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ROMA DENIED EDUCATION OR SENT TO SEGREGATED SCHOOLS IN GREECE: A CASE STUDY AND GENERAL INFORMATION

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INTRODUCTION

For nearly one year and a half, the Greek NGOs **Greek Helsinki Monitor** and **Minority Rights Group-Greece**, as members of the **Coordinated Organizations and Communities for Roma Human Rights in Greece** (SOKADRE) network, have been trying to help the children of a sizeable marginalize Roma community, in the area Psari of the Aspropyrgos municipality (near Athens) to register and attend school. The detailed presentation of these efforts below indicate that access to education for the Roma in Greece is often impossible, because of the reactions of racist non-Roma neighbors combined with the reluctance of local, regional and central state authorities to implement the otherwise good legal framework that creates a positive obligation on the state to secure all children the nine-year mandatory education. The fact that the experience of the Psari Romani community is the prevailing trend and not an unfortunate exception is confirmed by other similar incidents reported at the beginning of the school year 2005-2006 and presented below. Such observation is also backed by general data on education and the failed state programs analyzed below, along with a deconstruction of the state's arguments to the contrary presented in international institutions. GHM and MRG-G have repeatedly called on these institutions, and in particular on the specialized **OSCE Roma and Sinti Contact Point** and the **MG-S-ROM of the Council of Europe**, to take action within their respective mandate and urge Greece with the most appropriate means to respect the fundamental right of Romani children to education, thus fulfilling its positive obligation to that effect.

I. EXCLUSION AND SEGREGATION OF ROMANI CHILDREN IN PSARI, ASPROPRYGOS 2004 -2005

Numerous Roma families live in Aspropyrgos, Attica. In one area, in the settlement in 'Psari' of Aspropyrgos there is a large community of Roma, who try to survive without enjoying the basic living conditions (housing, water, draining system and electricity), has been established there for at least 5 years. The living conditions are awful and the settlement is full of garbage and rats. As a result, the Roma population's health is in danger. Despite these problems, the Roma parents want their children to attend school, and so do the children themselves. Before 2004, they had attempted to register them but were turned away, and were thus discouraged. Characteristically, Chrysoula Saini –a twelve year old resident of the settlement- in an early 2005 interview to Alpha TV explained why she cannot go to school even though she wants it so much: *"yes, I go to school and they turn me away; they tell me 'you are poor, go away.'"*^{1,2} It is noted here and will be developed below that it is anyway the state's obligation to find and enrol to local schools all children of mandatory school age (i.e. 6 – 15 years).

The Greek state was for years aware of the existence of a large number of school children of Romani ethnic origin living in Psari and not attending school. In an October 3, 2005 letter to GHM, the local Directorate of Health and Public Hygiene reported that since 2002 they have been visiting the settlement and reporting on the unacceptable living conditions of the Roma living there. All their calls to competent authorities to improve the living conditions had remained unanswered they added in that letter. Moreover, on June 24, 2004, the Deputy Minister for Health and Welfare Giorgios Konstantopoulos and the Secretary General of the Ministry of Health Gianna Despotopoulou visited the Roma settlement, in order to inspect the health problems that the Roma community was facing and to work on these problems.³ In addition to the numerous health problems, the team of the Ministry of Health discovered again that the Roma children lacked access to primary education and that nobody had taken any action in order to register those kids to the local primary schools. In a subsequent meeting GHM had with the Secretary General of the Ministry of Health, the latter informed GHM that she had officially notified the competent state authorities (Ministry of Education) of the existence of a large number of school-age children not attending school.

Yet, none of the state authorities appeared to have taken any measures in order to register the Romani schoolchildren. Most characteristically, since 1997, the University of Ioannina has been implementing an “Educational Program for Gypsy children”. The second phase of the Program began in 2001 with an estimated budget of 16 million Euros (5.5 billion drs.).⁴ Yet, as the program’s report for 2004 indicates, not even this specialized and well-funded program covered the Roma community in Psari of Aspropyrgos and the corresponding 10th and 11th Primary Schools: in Aspropyrgos, only the Nea Zoi Roma community and the corresponding 7th Primary School were included in that Program for the first time in 2003-2004, and this only after international reports had mentioned the plight of that community.⁵

Moreover, on July 31, 2004, Livia Jaroka (Romani Member of the European Parliament, on Hungary's FIDESZ - European People's Party list), Vasilis Paiteris (Romani leader and Special Advisor on Romani Issues to the Deputy Minister of Culture Petros Tatoulis), and representatives of the European Roma Rights Center (ERRC) and Greek Helsinki Monitor (GHM), visited the Psari settlement. During their visit, they were informed by the Roma that none of the Romani children of primary and secondary school were attending school; those who had tried in the past were turned away by teachers and/or a perceived or actual racist school environment. On August 2, 2004, the representatives of ERRC and GHM met with Deputy Minister of Education Spyros Taliadouros. The Deputy Minister, as mentioned in the press release he subsequently issued,⁶ underlined that the basic aims of the Ministry of Education and Religious Affairs are the stabilization of the pupils’ population, the fight against pupils’ dropout, and their integration into the educational process. For this purpose, he committed to cooperate with both ERRC and GHM, in order to, inter alia, offer the Roma children of the settlement of Psari the opportunity to have access to primary schools of Aspropyrgos. Mr. Linardos of the Secretariat for Greek Education Abroad and Intercultural Education was also present in the meeting.

