



OPEN SOCIETY INSTITUTE



AMNESTY INTERNATIONAL

Peter Benenson House 1 Easton Street, London WC1X 0DW, UK; Tel: +44 20 7413 5500;
Fax: +44 20 7956 1157; amnestyvis@amnesty.org

EUROPEAN ROMA RIGHTS CENTRE

Naphegy ter. 8, Budapest H-1016, Hungary; Tel.: +36 1 413 2200; Fax: 4132201; errc@errc.org

MILAN ŠIMEČKA FOUNDATION

Panenská 4, 81103 Bratislava, Slovakia; Tel/Fax: 421 2 5443 3552; nms@nadaciams.sk

OPEN SOCIETY INSTITUTE – BRUSSELS

6, Place Stéphanie, 1050 Brussels, Belgium; Tel: +322 505 4646; Fax: + 322 502 4646; OSI-Brussels@osi-eu.org

ROMA EDUCATION FUND

Váci u. 63, 1056 Budapest, Hungary; Tel: +361 235 8030; Fax: +361 235 8031; info@romaeducationfund.org

15 November 2007

TO:

Ján Kubiš
Minister of Foreign Affairs
Hlboká 2
833 36 Bratislava 37, Slovakia

Dušan Čaplovič
Deputy Prime Minister for Human Rights and Minorities
Nám. slobody 1
813 70 Bratislava, Slovakia

Ján Mikolaj
Minister of Education
Stromová 1
813 30 Bratislava, Slovakia

Anina Botošová
Plenipotentiary of the Slovak government for Roma Communities
Nám. slobody 1
813 70 Bratislava 1, Slovakia

RE: Slovak Chairmanship of the Committee of Ministers at the Council of Europe

Your Excellencies,

We are writing to you on the occasion of Slovakia having assumed the Chair of the Committee of Ministers of the Council of Europe on 12 November 2007. Next year, Slovakia will also celebrate the fifteenth anniversary of its membership of the Council of Europe. We believe that

these two events bring with them special responsibilities and opportunities. We consider that the country occupying the Chair of the highest decision-making body of this regional human rights based intergovernmental organization should demonstrate exemplary commitment and strong leadership in the fulfilment of the principles enshrined in Article 3 of the Statute of the Council of Europe – namely the rule of law and the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms.

We note that Slovakia has made considerable progress in fulfilling a number of the commitments it entered into upon accession to the Council of Europe in 1993. Among them are the ratification of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and a number of its Protocols, and a number of other treaties including the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Framework Convention for the Protection of National Minorities and the European Social Charter.

We also note that in the context of the Decade of Roma Inclusion 2005-2015, the authorities have undertaken specific commitments to improve the conditions for its Roma citizens.

However, we consider that in order to fully honour their obligations as a Council of Europe member state, the Slovak government must engage proactively and systematically in action to redress patterns of racial discrimination and other human rights violations against the Romani minority in the country. In particular, we consider that concerted efforts and effective measures are needed to address the problem of the systematic erroneous placement of Romani children in schools for children with light mental disabilities as well as the prevalence of other forms of segregated education of Romani children in some areas of the country. These conditions pose serious barriers for Romani children to realizing their right to education free from discrimination.

A nexus of factors work together, creating barriers for Roma in accessing equal education, particularly at the primary school level. Physical isolation from mainstream society, the prevalence of extremely substandard slum conditions in some Romani communities as well as high levels of anti-Romani sentiment in the Slovak society, all hinder access of many Romani children to the mainstream education system.

We note that the government of Slovakia has adopted a number of measures with the aim of improving Romani children's access to education. However, we remain concerned that special measures have not been systematically implemented, nor are there adequate means of monitoring and assessing the impact of such measures on the education of Romani children. Furthermore, research by the undersigned organizations, along with the findings of other bodies and experts, indicate that the measures which have been in place in the recent years have failed to address the problem of segregated education of Romani children in Slovakia. In its Resolution ResCMN(2006)8 on the implementation of the Framework Convention for the Protection of National Minorities by the Slovak Republic, the Committee of Ministers of the Council of Europe stated that "in the field of education, the persistence of various forms of exclusion and segregation which mainly affect Roma children is a source of concern. The potential impact on disadvantaged Roma pupils of recent measures promoting increased decentralisation, as well as the effects of the 2004 social reform, merit particular attention, including in terms of monitoring to ensure that equal opportunities for access to education are not negatively affected. The number of classes with instruction in the Roma language remains limited."

