



Segregation in Education in the Municipality of Gjakovë/Đakovica

Throughout 2011 and 2012, ECMI Kosovo has advocated against the segregated education of Roma, Ashkali and Egyptian children in Kosovo's education system. On Wednesday 16 January 2013, this resulted in a lawsuit being submitted on behalf of eight parents of Roma, Ashkali and Egyptian children who were placed – by the 'Mustafa Bakija' school in Gjakovë/Đakovica – in a segregated first grade class separate from their Albanian peers. The information bulletin below sets out all actions taken by ECMI Kosovo leading up to the submission of the lawsuit.

In the 2011-2012 school year, ECMI Kosovo received reports on the presence of segregated classes in three schools in different municipalities in Kosovo, including the 'Mustafa Bakija' primary school in Gjakovë/Đakovica. This discriminatory practice is explicitly prohibited by Kosovo's domestic legislation as well as by the European Convention on Human Rights.ⁱ Consequently, ECMI Kosovo, in cooperation with CLARD, filed complaints with the relevant schools, resulting – by the end of the school year – in the dismissal of all the segregated classes and the reassignment of the affected children to multi-ethnic classes. In Gjakovë/Đakovica, this was accompanied by a directive issued by the Mayor against segregation in education.ⁱⁱ

Nonetheless, ECMI Kosovo believed that for a sustainable solution to this problem it was necessary that a formal policy would be established to prevent and prohibit segregation in education, in line with the *Strategy for the Integration of Roma, Ashkali and Egyptian communities in the Republic of Kosovo*.ⁱⁱⁱ The Ministry of Education Science and Technology (MEST) was asked for cooperation in this regard, but was of the opinion that the issue was already adequately regulated and had been effectively resolved.

In the beginning of the 2012 – 2013 school year, ECMI Kosovo received reports from the parents of Roma, Ashkali and Egyptian children that the 'Mustafa Bakija' school had established a new first grade class with only Roma, Ashkali and Egyptian children. The parents authorized ECMI Kosovo and CLARD to take all necessary steps to ensure that this practice was stopped. An official complaint letter was immediately submitted to MEST – to which no response was received – and a visit was organized to the school to verify the segregation practice.

The fact that the 'Mustafa Bakija' school has reinitiated its segregation policy, despite the segregation issue having already been raised extensively in the previous school year, led ECMI Kosovo to believe that stronger action was required to come to a sustainable solution to this problem. Therefore, ECMI Kosovo, in cooperation with CLARD, decided to support eight parents of affected Roma, Ashkali and Egyptian children in submitting a lawsuit against the Directorate of Education of the Municipality of Gjakovë/Đakovica. This lawsuit was submitted to the Basic Court in Gjakovë/Đakovica on Wednesday 16 January 2013 by the legal representative of the parents to demand that: the segregated class is dismantled; the affected students are transferred to a multi-ethnic class; and, that compensation is provided for the immaterial damages suffered due to the human rights violations.



ECMI Kosovo hopes that this lawsuit will result in a quick resolution of the situation in the 'Mustafa Bakija' school and establish once and for all that the segregated education of Roma, Ashkali and Egyptian children is unacceptable in Kosovo today.

All actions reported in this information bulletin were part of ECMI Kosovo's project '*Enhancing the Positive Impact of the Law for Vulnerable and Marginalised Groups (VMGs) in Kosovo*', funded by the European Union (EU) and managed by the EU Office in Kosovo.

Endnotes

ⁱ Discrimination is prohibited by *the Constitution of the Republic of Kosovo* and the *Law on Pre-University Education in the Republic of Kosovo*, while the *Anti-Discrimination Law* – in addition to prohibiting discrimination – also explicitly prohibits segregation. The European Court of Human Rights has ruled on several occasions that the segregated education of Roma children violates the *European Convention on Human Rights*, see: *D.H. and Others v the Czech Republic* (November 2007); *Sampanis and Others v Greece* (June 2008); and, *Orsus and Others v Croatia* (March 2010).

ⁱⁱ Directive of the Municipality of Gjakovë/Đakovica, Nr.610-5647-2011, dated 13 September 2011.

ⁱⁱⁱ The *Strategy for the Integration of Roma, Ashkali and Egyptian communities in the Republic of Kosovo, 2009 - 2015* stipulates that "The Government shall adopt legal acts prohibiting and preventing any kind of segregation of children in separate schools, separate buildings, separate classes or inside the classroom based only on ethnicity." (p.23)