

Mark Lattimer
Executive Director
Minority Rights Group International

Madam Chairperson, distinguished delegates

To the many congratulations already made this morning, I would like to add one more: to congratulate the many members of minority communities from all over the world who have come to Geneva to attend this Forum. The Forum on Minority Issues is a body of the Human Rights Council, but it is also *their* Forum, and the success of the Forum over the years to come will depend centrally on their active participation.

Reference has already been made to the Millennium Development Goal of achieving universal primary education. The point was repeatedly made at the Millennium summit that this goal underpins all the other MDGs, that primary schooling is fundamental to realizing human development as a whole. Despite the valuable progress cited by the UN agencies working on this area, I can this morning sadly make a predication: that the goal of achieving universal primary education by 2015 will not be realized. One can begin to appreciate why by simply recalling the widespread denial of primary education among the over 200 million Dalits of South Asia, the more than 100 million Afro-Descendants in Latin America and the populations totalling millions of Pastoralists in East Africa and the Horn, and Batwa, Ba'Aka and Bambuti in Central Africa. The situation for minority girls is particularly serious, as they suffer compound forms of discrimination in education on account of their gender and their minority status. Little progress has been made over the last seven or eight years in addressing the denial of education to such communities, affecting not just millions but tens of millions of minority children.

The High Commissioner for Human Rights referred this morning to the failure of development policies to recognise the often unique circumstances in which minorities find themselves. These circumstances are reflected in a number of obstacles to accessing education, including geographic remoteness, linguistic compatibility and, most often, thoroughgoing social exclusion. To overcome these obstacles we need to remember that education is both the key to human development and at the same time a human right. States are not just empowered to take special measures but have a *duty* to take special and concrete measures to ensure that members of minorities can have full and equal enjoyment of the right to education. They should also pass national or local legislation to overcome barriers to integration. This might involve promoting diverse strategies across the territory of a state, and the recommendations could include a specific reference to the importance of recruiting and training minority-language teachers and bi-lingual teachers in areas of minority habitation.

At the same time, the recommendations could include a clearer language concerning state or local policies of educational segregation, which in the current draft are only 'strongly discouraged'. In the leading case of *D.H. and others v. the Czech Republic*, the European Court of Human Rights made it clear that segregation was itself a form of unlawful discrimination. Criticising the routine placement of Roma in schools for children with learning disabilities, the Court noted that establishing discriminatory intent was not necessary to make a finding of discrimination, a caution to those who plead benevolent intentions to justify such policies. In this regard, the draft recommendations would also benefit from a clear definition of, and prohibition on, indirect discrimination, to capture those cases where a general policy or measure, though couched in neutral terms, has a disproportionate effect discriminating against an ethnic, religious or linguistic group. I should note that the placing of Roma children in schools for those with learning disabilities continues to be widespread across countries in Eastern Europe.

Finally, I would like to welcome the Rapporteur's comments this morning on tertiary education, and would add to that the importance of promoting adult and continuing education. Adult

education is of particular value to members of minorities who may have encountered discrimination in the education system earlier in their lives, as it is to the members of newly-settled communities who seek to learn in order to participate fully in social and economic life. Through the promotion of such education strategies, minorities can gain not just a chance to participate in society, but a *fair* chance.

Thank you