

JOINT SUBMISSION OF THE PROMO-LEX ASSOCIATION AND ANTI-DISCRIMINATION CENTRE MEMORIAL

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Promo-LEX Association is a non-governmental organization that aims to advance democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society through a strategic mix of legal action, advocacy, research and capacity building.

Anti-Discrimination Centre Memorial works on protection of the rights of discriminated minorities and vulnerable groups in Eastern Europe and Central Asia, carrying out monitoring, reporting, advocacy on local and international level, human rights education.

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INTRODUCTION

After the 2009 review of Moldova on implementation of the Convention on the Rights of the Child, Committee urged the Government to improve the situation related to the education of Roma children. The Committee recommended addressing ethnic disparities in accessing education, developing and implementing strategies and programs to ensure access to mainstream education for Roma.¹ The Committee also recommended ensuring that appropriate safeguards are in place for the optimal enjoyment by Roma children of the right to education.²

Poor quality of education, discrimination, segregation and lack of efficient policies were repeatedly reported by national NGO's, experts and inter-governmental organizations. According to National Roma Centre, because of the persistent stereotypes, Roma are suffering high levels of disadvantages in education and support services.³ According to the report "Roma in the Republic of Moldova", enrolment rates for Roma children are lower than for non-Roma at all stages of education. Primary education covers less than 70% of children and secondary education less than 50%.⁴ Even the situation softly improved since 2007, the main issues that Roma children confront in education process were not addressed.

According to the last (2014) census, Roma represent about 0.3% (about 9400 people) of the population.⁵ However, Roma leaders claim that real number of Roma population are much higher, up to 5% of the population of Moldova (between 50 000 and 150 000).⁶

This report emphasize the specific situation of Roma education in Moldova and points out the main issues existing at the time of submission – August 2017. For the purpose of monitoring and data collection for the present submission, Promo-LEX and ADC Memorial undertook several monitoring visits in the followingschools in the communities with a high density of Roma population: Vulcanesti (Nisporeni district), Otaci and Soroca. Representatives of Promo-LEX and ADC Memorial also interviewed leaders of local Roma organizations, inhabitants, teachers and police representatives.

CHAPTER I. LEGAL FRAMEWORK AND POLICIES

Article 35 of the Constitution of Moldova provides for right to education that shall be ensured equally for everyone. Article 35 also establishes that the State guarantees the right to choose the language of education and study of the official language shall be ensured within all types of educational institutions. State public education is free of charge.⁷

In 2014, the Parliament of Moldova repealed the Law on Education and adopted the Code of Education, a much more progressive law in the light of international standards and specific

¹ Concluding observations of the Committee on the rights of the child, CRC/C/MDA/CO/3, 20 February 2009, pct.63

² *Ibid.*

³ Roma National Centre, [Report on the situation on Roma Rights](#), 2011, pg.2

⁴ SorinCace, VasileCantarji, NicolaeSali, Marin Alla, [Roma in the Republic of Moldova](#), pg.61

⁵ [Population of Moldova Statistics](#), 2014 Census

⁶ NicolaeRadita, [National Roma Centre statement](#), October 2012

⁷ [Constitution of the Republic of Moldova](#) from 29.07.1994, Article 35

needs of Moldova's education system. The new Code enshrines the importance of international treaties and conventions on human rights and establishes the principles of equality, non-discrimination, intercultural dialogue, tolerance and social inclusion.

Article 3 of the Code⁸ establishes the concept of "*Intervention measures and support services for inclusive education*", which is a set of measures and services designed to meet the demands of children, pupils and students with special educational needs in order to facilitate their access to community-based educational services.

Article 6 of the Law on the rights of persons belonging to national minorities,⁹ establishes the right to pre-school education, primary education, general and vocational education. It also guarantees the right to higher and postgraduate education. Article 9 of the Law on Ensuring Equality¹⁰ provides the interdiction of discrimination in education sector.

