constant discrimination on the part of peers and schoolteachers. In the community of returnees in Modrički Lug, one father daily drives his five children to a school in Odžak in FBiH. According to him, conditions are not suitable in the school in Jakeš, although it is closer and is the school that the children attended before the

war. This family can afford education for their children because they were refugees in Germany, and used their savings to build a house, buy a van and have enough for the fuel for transport. Most families do not live in comparable circumstances. In Prijedor only a small number of settled Romani children attend school. While at least some Roma living in very harsh conditions are able to regularly attend school, this is not true for returnees, refugees or those who are internally displaced.

Roma and secondary and higher education in Republika Srpska

Secondary education is free and a part of the total education system. It is organised in secondary schools, schools of art, technical schools, military schools and schools of theology. Secondary schools are state schools. New school construction and teachers' salaries are funded from the state budget fund with the local community providing money for teaching materials.

Roma and special schools and institutions in the RS

Information on special schools in RS is only available for the pre-war situation, ie, for BiH as a whole, including what is now the FBiH. In the pre-war period, approximately 20 per cent of Romani children attending the Esad Midžić school in Banja Luka (now the Branko Radičević school) were placed into special classes for children with minor disabilities. Staff at the school believed that Romani children were more likely to be characterised as “disabled” than children belonging to the majority, due to a lack of

pre-school education for Romani children and their insufficient knowledge of the official language rather than because of any disability.

The procedure for placing children in the school started with the school's referral of the child for categorisation to the local Centre for Social Work, which is a local office for the Commission for Disability Categorisation. Parents whose children were referred had the legal right to refuse or stop the categorisation without further sanctions or measures either towards child, them or the school. However, according to social workers in the Banja Luka Centre of Social Work, Roma parents usually did not oppose either the school's referral to categorisation or the results of the disability categorisation. According to one school psychologist, Roma parents mostly did not object to their children attending these “special classes”, because they believed their children would complete their schooling sooner and more easily due to the reduced programme, as well as being less exposed to harassment from other children.

In three schools for disabled children (for children with moderate learning disability, hearing impairments and sight impairments), it seems that before the war more Roma children were enrolled than are today. According to the principals of these schools there were no cases of non-disabled children being referred to these schools, because of the nature and level of the disability of children attending them.

Voices of Roma children and parents in BiH

Children

S, Romani girl, 11 years old, completed the first class but no longer attends school

“I wanted to go to school this year too, but I have to take care of my sister. She is eight and cannot walk. Mother works at the market, and my sister Z got married. I know how to read and write. It was nice to go to school. The teacher was good.”

E, Romani boy, 11 years old, attends second grade of primary school

“At the beginning of the first class, children usually hit, teased and called me ugly names and I cried for that. My mama came to see our teacher and complain and he said that he would take care of this. Mainly, there have been no larger problems since that time. I would like to have a young, female teacher who would smile all the time, as our male teacher is often gloomy. I would like more flowers around the school, for the school to have football goals and basketball hoops and the interior of our school to be painted green. I often help pupils who have a poor school performance with mathematics and Bosnian. No one has ever helped me as I have never asked anyone for assistance as I know how to do all the school tasks myself. I would like to become a teacher when I grow up. Children would only sing to me.”

Ž, Romani girl, 15 years old, attends sixth grade of primary school

“I attend school on a regular basis. I have problems with the Bosnian language, so a girl friend of mine who is not Roma helps me with it.”

R, Romani boy, ten years old, attends first class for the first time

“It is nice to get to school, but there is no-one in the family to wake me up in the morning. My mum goes to the market to work at four o'clock in the morning and I often oversleep. When I wake up it is already late and I feel ashamed to enter in my classroom so late. But I will not stop going to school, so I will ask my mum to buy me a clock.”

A, Romani boy, nine years old, attends second grade of primary school

“I like going to school and I like mathematics most. Our teacher teaches us well. However, he sometimes hits us when we are disobedient. I like my teacher and regardless of anything, I would not change him. When I grow up, I would like to become a policeman and help people when they cannot do something themselves.”

A, Romani girl, 14 years old

“I finished the 1st class and dropped out of school. My teacher liked me. I did not feel good in school. Some children were teasing me.”

