

The excluded voices: Kosovo Roma children and right to education during times of emerging crisis - The black swan of COVID-19 and distance learning

“One child, one teacher, one book, and one pen can change the world. Education is the only solution”

Malala Yousafzai (United Nations Youth Assembly, 12 July 2013)

Roma children and the right to equal and proper education are the two other ends of the spectrum. Exposed from one risk to another, Roma children had already recorded poor educational inclusion even before online learning (Bešter, & Janez, 2020) and times of crisis, such as COVID-19, intensified their deprived access to education recalling it as an everlasting challenge. According to the UN Convention on the Rights of Child, every child has the right to proper and equal education and any act that prohibits their educational participation is a human right violation (CRC, 1990). Humanitarian crises, pandemics included, result in human rights concerns and exacerbate pre-existing human rights vulnerabilities (United Nations, n.d), hence as Anon (2021) culminates, human rights violations are brought into light predominantly in times of crisis. Do the times of crisis put on display governments’ lack of preparedness for transparent and inclusive reaction or do they disclose the truth behind the government’s lack of responsibility for vulnerable groups? This dilemma leads to a questionable and paradoxical debate. UNESCO reports that the COVID-19 crisis marked an educational collision on approximately 90% of the world’s students (Derecho a la education, 2020), affecting mostly children from vulnerable groups, for example, Roma children, being the mostly affected children group by the consequences of this crisis (UNESCO, n.d). The most socially isolated and digitally excluded children group in Kosovo, the Roma children, were exposed to a time of hardship while distance learning during the pandemic lockdown.

1. Roma children and access to education during the COVID-19 lockdown in Kosovo

The unpredicted COVID-19 outbreak affected all segments of the population and is particularly detrimental to members of those social groups in the most vulnerable situations (UN, n.d). When an emergency occurs, the right to education is more likely to be violated, hence

children being the victims of this violation as they lose their families, homes, and their childhood; without access to education, they risk losing their future (Ziayee, 2022). The biggest challenges faced by the Roma community during the lockdown in Kosovo were poor access to healthcare and distance learning due to the worsening economic conditions (Luzha, 2020). As a response to the shutting down of schools due to the pandemic lockdown, the Ministry of Education, Science, Technology and Innovation in Kosovo in cooperation with the Municipal Directorate for Education initiated the start of distance learning lessons which were organized as video lectures released in Kosovo's Public Radio Television (Strategy on the rights of the child, 2019-2023).

However, research conducted by Trupia & Madhi (2021) on the post-pandemic education in Western Balkan with a focus on Kosovo's national minorities, concluded that there was discrimination towards the Roma community from Kosovo's government as they did not include the Romani language when releasing the recorded classes in national TV programs (Trupia & Miadhi, 2020). In addition, there were pre-existing disparities and learning gaps in the educational system in Kosovo and the government should focus on addressing these learning gaps, such as weak inclusive education as a result of marginalization and stigmatization (Trupia & Miadhi, 2020). These gaps hypothetically imply that there is the stigmatization of the Roma community in Kosovo by the Kosovar government itself.

Furthermore, the official website of the Ministry of Education in Kosovo published instructions and documents regarding the access to online platform "Zoom" and instructions for the official online channel for access to online lectures from 1st to 9th grade, however, none of these instructions was provided in Romani language (Memeti & Jasharaj, 2020). The crisis exacerbated pre-existing education disparities by reducing the opportunities for children from vulnerable groups – those living in poor or rural areas – to continue their education (UN, 2020). Moreover, the report by Mehmeti (2021) on the impact of COVID-19 on pre-university education in Kosovo, concluded that institutions claimed that they implemented similar approaches for all children regardless of the specific needs of families from vulnerable groups, de facto the online programs (lessons offered through TV) did not provide learning opportunities for all children equally.

Additionally, the Ministry of Education drafted guidelines to assist educational institutions but it is not known whether these guidelines reached all teachers and schools or how they were

implemented with children from vulnerable groups, as not all marginalized groups, such as the Roma community, were included in these supporting measures (Mehmeti, 2021). Furthermore, the Ministry of Education failed to record the data on Roma children's inclusion in online learning during the lockdown, thus, implementing discriminatory practices for Roma children from the Ministry of Education, which in addition, failed to take into account the needs of students from the Roma community while organizing distance learning, as not all Roma children had digital equipment for access in online lectures (REYN, 2021). According to the AIRE Center study (2020) on Covid-19 and the Impact on Human Rights, when education is provided primarily through digital platforms, it is likely to have a discriminatory impact on the right of access to education for individuals from socio-economic disadvantaged groups and children from vulnerable groups, hence minorities.

