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France: authorities should ensure that Romani pupils are not segregated at school

Amnesty International is concerned that French authorities are failing to ensure that Romani pupils can enjoy their right to education without any discrimination.

In a letter sent to the mayor of Ris-Orangis (Essonne) on 7 February 2013, Amnesty International asked the mayor to make sure that Romani pupils living in the municipality can attend mainstream classes. At the moment these pupils are attending a separate class situated outside the school building, where they have no contact with other pupils. The Defender of Rights (*Défenseur des Droits*) has also sent a letter to the mayor calling on him to ensure equal access to education for Romani pupils living on the municipal territory.

According to the information available to Amnesty International, Romani pupils are attending separate classes elsewhere in France. For instance, about twenty Romani pupils are educated in a separate class in Saint-Fons, a town close to Lyon. Cases where Romani pupils could not attend regular classes have also been reported in other places in France in the past, including by the former Defender of the Child (*Défenseure des enfants*).

Any difference of treatment based on ethnicity amounts to discrimination if not based on an objective and reasonable justification. Discrimination in the area of education is prohibited by international human rights law including the International Covenant on Economic, Social and Cultural Rights (CESCR: Articles 2.2 and 13), the European Convention of for the Protection of Human Rights and Fundamental Freedoms (ECHR: Protocols 1, 12 and Article 14) and the Revised European Social Charter (ESC: Articles 17.2 and E).

The European Court of Human Rights has found in many instances that educating Romani children in separate Roma-only classes or schools as well as placing them in establishments for children with mild mental disabilities amounted to discrimination in the exercise of the right to education.¹ The European Committee on Social Rights, tasked to monitor the implementation of the Revised European Social Charter, has recently found that the lack of access to education for Romani pupils in France amounted to a violation of Article 17.2 in conjunction with article E (prohibition of discrimination) of the Charter.

Romani families and communities are discriminated against in many other areas in France, as acknowledged by the Committee on Social Rights, including in housing and access to health.² Romani communities continue to be forcibly evicted from their homes without being consulted, appropriately notified, given the possibility to challenge the decision to evict them and without being given alternative housing options. Forced evictions are prohibited by international human rights law (CESCR: General Comment No. 7) and are incompatible with

¹ D.H and others v. Czech Republic (application no. 57325/00), Orsus and others v Croatia (application no. 15766/03), *Sampanis and others v Greece*, (application 32526/05), *Sampanis and others v Greece*, (application 59608/09) and *Horváth and Kiss v Hungary* (application no. 11146/11).

² *Médecins du Monde c France*, collective complaint. The European Committee on Social Rights found in other instances that France had violated the rights of the Roma. See for instance: *European Forum of Roms and Travellers v France*, collective complaint 64/2011, *Centre on Housing Rights and Evictions v France*, collective complaint 63/2010, *European Roma Rights Centre v France*, collective complaint 51/2008.

the right to adequate housing, which is well established under international human rights law (CESCR: Article 2.1, General Comment No. 4).

In spite of the Circular adopted by the French government on 26 August 2012³, many Romani communities have been recently forcibly evicted or are at risk of being evicted. Amnesty International has for instance expressed concerns to the mayor of Ris-Orangis about the risk faced by the Romani community living in the municipality of being evicted.

³ Circulaire Interministérielle NOR INTK1233053C du 26/08/2012 relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites.