

TEN YEARS AFTER

*A History of Roma School
Desegregation in Central and
Eastern Europe*



Edited by Iulius Rostas



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A History of Roma School Desegregation in Central and Eastern Europe

Edited by **Iulius Rostas**

With a Foreword by **John Shattuck**



Roma Education Fund



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Tel: +1-212-547-6932

Fax: +1-212-548-4607

E-mail: mgreenwald@sorosny.org

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Foreword

The Roma people of Central and Eastern Europe have long been the victims of systemic discrimination, segregation and social marginalization. A movement to overcome this legacy has gradually taken shape during the two decades since the fall of communism and the transition to democracy in the region. The Roma Rights Movement has civic, legal and political dimensions, and is the subject of this groundbreaking and insightful study by Iulius Rostas and his colleagues.

The Roma Rights Movement bears some similarities to the Civil Rights Movement in the United States. Both are aimed at rectifying the wrongs of centuries of institutionalized racism. Both are seeking to change public opinion about the victims of discrimination. Both are working to influence public policy responses. And both movements have encountered organized social and political resistance from the majority population. Despite these similarities, there are major differences between the two movements, and the results so far have been markedly different: African-Americans have achieved substantial civil rights gains in the United States, while progress for Roma rights in Central and Eastern Europe has been minimal.

Desegregation efforts in the United States began in the 1930s, and gathered pace after World War II. During the presidency of Harry Truman, who was re-elected in 1948 with an overwhelming majority of black votes, executive measures were taken to spur civil rights progress. Truman desegregated the armed forces, appointed the first federal black judge and established the first President's Committee on Civil Rights. The media in the dawning age of television raised public awareness of racial segregation. During this period rural Southern blacks began a massive migration to the North and Midwest in search of jobs in the booming post-war industrial cities, and this migration eventually led to an increase in the living standards and social status of African Americans.

Despite federal initiatives and population movements, entrenched prejudice among white communities in the South manifested itself for decades in massive resistance to civil rights progress. Following the US Supreme Court's landmark 1954 decision in *Brown v. Board of Education*, the slow pace of school desegregation in the United States illustrated "how the potentially simple task of transitioning a few minority students into a small number of formerly all-white schools can nevertheless take a long time."¹

It took more than three decades for the civil rights movement to overcome this resistance and create a less hostile political environment. The movement achieved major legislative gains during the presidency of Lyndon B. Johnson, a southerner, in the enactment by the US Congress of the 1964 Civil Rights Act and the 1965 Voting Rights Act.

In Central and Eastern Europe, transformation for the Roma has yet to come. The collapse of the Soviet Union increased the segregation of Roma communities and their isolation from emerging market economies. The post-communist period has been particularly harsh, since the structural benefits of the old system have disappeared and the status and opportunities for the Roma have never been normalized. Although the European Convention on Human Rights and the Race Equality Directive of the European Commission signalled a new European commitment to equal opportunity, the lack of implementation of these principles by political and judicial authorities in the case of the Roma populations of Central and Eastern Europe indicates that rights are still theoretical abstractions for most Roma.

More than four million Roma people are living in the post-communist countries of Bulgaria, the Czech Republic, Hungary, Romania and Slovakia. Comparing their situation after the change of regime to that of African Americans in post-World War II United States, the living standards of Roma in Central and Eastern Europe deteriorated, while the quality of life of African Americans slowly improved.

Segregation in education violates fundamental human rights and is contrary to the principles of non-discrimination. The segregation of Roma students has not been publicly discussed and debated in post-communist Eastern Europe, and the media have not provided significant coverage of the issue. Unlike the Civil rights Movement in the US, the Roma Rights Movement has yet to achieve a concerted impact in the region. Roma

¹ Jack Greenberg, "Report on Roma Education Today: From Slavery to Segregation and Beyond," *Columbia Law Review* 110:4 (May 2010): 981.

communities remain politically powerless, and the new generation of leaders is often less connected to their communities than earlier generations.

Nevertheless, Roma rights have emerged on the political agenda of Central and Eastern Europe. This comes as a result of pressure exerted on governments by international bodies and human rights organizations working on the ground. The enlargement of the European Union has drawn attention to human rights norms in the accession process as governments of new member states and applicant countries have sought to comply with EU regulatory requirements. But, just as in the US in the early days of the Civil Rights Movement, governments have been slow to translate rhetorical adherence to human rights norms into policy action.

Iulius Rostas sets forth a compelling agenda for the Roma Rights Movement in Central and Eastern Europe. This agenda bears a striking similarity to that of the U.S. Civil Rights Movement. Despite many differences in circumstance between the two, they share the same deep moral base and urgent historical demand, powerfully expressed in the anthem of the long struggle for civil rights in the United States: “We Shall Overcome.”

John Shattuck

President and Rector
Professor of Legal Studies
Central European University

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The writing of this book was possible due to the support of dedicated people. I initiated this project together with Mihai Surdu and Marius Taba. Mihai and Marius offered feedback to the guide for interviews with Roma activists and we conducted together four interviews for the book. Laura Surdu was also helpful in finalizing the guide for interviews. I would like to thank Mihai and Marius for their support for the project.

The Roma Education Fund (REF) financially supported the project. I take this opportunity to thank the members of the REF board for considering school segregation as one of the most important topics regarding education for Roma and for their generous support. REF leadership—Costel Bercus, Toby Linden, Pierre Gassmann, and Judit Szira—offered comments and suggestions that were valuable for the project. Judit Szira also spent time to provide feedback on some chapters of the book. Without the REF leadership support this book would have remained just a good idea.

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I can not close the list without mentioning my family members. My parents always valued education and encouraged us, their children, to do our best. They also considered that interaction with children from other ethnic background is a chance to extend our experience of live while affirming our identity when it matters. The best adviser and critic of my work was my lovely wife, Marianna. Her love, friendship, advice and criticism gave me strength to continue with the project. Many ideas from the book came up during our long discussions on the subject. Although not mentioned in the text, Mari is a moral contributor to the book. I would like to thank Mari for her continuous support even at the time when I had doubts about the project. Emma, our angelic daughter, deserves a big “thank you” and “I love you” from daddy! Both Mari and Emma were deprived of spending quality family time due to my work on this project.

I dedicate this book to my mother Heli, to my wife Mari, and to our daughter Emma, with love.

About the Roma Education Fund

In the face of widespread and persistent segregation against Roma in schools, classrooms, and society at large, the Roma Education Fund offers grants, programs, and scholarships to alleviate segregation and to contribute to Romani children's access to quality education in Central and South Eastern Europe.

Based in Budapest, REF works across the breadth of the educational field, whether early childhood education and care, mentoring and tutoring for secondary school students, scholarships to undergraduates and post-graduates, professional development for young Romani graduates, or definitive research exposing inequalities in national education systems in the region.

Having directly reached nearly 400,000 beneficiaries since its inception, REF is a successful developer of projects and programs that have set the stage for positive changes to national education policies which far too often segregate Romani students and discourage them from learning.

In step with the Decade of Roma Inclusion (2005-2015) targeting housing, education, health, and employment, REF brings together a consortium of international donors and local NGOs in its mission to close the gap in educational outcomes between Roma and non-Roma. In order to achieve this goal, the organization supports policies and programs which provide quality education for Roma, including the desegregation of education systems.

REF's desegregation projects, acknowledged as worthy and successful interventions by many different social actors and policymakers, in parallel with its publications, aim to put desegregation on the agenda of educational systems in the region as a hurdle that must be overcome.

For the latest information and research, as well as philanthropic opportunities, please visit: romaeducationfund.org

Introduction

The number of Roma in Europe is estimated by the Council of Europe at between eight to twelve million, most of them living in Central and Eastern Europe. Estimates from research and international organizations put the number of Roma as high as 800,000 in Bulgaria, 300,000 in the Czech Republic, 600,000 in Hungary, 2,500,000 in Romania and 550,000 in Slovakia.¹ The governments of all these countries have adopted strategies to address the problems the Roma face, and because they are all members of the European Union have access to EU funds to help solve them.

School segregation of Roma children has emerged as an underacknowledged yet critical issue in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia. Multiple factors explain why it has taken on such urgency, and each country has developed its own approach, with Hungary, Bulgaria and Romania embarking on a more visible desegregation process.

The first and most important of these desegregation projects began in Vidin, Bulgaria, in 2000, at the initiative of Drom, a local non-governmental organization (NGO), in response to the failure of the Bulgarian government to enact effective desegregation plans.² In April 1999, following two years of intense negotiations with Romani NGOs, the government of Bulgaria adopted its Framework Program for the Equal Integration of Roma in Bulgarian Society, which includes language on desegregating the national educational system. However, the government failed to take any major steps to implement the Program.

In response to this government inaction, during the 2000–2001 academic year, Drom enrolled 275 Romani children from the Nov Pat Romani neighborhood into integrated schools located in the city. The number of children increased to 460 by the end of the academic year; the following academic year, the number of children who benefited from the project

¹ The figures are based on different estimates. For figures of different estimates, see B. Rorke and A. Wilkens, *Roma Inclusion: Lessons Learned from OSI's Roma Programming* (New York: Open Society Institute, 2006) 8.

² For detailed information about the project, see Open Society Institute, *Roma Participation Program Reporter* (August 2002).

increased to 611; another hundred children from the Romani neighborhood enrolled in two mixed schools on their own initiative. The academic achievements of the children participating in the project, both Roma and non-Roma, increased significantly in the new environment, as revealed by subsequent evaluations.³ Given the initial success of the Vidin project, in the next academic year, a number of other NGOs in Bulgaria modeled similar programs on Drom's strategy, implementing projects in Pleven, Montana, Stara Zagora, Sliven, and Kaskovo.

The idea of a book on Roma school desegregation emerged from several informal discussions on the subject I had with friends. The topics for discussions were initially larger: the future of the Romani movement, the European Union and human rights, Roma migration and challenges to the EU member states, etc. Since all the participants were involved with the school desegregation process, the discussions narrowed down to that subject. One of the conclusions was that even those interested in the problem did not have a clear picture of what was going on across the region. Details and lessons from some desegregation efforts in the recent past were already lost, or simply overlooked in the debate.

Another conclusion of these discussions was that different people knew what was going on, but there was not enough information available on the subject to piece together the whole puzzle. For example, one might know in detail the situation in one country, but lack basic information on what is going on in others, as some interviews with Roma activists and education experts revealed. Moreover, most of this knowledge has not been properly documented and most of it is not available in writing.

Thus, the idea was born of compiling a book to bring together information from across the region. It was conceived at an interesting moment—the 2010–2011 academic year marks the tenth anniversary of that first desegregation project in Vidin.

This book aims to serve as a reference for academics and policy makers, especially those involved in education, on the policies and programs for desegregating Roma children within the educational systems in Central and East European countries: Bulgaria, the Czech Republic, Hungary, Romania and Slovakia.

³ K. Kanev, *The First Steps: An Evaluation of the Nongovernmental Desegregation Projects in Six Bulgarian Cities* (Budapest: Open Society Institute, 2003) and *Roma Education Fund, On The Road To Maturity: Evaluation of the Non-Governmental Desegregation Process In Bulgaria* (Sofia: Bulgaria Helsinki Committee, 2008) available at: <http://www.romaeducationfund.hu/publications/studies-and-researches>

The book is divided into three parts. The first part is an analysis of the institutional answers to the issue of segregation by governments, NGOs and international organizations. It is based on analyses of public policies and legal documents, secondary analyses of existing empirical data and studies, individual interviews with leading Romani activists and lawyers, and policy analyses from prominent policy reviewers. By analyzing the different definitions of segregation used by the governments, specialized anti-discrimination bodies, courts of law, experts, and Roma activists, it shows the challenges posed in defining segregation, and in settling on a legal definition that is enforceable and applies to a majority of such cases.

The second part consists of in-depth interviews with the Roma activists that assumed a leading role in the desegregation process, or spoke widely against school segregation in the five countries. The interviews cover much of the post-communist period, with references to the foundation laid by the communist period. Topics include the way segregation became an issue in education, strategies used to put it on the political agenda, desegregation programs and policies, and an evaluation of the current situation. Each interview is critically reviewed by a policy or educational expert from the concerned country. They were asked by the editor to provide information on some topics included in the guide for interview used with Roma activists but also to comment on the statements made by the interviewees. Each reviewer received guidelines from the editor regarding the structure of the comments and on content. Thus, the reader will get a balanced image about each specific country. In this way, while the book gives a voice to these Roma activists, it is not propaganda material.

The third part identifies possible solutions and trends for the future of Roma school desegregation. This part takes as its point of departure the shared consensus in the public discourse that segregation is undesirable, and that segregation is against human rights standards. It aims to identify key issues that the countries must face to move forward from the current state of affairs.

In addition to reviewing government desegregation policies and programs and serving as the beginning of a critical discussion of the matter, the book provides empirical data on the current state of affairs. It includes cross-country comparisons of the results of these efforts, and gives a voice to the Roma activists who have been at the forefront of the issue.