NS, Romani boy, 14 years old

“I completed three grades in the primary school “Petar Kočić” in Prijedor. When the war began I stopped going to school because my parents were afraid, they feared some problems may occur, I don’t know. So I didn’t go on. But now I don’t have the opportunity, and how can I attend the third grade with small children?”

N, Romani boy, 12 years old, attends third grade of primary school

“My first day at school and meeting with my teacher remained etched on my mind as fond memories... On several occasions, children who are not Roma were teasing and insulting me.”

D, non-Romani young man, 17 years old

“I personally feel that it would be better for the Roma to attend school, because this is what the world is like today – if you don’t know anything, they treat you as a complete idiot and moron, I don’t know... It is true for them that they should continue schooling. Here, in Prijedor they are treated... I don’t know, like, ‘Ha, look, Gypsies, what do they want now? Don’t pay attention to them. They are stupid.’ and so... I personally don’t feel this is so. What they do, they do it OK. What they are doing here (in the youth centre) is really OK. I think here they are really accepted.”

S, Romani boy, 12 years old

“I do not attend and I have never attended a regular school. I do not want to go to school. Now I am too old to attend the 1st class. However, I would like to finish school and become a driver.”

D, Romani young man, 16 years old, attends seventh grade of primary school

“I have a nice time in school. I have not experienced any larger unpleasant things. I have been enrolled in school. However I have to pay. I felt best at a judo contest where I won the first prize. I got a cup and that was the most beautiful. I felt good because I won. Teachers and my coach were also there. I would like to buy a motorcycle to make my going to market-place easier.”

S, Romani boy, 12 years old

“I never attended school. I can’t read, nor write, and I would like to.”

M, Romani girl, ten years old

“I go to school on a regular basis. I have a nice time with my girl friends who are not Roma. I felt so nice when I was in a choir and the director came and praised us saying that we sang nice and that we were nicely dressed. When we have our holiday (Đurđevdan/ St. George’s Day), we talk with our teacher about it. She wants to know how we celebrated it. Our friends also talk to us about it. They want us to invite them to celebrate the holiday with us next time. When I grow up, I would like to become a hairdresser.”

N, Romani young man, 17 years old, dropped out after the third grade of primary school

“I finished the third class. My father did not allow me to go to school during the war and I also was not keen on going. Later, the director told me that I did not have the right to continue to go to school because I was 16. Sometimes, the company you keep influences you and you want to be like them and not go to school. And in school some teachers are good to you. My brother and I work at the market-place to survive. I would like to finish primary school. If I did not work at the market-place, I would become a thief or dealer. If someone does not have money, he becomes a dealer.”

M, non-Romani girl, 12 years old

“I would always take care that I do not hurt them. I would share my snack with them. If someone attacked them, I would take [the Roma child’s] side.

C, Romani young man, 16 years old

“Before, I lived in Sanski Most and there I went to school. I completed four grades, but could not continue here because I haven’t had the opportunity. I would like to continue, but my parents don’t have enough money for the books and everything else I need.”

E, Romani young man, from Sarajevo, 16 years old

“At school, they called me a Gypsy. I do not go to school. I finished some classes. I am selling goods by going from one door to another and on the street. When I come to a door, some drive me away and some just slam the door.

I earn well, when I earn some money. That’s the way it is. One can lose everything today, and you start from the beginning. Why do I need school?! There are professors who work at the market-place. There are more of them at the market-place than in companies. Just go there and count!”

Parents

Returnee Romani mother of three school-age children

“My children do not go to school. I am not sure that it is safe for them to attend the school in Jakeš and they are too small to go on feet even to Odžak. Let them open our school here in village, or organise some transport for the older ones, then I will let them attend. Now I will not let them attend. I am not sure that they would be safe.”

Romani father

“I cannot provide the school books nor clothes for them. Older ones must take care of the younger children while my wife and I work. Also, you see that there is no place for them to study.”

Romani mother

“My son will continue attending school even when I do not have the bread to eat. He rides a bicycle to school now. It is 6km to get there. But how will he go in the winter? It gets dark early in the afternoon... I am afraid for him.”

Romani father

“My son has completed the sixth grade in the Federation, but he had problems with his

classmates. The director of the school was not ready to help us just because we are the Roma. Now we are preparing the documents to enrol him in the school here.”

