

**PARALLEL REPORT
BY
THE EUROPEAN ROMA RIGHTS CENTRE
TO THE COMMITTEE ON THE RIGHTS OF THE CHILD
ON GREECE
FOR ITS CONSIDERATION AT THE 58TH SESSION
19 September to 7 October 2011**

INTRODUCTION

1. The **European Roma Rights Centre (ERRC)**¹ submits this report to the United Nations Committee on the Rights of the Child (the Committee or CRC) commenting on the Second and Third Consolidated Report of Greece.²
2. The ERRC particularly recalls Article 28(1) of the Convention, which recognises the right of the child to education and requires States parties to: (a) provide compulsory and free primary education for all; (b) provide access to different forms of education “including general and vocational education” regardless of their financial situation; (c) make use of all possible methods to make higher education accessible; (d) make readily available to all children educational and vocational guidance; and (e) take measures to “encourage regular attendance at schools and the reduction of drop-out rates.” Related to the Committee’s request for “information on measures taken to protect the rights of Roma children” in Part I.8 of the List of Issues, this submission provides data related to the discrimination of Romani children in access to equal, inclusive education.³
3. Despite a 2008 judgment of the European Court of Human Rights (the Court or ECtHR) in the case of *Sampanis and Others v Greece*, which confirmed that the school segregation of Romani children in Greece was illegal, the problem of discrimination against Romani students in Greece remains rampant.⁴

ACCESS TO EDUCATION OF ROMANI CHILDREN

4. Greece continues to fail in securing access to desegregated, inclusive education for all pupils. The European Commission against Racism and Injustice recently raised concerns over “the fact that there are cases of Roma children being separated from other children within the same school or in the vicinity thereof”⁵ in Greece. In the *Sampanis* case, the ECtHR found a violation of Article 14 of the European Convention on Human Rights, regarding the prohibition of discrimination, in conjunction with Article 2 of Protocol 1, which guarantees the right to education.⁶
5. Specifically, the applicants in the *Sampanis* case claimed that in 2004-05, the local school authorities in Aspropyrgos, Attica, refused to enrol their children in primary school but instead placed them in a segregated Roma-only annex five kilometres from the school following protests by non-Romani parents against including them in the main school. The Court sanctioned the Greek State for failing to enrol the Romani children in school during the 2004-05 school year. It also found that the segregation of Romani children into the annex was the product of a system of assessment that took into account ethnicity when placing children into special preparatory classes and that a more legitimate method for assessing children with educational challenges was necessary.⁷

¹ The European Roma Rights Centre (ERRC) is an international public interest law organisation which combats anti-Romani racism and human rights abuse of Roma through strategic litigation, international advocacy, research and policy development and training of Romani activists. Further information about the ERRC is available at: <http://www.errc.org>.

² Greece, *Second and Third Periodic Reports CRC/C/GRC/2-3*, 8 April 2011, available at: <http://www2.ohchr.org/english/bodies/crc/crcs58.htm>.

³ Committee on the Rights of the Child, *Implementation of the Convention on the Rights of the Child: List of issues concerning additional and updated information related to the second and third combined periodic reports of Greece (CRC/C/GRC/Q/2-3)*, 1 July 2011, available at: <http://www2.ohchr.org/english/bodies/crc/crcs58.htm>.

⁴ ECtHR, *Sampanis and Others v Greece*, Application no. 32526/05, 5 June 2008, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=836273&portal=hbkm&source=externalbydocnumber&table=?F69A27FD8FB86142BF01C1166DEA398649>.

⁵ FRA Fundamental Rights and Challenges in 2010, available at: <http://www.fra.europa.eu/fraWebsite/attachments/annual-report-2011-roma.pdf>.

⁶ ECtHR, *Sampanis and Others v Greece*, Application no. 32526/05, 5 June 2008, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=836273&portal=hbkm&source=externalbydocnumber&table=?F69A27FD8FB86142BF01C1166DEA398649>. See also: <http://www.errc.org/cikk.php?cikk=2956> and Greek Helsinki Monitor press release, judgment analysis available at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3304>

⁷ ECtHR, *Sampanis and Others v Greece*, Application no. 32526/05, 5 June 2008, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=836273&portal=hbkm&source=externalbydocnumber&table=?F69A27FD8FB86142BF01C1166DEA398649>. See also: <http://www.errc.org/cikk.php?cikk=2956> and Greek Helsinki Monitor press release, judgment analysis available at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3304>

