

SUMMARY

General Comment No. 5/2021 of the Minority Ombudsman on the situation of education and training of Roma children in Gyöngyöspata

The General Comment 5/2021 is the final document of a complex and interdisciplinary follow-up study. The Ombudsman for the Rights of National Minorities in Hungary issued the general comment in the performance of her duties, with a particular focus on drawing the attention of the legislator and the public to the consequences of the Gyöngyöspata case affecting the local public education institution, as well as the more general ones violating the requirement of equal treatment.

In her extraordinary follow-up investigation, the Minority Ombudsman attempted to summarise and present, among other things, how the demographic, sociological, infrastructural, personnel, staffing and pedagogical changes that have occurred in the municipality and its institutions since the 2011 Minority Ombudsman's Report have affected the community of children studying at the Nekcsei Demeter Primary School in Gyöngyöspata, especially the situation of children of Roma ethnicity. In addition to the primary school, the follow-up study also examined the activities and functioning of the local kindergarten and the day-nursery in relation to the issue of segregation and integration. The Minority Ombudsman also commented on how the legal proceedings of the past decade and the increased public interest have affected the relations and coexistence of Roma and non-Roma residents in the settlement. Unfortunately, in 2011 and more recently, Gyöngyöspata has been the scene of an externally induced communication battle that has fundamentally undermined the framework and possibilities for peaceful coexistence in the settlement, and the negative effects of which will continue to shape the daily lives of the people living there for a long time to come. In her general comment, the Minority Ombudsman stated that in the course of her investigation, she wished to focus on issues related to the implementation of the fundamental rights of the members of the Roma community living in the municipality, especially children, to equal treatment in the field of education, based solely on professional criteria and arguments, and within the limits of her competence.

In the course of a complex procedure, she requested written information from the heads of the Bokréta Kindergarten and Day-Nursery in Gyöngyöspata and the Nekcsei Demeter Primary School in Gyöngyöspata, the director of the Hatvan School District Centre, the mayor of Gyöngyöspata and the president of the Gyöngyöspata Roma Nationality Self-Government in order to obtain a wide range of information.

Carrying out the follow-up investigation was significantly hampered by the pandemic that started in 2020 and the restrictive measures introduced as a result. In order to credibly address the issue of segregation/integration, it is essential to carry out on-site inspections in a way that allows for face-to-face meetings with children, pupils, parents and teachers in public education institutions. It was only in May 2021 that the Minority Ombudsman and her staff

could safely organise these crucial face-to-face meetings, and only then did they have the opportunity to carry out a two-day on-site visit to the municipality

In addition to a concrete analysis of the current circumstances, she summarised the 2011 Minority Ombudsman's report, the court judgements, professional and legal standards, as well as some important, more general findings and research results related to the issue of segregation and integration.

The starting point for the general comment was the Minority Ombudsman's report of 2011, in which the Minority Ombudsman found that in the Néksei Demeter Primary School in Gyöngyöspata, children of Gypsy nationality were segregated both in their allocation to classes and physically, when placing the classrooms on different storeys within the building. The complex report of the Minority Ombudsman, and later the court judgments based on it, clearly established that Roma children in Gyöngyöspata had been educated in segregated conditions for more than a decade. The general comment sought to identify the general and specific social and educational policy circumstances that have led the institution – despite the integration measures launched under external pressure – to become by now a segregated school for children of Roma nationality: the practice of conscious segregation in primary schools has gradually been replaced by spontaneous segregation over the past decade.

From the school year 2021/2022 onwards, the primary school will have only 69 pupils and will be attended exclusively by Roma children. Local residents of non-Roma origin have taken and are taking their children to settlements near Gyöngyöspata, to primary schools where there are no pupils of Roma origin.

In her general comment, the Minority Ombudsman also explored in detail the specific circumstances, shortcomings and omissions that have intensified the spontaneous segregation processes in the primary school in Gyöngyöspata. She concluded that the current educational segregation in the school was not only the result of spontaneous social processes and the significant increase in prejudice following the events of 2011, but that the former leaders of the primary school and the maintainers at that time also bore responsibility for its development. In her view, the main problem was the lack of professional measures after 2011 which could have gradually promoted integration, taking into account the interests of all concerned.

She concluded that the organisation and maintenance of education in its current form – as a result of spontaneous segregation – in the Gyöngyöspata Primary School, which educates only Roma children, results in the issue of unlawful segregation on the basis of nationality.

The professional position of the Minority Ombudsman on the issue of segregation and integration is in line with the experience of the Ombudsman's practice over several decades: integrated education of children of different origins and social backgrounds is the only real and lasting educational method that leads to results, both individually and socially.

In fact, there is a public education institution in Gyöngyöspata, the local kindergarten and day-nursery, presenting an inclusive approach and outstanding professional quality, where Roma and non-Roma children receive such education. In addition to the kindergarten and the day-nursery, the Minority Ombudsman also examined with regard to the Gyöngyöspata primary

school to what extent the institution has the necessary conditions for implementing inclusive education and how this model of education could be used more effectively to eliminate spontaneous segregation. She noted that the school's infrastructure had improved considerably, in addition to the sports hall and the school's swimming pool established a long ago, the school environment has been modernised as well.

It is an important and significant achievement that in September 2019 a new head of primary school took up the post, who has brought a significant change to the school thanks to her attitude, pedagogical approach and methods. According to the information received during the on-site visit, the new leaders of the school are committed to integrated, inclusive education. The supportive and professional approach of the current maintenance centre, the Hatvan School District Centre, is also helping in this process. Spontaneous segregation and its effects can be effectively changed and possibly eliminated by means of inclusive education methods and tools. In this case, however, the elimination of illegal segregation can only be achieved through professional cooperation and collaboration; the change in the composition of pupils and the organisation of better quality education cannot be achieved alone by the primary school in Gyöngyöspata. The shortcomings identified are well known at the municipal level, and during the on-site inspection the institutions inspected drew attention to several more general difficulties and trends, highlighting the shortage of teachers and the lack of additional financial and professional support as a priority problem. According to the Minority Ombudsman, while the number of segregated educational institutions in Hungary has increased in recent years, there is still a lack of educational policy measures and incentives to generate systemic change. The Minority Ombudsman, reviewing the more general problems, also pointed out in her general comment that the example of the settlement, the school district and the primary school concerned provides general lessons for the experts and national policy-makers on the issue of segregation and integration.

In the light of the above, the Minority Ombudsman proposed to the Deputy State Secretary for Inclusion of the Ministry of the Interior that, in cooperation with local and state bodies, and with the simultaneous provision of adequate financial resources, support and incentive systems, an inclusive, integrative approach to education pilot model programme be developed, which could create again the possibility of co-education of Roma and non-Roma children in the Gyöngyöspata primary school. In this context, she proposed to the head of the Néksei Demeter Primary School to amend the Pedagogical Programme of the school.

She recommended to the Secretary of State for Public Education of the Ministry of Human Resources to develop a targeted financial and methodological support scheme for public education institutions with a share over 15% of disadvantaged and multiply disadvantaged children, including Roma children. This scheme should be aimed at increasing the number, motivation and financial recognition of educational professionals (including teachers, development teachers, psychologists, educational assistants). The Minority Ombudsman considers that the simultaneous presence and coordinated work of several teachers and other education professionals is essential for the successful implementation of integrated education, which is facing serious difficulties due to the shortage of teachers. This is why every effort must be made to ensure, both financially and in professional terms, that the work of teachers

of disadvantaged children is a priority and a highly valued activity within the education system.