Again, however, the Greek state did not take any steps to first ascertain how many of the Romani schoolchildren living in Psari were of compulsory school age, and then proceed to register them, as they had in the past done with other Roma communities whose children had not gone to school before. Despite the fact that informal arrangements had been made between GHM and Mr Linardos to cooperate in order to register the schoolchildren and in spite of numerous phone calls made, on GHM initiative, to Mr. Linardos in order to find a

suitable day to visit the settlement and ascertain the names and ages of the Romani children, it was only on the eve of the beginning of the school year, on September 10, 2004, that two GHM associates visited the settlement together with a local police officer and a school teacher of the local primary school, without however a representative of the Ministry of Education being present. Again, however, only the two GHM associates remained in the settlement throughout the day in order to carry out an as complete as possible counting of the Romani schoolchildren of mandatory school age. According to the data of GHM's research, on that day there were in total 129 children in the settlement of 'Psari', 81 out of which were of mandatory school age. The list was then transmitted to Mr. Linardos of the Ministry of Education.⁷

Following this GHM visit to the settlement, Mr. Linardos solicited GHM's help in order to register the children to the local schools. Thus, on September 17, 2004, Mr. Linardos together with two GHM associates visited the Roma settlements, the two local primary schools (10th and 11th Primary Schools of Aspropyrgos, located in the same building) and the area's Directorate of Primary Education. Despite the fact that GHM noted the willingness of the responsible authorities to tackle the problems, no concrete measures were taken. Parents were simply encouraged to go to these schools and register their children. In view of this development, GHM informed on the next working day (September 20, 2004) the office of the Deputy Minister of National Education and Religious Affairs about the problems that occurred with regard to the registration of the Romani children. The Deputy Minister referred GHM to the Special Secretariat of Primary Education which in turn referred it to the Secretariat for Greek Education Abroad and Intercultural Education. GHM indicated on behalf of the Romani children that despite the fact that the Ministry of National Education and Religious Affairs had expressed deep concern in this particular issue, in order to provide the Roma children with their constitutionally guaranteed right to primary education their case there was no progress due to bureaucracy.

As there was no reaction, the Roma parents decided on September 21, 2004 to go to the two schools in order to register their children. There, the schools' headmasters told the parents that they would not register them, as they had not received any instructions from the Ministry, and asked them to be patient until a decision is taken about access of these children to school; then the parents would be informed and invited to register them. As several Roma parents protested, while at the same time non-Roma parents gathered protesting the presence of Roma in "their" school, there was the need to even call the police to convince the Roma parents to go back to the settlement. Since that day, no one ever invited the Roma parents to register their children. In repeated GHM calls, the schools' headmasters were giving the same answer, i.e. that they had no news and no instruction to register the children, while they were requesting that parents do not show up to the school again to avoid further disturbances. The Roma parents kept patiently waiting, especially as they were aware that the matter was tabled before Parliament, while the Ombudsman was also involved: they believed that these state of law's key institutions would help solve the problem and –even with some delay- see to it that their children's access to education will be guaranteed.

Indeed, on September 15, 2004, one Member of the Parliament belonging to the small opposition party 'Synaspismos- Coalition of Left and Progress', Mr. Thanassis Leventis, brought the issue before the Greek parliament.⁸ In his question, he described the facts of the case and addressed two questions to the Minister of National Education and Religious Affairs. First of all he asked for the State's intervention, in order to take measures to solve the problem of registration and attendance of courses of primary education by the Romani

children and secondly he pleaded for educational, social and medical help of the Roma population living in the settlement of 'Psari'. In replying to this question, the Minister of National Education and Religious Affairs stated on October 6, 2004 that there had already been established by the General Directorate of Education of Attica a special committee, which would work in cooperation with some Roma representative and the Municipality of Aspropyrgos in order to solve the problem.⁹ In its answer, the Ministry also stated that the list of Romani school-age children mentioned by the MP was not official as it had been prepared by GHM. Finally, it is noteworthy that in this document the Minister praised the University of Ioannina program on "Educational Program for Gypsy children," even though three months earlier, on July 1, 2004, the Minister had announced that the program's funding had been suspended and the program was under auditing and evaluation.

As there seemed to be no solution to the problem, the MP queried the Deputy Minister of Education in a parliamentary session on December 2, 2004. Probably misinformed by his staff, the Deputy Minister gave a bluntly false answer. He bragged about the "love and understanding" the Ministry had supposedly shown to the Roma children, (mis)informing the MP and the Parliament that special classes were supposedly created and accommodated with the help of the Ministry of Public Works, and that there were plans to extend this "successful" measure to the adjacent municipality of Mandra. The Roma families did not learn about this parliamentary debate until September 2005, as not only the Minister and his staff, but neither the MP went to the school to see if there was any truth to this...¹⁰

In addition to all the contacts, GHM, on behalf of the Roma parents and especially the children concerned, had addressed the problem in two complementary complaints to the Ombudsman, on September 13, 2004¹¹ and September 18, 2004¹² respectively, the first covering also several other similar problems of non-access of Roma children to school. Therein, GHM asked for the Ombudsman Children Rights Department's ex officio intervention and contribution, in order for the Romani children to be registered in the nearest primary schools of the area. Following the lodging of the two complaints, GHM was informed with a letter dated September 23, 2004 that the Ombudsman was investigating the case.¹³ On October 2, 2004, GHM in a third complaint informed the Ombudsman of the continuing refusal to register the Roma children to these schools, with the risk that the school year will be lost.¹⁴

The Ombudsman answered only with a letter dated January, 3, 2005.¹⁵ He informed GHM about the actions he had taken with regard to the particular issue. Two of the Ombudsman's associates, together with the Deputy Ombudsman of Children's Rights, visited –in an unspecified date- the two local primary schools of Aspropyrgos (the 10th and 11th Primary Schools of Aspropyrgos). The Ombudsman claimed that there was no general or unjustified refusal to the Roma children's wish to have access to school and that in any case there was no intention to exclude Roma children from education. In his letter he mentioned that an unspecified number of Roma children were even registered in the school. He then described some meetings and most importantly a decision to create an "annex of the school close to the settlement," because the school itself could not host more than 20 additional children. The Ombudsman was assured that the annex will be only for "older Roma children" that would be prepared there to be later integrated in normal classes of the 10th and 11th Primary Schools. Although writing this letter four months after the beginning of the school year, the Ombudsman was admitting that this annex was not yet created and that he would follow the issue to avoid turning it into a "ghetto school." Otherwise, although none of the Roma children was registered, the Ombudsman considered its investigation closed, which means

that he did not find any wrongdoing of the state. Most importantly, the Ombudsman also made a reference to what the Roma and the NGO advocates claim is the main reason of the exclusion of their children from school. He noted that “... *the tensions that exist between the majority of the population of the Goritsa [Aspropyrgos] locality, which consists of repatriated Greek from former USSR countries [“Pontics”], and the Roma minority, tensions that were heightened with a serious fight that erupted between the two communities some years ago, are an additional obstacle to the integration of the Roma children to school.*”

