

## FACTSHEET: ACCESS TO EDUCATION AND RIGHT TO EDUCATION IN THE MOTHER TONGUE

Submission to the Human Rights Council at the 43<sup>rd</sup> Session of the Universal Periodic Review

### Primary education and school transportation

The regime for organizing school transport for Roma students was established in 2012, based on the decision of the Government of Montenegro with the aim of closing a segregated school where only Roma children attended. However, this desegregation program **has many shortcomings in practice**:

- ➔ Roma parents are denied to enroll their children in the nearest elementary school to which organized school transportation is not required
- ➔ **No procedure** (responsibility) for organizing school transport (**about 250 children do not attend classes at the beginning of each school year for the first 2 months**)
- ➔ Roma children and their parents are in an unequal position compared to others.
- ➔ The Ministry of Education **refuses to take responsibility** for denying education to Roma children due to unorganized transportation

By failing the state to regulate the mode of transportation of Roma students to school institutions, the state is denying Roma children access to education and putting them in an unequal and unfavorable position compared to other students, acting contrary to the requirements of Article 14 of the Convention for the Protection of Human Rights and Freedoms and Protocol 12 to the Convention. Exercising discrimination in the field of education, which produces serious consequences for the Roma community in the long term, deepens their social marginalization.

### University education and discrimination

#### RECOMMENDATIONS

- I. Amend and supplement the Law on Higher Education, which will define affirmative action for students from the Roma community when enrolling in colleges.

There is no affirmative action for college enrollment and free education for Roma students. The Current **Law on Higher Education in Article 93 and 99 foresees the possibility of applying the principle of affirmative action** when enrolling in faculties for students with disabilities, but not for students from the Roma community, whose number is decreasing compared to the previous report.

### Discrimination on education in mother tongue

The right to education in mother tongue is denied and not respected in accordance with the European Convention on Regional and Minority Languages. Montenegro has ratified the European Charter on Regional and Minority Languages, which stipulates that education in minority languages must be provided at all levels of education. Roma children still cannot learn in their mother tongue, which puts them in an unequal position compared to other non-Roma children.

Participation in and levels of education of the Roma are much lower than of the general population:

Area	Roma and Egyptians	Overall population
Attendance of early childhood education	16%	53%
Primary school completion	56%	96%
Secondary school completion	3%	86%
Out of school rates for primary school	22.1%	2.5%
Out of school rates for secondary school	75.4%	6.5%

Source: MONSTAT and UNICEF, Multi Index Cluster Survey (MICS) 2018

#### RECOMMENDATIONS

- I. Take measures to achieve factual equality of Roma students with children from other national and social communities to access basic education and upbringing.
- II. Eliminate discrimination and its further repetition, in such a way that the Ministry of Education will without delay adopt and implement the appropriate **Act on organizing school transport for Roma children** who are denied enrollment in the nearest primary schools in accordance with Protocol 12 of the European Convention on Human Rights.

#### RECOMMENDATIONS

- I. Take concrete measures to **create preconditions and opportunities for Roma children to be educated in their mother tongue** in accordance with the European Charter on Regional and Minority Languages.