The book also analyses the actions and reactions of European Union institutions, the Council of Europe, the Organization for Security and Cooperation in Europe, and UNICEF, as well as international donors such as European Commission, the Open Society Institute, the World Bank, and

the Roma Education Fund. These organizations were important players that influenced governmental responses to segregation.

One might argue that this approach focuses too narrowly on just segregation/desegregation, and does not consider alternative approaches to minority education. There is a significant difference between segregation in education and minority education. Segregation in education pertains to the domain of fundamental rights as it affects the right to education and the principle of equality and non-discrimination. Minority education, on the other hand, is important for protecting the rights of national minorities and promoting their identity in public space. In the last twenty years, scholars have developed a significant literature on the rights of national minorities, their integration into society, and theoretical models emphasizing these aspects. Will Kymlicka, Anne Phillips, Biku Parekh, Charles Taylor, Amy Gutmann and Kwame Anthony Appiah are just some of the scholars who have focused on these aspects. However, irrespective of its importance in society, minority education does not belong to the domain of fundamental rights.

This book approaches the education of Roma as a matter of fundamental rights. It does not affirm the superiority of its approach towards minority education. Education in Romani language is important and parents should have the right to choose which type of education is right for their children. But the focus here is rather on how mainstream education provides for Roma children—not about minority rights, minority integration, and multiculturalism.

The issue of Roma school desegregation is an ongoing one with fluctuations regarding its place on the governments' agenda and its public resonance/visibility. Nevertheless, as long as Roma will be on the agenda of the European governments—and signs are it will be for years to come—the issue of school segregation will be open for debate and negotiation. It is my hope that this volume will mark a moment to shed light on what has been accomplished and, just as importantly, not been accomplished, and that it will fuel a debate about what happens over the next ten years.

Iulius Rostas

Budapest

February, 2012

PART I

CHAPTER ONE

Institutional Responses to Segregation: The Role of Governments and Non-Governmental Organizations

MARIUS TABA AND ANDREW RYDER

Introduction

In one of the pioneering texts on the issue of Roma education, Jean Pierre Liégeois comments on the value of education to Roma communities:

Education increases personal autonomy, providing the tools for adapting to a changing environment and a means of self-defence from the forces of assimilation; it makes it possible to break out of the passive rut of welfarism to play an active role in cultural and political development.¹

Yet the reality for many of the three million Roma children living in Europe is that they are denied educational inclusion and the opportunities outlined by Liégeois, instead large numbers of Roma children are consigned to schools for the mentally disabled and special educational needs or substandard or segregated learning experiences.

The European Roma Rights Center has noted the social and economic consequences of school segregation:

In such schools, Romani children do not earn a diploma preparing them for life in a democratic society and competitive labor market. Quite the contrary: they are denied the right to education and emerge stigmatized as “stupid” and “retarded.” They will live out their adult lives under-educated, unemployed or condemned to low-paying, menial jobs. They will be unable to realize fundamental rights, and will be deprived of basic dignity. Elsewhere, Romani children are segregated from non-Romani children in separate classes or schools because of patterns of ghettoized settlement, or because of raw racial discrimination. Isolated from their non-Romani peers and frequently taught by under-qualified instructors, they too emerge from schooling scarred by the experience and ill-equipped for life in a multicultural democracy.²

¹ Liégeois, *School Provisions for Ethnic Minorities*, 19.

² ERRC, *Barriers to the Education of Roma in Europe*, Budapest, 2002.

The principle that education is a fundamental right which should be free of discrimination is enshrined in international law. For example, it is prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Council of the European Union Directive 2000/43/EC³. International law also prohibits inhuman and degrading treatment, which classified as a result of educational segregation.

The illegality of educational segregation for Roma children has been demonstrated in the European Court of Human Rights Court's by groundbreaking judgments in *D.H. and Others v. the Czech Republic* (2007) and *Sampanis v. Greece* (2008), which rejected the segregation of Romani students into special schools for children with mental disabilities or within mainstream schools on the basis of ethnicity. A ruling that was bolstered by The Grand Chamber of the European Court of Human Rights decision on *Orsus and Others v. Croatia* (2010) that decreed that the segregation of Romani children into separate classes based on language is also unlawful discrimination (see third chapter of the book).

NGOs, international bodies, strategies and legal instruments have all contributed towards pressure for change. This chapter seeks to assess how successful the numerous actors, frameworks, and institutions have been in shaping state policy and delivering desegregation in Bulgaria, the Czech Republic, Hungary, Romania, and Slovakia. This appraisal raises serious issues about how educational equality can be achieved in the future, but also raises broader and more fundamental questions as to how enshrined and secure are concepts of equality in Europe today.

Segregation in Central Eastern Europe

As segregation in the region has different patterns and manifestations, it is difficult to measure, understand, and determine whether it is a result of specific local policy or the general national context, or if it is a fusion of the two. There are experts who consider segregation to exist where Roma pupils are placed together in one part of the classroom, usually at the back. Others do not consider segregation to exist if the children share the same facilities, curricula, teaching methods and personnel etc. Clearly profound discrimination can exist even within a more mixed learning environment as well some forms of segregation but for many Roma pupils their experiences

³ For a longer discussion see ERRC, *Stigmata*, 14–19.

of segregation are more overt and transparent. When we speak about segregation of Roma⁴ in education there are three main causes namely residential segregation; local/national educational policies and school choice.

Ghetto Schools: Schools with a majority of Roma pupils

There are cities or neighborhoods that have separate schools for Roma. In many cases the schools are restricted to Roma by local practices or tacit understanding. For instance, if non-Roma schools are to be located near Roma neighborhoods, Roma are banned from enrolling by school authorities on the grounds that no places are available to enroll more children. Despite the extra space in non-Roma schools created by the falling non-Roma population in the region, Roma children are often discouraged from enrolling, or simply denied admission when they apply for enrollment. There are reports of strong negative reactions to desegregation by non-Roma parents, as well as by schools and local authorities in the Czech Republic, Hungary, Slovakia, and Romania attempting either to transfer their own children to other schools, a process known as “white flight,” or preventing the enrollment of Roma pupils fearing that educational standards will suffer.⁵

This type of segregation is evident in all countries that are analyzed in this book but has a greater occurrence in Bulgaria, where around 70 percent of Roma children of school age are educated in “Romani ghettos,” in schools in which the percentage of Roma in the student body is fifty to one hundred percent.⁶ The ghetto schools are mainly the result of residential patterns; withdrawal of non-Romani children from school; or other demographic changes as well the school authorities’ actions. The ghetto schools have a poor physical infrastructure and the quality of teaching in these schools is usually extremely poor.⁷ In addition, the output indicators such as retention, grade repetition and early school leaving, is much higher than in integrated mixed schools. Since the move to new economic

⁴ See Roma Education Fund studies on this subject: Friedman, *School as a Ghetto*, and the Bulgarian Helsinki Committee, *On the Road to Maturity*. Also relevant is ERRC, *Stigmata*.

⁵ There is evidence that the “white flight” phenomenon happens in most of the countries, often when the school has over 30 percent of Roma students. Open Society Institute, *Equal Access to Quality Education*, 45–47, 189–214.

⁶ Information about Bulgarian government policy on improving the situation of the Roma population is available at: <http://www.ncedi.government.bg/en/Brussels%204.11.02-tr.htm>

⁷ Surdu, *The Quality of Education in Romanian Schools, Roma Rights 3–4/2002*.

and political changes following the demise of Soviet influence in 1989, the Roma have experienced acute economic dislocation and impoverishment which has accentuated “ghettoization” and hence the number of ghetto schools.

Placement of Roma in special schools

Another serious problem faced by Roma children, in all countries analyzed, is their placement in special schools for children with developmental disabilities.⁸ According to estimates, Roma are over-represented in these institutions,⁹ comprising between 80–90 percent of the entire student body.¹⁰ School authorities diagnose a high proportion of Roma children as having “light mental retardation” and then send them to “special,” remedial schools or practical schools.¹¹ The “special schools” phenomenon is particularly evident in Slovakia and the Czech Republic, where they are popularly called “Gypsy schools.” However, segregation in “special schools” is occurring in Hungary, Romania and Bulgaria too, though not to the same extent.

The diagnostic test which determines placement in special and remedial classes in countries like the Czech Republic and Slovakia is undertaken by a specialized body, and all the children that are to be enrolled in the first grade are tested (these are known as “school readiness tests”). In Hungary, Romania and Bulgaria the kindergarten or/and primary school teachers propose children to be tested based on their assessment.¹² The result for these children is entrenched segregation and an inferior education. By being enrolled in a special school, Roma children cannot continue further than upper primary education. In places like Slovakia and the Czech Republic (practical schools) the certificates obtained in the special school do not entitle children to enroll in secondary education, and in other countries even though in theory they can continue further, the ma-

⁸ The term “special schools” refers to schools which educate children with mild and mild-to-moderate mental retardation according to the classification of the degrees of mental retardation provided by the International Classification of Diseases.

⁹ The average benchmark of children with disabilities in the OECD countries is 2.5 to 2.8 percent. See OECD, *Education policies for students at risk*, 19.

¹⁰ Open Society Institute, *Equal Access to Quality Education*, 49, and 209–220. Also, see Friedman, *School as Ghetto*. 13 and 21–29.

¹¹ Friedman (2009) *School as Ghetto*: Budapest: REF, 8.

¹² Some times the children are directly transferred to special school and afterwards tested. See ROMEA, “Czech official quits.”

majority of the students cannot comply with the requirements as the quality of education is lower. The system has a lack of qualified teachers, and it offers a reduced curriculum for students.

A majority of Roma parents are not informed about the consequences of being in a special school, and although the law stipulates in the countries under consideration that “informed consent” is necessary, many parents are often ill-informed, or not informed, and in extreme cases coerced.¹³ Even though some Roma parents are aware that their children do not belong in these schools, there are “attractive” benefits such as free meals, clothing, and school supplies unavailable at standard schools, but which are an attractive inducement to families mired in acute poverty. In addition, this type of segregation is further ingrained because some Roma parents want to send their children to the same school their siblings, kin, and social networks attend, or which the parents themselves attended.¹⁴ The majority of special schools in Slovakia are located near to the Romani settlements.

The funding per capita for special schools is much higher than regular schools, with higher paid teachers and other benefits.¹⁵ The higher benefits motivate the teachers and the school authorities to maintain the special schools, so there is a strong incentive for special school managers to attract as many students as possible.

Segregation by classroom

This form of segregation occurs where schools adopt a separate classroom as a result of the teachers’ decision or by implementing different programs and is termed as “intra-school segregation.” Roma children are often segregated into special education classrooms on the grounds of poor academic results and social preparation.¹⁶ For instance, in Slovakia a new

¹³ Parental consent for the placement or transfer of a child to a special school is obligatory in all five of the countries. For more details about the abuse of parental consent, see ERRC, *Stigmata*, 46–48.

¹⁴ ERRC, *Stigmata*, 34–54.

¹⁵ State financing for children in special schools is twice the amount provided per-student in standard primary schools. Roma Education Fund, “Country Assessment Slovakia,” 17–18.

¹⁶ The so-called integrated classes in Slovakia, remedial classes, catch up classes, “zero grades” in other countries. In these classes pupils can follow a normal or “simple, reduced version of curriculum. See Roma Education Fund, “Country Assessment Slovakia,” 22, and Open Society Institute *Equal Access to Quality Education*, 92–93 and 192–195.

form of special education has been permitted through a program aimed at “individually integrated pupils in regular primary school.” In these cases, children are placed in the “zero-grade system” within regular schools and are taught with special curricula under the supervision of a special pedagogue. These types of special classes, are called “integrated classes,” and receive the highest funding per child in the Slovakian education system.

Another means by which Roma are segregated is through so-called catch-up classes, which are frequently substandard, offering poor quality education in spatially segregated classrooms. The “catch-up” classes are intended to present a transition to mainstream classes but in practice children educated there are never mainstreamed into the regular system, but tend to finish earlier their educational career. Sometimes, the language barriers of the children that do not speak the language of instruction are the motives for establishing them. In practice, the children gathered in the same classroom are not sufficiently trained in the language of instruction, they do not understand the lessons, and in many cases the children become disillusioned and abandon school.¹⁷ School/teachers’ decisions also have the direct result of segregating children in separate classes within the same school, or in separate school buildings of the school.¹⁸

In the case of Hungary there is the system of “private student status,” where the parents of students can opt not to attend school regularly, but only go to take exams. Usually the teachers provide this “opportunity” for Roma children who they consider to have behavioral problems.

In some countries such as Hungary and Romania, the implementation of legal provisions for the education of national minorities is sometimes used as a mechanism of segregating Roma from non-Roma. In Hungary, for example, the implementation of Decree No 32/1997 of the Ministry of Education on the education of national minorities resulted in the formation of homogenous Romani classes. The Decree explicitly linked Romani ethnicity to a lack of social and other skills. The language barriers are

¹⁷ At the beginning of first grade, or during it, one class is formed of only Roma pupils, the so-called C class in Hungary. OSI, *Equal Access*, 264–265. Grouping children that did not attend kindergarten—as most Roma do not. In some countries enrollment in kindergarten is determined by parents’ employment status. Establishing separate classes on the basis of student achievement and socioeconomic background is another practice of segregation.

¹⁸ In Cehei, Romania, all non-Roma pupils (form I-VIII, from Cehei) are placed in the main building. All other Roma pupils (from a Roma village nearby Cehei-Pusta Valea) are placed in an annex building with worse conditions. Romania Human Rights, <http://www.ncbuy.com/reference/country/humanrights.html?code=ro&sec=5>

official motives for establishing separate classes justified by the rationale of the teachers that the children will understand more effectively if grouped together in these classes. In Romania too, there are optional Romani language and literature classes within the mainstream schools and some of the school principals are placing the Roma in the same classrooms as a way of preserving the mother tongue.¹⁹

In Bulgaria, school rationalization and financing per capita has created another way of excluding the Roma. The schools that do not have a minimum number of children to function are enrolling “on paper” children from Roma *mahala* (settlements). There are cases in which children were enrolled in schools that are 50 kilometers away from their homes.²⁰ These children have little choice but to remain at home and are in effect excluded from the educational system.

In all types of segregation there is a clear link between segregation and the quality of education. Segregation leads to the unequal access of children to quality education in the case of “reduced curricula.” Separation in kindergartens and schools invariably leads to lower quality education than that offered in classes and schools with the ethnic majority of the school population.²¹ Direct observation in the field shows that where there are schools with a majority of Roma children or classes with a Roma pupil majority then the quality of education is significantly lower than the quality of education in schools or classes with an ethnically mixed school population. This inequality in the quality of education is determined by the human resources available, infrastructure, resources, students’ participation and other factors. The phenomenon is widespread but sadly the disaggregated data is lacking to measure and locate precisely the scale.

The Teaching Profession

A common factor noted in a number of studies is that the teachers in segregated schools tend to hold low expectations of Romani pupils, with some subscribing to a culture of poverty perspective which contains a perception that normal intellectual development and achievement is not

¹⁹ Magyari-Vincze, “Country Report on Education: Romania,” Budapest, 2008, 15 and 36–37.

²⁰ Discussion by Marius Taba with Roma activists in Kustendil, Bulgaria in 2008, during a training session on Monitoring and Evaluation sponsored by the REF.

²¹ Kertesi, *Segregation in the Primary School System in Hungary 2*.

possible for Romani children, who in their minds have been socialized in a sub-culture which promotes limited aspirations.²² Such views bolster support for segregated schools, where tailored and segregated education is seen as the best tool to achieve the integration of Roma pupils into mainstream society. Others are influenced by the enhanced financial rewards for working in these schools. Of course there are teachers who strive to achieve the best they can for Roma pupils in segregated schools but inadvertently are supporting a system which is in effect pedagogically counter-productive. Forging partnerships with the teaching profession in promoting desegregation and changing perceptions is therefore not an easy task but is one that can be achieved through extensive training and dialogue.²³ New approaches to teaching can focus on modern, competence-oriented and student-centered educational methods combined with effective classroom management, effective organization of schools, creating cooperative and collaborative relationship between pupils, teachers and schools.²⁴

In many schools in the region a mono-cultural and teacher-centered curriculum predominates, leading many Roma pupils to cultural and educational alienation. However, in many cases the cause of educational failure is blamed on the Roma community itself, the educationalist Arthur Ivatts argues that the education system needs to look more closely to itself for reform, “the fundamental issues being faced are primarily concerned with changing majority society attitudes, structures and professional practice that currently are the real hindrance to the successful inclusion of the Roma/Gypsies into schools and the society at large.”²⁵

Inclusive teaching and learning environments adopt a human rights-based approach to education. Thus schooling is respectful of human rights—both in words and in action, in schoolbooks and the schoolyard.²⁶ A central goal of this approach is respect for the right to quality education as opposed to merely viewing the issue as one of access which has been the predominant view of the countries in question who have tended to adopt a “needs approach.” Full realization of the right to education is not merely a question of access but is a holistic one, encompassing access to education, educational quality (based on human rights values and principles) and the environment in which education is provided. Such an ap-

²² ERRC, *Stigmata*, 43. See also Vasile, “The Context For The Study On Roma Education,” 33–47.

²³ Olomoofe, “ERRC Human Rights Workshops.”

²⁴ Kézdi, *A Successful School Integration Program*, 52.

²⁵ Ivatts, *Roma/Gypsies in Europe*, 9.

²⁶ UNICEF, *A Human Rights-Based Approach to Education For All*, xiii.

proach embraces interculturalism, acknowledging the traditions of Roma students and incorporating into the curriculum opportunities to celebrate Roma culture but also space for the learning practices that some Roma are accustomed to namely oral and interactive learning approaches, approaches which tend to be stifled in the teacher-centered classroom.²⁷

The promotion of inclusive educational practice presents a major challenge for teacher training programs and institutions, as such inclusive educational practice contrasts with the teacher-centered approaches which a majority of teachers in the past have adopted and which has been promoted in educational systems. Even where more intensive teacher training programs are in operation the problem has been ensuring teachers' actually deliver new approaches in the classroom. An important lever of such pedagogic change could be the school inspection process but it is striking that none of the countries in question make explicit references in their National Action Plans to this and inspection measures that can not only promote inclusive pedagogical approaches but also monitor progress in desegregation and pupil achievement.

All the countries in question have recognized the value of improved teacher awareness and training. However, the lack of a systematic approach is revealed in the National Action Plans that the countries submitted for the Decade of Roma Inclusion (for a fuller discussion of the Decade see page). The table below summarizes references to teacher training and development, it should be noted that Slovakia and the Czech Republic only make generalized references to teacher training.²⁸

| Countries | Teacher Training |
|-----------------------|--|
| Bulgaria | 2.1.1. Establishment of an electronic library/information database, including materials on intercultural learning, human rights etc. 2.2.6. Forums on training in multicultural and bilingual environment 4.1. Seminars for 20 training teams, who will provide training for pedagogical staff in intercultural education and human rights |
| Czech Republic | Define problems with training within further learning for established teachers of pedagogical schools (and based on this definition to create concrete training including multicultural education (Page 3) |

²⁷ Vasile, *The Context For The Study On Roma Education*, 13.

²⁸ The National Action plans can be accessed at: <http://romadecade.org/>

| | |
|-----------------|--|
| Hungary | <p>Review of the efficiency of the pedagogic, educational program conducted in nearly 50 “ghetto schools” revealing alternatives for the elimination of segregation (Page 5)</p> <p>The concept of integrated education, schooling are defined in Article 39/D and 39/E of Decree no. 11/1994 (08/06) by the Ministry of Public Education on the rules of the operations of educational and training institutions (Page 5)</p> <p>Promotion of the accreditation of language teacher and foreign-language interpreter trainings in the higher-education training of pedagogues. Development of training materials, support of the related researches, surveys (Page 5)</p> |
| Romania | References to teacher training |
| Slovakia | Reference to training being one of the determining factors of a “change implementation” |

Translating the ideals of inclusive education and a human rights approach into concrete actions by the state and school authorities has proved to be problematic. In a small number of cases Roma who have become disenchanted with mainstream education and the prospects for change have created their own schools in the belief that this provides a better environment for achievement. A notable example is the Romani activist Emil Scuka who started a chain of private Roma-specialized high schools in the Czech Republic.²⁹ However, some Roma community leaders argue that such voluntary separation does not provide the systematic change that is needed for the benefit of the Roma community in its entirety and does not challenge prejudice as it fails to promote interaction between Roma and non-Roma pupils. Hence, a majority of Roma community leaders continue to argue for desegregation but the progress in achieving this goal has been slow and continued failure could lead to greater calls for separate Roma schools or disillusionment leading to even lower educational participation rates by Roma pupils.

A wide range of national and international observers and institutions have been critical of the widespread existence of Roma school segregation in Bulgaria, Czech Republic, Hungary, Romania and Slovakia. The following section of the chapter details the impact of national and international factors in influencing state policy in these countries to desegregate.

²⁹ Kavanová, “Passing the Book.”

The Role of NGOs

In exploring the development of desegregation policies an important place to start is by considering the responses to segregation at the community level as reflected through Roma advocacy and NGO activity as this has been a key catalyst for change. Although attempts to raise the issue of Roma educational exclusion were made in the 1970s and 80s they rarely offered much direct criticism of segregation, instead tending to operate within the status quo of segregated educational systems. Efforts to initiate widespread desegregation became more prominent in the 1900s in Central and Eastern Europe. A driving force for this process were a number of national and international NGOs utilizing legal actions and pilot projects as levers for change. Human rights lawyers, working in unison with NGOs like the European Roma Rights Center used legal challenges as a strategic lever to counter segregation. The perceptions of these early challenges were often shaped by the experiences of the American Civil Rights Movement and reflecting this it was with the establishment of the European Roma Rights Center in 1997 that the term segregation started to be widely used.³⁰ In these legal cases we should not forget the determination of Romani parents who were prepared to sanction legal action and go through what was to prove for many of those involved to be a long and arduous process which set them at odds with authority, never an easy position for a member of the Roma community to take.

Activism at the grassroots level also played an important part in the challenge to segregation. For example, in Bulgaria the NGO Drom initiated at a grassroots level an active program of desegregation which involved busing in Vidin.³¹ The basic idea was to develop models of good practice at local community level which could demonstrate that integration *can* work and proceed to advocate for the replication of these models. The primary goal of the project was to deliver educational integration for Roma children of the Vidin Nov Pat Romani settlement by transferring them to the Vidin's mainstream schools. The project initially involved 300 Roma children but expanded in the following two years, reaching more than 700 children in the 2003–2004 school year, (70 percent of all children attending school in the Romani neighborhood of Vidin).³² The success of the Vidin project was also demonstrated by the fact that Petar

³⁰ See Rostas, *Desegregation Advocacy Strategies*, 126.

³¹ *Ibid.*, 122.

³² Russinov, "Desegregation of Romani Education: Challenges and Successes," 16.

Stoyanov, then the President of the Republic of Bulgaria, endorsed this initiative by declaring his aspiration that it would become common practice in the rest of Bulgaria.³³ According to Rumyan Russinov, who from 2000 to 2005, was Director of the Roma Participation Program (RPP) at the Open Society Institute and actively involved in the Vidin Initiative, the program was instrumental in dispelling certain myths that were obstacles to advancing educational inclusion namely:

- (i) Roma parents would not allow their children to attend school because of fears of harassment and or were indifferent to educational achievement because of lower aspirations.
- (ii) Roma children would not be accepted by their peers in mainstream schools and parents would withdraw their children from the schools where Roma are admitted.
- (iii) Roma children will struggle with higher academic standards

The Vidin initiative disproved these fears and misconceptions, opposition from the wider community and teaching establishment changed to growing levels of acceptance and the majority of the Roma children reached the level of their non-Roma peers and, by the end of the first year, achieved academic success comparable to that of their non-Romani peers.³⁴

The Roma NGO Drom did not work alone in this project but received support from NGOs with a broader geographic remit of working with Roma communities in Central/Eastern Europe, namely the Open Society Institute Roma Participation Program (RPP). Thus, as well as using the lessons of the Vidin initiative more widely across Bulgaria they have been extended to other countries in the region. The establishment of the Roma Education Fund, a Budapest based NGO which was created in the framework of the Decade of Roma Inclusion in 2005 has a pan-regional remit to promote educational inclusion and has proven to be an important development in further promoting desegregation across the region.

As in Vidin a central principle of desegregation plans has been for Roma organizations and advocates (a number of which are featured in this book) to take the lead, the latter often having benefitted themselves from

³³ Community Planning, "Bulgaria Leadership and vision for the scaling-up of Romani school desegregation."

³⁴ Decade of Roma Inclusion, "Real Sustainability Comes When Roma Are Doing It for Themselves."

integrated learning programs. Such involvement has been instrumental in mobilizing the support and trust of Roma parents and children to have the confidence and courage to enter new learning environments. However, a significant impediment has been the lack of resources and skilled activists as well as grassroots involvement which NGOs have been able to draw upon to mount desegregation programs and campaigns. Rostas and Nicoara note:

To date, advocacy for desegregation has been primarily the work of a relatively small group of human rights and Romani political activists with limited human and material resources, a lack of expertise, and an insufficient legalistic understanding of the phenomenon. These limitations have meant that those advocating for desegregation have, in most cases, developed a piecemeal approach to the issue, and they have not been able to develop comprehensive strategies addressing the full range of stakeholders or to tailor their message according to the different advocacy targets involved. More importantly, they have failed to generate a grassroots movement among Romani communities in support of desegregation or to make inroads into public awareness about segregation and educational inequalities.³⁵

However, the biggest frustration for the NGO sector has been the fact that for Governments in the region a “basic needs” approach is the reality of state policy where the basic requirements of Roma pupils are reflected in either initiatives to improve service delivery or advocated for but which does not effectively engage in a human rights discourse which would countenance more dynamic and inclusive policy frameworks which would provide a central role for the NGO sector in desegregation.