In his letter, the Ombudsman also appended certain documents from various agencies in relation to the issue. It thus transpired that, on September 21, 2004, the Special Secretary of the Secretariat for Greek Education Abroad and Intercultural Education, Ismini Criari – Katrani, addressed a letter to the competent Ministry of Education agencies, in which she called upon them to take prompt action in order to address the issue of school registration of the Romani schoolchildren of Psari.¹⁶

On September 23, 2004, the Directorate of Primary Education of Western Attica informed the Deputy Minister of National Education and Religious Affairs that, on that day a meeting was held with the General Directorate of Primary Education in Attica, the municipal authorities of Aspropyrgos, the headmasters of the schools, and the government’s advisor on Roma. The Roma of the Psari settlement note that no parent or representative of the particular Roma community, nor any advocate of GHM who had acted on their behalf and was supposed to be cooperating with the Ministry was invited to attend that meeting. Therein, it was decided to establish a new facility near the Roma settlement in ‘Psari’ which would function as a school annex.¹⁷ In the letter it was also stated that the Mayor of Aspropyrgos had been asked to inform the Directorate of Primary Education, until September 27, 2004, of potential areas that could be used in order to install prefabricated rooms that would serve as classrooms.

With its September 27, 2004 letter, the Directorate of Primary Education of Western Attica informed the Deputy Minister of National Education and Religious Affairs that such an area had been identified and in fact belonged to the state, namely the Public Real Estate Corporation.¹⁸

In turn, on October 1, 2004, the Deputy Minister of National Education and Religious Affairs asked the Greek Public Real Estate Corporation to provide the suggested plot of land, and the two prefabricated rooms that would serve as classrooms.¹⁹ On October 4, 2004, the Greek Public Real Estate Corporation asked for the permission of the Ministry of Environment and Public Affairs’ competent agency, to make the plot of land in question available.²⁰ There was no other document in the attachments of the Ombudsman who apparently did not consider it important to see if there had been any move in the three months between the October 4 letter and the letter the Ombudsman sent to GHM.

The Ombudsman’s letter reached GHM a month later. GHM once again called the headmasters and verified that there was still no possibility to register the children to the schools. So, on February 13, 2005, the **Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE)**, whose member the Aspropyrgos Roma community is,²¹ sent a formal letter to the Directorate of Primary Education of Western Attica²², concerning potential developments in the issue of schooling of the Psari Roma schoolchildren.

The Directorate informed SOKADRE on February 17, 2005 (i.e. in the middle of the school year) that the case had been delayed for all these months due to the delay of the Ministry of Environment and Public Affairs in replying to the request for making the plot of land available, where the allegedly necessary annex was supposed to be built.²³ It also acknowledged the crucial contribution of SOKADRE in helping the authorities locate the Romani children and mentioned that four children from Psari had been registered that year: the Roma and GHM declare this information to be false as they are aware of only one Roma child who lives near but not at the Psari settlement who had indeed registered. Moreover, the Directorate claimed that it was informed only on the previous day (February 16, 2005) and only orally that the answer of the Ministry of Environment and Public Affairs to this request was negative, without any explanation provided. Hence, the Directorate pledged to try harder next year so as to secure the children's fundamental right to education. It is strange indeed that the written refusal to grant that plot was allegedly not given to and even not sought by the competent Directorate, which claimed it was informed about it after it had received the SOKADRE letter: it appears as if the refusal was known well before that and this vague explanation was given so as to avoid providing the parents and their advocates with the written refusal to grant the plot.

In any case, with the February 17, 2005 letter the state effectively informed the Roma parents, through SOKADRE to which the community belongs, that their children's right to education for the school year 2004-5 would definitely not be secured.

The efforts of the Roma and their advocates to have their children registered and then attend school in the following school year 2005-2006 reveal the real reason for the –continuing-complete or effective denial of their right to education without discrimination.

As no state agency ever contacted directly the parents after they were refused access to school in September 2004, not even to at least secure their children's registration for the following school year, it became apparent that the state did not want the children to go to school and was hoping that the matter may be forgotten, as in previous attempts of individual parents. So, on May 24, 2005, SOKADRE addressed a letter to the Deputy Minister of National Education and other competent authorities reminding them of the need to secure access to school for the forthcoming year for all Roma children and appending the list of children compiled by GHM in September 2004 with the signatures of the Roma parents who were at the settlement on May 23. In the letter the full array of relevant legislation and regulations was mentioned.²⁴

In early June 2005, SOKADRE received copies of two letters dated May 25 and sent by the regional directorate of education to competent authorities asking them to secure access to school to all Roma children, by *"finding them, informing them, convincing them and registering them"* so that *"the new school year must without fail find these children attend school."* Additionally, public health authorities were asked to contribute. What followed showed that these instructions were too good to be true as it took the efforts of SOKADRE and Roma parents to register some of the children and help them try to attend school against all odds, until they were effectively expelled for it.^{25,26}

As emerged from another letter copied to SOKADRE, dated July 1, the competent education authorities decided to inform the Roma parents using very inappropriate and hence ineffective means.²⁷ They published announcements in the local media to which Roma have no access since they are illiterate and have no electric power. They also posted announcements at the school –where no Roma parent ever goes- requesting Roma parents to come only in morning

hours to register their children between June 1-21.²⁸ Allegedly registered letters were sent to the Roma families but none ever received any, as anyway the post office does not serve the Roma community. What is certain is that they did not go to the settlement to inform the Roma parents. Only after SOKADRE received the May 25 letters, were the Roma informed by SOKADRE and a date for the first registrations was arranged for June 9, when SOKADRE took some parents to the school. Ten children were registered. Following insistence by SOKADE, the competent education agencies visited on June 15 –again in the morning- the settlement and an additional 10 children were registered while three more were registered individually at the school. In the July 1 letter, it was mentioned that the same efforts will be repeated at the beginning of the school year, i.e. in September 2005.