On 09 June 2016, the Government adopted the Action Plan for support of the Roma population for the years 2016-2020.¹¹ The action plan's objectives are: 1) Increase the participation rate of Roma children, especially of Roma girls, in the pre-school and pre-university education system; 2) Improve the educational process of Roma children (6-18 years) by compulsory schooling and reducing the rate of unmotivated absenteeism and early school dropping.

Nevertheless, previous policies regarding Roma population had a poor implementation and have been harshly criticized. The evaluation report on the implementation of the 2011–2015 Action Plan identified that the Ministry of Education and other relevant institutions had taken insufficient measures designed to create an inclusive and efficient educational system, based on the principles of equality, non-discrimination, and respect for diversity.¹²

CHAPTER II. THE RIGHT TO EDUCATION

Education of Roma in the Republic of Moldova raises many concerns, both from national NGO's and international experts. In 2015, the UN Special Rapporteur on Extreme Poverty and Human Rights identified that Roma children were being segregated in schools.¹³ Special Rapporteur found that some teachers are opposed to teaching Roma alongside non-Roma children because Roma children are frequently absent, fall behind and require a special curriculum that will provide "*basic proficiency in writing, reading and how to count money*". The Committee for Economic, Social and Cultural Rights (CESCR) has articulated concerns about the limited availability and accessibility of schooling for Roma children living in remote rural settlements.¹⁴

⁸ [Code of Education from 17.07.2014](#)

⁹ [Law on the rights of persons belonging to national minorities from 19.07.2001](#)

¹⁰ [Law No.121 on Ensuring Equality from 25.05.2012](#)

¹¹ Government of Moldova, [Decision No.734 from 09.06.2016](#)

¹² [Evaluation Report, Implementation of the 2011–2015 Action Plan for the Support of Roma from Moldova](#), 2016, p. 37-38

¹³ Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, Addendum, UN Doc. A/HRC/26/28/Add.2, 2014, Para. 57.

¹⁴ Committee on Economic, Social and Cultural Rights, Concluding Observations: Moldova, UN Doc. E/C.12/MDA/CO/2, 12 July 2011, Para 29

The research conducted for current submission showed that situation has improved in some areas, such as desegregation of Roma classes. Still, most of the issues (*school enrollment, quality of the studies, school dropping, and migration*) were not addressed.

OVERVIEW OF THE MONITORED COMMUNITIES

- **OTACI**

Otaci population was 7,781 inhabitants in 2013, of which 4,175 (54%) were Roma, 390 children between 7-10 years (5.0%) and 486 between 11-15 years (6.2%). Young people (16-17 years) were 204 (2.6%) in the locality, with the adult population rising to 4,902 inhabitants (63%).¹⁵Migration is involving around a quarter (23.3%) of the population. Destination countries for both non-Roma as well as Roma migrants are mostly in the Russian Federation, Ukraine, and Kazakhstan (the latter being more characteristic for Roma).¹⁶At the time of the monitoring mission¹⁷, according to the administration of "Mihai Eminescu" school, there are studying 401 children, of which 184 are Roma.

- **VULCANEȘTI [NISPORENI DISTRICT]**

Population amounted to 1,240 people in 2013, 95.6% of whom were Roma. In 2013 there were registered 383 children aged 0-17 years. Local kindergarten has a capacity of 50 children, and has been refurbished recently. Vulcanești school provides primary and medium education for 1st to 9th grades. Recent years (2013-2014) show a decrease in the number of children enrolled in early education programs, from 12 children in 2013 to 7 children in 2014. The enrolment rate was 12.3% in 2013 and roughly 8.5% in 2014.¹⁸Migration strongly affects the village, involving over 88% of the total population. Most frequent destination countries are the Russian Federation, Belarus and more recently - Germany. At the time of the monitoring mission, according to the administration of the school, there are studying 110 children, of which almost all are Roma.

- **SOROCA**

Soroca's population amounts 37,526 inhabitants, of which Roma are about 6%. Soroca has entire neighborhoods of Roma and a region called "Gipsy Hill". There are about 1,525 Roma, but numbers vary from one source to another. Roma leaders in Soroca suggest a figure of about 4,000 Roma, while most public institutions state that they do not keep records of the population distribution by ethnic groups and thus cannot establish a precise figure.¹⁹In Soroca operate four schools, two of which are attended by the Roma: "A. Pushkin" Lyceum and Gymnasium No.1.