6. However, since the *Sampanis* judgment was handed down in August 2008, some of the very applicants in the case continue to study in segregated schools. Moreover, joint research conducted by the ERRC and the Greek Helsinki Monitor (GHM) including 50 Romani communities between April and December 2010 found that in 28 of those communities, Romani children faced persistent problems in accessing education.⁸ Exclusion, segregation and lack of transportation remain major obstacles to equal education.
7. With few exceptions, Romani children in the 50 communities investigated by ERRC and GHM researchers did not attend kindergarten. There has been little change in education at the primary level as well.
8. Seven primary schools found to have exclusively Romani pupils as of 2 August 2010 (12th Primary School in Aspropyrgos, 4th Primary School in Sofades, Kastella Psahna Primary School, Primary School in Gastouni, 12th Primary School in Komotini, 3rd Primary School in Zeyfri and Primary School in Ergohori Veria). As of December 2010, the situation remained unchanged in six locations (12th Primary School in Aspropyrgos, 4th Primary School in Sofades, Kastella Psahna Primary School, Primary School in Gastouni, 12th Primary School in Komotini, 3rd Primary School in Zeyfri), while in only one location were Romani children accepted into the mainstream primary school (Primary School in Ergohori Veria settlement).
9. Eight Romani communities were without school access because registration was refused by school authorities as of 2 August 2010. Some progress was made at the beginning of the school year 2010-2011, when more of these schools allowed Romani children to register, although this does not necessarily indicate an ongoing trend of increasing enrolment. Research in December 2010 indicated that Romani children were still not permitted to enrol in primary school in two locations (Elsefina settlement, Atalanti Fthiotida community). In two locations, Romani children were registered and vaccinated in order to attend local schools but teachers were not appointed and so the children did not attend school (Lamia – Damaría/Xiria settlement, Anthili Fthiotida community). Meanwhile, the children from Peraia were split into five groups to spread them out among the different schools because of objections and protests from non-Roma parents; despite this effort the absence of transportation results in the children still not attending school.⁹
10. In addition to the more overt efforts to maintain segregation in the Greek school system, other logistical challenges prevent some Romani children from attending school regularly or at all. Lack of adequate transportation from isolated Romani settlements makes it difficult for Romani children to reach school. In August 2010, 13 Romani communities were found to be lacking school access because of inadequate transportation. By December 2010, transportation remained an obstacle in nine areas: in five locations, Romani pupils attended school only when their parents were able to take them (Nea Tirintha Argolida settlements– Karkla, Anavalos/Argolikos, Kokkinia; Skala Lakonia settlement; Koropi – Attiki Odos settlement); in three locations, Romani pupils were not able to attend school because no transportation was provided to them and their parents could or would not take them to school themselves (Nea Tirintha Argolida – Glykia settlement; Chalandi – Greater Athens; Municipality Eleftherios Venizelos Chania – Neroukouros settlement); and in one case, Romani children had never attended school due to lack of transportation and the situation is unchanged (Athens – Votanikos settlement).¹⁰

⁸ Research was conducted in 50 Romani communities, through field visits to 40 locations and information gathered on another 10, in two phases. Between April and August 2010, a mapping of the initial situation of Romani education was conducted. Between September and December 2010, follow up research was conducted to investigate the progress of enrolling Romani children into mainstream schools.

⁹ Greek Helsinki Monitor (GHM) Final report on the project on Roma access to desegregated education in Greece (April – December 2010). Information taken from Part D of the report, Roma Communities - SOKADRE members with educational segregation/exclusion of Roma children, research conducted by ERRC researcher during visit to Greece in 2010.

¹⁰ Greek Helsinki Monitor (GHM) Final report on the project on Roma access to desegregated education in Greece (April – December 2010). Information taken from Part D of the report, Roma Communities - SOKADRE members with educational segregation/exclusion of Roma children, research conducted by ERRC researcher during visit to Greece in 2010.

11. On 25 March 2011, the ECtHR communicated to the Greek government that a case had been filed by GHM concerning discrimination in education of Romani children.¹¹ The case against Greece pending before the Court, addressing similar issues as highlighted in *Sampanis*, is a clear indicator of failure by the Greek government to adequately implement the *Sampanis* judgment. According to the Court, some of the 140 applicants in the aforementioned case were also applicants in *Sampanis et al v Greece*.

RECOMMENDATIONS

12. The ERRC recommends that the Greek authorities undertake the following measures to bring Greece into full compliance with the provisions of the Convention with respect to the education of Romani children:
- Ensure the enrolment of all Romani children of mandatory school age into integrated pre-school and primary education in the respective regions and communities indicated in this submission in particular, and generally throughout Greece;
 - Sanction school authorities that refuse the enrolment of children of mandatory school age in Greece;
 - Provide transportation to and from school for marginalised Romani children to eliminate this barrier to education;
 - Ensure the provision of social workers and school mediators in Romani communities to facilitate contacts between schools and such communities in order to ensure regular school attendance; and
 - Provide additional teaching to Romani children where and when needed through supplementary hours and summer schools.

¹¹ ECtHR, *Ioanna Sampanis and Others v Greece*, Application no: 59608/09, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=sampanis&sessionid=73883723&skin=hudoc-cc-en>.