In its priorities for the six months of the Chairmanship of the Committee of Ministers of the Council of Europe (CM/Inf(2007)46), Slovakia has emphasized the need to find "solutions to the difficult situation of the Roma, Travellers and related groups" as "in many cases they continue being victims of discrimination and prejudice and face grave difficulties related to education, housing, employment, social issues, etc." We consider the forthcoming six months of Slovakia's holding the Chair of the Committee of Ministers of the Council of Europe as a real opportunity for the authorities to make further progress in the safeguarding of human rights and the rule of law in Slovakia, including with respect to the rights of members of the Romani population. Slovakia has the opportunity in 2007 and 2008 to take significant steps to enhance the respect and protection of human rights at home, and to encourage such enhancement across the Council of Europe region.

We believe that taking the measures outlined below will be key to ensuring that this opportunity is not wasted and that Slovakia is able to demonstrate to the international community a real commitment to respecting and protecting human rights.

We therefore urge you to ensure that, while serving as the Chair of the Committee of Ministers, the Slovak government takes the following concrete steps:

- **Prioritise the realisation of the right to free and compulsory education for Romani children**, by developing and implementing a Plan of Action to ensure that all children complete compulsory education. The Plan should prioritize the integration and attendance of Romani children in mainstream education, through a combination of desegregation, and special measures to encourage attendance and reduce drop-out rates, as required under the UN Convention on the Rights of the Child.
- **Make a clear and unequivocal political commitment to eradication of segregated education of Romani children.** The government should consult with the Roma community about the implementation of this commitment, take concrete, targeted and effective steps to reverse existing patterns of segregated education of Roma and to prevent further segregation. Romani children should not be placed in special or segregated schools or classes simply because they are Roma or because they are socially disadvantaged. As a first step in this direction, the government should amend existing antidiscrimination legislation to introduce an explicit prohibition of segregation in education.
- **Ensure the content and means of education are consistent with human rights.** In consultation with Romani communities and organizations, ensure that Romani culture, history and traditions, and information about the contributions Roma have made to society, are included in the formal school curriculums; amend the School Act to grant the Romani language the same recognition as that given to the other minority languages specified; ensure the availability of teaching materials in Romani language; provide training to teachers and other staff working in primary schools; ensure the genuine participation of members of the Roma community in the development and implementation of educational policy relating to the inclusion of Roma; and recruit Romani teaching staff to teach at all levels and ensure they are not subjected to racial discrimination in the school system.
- **Collect equality data** (data which takes ethnicity into account) to monitor patterns of segregation in practice and ensure oversight of educational placements on the basis of reasonable and objective.

Moreover, to enhance the protection of the human rights in Slovakia, during the Chairmanship, the government should seek to **finalize the processes for the ratification of the following Council of Europe treaties:**

- **Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms**, which contains a general prohibition of discrimination in the enjoyment of any right in law (Article 1);
- **the Additional Protocol to the European Social Charter providing for a system of collective complaints;** and
- **the Revised European Social Charter.**

Yours sincerely,

Nicola Duckworth
Europe and Central Asia Programme Director
Amnesty International

Vera Egenberger
Executive Director
European Roma Rights Center

Laco Oravec
Programmes Director
Milan Šimečka Foundation

Andre Wilkens
Director
Open Society Institute - Brussels

Alexandre Marc
Director
Roma Education Fund

Copy to:

Pavol Paška
Speaker of the Slovak National Council
Námestie Alexandra Dubčeka 1
812 80 Bratislava 1, Slovakia

Pavel Kandráč
Public Defender of Rights of Slovakia
Nevadzova 5
821 01 Bratislava, Slovakia

Emil Kuchár
Slovakia's Permanent Representative to the Council of Europe
Council of Europe
Avenue de l'Europe
67075 Strasbourg, France

Boris Zala
Chair of Slovakia's delegation to the Parliamentary Assembly of the Council of Europe
Kancelária Národnej rady SR
Námestie A. Dubčeka 1
812 80 Bratislava, Slovakia

Terry Davis
Secretary General of the Council of Europe
Council of Europe
Avenue de l'Europe
67075 Strasbourg Cedex, France

René van der Linden
President of the Parliamentary Assembly
Council of Europe
Avenue de l'Europe
67075 Strasbourg Cedex, France

Thomas Hammarberg
Council of Europe Commissioner for Human Rights.
Council of Europe
Avenue de l'Europe
67075 Strasbourg Cedex, France