¹⁵ [Roma children and their access to services, Participatory Assessment of Barriers](#), UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.16

¹⁶ *Ibid.*

¹⁷ Monitoring Mission of Promo-LEX and ADC Memorial, held on 11-15 June 2017

¹⁸ Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.19-20

¹⁹ *Ibid.*, pg.18

PRE-SCHOOL EDUCATION

Monitoring mission of Promo-LEX and ADC Memorial revealed that pre-school education is one of the most important issues that Roma children face. This finding is supported by national studies and NGO's reports.²⁰

Vulcanesti village has a kindergarten with a capacity of 50 children. Nevertheless, after a short period of activity, local authorities decided to close it, as only a few children were attending (about 5-7 simultaneously) and it wasn't reasonable to maintain it, due to high costs.

Although there are nine operating preschool institutions in Soroca, no Roma child attended kindergarten in 2013 and only two preschool institutions were attended by Roma in previous years.²¹ The city's preschool institutions are also overburdened. For example, Kindergarten No. 7 located near Roma residences had a waiting list of 12 children at the time of the survey. Thus, in addition to sociocultural barriers to children's enrolment in preschool institutions, a lack of spots in kindergartens for newcomers may also be noted.²²

Otaci currently has two kindergartens in operation, of which only one is attended by Roma children. Through 2013-2014, the total number of children attending kindergarten has remained virtually unchanged at approximately 80 children per preschool institution (*total enrolled 159 children in the two kindergartens*). However, the number of Roma children attending kindergarten increased from 5, in 2013, to about 12 in 2014.

According to "Mihai Eminescu" school administration, because of poor or even no attendance of pre-school education, Roma children face huge barriers in primary education and are less prepared, compared to non-Roma children. School administration managed to create a "preparatory class", also called "zero class" for Roma children. About 50 children per year attend the class. Because it is not equipped with necessary tools, supplies and books, teachers are struggling to buy at least the minimum necessary from Ukrainian nearby cities, where the prices are lower. This also stresses the lack of unified practices and state policies for pre-school education for Roma children, as well as the lack of sufficient funding. According to the teachers, this measure is efficient, as it allows preparing children for school and increase their interest for educational process, which leads to the increase of attendance.

CONCLUSION

Pre-school education plays a key role for the preparation for primary education and Roma children's attendance. Different schools have different practices and approaches to ensure pre-school education, some don't have any at all. Government doesn't have a solution and relevant policies to uniform these practices. Also authorities lack sufficient funding.

²⁰See for example [Study On The Situation Of Romani Women And Girls In The Republic Of Moldova](#), UN Women, UNDP, OHCHR 2014, Chapter III.

²¹Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.18

²²*Ibid.*

Recommendation

- Ministry of Education shall develop policies to ensure pre-school education, make it attractive for Roma and uniform practices.
- The linguistic needs of Roma children (both the need to study the language of the country and the need to be able to get educated in the native language) have to be supported.
- Government shall ensure funding for pre-school education.

SCHOOL ENROLLEMENT AND ATTENDANCE

In Otaci, a grade-based disaggregated analysis revealed an overall rate of 52.2% of school enrolled students attending primary education (65.5% were ethnic Roma) and 34.6% attending secondary education (23.3% were ethnic Roma), with only 13.2% (of which none were ethnic Roma) being enrolled in high school.²³ There are only 44 children Roma studying in 5th to 9th grades. The rest of them are in primary school (1st to 4th grades).

Diagram 1. Enrollment of Roma children in Otaci School

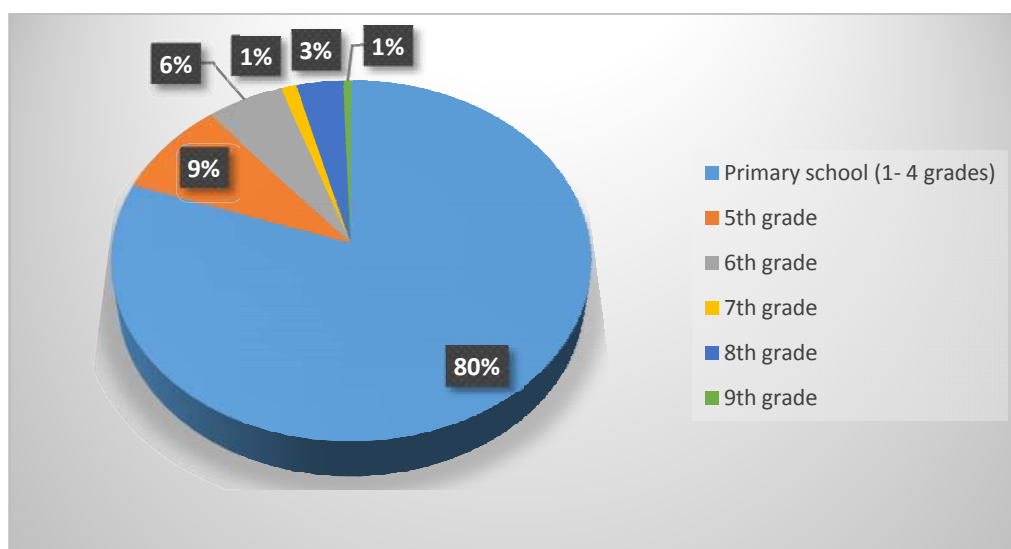


Diagram no.1 shows that school attendance reduces critically along with promotion to upper grades. According to Otaci school administration, there are various causes for this phenomenon, but most common are migration of Roma families and as a result – poor results of the children, lack of financial possibilities of the parents to support their children school attendance, discrimination and social stigma.

Otaci school administration uses a complaint form, which is sent to the police when a child is groundless missing classes. Police officers visit Roma families to document the case and find the reason of absence. Even though police can't sanction families, these measures have a positive impact and parents are treating more responsible school attendance of their children. Additionally, to increase Roma children performance, especially those that miss a significant part of the classes due to their family's migration, teachers use to organize additional classes

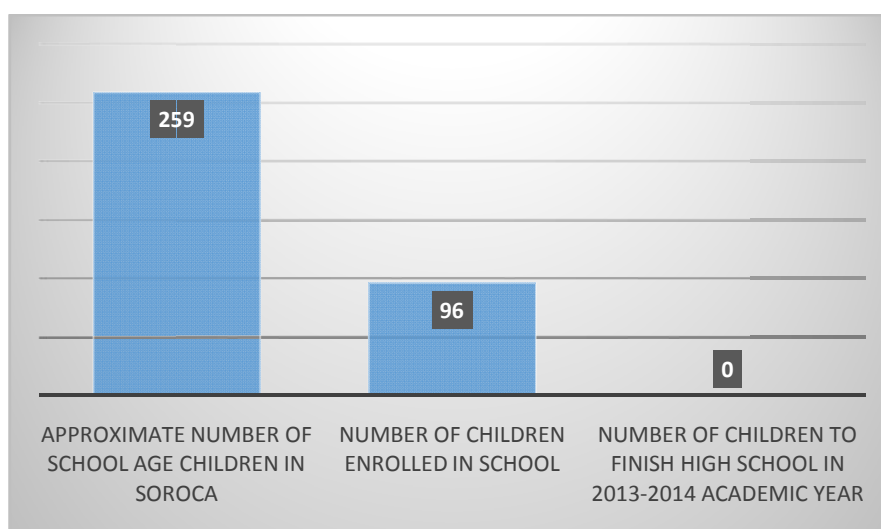
²³Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.16

for these children. Usually this takes place after ordinary classes and aims to recover with children – the part of the school program, which they missed due to migration.

School also implements different positive measures to encourage children’s attendance. A toy library was arranged, which is however too small to face the high number of children. School also offers boarding for children of 10th and 11th grades, which are coming outside Otaci and need a place to live during the week. Conditions of the boarding rooms are very poor, but still this is important to ensure school attendance for those children that don’t have a high school in their villages. Otaci School also uses a board of honor, where photos of the most successful pupils are exposed. At the time of the monitoring mission, at least 15 photos of Roma children were exposed. Nevertheless, graduation of Roma pupils is still a big issue, in 2016-2017 academic year, only one Roma pupil managed to finish 9 grades.