Romani mother of six children, three of whom attend school

“Like my brothers and sisters, I never attended school. Therefore, I am trying to have my children regularly attend school. Some schoolmates of my children tease them and insult them calling them Gypsies – because of their clothes.”

Conclusion

A number of factors need to be considered in order fully to understand the situation of Roma regarding education. Improving the standard of education among the Roma population is not simply a matter of improving access to education *per se*; it also requires a general improvement in the standard of living among Roma. This would enable Roma to take advantage of the education system. Among the many reasons behind low levels of participation in the education system on the part of Roma children are the following:

Poverty: the inability to pay for clothes, school supplies and other school requirements; the need for children to contribute to the family’s income through work; the inability to provide children with an adequate environment for study at home; lack of lighting for study; lack of water and the consequences this has for hygiene and clean clothes for school.

Irrelevance of mainstream education: the lack of relevant studies for children that would prepare them for adulthood as contributing members of their Roma community; pervasive discrimination that would (potentially) preclude employment even if Romani children were educated; parents’ experience of being capable and contributing members of the community without having any formal education, and their consequent perception that mainstream education is not important for their children.

Discrimination and harassment at school:

One Romani parent in one of our projects with Romani children (outside the context of this report) remarked: “Why would I send my child to a place where they might be beaten just because they are Roma?”

Mistrust of government: The relationships of Roma people with the authorities have not historically engendered a feeling of confidence in agencies of the government, including the education system; Many Romani children do not possess documents required by school authorities, such as birth certificates or other identity documents.

War and displacement: Thousands of Romani children (recently including Romani children from Kosovo) have been displaced by the wars of this region and have not been able to return to communities where they might have a greater sense of belonging and be able to plan their futures, including the formal education of their children.

Cultural beliefs and practices: Children assume adult responsibilities much earlier in many Roma communities than in non-Roma communities. Children are often married and have children themselves in their teen years. Household and other work responsibilities accordingly increase, providing children with little time for formal education.

Language: Many Romani children are not proficient in written or spoken non-Roma languages to the extent that they would be able to learn effectively in the local languages in which classes are taught in BiH.

Lack of an educated leadership or role models: There are few educated Romani leaders who have managed to succeed in spite of all else in BiH and who can provide inspiration to Romani children, making them believe that they too can have a promising future if they complete their education.

Recommendations

Given that the following international instruments are directly applicable in Bosnia and Herzegovina either through ratification or, since December 1995, by virtue of Annex I of the Constitution of Bosnia and Herzegovina, in Annex IV of the General Framework Agreement for Peace (the Dayton Agreement):

- the European Convention on the Protection of Human Rights and Fundamental Freedoms 1950 (The Convention and its Protocols take priority over all other law in BiH – BiH Constitution, Article II.2)

- the International Convention on the Elimination of All Forms of Racial Discrimination 1965
- the International Covenant on Civil and Political Rights 1966
- the International Covenant on Economic, Social and Cultural Rights 1966
- the UN Convention on the Rights of the Child 1989
- the European Charter for Regional or Minority Languages 1992
- the Framework Convention for the Protection of National Minorities 1994

Save the Children recommends that:

The Government of BiH and the Federation of BiH and Republika Srpska

- Intensifies efforts to reform legislation, including the Constitutions of the country to be in compliance with BiH's international legal obligations under human rights instruments, including the UN Convention on the Rights of the Child.
- Has an open dialogue with the various Roma communities, including children, and develops a response that reflects the concerns and realities of the Roma communities themselves.
- In consultation with Roma communities:
 - Organises preparatory classes for Romani children of preschool age to prepare them for primary school, including teaching in the Romani language and the language used at primary school.
 - Implements a system of part-time education for children and young people who did not complete school grades at the appropriate

age, and for children who must also work to support their families.

- Allows for children who have dropped out of school to sit or resit primary-school examinations even if they are over the age of 16.
- Sets up a body to assess and monitor the education of Romani children, within the government system, that includes Romani participants and/or advisers.
- Ensures that a systematic study of the status of Roma in Bosnia and Herzegovina, including their numbers, regional patterns

and social status is carried out. Such a study could then be used in planning for challenging disadvantage over the next decade. If appropriate protective measures can be assured, there should be a breakdown of data on the basis of ethnicity, age and gender with particular attention paid to ensuring that data on ethnicity are not misused and are based on self-identification.