International Factors in Desegregation

After the fall of the communist regimes in the region the authorities in these countries looked for greater integration with Europe as was expressed by their desire to join the Council of Europe (CoE), North Atlantic Treaty Organisation (NATO), and later the European Union (EU), in a process termed as “Euro-Atlantic integration.” In this context, Roma issues were placed among other political and economic issues to be tackled as part of their entry and acceptance. The Council of Europe underlined to new members the need for policies to improve minority rights and during the process in the early 1990s the issue of Roma was placed on the agenda. The adoption of the Framework Convention for the protection of na-

³⁵ Rostas, *Desegregation Advocacy Strategies*, 134.

tional minorities was a binding document for CoE signatory members and clearer standards were set as regards minority protection. A priority for NATO was the stability of member countries. Given that there were no Roma nationalist/irredentist groups that wished to partition territories, Roma were thus not prominent in NATO considerations. However, NATO and its enlargement did play a role in promoting the Roma's agenda as a consequence of the bombing of Serbia in 1999. The U.S. and its allies tried to ensure stability in the region, especially as regard minority issues in the neighboring countries (see Russinov's interview in this book).

The United Nations (UN) and Desegregation

Through their regular reports and recommendations the United Nations has made an important contribution to setting the agenda on Roma anti-discrimination. However, aside from regular reports, the UN has developed a consistent series of studies on the Roma situation that has documented the situation of Roma in the countries as well as at the regional level. For instance, Human Development Reports and UNDP *Avoiding the Dependency Trap* (2002) was the first cross-border comparative study of the Roma across five countries (Bulgaria, Romania, Slovakia, Hungary and the Czech Republic). These reports brought to the public attention the socioeconomic disparities among Roma and majority populations in the region. In some reports the UN specifically mentioned the issue of school segregation.

Since 1999 the UN Human Rights Committee has addressed the issue of discrimination against Roma in education, commissioning a report by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Special Rapporteur visited the Czech Republic, Hungary, and Romania in 1999 and reported on discrimination in all spheres of life.³⁶ While the report did not address the legal aspects of segregation, it acknowledges school segregation in the Czech Republic and Hungary.³⁷

³⁶ See para 87 of the 1999 report available at : <http://www.unhchr.ch/Huridocda/Huridocda.nsf/0811fcbd0b9f6bd58025667300306dea/8a457423c0bd1f728025673c003460a9?OpenDocument>

³⁷ See CERD, *Concluding observations of the Committee on the Elimination of Racial Discrimination: Hungary. 01/11/2002. A/57/18, par as 367–390, available at* [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/37b6a9d17ac31a98c7000380d9f?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/37b6a9d17ac31a98c7000380d9f?Opendocument)

In 2001, the UN Committee were concerned about de facto segregation of Roma in housing and education in the Czech Republic, implying that such segregation was a violation of international conventions. The Committee in particular highlighted the existence of the special schools used as a tool of segregation of Roma students.³⁸ In 2002, the UN Committee referred to the Hungarian policy of “assigning Roma children to schools and classes for the mentally disabled. The Committee is also concerned about discriminatory practices resulting from the system of separate classes for Roma students and from private schooling arrangements.”³⁹ In the same year 2002, the Hungarian government adopted a National Integration Program, which pledged to desegregate all schools by the year 2008. The National Integration Program being one of the first and firmest reactions of the governments from the region. Yet despite this a dramatic and significant change has not been noted.

The World Bank

The World Bank became involved in Roma issues as a consequence of its work in the sphere of poverty and economic development in Central/Eastern Europe and its primary role was as of a broker bringing a diverse range of stakeholders, both government and non-governmental, into dialogue and promoting the sharing of good practice on Roma, and ethnicity in general. In Slovakia, Bulgaria, Hungary and Romania, the World Bank has supported the creation and development of institutions to monitor and deliver Roma inclusion through grant resources from the Institutional Development Fund (IDF). Notably the World Bank was involved in the regional conference “Roma in an Expanding Europe” in July 2003, an event which catalyzed an ongoing dialogue between new Roma leadership and wider policy community and alongside the Open Society Institute has supported Decade Watch an initiative of a group of Roma activists and researchers to assess progress under the Decade of Roma Inclusion which has included a consideration of the progress in desegregation.

³⁸ CERD, *Concluding observations of the Committee*.

³⁹ *Ibid.*

Decade of Roma Inclusion

In July 2003 a regional conference, “Roma in an Expanding Europe: Challenges for the Future,” took place in Budapest and was organized by the Hungarian Government, the World Bank, the Open Society Institute (OSI) and the European Commission. The event was supported with the cooperation of the UNDP, the Council of Europe Development Bank and the Governments of Finland and Sweden. The purpose of the meeting was to raise public awareness about the economic and social issues that challenge Roma in Central and Eastern Europe as a result of discrimination. The event discussed what kinds of policies are needed in order to address Roma issues and also to incorporate best practices from the existing projects. At the event, Prime Ministers and senior government officials from Bulgaria, Croatia, the Czech Republic, Hungary, FYR Macedonia, Romania, Serbia and Montenegro, and Slovakia participated.

The Decade (2005–2015) is an initiative aimed at improving the economic status and social inclusion of Roma through the establishment of specific benchmarks and National Action Plans (NAPs)⁴⁰ for each country—Romania, Croatia, Montenegro, Serbia, Bulgaria, Hungary, Slovakia and the Czech Republic. Within each NAP, the following priority areas are targeted: education, employment, health and housing inequality.

The National Action Plans for the Decade of Roma Inclusion, 2005–2015 of countries participating in this initiative also include the goal of ensuring inclusion of Roma in mainstream education. Integration/Desegregation of Roma education is explicitly formulated as an objective in the NAP of Bulgaria, Hungary and Romania. The Romanian NAP pledges to “eliminate segregated classes/schools by 2008.” The Bulgarian NAP focuses on “moving the Romani children out of the Roma quarters and closing the segregated kindergartens and schools by taking into account the parents’ preferences; moving the children who do not meet requirements for special education out of the special remedial schools.” The Czech government aims to “achieve full inclusion of children with socio-cultural disadvantage in the educational mainstream” through the system of funding of schools. The Slovak NAP declares an intention to “cut down the number of Roma children attending special elementary schools and special training facilities” but does not provide any mechanisms by which these should be achieved. All the areas covered by the NAPs do not have clear methodolo-

⁴⁰ For detailed action plans see: <http://www.romadecade.org/en/index.php?search=&action=20&id=0&jump=0>

gies and outcomes and indicators. The budgetary allocations are missing. Limited funding is available for areas of importance for reaching the Decade targets when it comes to Roma. As will become evident the activities within the decade are mostly donor funded and project based which raises serious issues about sustainability and uniformity.

