

SUMMARY

of the General Comment 3/2023 of the Minority Ombudsman on the links between class divisions by ability and the educational segregation of Roma children, and the need for inclusion in education

In General Comment 3/2023, the Minority Ombudsman, following an investigation in the complaint case No. AJB-1785/2023, draws attention to the apparently well-intentioned and widely used pedagogical method of separating children according to their ability, which, in certain social and institutional circumstances, is detrimental and leads to a violation of the requirement of equal treatment, or at least to an imminent risk of such a violation.

In many cases, experience shows that selection by ability results in an unjustified segregation of Roma pupils, which not only affects the child's entire school career, but also their future chances in the labour market and in life. Since taking office, the Minority Ombudsman has made the issue of Roma children's success at school a priority, convinced that the path to the uplift of a community that has suffered centuries of exclusion lies first and foremost in effective, disadvantage-free education. In her general comment, she therefore also points out that there are already many good practices of inclusive education in Hungary, and the pedagogical methods needed to adapt them are available to all professionals who are interested in Roma children's equal opportunities education.

In the main case, a parent from village of Tóalmás turned to the Office of the Commissioner for Fundamental Rights because, to her knowledge, at the Kőrösi Csoma Sándor Primary School in Tóalmás, parallel classes had been set up in several grades, which practically only included children of Roma nationality. The pupils in these classes received a lower standard of education and their end-of-year results were markedly worse than those of their peers in the other classes. She also complained that, in addition to the segregation and the less favourable educational conditions, some teachers sometimes spoke to the children in an inappropriate tone and made insulting remarks about their Roma nationality, creating conditions in the school that violated the human dignity of Roma pupils.

The Minority Ombudsman, with the consent of the Commissioner for Fundamental Rights, conducted an investigation into the matter, in the course of which she wrote requests to the school concerned, the Cegléd School District Centre, and the head of the local family support and child welfare service. In order to resolve the discrepancies between the answers received from the authorities and the parent's complaint, the Minority Ombudsman carried out a two-day on-site inspection, during which she and her staff visited the complainant, the family support service, the notary and the mayor of the municipality, the primary school and the Cegléd School District Centre.

Based on the experience of her extensive investigation, the Minority Ombudsman found that the class divisions by ability used in the Kőrösi Csoma Sándor Primary School in Tóalmás resulted in indirect discrimination against the most disadvantaged Roma pupils. These children suffered harm not only by being deprived of an inspiring learning environment and receiving inferior education, but also by feeling humiliated and excluded in the process of segregation. In her general comment, the Minority Ombudsman draws attention to the fact that segregation – in line with domestic judicial practice – in itself causes harm and damage to the child.

Based on the information available to him and the impressions gained during the on-site inspections, the Minority Ombudsman could not rule out the possibility that in previous school years, some teachers of the institution may have made statements that could have violated the human dignity of Roma pupils and could have been used to commit harassment.

Although the school has a very high number of pupils with severe learning difficulties and a high proportion of pupils of Roma ethnicity, the Minority Ombudsman found that, on the basis of the information available, the school's teachers do not use pedagogical methods that could successfully promote the co-education of this heterogeneous group of pupils. In recent years, teachers have not received such training and, according to the maintainer, have not even used the methods they do possess. The Minority Ombudsman points out in her general comment that, although there are many professional arguments to suggest that an inclusive approach using differentiating methods is the most successful way of teaching such communities of children, and the one that guarantees equal treatment, the School has consistently insisted that, where it has the opportunity – i.e. where class size allows – it favours selective class formations according to the ability of children.

The Minority Ombudsman also noted that despite the large number of children from very difficult family backgrounds, the institution does not have a sufficient number of qualified professionals, such as school psychologists, school social workers, or teachers or assistants of Roma origin, who could help the heterogeneous community of the institution to live together without conflicts.

During the investigation it became clear that more active action is needed on the part of the municipal notary in the application and registration of the disadvantaged status/multiple disadvantaged status of children in the municipality, and in providing appropriate information to the persons concerned, as a large number of eligible persons do not apply for that status, they are not aware of its nature, and the registers available in the municipality do not match.

The investigation also revealed that in recent decades, the municipality has experienced significant social tensions resulting from internal migration and demographic changes, as well as the rapid and widespread use of synthetic drugs. Drug use affects more people living in segregated neighbourhoods, putting children at direct risk. In terms of tackling the drug problem, stakeholders would like to see more effective action by the police and there is also a need for cooperation between the police and school to provide drug prevention sessions for children.

The Minority Ombudsman made complex recommendations to the Cegléd School District Centre, the Kőrösi Csoma Sándor Primary School of Tóalmás, the municipal notary of Tóalmás and the Body of Representatives of the Municipality of Tóalmás in order to eliminate the irregularities revealed during the investigation and to avoid them in the future.