SOKADRE received in July 2005 a copy of the June 21 letter of the two school headmasters to their superior.²⁹ In it they wrote inter alia the following:

“These [Roma] children live in conditions that unfortunately offend the idea of ‘Olympic Games Greece.’ They live in an encroached area, a place for depositing garbage, without electricity and without water. As a consequence of these wretched living conditions the children present skin exanthema, like scabies, mycetomas, etc. and many other illnesses such as hepatitis and also illnesses that are passed on to them by rat bites etc. (...) We would also like to report the vigorous reactions of the Parents’ and Guardians’ Association and remind you that between Pontics and Gypsies there is a ‘vendetta which a short while ago led, in the [Romani] settlement of Nea Zoi Aspropyrgos to the loss of one human [Romani] life for that reason. As we should not underestimate small as well as big signs and reactions that are omens of what will be happening at the beginning of the new school year 2005-2006 in September, a commonly acceptable solution need be found by the competent authorities. Although as headmasters we consider that the interest of the [Greek] state towards the Roma is hypocritical as no one actually cares about their living conditions and their integration into Greek society, unlike what has been achieved in other European states. We believe that the state’s obligation is to give the Roma homes with water and electricity, while, concerning their school attendance, to oblige the Roma to register their children, and if they don’t do it, to impose strict penalties, as in Europe. In fact the authorities know better than us the correct way to integrate the Roma. Unfortunately this is a very old story that embarrasses us as a country. (...) With all due respect, affection and love for every child we express our intense anguish through this report and we hope that a solution will be found that will defend the rights of Roma children to education, health and decent life, but will also safeguard the rights of the other [non-Roma] pupils going to school to health, security and school attendance in a peaceful and pedagogical environment without problems, which we are all responsible to maintain. With the hope and the certitude that our anguish will be answered by the state’s decisions, we can only hope that the intense situation smoothes out so that the new school year will be without problems.”

The authorities never answered the letter, nor did they take any precautionary measures for the first day of school, on 12 September 2005. Neither did they repeat the registration efforts as they had pledged in their July 1 letter. Nor did the health authorities carry out their duty so that the school age children be vaccinated and provided with the necessary documents. In the first five minutes of the videotape mentioned above, there is an excerpt from an “Alpha TV” program on this issue. In it is shown what happened on the first day at that school. Non-Roma parents are shouting to the Roma parents inter alia: “No child of yours will enter our school...

You are not going to enter the school. I will bring 500.000 people; you will not enter here, that's that." After that, in an interview earlier in 2005, an 11-year old Romani girl explains why she cannot go to school even though she wants it so much: *"yes, I go to school and they turn me away; they tell me 'you are poor, go away.'"* In view of these incidents and the absence of any protection from the state many Romani parents withdrew their children while all others were deterred from registering their children waiting to see how the matter will develop.

To deal with the problem, the headmasters decided to schedule the preparatory class attended by most of the Romani children, and only by them, in late afternoon, after all other classes will have finished: *"a lesson in 'segregation' for Gypsy children"* was the very appropriate headline of the "Alpha TV" coverage in its nightly news on September 12.³⁰ Still the non-parents were not satisfied as they did not want any Romani children in what they called "their" school. On September 14, they published a protest and decided to boycott the school.³¹ When classes resumed, and some Romani children started attending them (3 in regular morning classes and 8 in the late afternoon segregated class), the parents reacted again and forced the Romani children out of school, on October 7. SOKADRE asked for police protection which was provided from October 10. As a result, parents started threatening the SOKADRE volunteers and boycotted the school from October 12 onwards; this time the sign they posted was clear: *"The school will remain closed for the problem of the Gypsies; Wednesday 12/10/05; Parents and Guardians Association; signed by Fameliadou"* [president of the school's parents and guardians association].³²

On October 12, GHM sent two letters, the first to the chief prosecutor and the second to the Deputy Minister of Education, the Minister of Public Order, the Minister of Health, other authorities (as well as the OSCE Roma and Sinti Contact Point and the MG-S-ROM of the Council of Europe).³³ In them the problems and the threats were exposed, and authorities were asked within their competence to provide protection to the Romani children and the NGO activists and to sanction the perpetrators of illegal and racist actions. Moreover, the interruption of the vaccination was exposed while reported efforts to create a segregated school with prefabricated rooms away from the school to send all Romani children were denounced. More than one month later none of the recipients of the letters had responded or was known to have acted on it.

On the contrary, as is shown in the second thirty minute part of the video mentioned above, on October 13 there was only a token police force that did not act while enraged racist parents were preventing the Romani children enter school and insulting and pushing them and the GHM activist Theo Alexandridis. Moreover, the president of the parents' association was showing on camera the private medical files of the Roma children to support her claims on their inadequate vaccination: she had obviously illegally acquired them from the school administration and shown them to the camera. There is no footage to show what followed. GHM called the Hellenic Police spokesperson and asked that additional forces be sent, and arrests be made. This indeed happened and the children finally entered the school, with more than one hour delay. But when Theo Alexandridis went to the police station to file charges against the perpetrators, he was illegally delayed and then detained until the president of the parents' association was convinced by the regional police chief to file counter-charges against him. Two protest letters for those serious violations by OMCT (October 21) and IHF (October 25) remained one month later unanswered,³⁴ as did a SOKADRE October 24 letter to the competent authorities (including the Children's Ombudsman) asking inter alia for the

investigation of the leak to the parents association of sensitive private (medical) records of the Roma children.³⁵

Most importantly, on October 25, 2005, the parents of the Romani children attending the 10th primary school of Aspropyrgos were pressured to sign a declaration that they voluntarily want their children to be moved from the regular school to the “annex” created for Roma only and farther away from the Roma settlement. The Roma parents were given the declaration by the teachers and were pressured by the Ministry of Education, the Mayor of Aspropyrgos, non-Roma parents’ union and by some Roma leaders.³⁶ Roma parents had no option but to give in under this combined pressure and intimidation and remove the children from the school to take them to the –probably illegal- structure hurriedly constructed for Roma children. From October 31 on, Roma children went to the segregated school and the school’s boycott by non-Roma parents ended.

