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NEWS REPORT

Country:	Slovakia
Title:	The Ministry of Education in Slovakia adopted an administrative decision potentially deepening school segregation of Roma children from the village Ostrovany
Date:	18 April 2017
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<u>Context</u>	
Issue at stake:	Discrimination of Roma children in education
Ground of discrimination:	Race/ethnic origin
Source:	Decision of the Ministry of Education, Science, Research and Sport of the Slovak republic n. 2017-1466/12257:2-10A0 from 16 March 2017, ordering area of the villages Šarišské Michaľany and Ostrovany to be the joint school district of the Primary school with nursery, 'Pod Lesikom 19' street in Šarišské Michaľany for children with permanent residence in Ostrovany attending 2.- 9. school grades
Field:	Education
Applicable law:	Act no. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws (Antidiscrimination Act), §§ 2 para 1, 2a para 2, School Act no. 245/2008 Coll of Laws, §§ 3 letter d), 144 para 1 letter a), 145 para 1, 2. Act no. 596/2003 Coll. on State Administration in Education and School Self-Administration, § 14 para 4

Content

Facts of the case: For many years, the areas of the nearby villages Šarišské Michaľany and Ostrovany have been covered by a joint school district in the primary school in Šarišské Michaľany established by the local municipality. As regards Ostrovany, mostly Roma children from marginalized community attended the school in Šarišské Michaľany, while non-Roma children from this village attended the other primary schools in the region. Due to the lack of school capacities the municipality of Šarišské Michaľany in June 2014 terminated the joint district area with Ostrovany from the school year 2015/2016. The Municipality of Ostrovany was unable to agree on a joint school district area with the other municipalities in the region to secure the school attendance of local children and thus it approached the District School Office (Okresný úrad) to resolve this situation.

Administrative decision of the Ministry of Education: Upon the request of the municipality of Ostrovany to order the school district area for the village, the District School Office repeatedly dealt with the situation. At the same time, the municipality of Ostrovany made efforts to establish its own school in the village to accommodate local children. In September 2016, a primary school in Ostrovany near the local Roma community was established and opened two "zero" classes attended solely by Roma

children. Considering its very limited capacities, in December 2016 the District School Office ordered that the primary school in Šarišské Michaľany will remain to be school district for the school year 2017/2018 for those children from Ostrovany, who cannot be accommodated in the primary school in Ostrovany. The municipality of Šarišské Michaľany, while constantly rejecting the joint district area with Ostrovany, contested the administrative decision of the District School Office to the Ministry of Education as an administrative body of the second instance in this administrative proceeding.

On 16 March 2017, the Ministry of Education in principle upheld the decision of the District School Office making only a small change in wording of the decision and ordered the area of the villages Šarišské Michaľany and Ostrovany to be the joint school district of the primary school in Šarišské Michaľany for children with permanent residence in Ostrovany attending 2.- 9. School grades. The Ministry disregarded the appeal arguments of the municipality of Šarišské Michaľany pointing, among others, at the insufficient capacities of the local school, which could force it to start educating some children in the "afternoon shift", and the insufficient effort of the District School Office to thoroughly identify available capacities of the other primary schools in the region where Roma children from Ostrovany could be accommodated.

Key points of analysis: The primary school established near the marginalized Roma community in Ostrovany will accommodate the education of children attending "zero" and first grade classes. The reported decision appears to be spurring segregated education of Roma children in the newly established school in Ostrovany and as such can be considered contrary to the domestic antidiscrimination legislation and Council Directive 2000/43/EC.

Internet link source: Decision of the Ministry of Education, Science, Research and Sport of the Slovak republic n. 2017-1466/12257:2-10A0 from 16 March 2017 (in Slovak):

http://www.sarisskemichalany.sk/dokumenty/uradna_tabula/2017_rozne/Rozhodnutie%20MSVVaS%20SR%20o%20urceni%20spolocneho%20skolskeho%20obvodu%20zo%20dna%2016_03_2017.pdf.