Enrollment and attendance of Roma children seems to be even worse in Sorooca. According to the Sorooca school census from the 2013-2014, held by the Department of Education, at least 259 Roma children of school age were living in the city. 37.1% of them (96 children) were enrolled in the education system, 62.9% (163 children) had gone abroad, and 5.8% (15 children) had personal files held by educational institutions but were not attending due to parents’ refusal. Three children were not attending the educational institution due to disability, and one girl argued that she had already got married.

Diagram 2. Attendance of Roma children in Sorooca for the academic year 2013-2014



The most problematic communities in the sense of school enrolment and attendance seems to be rural areas with a majority of Roma inhabitants. In this respect, Vulcanești school only offers a 1st-9th grade studying program, after the 9th grade, children can go in the nearby village – Ciorești, where the majority of the children are non-Roma.

According to school administration, at the time of the monitoring mission, barely 50% of the total number of age school children was attending classes. Because of formal criteria’s of enrolment, a considerable number of children are not enrolled. For example, in 2016, only 10 children out of 28 were enrolled in the 1st grade. The main cause is that children don’t have the necessary documents (the birth certificate for example).

For the academic year 2013-2014, in Vulcănești were registered 182 children of school age but not even a single pupil managed to graduate.²⁴ In 2017, at the time of the monitoring mission, only four children were admitted to annual exams, two of which didn't show up as they migrated with their families for seasonal work.

The practice of fighting with poor attendance in Vulcănești is different to the Otaci. According to school administration, teachers usually go by themselves to find children that didn't show up for the classes. This affects the quality of education and doesn't bring significant results. According to police, they don't use to visit families of the absent children, as the Otaci police do. As a result, the attendance in Vulcănești is very low and leads to a high rate of school dropping.

CONCLUSION

Enrollment and attendance of Roma children is higher in the mixed classes compared with schools in Roma-only communities. Migration, lack of monitoring mechanisms by the state authorities and documentation formalities are the main causes of low attendance.

Recommendation

- Ministry of Education shall remove documentation barriers for school enrolment and facilitate the documentation of Roma children.
- Government shall develop a mechanism of monitoring and supporting the school attendance with the implication of School representatives, Social Services and Police.
- The Government shall implement urgent measures to address massive (seasonal) migration of Roma families and insure the way to secure children from school drop-outs during family migration periods.

QUALITY OF THE EDUCATION AND SCHOOL DROP OUT

Due to low number of children and insufficient teachers, Vulcănești school uses the practice of mixed classes. Therefore, children from the 1st grade are mixed with children from the 3rd grade and those from 2nd grade are mixed with children from 4th grade. Different ages, level of knowledges and different curricula's have a negative impact on the process of learning and children's performance.

According to administration, Vulcăneștischool is dealing with staff shortage. By the time of monitoring mission, school had only three teachers – director, primary school teacher and informatics teacher. Young teachers are not willing to work in Vulcăneștischool due to various reasons, mainly because of low salaries (approx. 150 Euro per month), high requests and poor attendance of the children. As a result, school has to employ retired teachers. According to the director, these teachers are experienced, but because of the advanced age they cannot face the needs of school program and children. The whole process of learning is affected and the quality of education decrease.

²⁴Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.19-20

School dropping in Vulcănești is worrying. School director explained that there are many reasons for abandons, the main one remains to be migration of Roma families. In some cases, parents leave older children with the younger ones, while they migrate for seasonal work. In other cases, parents use to keep children at home for helping them with work, childcare and other home activities. School administration is struggling to document all the cases of drop out and present the information to local authorities in order to find a solution for the problem. Still, it seems that the school administration itself doesn't have a practice of addressing the issue of drop out and needs urgent involvement from local authorities and Ministry of Education.