The Decade of Roma Inclusion has potential, but appropriate implementation and precise and budgeted actions are crucial for meeting the targets and passing from political rhetoric to meaningful change. As is evident from an observation of the last fifteen years, governments have demonstrated a superficial political commitment to positive action for Roma which has rarely been translated into fundamental change. A basic analysis of the plans tells us that they do not differ from other initiatives that have the intention of achieving Roma integration/inclusion.

The European Union

One of the most influential factors in promoting more inclusive education for Roma was the accession of the countries under consideration into the European Union. Many steps were involved in this process most notably international documents relating to minority protection which held governments accountable for their internal activities vis-a-vis minorities. A strong desire to join the EU compelled the candidate countries to adjust their policies under political leverage, as the process of enlargement involved a permanent screening and analysis by the European Commission to meet the accession criteria.

In this context, countries that are the subject of this chapter developed policies towards Roma before and during the EU accession. At the EU level, following policy commitments based on the Copenhagen criteria and other EU regulations, some mainstreaming efforts have been made concerning Roma inclusion.⁴¹ Since the Copenhagen European Council in 1993 the EU has increasingly emphasized the importance of protecting ethnic and national minorities as a norm and as a political precondition for the accession of central and eastern European candidate member states. The usage of political conditionality was based on the assumption that introducing comprehensive conditions for EU membership stimulated prospective members

⁴¹ Any country seeking membership of the European Union (EU) must conform to the conditions set out by Article 49 and the principles laid down in Article 6 (1) of the Treaty on the European Union. Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995.

to align their policies with the standards set by the EU. These “Copenhagen criteria” state that membership requires that the candidate country has “in addition to fulfilling certain economic criteria, stability of institutions and guaranteed democracy, the rule of law and human rights and respect for and protection of minorities are prerequisite for joining EU.” As Roma represent a significant minority in Central and Eastern Europe and their socio-economic indicators are poor it was to be expected that the situation of the Roma would raise serious questions regarding the ability of EU accession states to fulfill the Copenhagen criteria.

In July 1997, the European Commission published the document “Agenda 2000” which dealt with the main areas of policy, such as the EU’s financial perspectives for the period 2000–2006 and EU enlargement. Agenda 2000 mentioned, on the subject of minorities, that integration in the societies of applicant countries was in general satisfactory but the situation of Roma gave a cause for concern in a number of applicant countries. In 1998 the European Commission produced Accession Partnerships to help countries to fulfill the membership criteria, Roma protection was an explicit criteria for Bulgaria, the Czech Republic, Hungary and Romania. Also the protection of Roma was reflected in a distinct chapter of the Regular Reports of the Commission during the whole accession process.⁴² The regular reports were issued annually and represented useful tools for activists and civil society organisations to raise the issues and to influence the agenda at the national level.

Another important dynamic was the elaboration of the Council of the European Union Directive 2000/43/EC,⁴³ implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, a binding instrument for member states of the EU. It prohibits “direct or indirect discrimination based on the grounds of racial or ethnic origin” (Article 1), including in the field of education (Article 3 (g)). The directive requires states to implement effective remedies for persons persecuted by discrimination, and to give standing to organizations to seek enforcement of the directive. Roma activists consider that after the accession the

⁴² From the end of 1998, the Commission made Regular Reports to the Council, reviewing the progress of each Central and Eastern European Applicant State towards accession in the light of the Copenhagen criteria. In that context, the Commission continued to follow the method adopted by Agenda 2000 in evaluating applicant States’ ability to meet the economic criteria and fulfil the obligations deriving from accession.

⁴² The full text of the Council Directive is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>

⁴³ Ibid.

EU focus on anti-discrimination decreased as a result of the translation of the Equality Directive into national legislation and cessation of the Regular Reports. There were also problems regarding the limited remit of equality bodies which often lacked the framework, direction and resources to present a serious challenge to discrimination against Roma.⁴⁴

As has been demonstrated Roma issues in general are reflected prominently in international policy debate but the impact is difficult to measure. International bodies have played an important role in raising the issues, but when it comes to implementation the national governments are responsible and, as will become evident, there are serious deficiencies in how these legislative measures, plans, and strategies have been implemented, financed and monitored. Isolated projects with little effect and limited sustainability have been implemented by the governments in question.⁴⁵ Research suggests that this failure is due to a lack of strategic focus and integrated planning in the design and implementation of projects.⁴⁶ As noted one of most influential international institutions has been the EU, in the next section we explore the EU's impact in detail on national policy.

National Government Strategies and the EU

Beyond the legally binding scope of the Council of the European Union Directive 2000/43/EC, limited progress has been made in eliminating discrimination against Roma.⁴⁷ Some forms of discrimination such as segregated education remain difficult to address at the national levels even within the new laws adopted.⁴⁸ Nevertheless, the Directive although it has failed to impose positive measures in key areas, in respect of accession countries, the human rights and minority rights component of the Copenhagen criteria has provided an important mechanism for promoting positive change.

Prior to accession to the EU, all countries prepared, plans called Joint Inclusion Memorandum (JIM),⁴⁹ with the purpose of preparing for full

⁴⁴ Hollo, *Equality for Roma in Europe*, 5–6,

⁴⁵ Harvey, *Making the Most of EU Funds*, 3.

⁴⁶ Hollo, *Equality for Roma in Europe*, 4.

⁴⁷ Cahn, "Roma Rights and Anti Discrimination Law."

⁴⁸ European Commission, "The Situation of Roma in an Enlarged Europe," 17–22.

⁴⁹ The JIMs for countries that joined the EU in 2004, Slovakia, Hungary, and the Czech Republic were issued in 2003 and are available at: http://ec.europa.eu/employment_social/soc-prot/soc-incl/jim_en.html; For Bulgaria and Romania, who joined in 2007, the Bulgaria JIM is at <http://www.ncedi.government.bg/en/JIM.pdf>; the Romania JIM at: www.politici.ro/download/169/