- Introduces measures for raising awareness about Roma among educational institutions and society in general.



- Provides funding to enable children to attend school, including funds for books and equipment, and either transport fees or organised free transport to school.

The OHR, UNESCO, other international intergovernmental agencies and government authorities

- Oversee consistent educational policy across the whole territory of BiH that specifically addresses the right of Romani children to education, taking into account the human rights obligations applicable in BiH.
- Actively engage with Romani communities, including children, to determine jointly ways in which the international community could support priorities with respect to the education of Romani children.
- Ensure that poverty analysis and alleviation measures specifically engage Romani communities.

Bosnia and Herzegovina: Notes on the text

1 The term Roma (adjective: Romani) is used in the BiH report as opposed to Roma/Gypsy as this is the preferred self-appellation.

2 The Dayton Agreement included as a third area the administrative region of Brcko, a former municipality that will be considered in the context of RS for the purposes of this report. According to Annex V of the Dayton Peace Agreement, the status of Brcko was to be decided by arbitration. In 1999, following the eventual submission of the issue to arbitration, Brcko was declared to be a “shared condominium” between FBiH and RS, although in practice it continues to be a self-governing administrative unit and its future integration remains to be decided: see *Is Dayton Failing?*, International Crisis Group, 1999, pp. 35-6.

3 For an analysis of the problems of public administration in BiH in general, see *Rule of Law in Public Administration*, International Crisis Group, 1999.

4 Source: *The Population Nationality Structure of the SFR Yugoslavia According to the Settlements and Municipalities: Book I*, 1981, Federal Bureau of Statistics of Yugoslavia and *Statistical Yearbook of the Republic of BiH*, 1992.

5 Centre for Protection of the Rights of Minorities, Sarajevo, *Status of the Roma in Bosnia and Herzegovina (Survey Results)*, Sarajevo, 1999; Analysis by Prof. Dr Slavo Slavko Kukić, p. 14.

6 Roma who remained in Kosovo during the war in 1999 were often perceived to have collaborated with the Serbs by returning Kosovar Albanians.

7 Centre for Protection of the Rights of Minorities, Sarajevo, *Status of the Roma in Bosnia and Herzegovina (Survey Results)*, Sarajevo, 1999. Analysis by Prof. Dr Slavo Slavko Kukić. See further the UNDP *Human Development Report Bosnia and Herzegovina 2000: Youth*, which specifically refers to an alarming situation with respect to knowledge of the Romani language among young Roma.

8 *Karavlabs* are one of the groups of Romanian speaking Gypsies (often with a non-Romani consciousness) that are found throughout Europe. They are also referred to in other contexts as Rudara/Rudari, Beasha (variant Boyasha/Boyashi).

9 In the UNDP *Human Development Report Bosnia and Herzegovina 1998*, the unemployment rate in BiH is estimated at 36.21%.

10 Centre for Protection of the Rights of Minorities, Sarajevo, *Status of the Roma in Bosnia and Herzegovina (Survey Results)*, Sarajevo, 1999. Analysis by Prof. Dr Slavo Slavko Kukić.

11 The provision of this law is open to interpretation, ie, it could refer to classrooms of a particular class or it could mean just one classroom of a particular class.

12 See note 11 above.

13 See note 11 above.

14 UNDP *Human Development Report Bosnia and Herzegovina 1998*, Chapter VII – Education.

15 Centre for Protection of the Rights of Minorities, Sarajevo, *Status of the Roma in Bosnia and Herzegovina (Survey Results)*, Sarajevo, 1999. Analysis by Prof. Dr Slavo Slavko Kukić.

16 *Report on Human Rights Situation in the Federation of BiH for 1999*, Sarajevo, February 2000, Ombudsmen of the Federation of Bosnia and Herzegovina, Chapter VII – Protection of the Rights of the Child.

17 Centre for Protection of the Rights of Minorities, Sarajevo, *Status of the Roma in Bosnia and Herzegovina (Survey Results)*, Sarajevo, 1999. Analysis by Prof. Dr Slavo Slavko Kukić.

18 UNDP *Human Development Report Bosnia and Herzegovina 1998*, Chapter VII – Education.

19 Helsinki Citizen's Assembly and Roma Associations from Tuzla Canton, *Analysis on the Current Status of the Roma Returnees to Tuzla Canton*, 1999.