According to a grade-based disaggregated analysis²⁵, during the 2013-2014 school year, no less than 30 Roma children have abandoned the undergraduate institution. As the monitoring mission revealed, in 2016-2017 school year, this number tends to grow.

Otaci high school "Mihai Eminescu" had a practice of segregated classes by 2013. With common actions of Ministry of Education, NGO's and UN Office of the High Commissioner for Human Rights, a desegregation process was initiated.²⁶ Due to the taken measures: desegregation of Roma classes and formation of mixed classes, the quality of education for Roma children improved slightly. According to school administration, Roma parents are happy that their children won't go in segregated classes and their willingness to enroll children in school has increased. Despite reported successes, segregation in various forms still persists. For example, Roma parents complain that their children are completely isolated in the classes and do not interact with classmates. They argue that they have no common interests or views, or that they dislike each other. It is seldom that the students cooperate and are friends outside of school. It results in segregation of the Roma.

CITATION²⁷

"In general, I do not talk to them. I tell them something once a month maybe, I do not enjoy talking to them. I have friends at school, but I do not like my classmates."(M, focus group of young Roma people #2);

"I'd rather not talk to them. I stand by the window during breaks, resting my hands and eyes." (IDI with a young Roma beggar #4);

"They never participate in our life and do not want us to participate in theirs." (M, focus group of non-Roma young people #2).

Despite all the efforts, according to school administration, Roma children don't succeed to follow the study curricula and have lower performances because of high level of seasonal migration. In the migration countries, children most of the time don't go to a school, even though they should. When returning in Otaci, parents are obliged to present a certificate that would prove school attendance of the children for the period of absence. Most of the parents

²⁵Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.19-20

²⁶Study On The Situation Of Romani Women And Girls In The Republic Of Moldova, UN Women, UNDP, OHCHR 2014, p.3.4

²⁷Study On The Situation Of Romani Women And Girls In The Republic Of Moldova, UN Women, UNDP, OHCHR 2014, pg. 61-62

don't comply with this obligation and school administration has to accept children without this certificate, otherwise they won't receive education at all and will drop out.

According to official numbers, during the 2014-2015 academic year, from September to December, 20 Roma students dropped out of the school.²⁸

Another problem, reported in Otaci, Soroca and Vulcănești is the poor knowledge of the Romanian language by Roma children, which is the main language in the education system of the Republic of Moldova. The monitoring mission revealed that most of the Roma children have a very low level of Romanian, many of them speak Russian and Romani, including at school and don't understand at all official language. According to school administrations, children are not even interested or willing to learn Romanian.

The situation is better in schools where possible to facilitate the learning process in Russian language, as Otaci for example. In Vulcănești, teachers are trying to use Romani language in the learning process and they even plan to translate some of the didactic materials. Still, none of these approaches represent an efficient solution, as the quality of education is lower and children are keen to remain unintegrated in society.

CONCLUSION

It is evident that, despite efforts to improve Roma children's education by various actors, including Romani NGOs and international organizations, the situation is still worrying. As for most marginalized groups, improving the quality of Roma children's education does not depend only on improving school performance. To this end, efforts to end discrimination, ensure inclusive education and positive measures to stimulate children's interest, facilitate the learning in Romanian language, prevent interruption of studies and school dropout and decrease the level of seasonal migration, should be thoroughly enhanced.

Recommendation

- Take efficient measures to ensure inclusive education for Roma children
- Organize preparatory classes (within schools) for children who did not attend pre-school; support bi- and tri-linguism of children, allowing them to study Romanian, Russian (if common in the family) and native Romani.
- Organizing classes with extended hours for homework help and adapted recovering programs for children returned from seasonal migration.
- Re-organize Vulcănești school as only primary school for 1st to 4th grades. Facilitate children's enrollment in the nearby Ciorești School and ensure all the needed conditions.
- Ensure sufficient financing for extra-curriculum activities, additional teachers, speech therapists and psychologists in schools with a high number of Roma children.
- Implement positive measures for the successful Roma students that graduate 9th grades, such as stipends and scholarships or awards.

²⁸ *Ibid.* pg.16