Once successful in removing the Romani children from the school, the non-Roma (repatriated Greek Pontic) population of the town was encouraged and started efforts to evict the Romani population altogether. Under the nose of the authorities that did not react, they called for a demonstration on November 4 to demand “*a solution now on the illegal settlement of the athiganoi [pejorative for Roma] and the ensuing problems.*” The meeting was postponed for November 8, when several racist and insulting comments on Roma and their NGO supporters were heard: the summary racist slogan was that “*Aspropyrgos became ‘mavropyrgos’*” (Aspropyrgos means “white tower” and “mavropyrgos” means “black tower,” an allusion to the dark skin of most Roma).³⁷ All these actions have the support of the municipality which, in February 2004, following the serious incidents referred to above by the Ombudsman and the headmasters that led to the death of one Rom, gave a Pontics’ association 10,000 euros as a contribution to the cost of the legal defence of the twelve Pontics who had been arrested and remanded for their involvement in the incidents, as if their anti-Romani actions were carried out on the instructions of the municipality.³⁸

As a conclusion, the information presented above shows that the main if not the only reason for the refusal in 2004-2005 to register the Roma children from Psari was the hostile racist attitude of the majority repatriated Greek population of Aspropyrgos, with the backing of the municipal authority, towards the minority Roma population in the area. When keeping children out of school became untenable in 2005-2006, authorities first tolerated the pressure of the racist non-Roma population and then hastily put together a segregated construction they called “school annex” to move the Roma children there: as the Roma parents were refusing segregation, pressure was put on them by school teachers, non-Roma parents, local authorities and some convenient to the authorities Roma “leaders,” with the toleration if not behind the scenes encouragement of the Ministry to sign declarations of voluntary school segregation of their children.

II. OTHER EXAMPLES OF NON-ACCESS TO SCHOOL OR SEGREGATED EDUCATION OF ROMA IN SEPTEMBER – OCTOBER 2005

The problem of non-access of the Romani children from the Psari settlement to school is not an exception but part of a general trend in Greece. Here we mention related news stories from the period September-October 2005, collected and analysed in a November 6, 2005 GHM release.³⁹

They refer to the refusal of the Kalohori (Thessaloniki) 1st Primary School to register five Romani children; the refusal of the Sofades 1st Kindergarten to register one Romani child; the decision of the Eastern Attica regional director to shut down all special Gypsy classes in his region; the refusal of the Halandri (Greater Athens) schools to register thirty Romani children; and to the visit –ironically on the same day, October 13, when the violent incidents mentioned above took place in the Psari Aspropyrgos school- of the Minister of Public Order to a segregated Romani school in Zefyri (adjacent to Aspropyrgos) in the “*framework of the Ministry’s strategy to combat social exclusion of Romani children*” [sic]: during the visit he was told that out of 200 children attending school at the beginning of the school year, only thirty attend it at the end of the school year;” similarly, the Western Thessaloniki regional education director was stating that most Romani children attend school only for a few months and very few complete the six year primary education.

In the GHM release, it is recalled that the seven million euro program on Romani education managed by the University of Ioannina since 1997 was a failure and was discontinued following an external evaluation which inter alia reported that “*during the fieldwork in schools with a large number of registered Romani children, the evaluators could not find children attending classes regularly.*”

III. GREECE’S VERY GOOD LEGAL FRAMEWORK

The Greek legal framework, which regulates educational matters within the Greek State fully respects and safeguards everyone’s right to education within the Greek State. Even more, there exist specific provisions to secure the access of vulnerable minority groups to education, including seeking out children that may not be registered or otherwise sent to school by their parents. The Greek State is empowered with a good legal framework, which provided not only for all children’s integration to primary education but also for measures which would facilitate children’s registration to primary schools. In essence, the Greek legal framework creates a positive obligation on the state to protect and actively and effectively secure the right of every child to education. Not only schools should register children whose parents go there, but -especially in cases of vulnerable, excluded populations- they also have to –as was eloquently presented in the May 25, 2005 letter of the regional director- “*find children, inform them, convince them and register them.*”⁴⁰

First of all, Article 16 of the Greek Constitution renders primary education compulsory for everyone. It provides inter alia that:

- ‘2. Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious consciousness and at their formation as free and responsible citizens.
3. The number of years of compulsory education shall be no less than nine.
4. All Greeks are entitled to free education on all levels at State educational institutions.’

In this context, Greek authorities in charge of children’s registration in primary schools bear the responsibility to facilitate their registration. This responsibility is more demanding when it comes to Roma children or children who are members of vulnerable social groups facing social exclusion. In fact, according to the directive Φ4/350/Γ1/1028/22 August 1995

circulated by the Ministry of National Education and Religious Affairs to all competent authorities of primary education:⁴¹

“... there should be a cooperation between the Roma families, the headmasters of the primary schools and the school counsellors, in order for Roma children living in camps to be registered and to attend courses of kinder gardens and primary schools..”

According to the above mentioned directive:

“... the headmasters should not only encourage Roma children’s access to primary schools, but they should furthermore seek Roma children of their district and take care of their registration and attendance of the courses as well’, whereas institutions that may be indirectly involved in this process and others (like social services) are asked to contribute in order to convince parents to send their kids to primary schools.”

In addition, according to the directive Φ4/127/Γ1/694/1 September 1999 circulated by the Ministry of National Education and Religious Affairs to all competent authorities of primary education:⁴²

“.. as far as the transportation of Roma children to primary schools is concerned, the provisions which apply to all students apply to them as well and they are provided with supplementary facilities, which may constitute measures taken by the responsible authorities. The same status applies to students of kinder gardens as well.”

