



## **“Discrimination and Violation of Roma Children's Rights in Schools of the Russian Federation” Update to the 2009 report<sup>1</sup>**

**March 2011**

On the occasion of the 48th Session of the Committee on Economic, Social and Cultural Rights of May 2011, the Anti-Discrimination Center (ADC) "Memorial" presents an update to its 2009 report "Discrimination and Violation of Roma Children's Rights In Schools of the Russian Federation". The update, prepared with the support of the International Federation for Human rights (FIDH), covers the period from 2009 to December 2010.

No comprehensive anti-discrimination legislation was drafted nor were any acts on the implementation of measures to improve education for groups that are subjected to discrimination. Even the new bill “On Education in the Russian Federation”<sup>2</sup>, that was submitted for public discussion, does not provide any specific rules prohibiting discriminatory practices. Replacing the term “citizen” with the term “student” (and therefore formally eliminating the requirement to provide proof of citizenship when enrolling a child in school) will probably not lead to a change in the schools’ current practice. They demand personal documents for both parents and children, and permanent and temporary registration documents, since there is still no formal ban on refusing applications from children without such documents, and since the educational institutions are free to decide which documents are required for enrolling in school.

By virtue of this regulation, access to education is denied to vulnerable groups<sup>3</sup>, including Roma from the compact settlements all over the Russian Federation, who are born Russian citizens, but are forced to go to court to prove their residence and citizenship or to acquire the citizenship again (since they or their parents have no documents). In 2010, Anti-Discrimination Centre (“ADC”) Memorial received numerous appeals from Roma whose children were not admitted to schools because they lacked the required documents.<sup>4</sup>

### **Insufficiency of positive measures**

Despite certain improvements in some of the regions, enactments at the local level in this area do not sufficiently and satisfactorily implement the Roma children’s right to education. Some

<sup>1</sup>This report is available at: <http://www.memorial.spb.ru/www/499.html?lang=en>

<sup>2</sup> <http://zakonoproekt2010.ru/edu/01-12-20>

<sup>3</sup>See the Report ADC Memorial with the support of FIDH 'Discrimination in the Enjoyment of Social and Economic Rights by Ethnic Minorities and Migrants in Russia'.

<sup>4</sup>For example, the son of Tatyana E. who lived in St. Petersburg, did not attend school until he was 12 because he had no documents. The standard used to calculate a teacher’s workload does not include undocumented children who, therefore, are not allowed to enroll in school.

affirmative actions are intended for Roma children but are ineffective due to the general socio-economic living conditions in Roma communities and the overall discriminatory system of relations between the Roma population and the state agencies, local authorities and school administrations. Local and regional government bodies that are responsible for organizing the education system in constituent territories often do not realize their responsibilities towards Roma children, including the need for positive measures in support of the most vulnerable groups.<sup>5</sup>

Teachers and school administrations often do not have a clear understanding of the inadmissibility of segregation and ethnic discrimination against pupils. Thus, the headmistress of one of the schools with Roma students had publicly (before the court) divided the schoolchildren into two groups—"Gypsy" and "our children", and felt that this was normal. Another example was in one of the schools in the Leningrad Province, there were two separate contests called "Super Schoolgirl"—one for Roma and one for non-Roma students, and the results were published on the web site as "Super Schoolgirl" and "Roma Super Schoolgirl".

In certain schools administrations provided some measures for inclusion of Roma children, but improvements have been fragmentary and depend mostly on the intervention of NGOs and the "goodwill" of the local authorities, e.g. the case in *Nizhniye Vyazovye* settlement (Tatarstan Republic) that was described in the report as follows.

Roma from the settlement requested help in ensuring their children's rights to education and complained about poor results (4th and 5th grade children still had difficulties with reading and arithmetic). Roma students from the school in the *Nizhniye Vyazovye* settlement have complained that after several years of schooling they cannot even read and that they are kept separate from other students of the school. In August of 2009, ADC Memorial officially requested the administration of Zelenodolsky District to focus on the implementation of the right to education, and banning segregation in the *Nizhniye Vyazovye* school. On September 4, 2009, the school administration called a meeting of the Roma parents; the parents unanimously voted for separate classes. In so doing, the school administration has attempted to legitimize illegal segregation of Roma children, not taking into consideration the fundamental nature of children's right to equal education, and government and parents' obligation to provide secondary education in compliance with federal rules and regulations.

Since the school and the Zelenodolsky District administration had not taken any effective measures by January 2010, ADC Memorial addressed a complaint to the district's public prosecutor's office about violations of children rights and legitimate interests. The prosecutor's inspection confirmed the violations: children were still studying in a small separate classroom and were not receiving a proper education and an opportunity to continue their education. Because of the importance of the problem and the continued violation of the children's rights, ADC Memorial filed a second complaint, calling for an independent examination of the children's scholastic results and the introduction of specific measures to ensure the children's rights. The second complaint has received a reply: the public prosecutor's office has informed ADC Memorial that children will be studying together as of the new 2010/2011 school year. A reply to an inquiry addressed to the school also stated that the classes would be integrated. According to the latest reports from Roma parents, their children are actually studying in common classes, attend school on a regular basis, and their educational level has risen significantly.

A similar situation in the nearby *Aisha* village settlement encouraged the prosecutor to reply about the need for Roma children to attend integrated classes. Improvements occurred only after repeated appeals from ADC Memorial to the state agencies, even though the enforcement of all

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<sup>5</sup> For example, a report entitled "Analysis of the School of *Verhniye Oselky* village for the 2009-2010 academic year and objectives for the new academic year" sets out a variety of measures "to create conditions for the socialization and integration of Roma children in the Russian system of rural school" and "to educate Roma children and parents", but in reality these measures are very seldom efficiently implemented.

children's right to education is a direct obligation of responsible authorities and local governments, and should not require "reminders" on the unacceptability of discrimination.

### **The expertise on the level of education: low level of Roma children's school knowledges**

Discriminatory conditions in Roma schooling, which are thoroughly documented in the 2009 report, make it impossible for Roma students to reach an educational level that meets government standards. This was verified and confirmed in an independent examination of the level of subject knowledge among Roma students that was carried out by ADC Memorial experts in Roma settlements in different regions of Russia: Tatarstan Republic, Tambov, Bryansk and Leningrad Province. The expertise aimed to determine the level of knowledge and skills of Roma pupils and showed that the school competence of Roma pupils does not correspond to the level set by state education standards and requirements.

In order to prove the difference in quality of education received by Roma and non-Roma pupils, to prove the fact that the majority of children who are segregated in Roma classes have very poor level of knowledge in basic school curriculum, ADC Memorial provided professional expertise on education standards, carried out by an appointed expert.

For example, an expertise on the level of education, received by Roma pupils from segregated classes in *Verkhniye Oselky* village (there is a school with segregated classes for Roma children from *Peri* Roma settlement), took part in October 2010. This expertise has identified a "low level of knowledge and poor level of skills" of all Roma pupils.

The results of the expertise were presented as a written document (evaluations)<sup>6</sup> in order to use in court, including the European Court of Human Rights, as well as for reporting on the Roma educational rights situation.

### **Lack of equal and effective access of Roma to the justice system**

Judicial protection of the Roma children's rights is also difficult. Providing effective protection of children's rights in local courts is often practically impossible, the legal proceeding in Tambov District court is a good example thereof.

ADC Memorial conducted an expertise on the Roma children's level of education, gathered evidence of discrimination and filed a civil claim to the Tambov District court. The claim was applied in connection with discrimination in order to defend the right of Roma children to equal education, according to the relevant decisions of the European Court (*D.H. and Others v. the Czech Republic*<sup>7</sup>, *Oršuš and Others v. Croatia*<sup>8</sup>). The local authorities, the Board of Education and the school authorities were claimed as public respondents.

The Court of Tambov District accepted the claim, and the first court session was held on 23 November, 2010. The plaintiffs, i.e. the parents of Roma settlement children, were present and supported their claims for the rights of their children to education. However, by the time of the next session, 16 December 2010, the authorities of the *Tambov* Region had had several meetings with the plaintiffs. The parents said that they had been threatened, and then urged to drop the lawsuit, in return for the administration's promise to build a new school.<sup>9</sup> As a result, the

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<sup>6</sup> The documents are located in the archive and electronic database of ADC Memorial.

<sup>7</sup> *D.H. and Others v. the Czech Republic* [GC], no. 57325/00, ECHR 2007-XII

<sup>8</sup> *Oršuš and Others v. Croatia* [GC], no. 15766/03, 16 March 2010.

<sup>9</sup> The following information was obtained in an interview with Tamara M, one of the plaintiffs.

plaintiffs, most of them being illiterate, have signed a refusal application, not understanding the meaning thereof.

22 December 2010, the last hearing was held. The state respondents presented the plaintiffs' written refusal and the case was dismissed with the refusal of the claim.

So the failure of the case was as a result of refusal of the plaintiffs to continue due to the pressure faced by them in their relation with the local authorities. It's an example of lack of equal and effective access Roma people to the justice system.

ADC Memorial is still working on the problem of children who do not go to school at all, e.g. the majority of Roma children from the settlements, located in the suburbs of *Samara (Krasny Pakhar, Smyshlyaevka and Yaik villages)*, where the local authority and school administration make no attempt to ensure the rights to education for Roma children and where teachers do not inquire about the truancy of Roma children

In conclusion, implementation of the Roma children's rights to education is a complex problem, and there are too few examples of effective positive actions by the authorities. At the state level, there are no specific programs to ensure the inclusion of Roma children, and at the local level the situation is often exacerbated by the authorities' neglect and indirect discrimination.

**ADC Memorial calls on the Committee on Economic Social and Cultural Right to urge the Russian authorities to:**

- Adopt anti-discrimination legislation precisely defining discrimination and defining segregation as one of its forms, with the goal of protecting the rights of Roma children, including against discrimination in education. Modify the Law on Education to conclusively prohibit segregation in schools, to develop effective mechanisms to implement the law prohibiting discrimination based on ethnicity, and to monitor the implementation of the Law. Bring all federal and local subordinate acts and instructions that require the presentation of every conceivable sort of document in order to enroll in school (proof of citizenship, registration, and so on) into compliance with the Convention on the Rights of the Child and the Law on Education, which guarantee everyone the right to formal education. Defend by law the rights of children who are not citizens.
- Adopt a large-scale federal plan to improve the position of the Roma population in the Russian Federation, in accordance with the "Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area" (Maastricht, 2003),<sup>10</sup> and provide for a series of affirmative measures analogous to those set forth in the OSCE Plan. Develop and finance special programs to eliminate the social and economic marginalization of Roma, which arises first and foremost from poor living conditions, lack of documents, and difficulties in accessing education and employment. Particular attention should be paid to issues of education and the creation of optimal conditions in schools that are located near Roma settlements. Lessons acquainting all the students with Roma history and traditions should be included in the school program to facilitate cultural dialogue and eradicate anti-Roma prejudices.
- Address a standing invitation to all UN Special Procedures.

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<sup>10</sup>[http://www.osce.org/documents/odihr/2003/11/1751\\_en.pdf](http://www.osce.org/documents/odihr/2003/11/1751_en.pdf)