

Oral Intervention

Minorities Forum

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Thank you Madame Chair.

I understand we have very limited time. I will speak directly to recommendations 21 and 27.

Recommendation 21 speaks to issues of segregation of minorities in special schools or special classes. A number of speakers have referred to the important recent decision of the European Court of Human Rights in the matter of D.H. and Others v. Czech Republic, in confirming the ban on indirect discrimination against Roma – and by extension also to similarly situated minorities – under the European legal order. That case concerned the arbitrary, racially discriminatory placement of Romani children in so-called special schools for the mildly mentally disabled.

The Grand Chamber of the Court will soon hear another case, potentially implicating far greater numbers of children. The case concerns the placement of children in separate educational arrangements on the pre-textual grounds that they do not adequately know the language of the majority, either against the will of their parents, or after manipulatively securing their “consent”. On these grounds, hundreds of thousands of minority children throughout the world are educated in segregated, substandard facilities. It is very important that para. 21 also address this form of segregation.

Para. 21 should also address segregated education arising from residential segregation and/or other forms of ghettoisation.

Finally, para. 27 provides an important basis from which to recognize that the denial of rights outside the field of education can have a devastating impact on the ability of minorities to realize effectively the right to education. The current draft text would be strengthened via explicit links to the developing international law *acquis*, including but not necessarily limited to the following:

- The right to adequate housing – including a prevalence of forced evictions, and other systemic frustrations of secure tenure;
- Land rights, including the land rights of minorities and indigenous peoples;
- The right to water and sanitation;
- The right to a healthy environment.

Thank you Madame Chair.