Furthermore, Article 7 paragraph 8 of Presidential Decree 201/1998 ‘Concerning the Organization and Function of Primary Schools’ provides that potential lack of necessary documentation does not prevent children from registering in primary schools.⁴³ In this context, the Ministry of National Education and Religious Affairs has continuously stressed the need of Roma children’s integration to primary education, regardless of satisfying or not the formal prerequisites. Thus, the Γ1/226/6 March 2000 directive of the Ministry of National Education and Religious Affairs provides that:⁴⁴

“A standing policy and wish of the Ministry of National Education is that no child coming to primary school to attend courses should be sent away or rejected on the grounds that he or she has exceeded the age-limit or for other reason, but to find solutions according to the current legal provisions and the necessary sensitivity in order all students (both Greek and foreigners) to be registered in primary school.”

The above clearly indicate that the Greek government has expressly recognised its obligation to provide schooling to all school children of mandatory school age and especially school children coming from minorities, irrespective of the wishes of their parents. The State has also undertaken the responsibility to register children even when the latter’s families do not undertake the effort to go to the school and register them. Moreover, under Presidential Decree 161/2000, the local prefect has the jurisdiction to impose fines upon parents or legal guardians who do not ensure that their children are enrolled at school and attend school regularly. In accordance with its own legal norms, the Greek authorities have the positive obligation, upon discovering that certain children of mandatory school age do not attend school, to both ensure that the children are registered and regularly attend school, and punish their parents/legal guardians for duly doing so.

IV. GREECE'S ABSENCE OF DETERMINATION TO REGISTER ROMANI CHILDREN TO SCHOOLS AND REPEATED MISINFORMATION OF INTERNATIONAL INSTITUTIONS

Roma in Psari and their advocates strongly believe that the administrative authorities which were directly involved in their case and mainly the Ministry of National Education and Religious Affairs, the Directorate of Primary Education of West Attica, the Municipality of Aspropyrgos and the headmasters of the 10th and 11th Primary Schools of Aspropyrgos failed to fulfil the positive obligation and as a result did not manage to protect children's interests. Consequently, although the State authorities had to face a serious issue concerning a fundamental human right which was at stake and namely the Romani children's right to education, they showed lack of attention and diligence and as a result they failed to secure to the Romani children their fundamental right to education. In effect, by first refusing their registration at the beginning of the school year asking the parents to wait until appropriate measures be taken, and then by not promptly securing the allegedly necessary means to allow for these children's education (school rooms), they effectively and knowingly denied the children access to school for the school year 2004-2005.

In fact, the Greek State continuously shows a tendency to effectively treat Roma as inferior citizens as compared with the rest of the population and as a result most Roma face discrimination and social exclusion, most notably in the area of education, usually because non-Roma populations refuse to allow Romani children attend the same schools with non-Romani children. As a result, most Roma are effectively denied the right to education, while others are sent to segregated Roma-only schools. There are several studies and reports on the discrimination towards Roma.

Of primary importance are the findings of a survey in settlements by the mobile unit implementing a program of the Ministry of Health, submitted on March 19, 2004 to the Deputy Minister.⁴⁵ Following the processing of the available information in relation to 3,464 out of the more than 8,000 children vaccinated by the mobile units of the Aglaia Kyriakou Children's Hospital, in 2003-2004, it was noted that 2,184 out of these 3,464 Romani children were aged 6 to 16. 63% of these children (i.e. 1,366 out of 2,184) had not attended school for two consecutive years and did not attend school at the time they were vaccinated. In the report it is noted:

"Our figures fully contradict those of the education program undertaken by the University of Ioannina. According to the data of that program for 2002-2003 6,300 Gypsy children were registered to schools. We estimate that this corresponds to roughly 100% of the children of mandatory school age and is therefore in full contrast with the 37% figure of Roma children attending school we recorded."

This seven million euro program on Romani education managed by the University of Ioannina since 1997 has been the source of most state statistics on Roma education. One year after the report submitted to the Ministry of Health challenging the figures, an external evaluation of the University of Ioannina program commissioned by the Ministry of Education inter alia reported in April 2005 that *"during the fieldwork in schools with a large number of registered Romani children, the evaluators could not find children attending classes regularly."*⁴⁶ In fact, a GHM analysis of the University of Ioannina detailed data for the

school year 2002-2003 (in University of Ioannina “*Program: Integration of Gypsy children in school: an outline of the Program’s progress*”, Ioannina, December 2003) showed that 2,581 Roma children were registered in the first grade, and only 519 in the sixth grade. The following year, the same program reported on August 2, 2004 to the Ministry –who handed the data to GHM during their meeting on August 2, 2004- that 2,333 Roma children were registered in the first grade, and only 664 in the sixth grade. The program was thereafter suspended and then discontinued.⁴⁷

Yet, the Greek state, in reports to international institutions has continued to use data provided by this program in an effort to show that a considerable number of Romani children attend school. But even this data, in its most exaggerated form, reflect the under representation of Romani children in the school population. We present here an analysis of the data Greece submitted to UN CRC in January 2002,⁴⁸ indicating the substantial under-representation of Romani (and migrant) children in the Greek education system. Roma make up 3 percent of the population but only 1.1 percent of the primary school student population as reported by Greece to the UN CRC. Besides, all groups with non-traditional Greek cultural background are underrepresented in secondary school.

Table: Number of students with diverse cultural background in the Greek public school system

Level of education	Foreign	Muslims	Roma	Repatriated	<i>Other Students</i>	Total student population**
Primary*	40,653	7,065	8,500	17,918	668,730	742,866
%	5.5	1.0	1.1	2.4	90.0	100.0
Secondary	16,475	1,912	1,750	11,192	700,581	731,910
%	2.3	0.3	0.2	1.5	95.7	100.0
Total	57,128	8,977	10,250	29,110	1,369,311	1,474,766
<i>Estimated share of population %</i>	8	1	3	3	85	100

*Kindergarten not included

** The overall student population of primary and secondary education

The actual official number for the Romani children registered in 1999-2000 was much lower than the 8,500 exaggerated estimate provided by Greece to the UN CRC. In an April 8, 2004 letter to GHM,⁴⁹ the Ministry of Education provided data for the school years 1995-2003: according to them, in 1999-2000 there were only 5,320 Romani children registered; while never did the figure exceed 7,100 (for 2002-2003) according to the Ministry. GHM has established a table with all the contradicting figures provided by state authorities for the years 1993-2004, in which in fact the 7,100 figure for 2002-3 is contradicted by other state figures indicating that in 2002-3 the number of Romani children registered was between 5,227 and 6,477.⁵⁰

SCHOOL	Primary Education (enrolled Roma)
1993-1994	2,422 ⁹
1994-1995	2,795 ⁹
1995-1996	3,413 ⁷ , 3,317 ⁹
1996-1997	3,744 ⁷
1997-1998	5,060 ^{1,7}
1998-1999	5,496 ⁷
1999-2000	5,320 ⁷ / 8,500 ²
2000-2001	6,065 ⁷
2001-2002	5,690 ⁷ / 6,304 ¹
2002-2003	7,100 ⁷ / 5,227 ³ / 6,290 ⁴ / 6,477 ⁵
2003-2004	5,105 ⁶ / 7,774 ¹⁰

Finally, Greek state data acknowledged the existence of 18 Roma only segregated primary schools, of which one of the largest is the Zefyri school the Minister of Public Order visited on October 13, 2005 (see above). Racially segregated schools are themselves a violation of the right to education and of the prohibition of discrimination.⁵¹ Most of these schools in Greece are the result of the refusal of non-Roma parents to have Romani children in the same schools with their children. Usually, the refusal leads to Roma not sending their children to school at all. However, where there is enough pressure from Roma or their advocates, and/or some interest of some authorities, they create segregated schools to at least give Romani children (the pretense of) an education. This is why in these schools there is a high drop out rate, as reported to the Minister in Zefyri. It is exactly this situation that the Roma parents of Psari, Aspropyrgos were faced with in 2004-2005.

¹ GHM has compiled a 41-minute tape with footage from Alpha TV showing: a 5-minute excerpt of a breakfast TV program on 19 September 2005 where the Sainis interview from earlier this year is shown again; 31 minutes from an unedited tape of the circumstances on 13 October 2005 where the non-Roma prevent Roma children from entering the school with GHM's legal advisor trying to convince them otherwise and getting insulted; and 5 minutes excerpts from a satirical program with interviews of Sainis, her mother and the president of the non-Roma parents.

² Greek Helsinki Monitor & Minority Rights Group – Greece OSCE Human Dimension Implementation Meeting Warsaw – September 2005 “*Contribution on the point in the agenda: ‘Tolerance and non-discrimination: Roma’*” 28 September 2005; OSCE file number HDIM.DEL/334/05 27 September 2005 with the Sainis statement from a tape which was submitted to the OSCE and the CoE.

³ Letter from the the Directorate of Health and Public Hygiene of the Western Attica Prefecture, dated October 3, 2005, on file with GHM. On the Ministry of Health visit to the Psari - Aspropyrgos Roma settlement, see “Social Assistance to the Gypsies” in Macedonian News Agency, June 23, 2004 at http://www.mpa.gr/article.html?doc_id=463417

⁴ Letter from the Director of the Prime Minister's Office for Quality of Life, dated February 19, 2004, on file with GHM.

⁵ First Semester 2004 Report of the University of Ioannina program, showing Aspropyrgos schools covered by the program, on file with GHM.

⁶ “*Pioneer Hellenic Police circular showing sensitivity to Roma. ‘Open channel of communication’ between Greek Ministry of Education and European Roma Rights Center.*” GHM press release dated August 9, 2004.

⁷ List of families in the Psari, Aspropyrgos settlement with names of parents and ages of children, registered by GHM on September 10, 2004.

⁸ Parliamentary Question 3137, tabled on September 15, 2004, by Thanassis Leventis, member of the party ‘Synaspismos – Coalition of Left and Progress’.

⁹ Response by the Minister of Education and Religion to the Parliamentary Question of Mr. Thanassis Leventis, protocol number 981114/IH/6-10-2004.

¹⁰ Parliamentary Session of December 2, 2004.

¹¹ Complaint filed on 13 September 2004 by GHM to the Ombudsman (protocol number 16011/2004).

¹² Complaint filed on 18 September 2004 by GHM to the Ombudsman (protocol number 16437/2004).

¹³ Ombudsman letter to GHM (protocol number 12580.2.2004/23-9-2004).

¹⁴ Complaint filed on 2 October 2004 by GHM to the Ombudsman (protocol number 17384/2004).

¹⁵ Ombudsman letter to GHM (protocol number 16437/2004/3-1-2005).

¹⁶ Letter sent on 21 September 2004 by the Special Secretary of the Secretariat for Greek Education Abroad and Intercultural Education to the competent Ministry of Education agencies.

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- ¹⁷ Letter sent on 23 September 2004 by the Directorate of Primary Education of Western Attica to the Deputy Minister of National Education and Religious Affairs.
- ¹⁸ Letter sent on 27 September 2004 by the Directorate of Primary Education of Western Attica to the Deputy Minister of National Education and Religious Affairs
- ¹⁹ Letter sent on 1 October 2004 by the Deputy Minister of National Education and Religious Affairs to the Greek Public Real Estate Corporation
- ²⁰ Letter sent on 4 October 2004 by the Greek Public Real Estate Corporation to the Ministry of Environment and Public Affairs.
- ²¹ The **Coordinated Organizations and Communities for Roma Human Rights in Greece** (SOKADRE) is a network founded in 2001; its members include 30 Roma communities –including the Aspropyrgos one, as well as 5 Greek NGOs that have been working on Roma rights. It is legally registered in Greece through its managing NGO Communication and Political Research Society (ETEPE), accredited as NGO by the Greek Ministry of Foreign Affairs’ Hellenic International Development Cooperation Department - Hellenic Aid (YDAS). SOKADRE advocates for and litigates on the rights of the destitute Roma of Greece, mainly in the areas of housing rights and preventing evictions, education, access to social services, proper civil registration, ill-treatment and non-discrimination including fighting racial profiling by law enforcement agencies. It operates through a network of volunteer representatives in the 30 member communities and in several other non-member communities. SOKADRE is a member of the European Roma Information Office (ERIO).
- ²² Letter sent on 13 February 2005 by ETEPE/SOKADRE to the Directorate of Primary Education of Western Attica.
- ²³ Letter (Φ. 20.3/246) sent on 17 February 2005 by the Directorate of Primary Education of Western Attica to ETEPE/SOKADRE.
- ²⁴ Letter sent on 24 May 2005 by ETEPE/SOKADRE to the Deputy Minister of Education and other relevant education authorities.
- ²⁵ Letter (Φ. 20.3/790) sent on 25 May 2005 by the Directorate of Primary Education of Western Attica to the subordinate education authorities.
- ²⁶ Letter (Φ. 20.3/800) sent on 25 May 2005 by the Directorate of Primary Education of Western Attica to the Directorate of Health and Welfare of Western Attica.
- ²⁷ Letter (Φ. 20.3/951) sent on 1 July 2005 by the Head of the First Office of the Directorate of Primary Education of Western Attica to the Directorate of Primary Education of Western Attica.
- ²⁸ Announcement posted at the 10th and 11th Primary Schools of Aspropyrgos.
- ²⁹ Letter sent on 21 June 2005 by the headmasters of the 10th and 11th Primary Schools of Aspropyrgos to the Head of the First Office of the Directorate of Primary Education of Western Attica.
- ³⁰ “A lesson in ‘segregation’ for Gypsy children” *“Alpha TV”*, 12 September 2005
- ³¹ “Protest of Parents and Guardians of 10th and 11th Primary Schools of Gorytsa, Aspropyrgos & Association of Pontics of Aspropyrgos ‘Oi Akrites tou Pontou’” dated 14 September 2005.
- ³² Announcement posted at the 10th and 11th Primary Schools of Aspropyrgos.
- ³³ GHM Letter to the Chief Prosecutor of Athens dated 12 October 2005, including the GHM letter sent on the same day to the Deputy Minister of Education, the Minister of Public Order, the Minister of Health, other authorities (as well as the OSCE Roma and Sinti Contact Point and the MG-S-ROM of the Council of Europe).
- ³⁴ “Greece: Arbitrary arrest and subsequent release of Roma rights defender Theo Alexandridis” OMCT Appeal to Prime Minister of Greece and other Greek authorities, dated 21 October 2005; and “Greece: Human Rights Defender Illegally Detained -- Police Collusion to Promote Segregated Schooling for Roma Children?” IHF letter to the Greek Ministers of Education and Public Order and the Prosecutor of the Supreme Court, dated 25 October 2005.
- ³⁵ ETEPE/SOKADRE letter to the Head of the First Office of the Directorate of Primary Education of Western Attica, dated 24 October 2005.
- ³⁶ “Greece: Roma Pressured to Send Their Children to ‘Roma Only’ Classrooms” IHF press release dated 28 October 2005; “To the ghetto with a declaration - Prefab school only for Gypsy children in Aspropyrgos” in *“Ta Nea”* 27 October 2005; and a copy of the declaration distributed by the school teachers to the Romani parents.
- ³⁷ Cover pages of the Western Attica daily *“Thriassio”* dated 3, 4, 8, and 9 November 2005.
- ³⁸ Articles from the website of the Western Attica daily *“Thriassio”* from February 2004.
- ³⁹ “Problems of integration of Romani children into public schools” GHM press release dated 6 November 2005.
- ⁴⁰ Letter (Φ. 20.3/790) sent on 25 May 2005 by the Directorate of Primary Education of Western Attica to the subordinate education authorities
- ⁴¹ Directive Φ4/350/Γ1/1028/22 August 1995 circulated by the Ministry of National Education and Religious Affairs to all competent authorities of primary education.
- ⁴² Directive Φ4/127/Γ1/694/1 September 1999 circulated by the Ministry of National Education and Religious Affairs to all competent authorities of primary education.
- ⁴³ Article 7 paragraph 8 of Presidential Decree 201/1998 ‘Concerning the Organization and Function of Primary Schools’.
- ⁴⁴ Directive Γ1/226/6 March 2000 of the Ministry of National Education and Religious Affairs.
- ⁴⁵ Letter of ‘Aglaia Kyriakou’ Children Hospital to Deputy Minister of Health dated 19 March 2004 with relevant excerpts of the attached report on the “Program of health protection of Gypsy children.”
- ⁴⁶ Excerpts from the *“Final Report”* of the evaluation of the intercultural education programs by REMACO, dated April 2005.
- ⁴⁷ University of Ioannina Management of the Program “Integration of Gypsy children to school” letter to the Vice-President of Ministry of Education’s IPODE with an excerpt of the attached data, dated 2 August 2004.

⁴⁸ *“Implementation of the Convention on the Rights of the Child. Additional and Updated Information Submitted by Greece in Connection with the Consideration of its Initial Report CRC/C/28/Add 17”* - cover page and relevant page 31. Submitted to UN CRC in January 2002.

⁴⁹ Letter (Φ4/40/25920/Γ1) of Ministry of Education to GHM, dated 8 April 2004.

⁵⁰ *“Roma school children in Greek education,”* detailed table prepared by GHM on the basis of data for 1993-2004 from various state sources stated therein.

⁵¹ Ruling of the Sofia (Bulgaria) District Court on Case 11630/2004 finding that the Bulgarian Ministry of Education, the Sofia Municipality and School Number 103 of Sofia have violated the prohibition of racial segregation and unequal treatment provided in Bulgarian and international law.