On top of that, the Kosovar government failed to show sufficient effort in providing financial support for Roma children's access to online lectures. The government was supposed to provide 3000-5000 technological pieces of equipment as planned from the governmental budget to children in vulnerable situations, however, 400 minority children were not provided with technological support, and as a result of this, their participation in online lectures was deprived, and even unachievable (Kids Kosova, 2020). The right to education is a fundamental social right which is protected by the Convention on the Rights of the Child and implemented in the Constitution of the Republic of Kosovo as well (Constitution of Kosovo, Art. 47, 2008).

2. The implementation of the Convention on the rights of the Child and its role in education

The Convention on the Right of the Child and its Optional Protocols are central to children's rights law and their protection, therefore it is relevant universally as the foundational document that sets out the tenets of children's rights law (Vandenhoe et. al., 2019). The necessity for children's rights is argued with children being more vulnerable than adults, therefore, requires special provision and protection by adults and state institutions (Liebel et. al., 2012). From a children's rights perspective, the realization of the right to education recognized in international treaties must be considered under the social, cultural, economic, political, legal, and educational factors that support or impede it (Lorente et. al, 2020). Take into account for instance the 1948 Declaration of Human Rights, the 1966 International Covenant on Economic, Social, and Cultural Rights, and the 1989 Convention on the Rights of the Child illustrating a perspective

based on a broad human rights framework, in which, as Robeyns points out, “Every human being, including every child, has the right to a decent education, even when one cannot be sure that this education will bear fruit in terms of human capital” (Robeyn, 2006; Lorente et. al., 2020).

Nevertheless, the 1959 UN Declaration of the Rights of the Child proclaims that “mankind owes to children the best it has to give” and it consists of ten principles; Principle 5 concerning the right to education states that education is free and compulsory at a minimum in the elementary levels, echoing Art. 26 in UDHR (Vandenhole et. al., 2019). The CRC might be more easily understood when grouped into three Ps :

1. Provision – the right to get one’s basic needs fulfilled – for example, the rights to food, health care, education, recreation and play.
2. Protection – the right to be shielded from harmful acts or practices – for example, to be protected from commercial or sexual exploitation, physical or mental abuse, or engagement in warfare. (Hammarberg, 1990; Vandenhole et. al., 2019).
3. Participation – the right to be heard on decisions affecting one’s own life.

The importance of CRC lies in the fact that it clarifies clearly children’s right to education (Principle 5 from the UN Declaration of the rights of the child) which falls under the first group mentioned above, the Provision group. Furthermore, the CRC is also predetermined to embody general principles of children’s rights as reflected in various provisions of the treaty. These general principles are non-discrimination and the right to equality (Vandenhole et. al., 2019). In countries where the CRC is included in the constitution and the legislative framework, such as in Kosovo, a commitment to the realization of the rights of children and young people is reflected and expected (O’Donnell, 2014). However, the government’s *de jure* and *de facto* actions for Roma children’s education during the COVID-19 lockdown resulted in differences to a greater extent. On the one hand, the Ministry of Education and the government proclaimed that they included and respected the right to education for all children equally, but, on the other hand, the absence of Roma children in online lectures during the pandemic was skyrocketing. The states often tend to not know what is expected from them when affirming the right to education as protected by international law relating to the complex nature of this right which is simultaneously a civil, political, economic, social and cultural right (Beiter, 2005), however,

history has shown that in times of crisis, education is often the first service suspended and the last to be restored (Ziayee, 2022).

3. Roma in the margins: stigmatization in education

Rather than a human right, education emerged to be defined also as a human need (Beiter, 2005) and it should be guaranteed and protected at all times, however governments often fail to protect human rights in times of crisis, particularly those of marginalized groups, such as children (Ziayee, 2022). The stigma that the Roma children face within education is entirely dependent upon social, economic and political power – the stigmatizing process begins with the labelling of the educational differences and associating these differences in academic ability with the established Gypsy stereotype¹, then, the physical and symbolic separation of the Roma children from the rest confirms the low status of the Roma child in the society, hence serves to justify discrimination (New, 2011). This causes irreparable harm to the Roma, being raised with a “stigma of inferiority” indicating that they are denied equal life opportunities, equal education and the benefits of studying in a multicultural society (ERRC, 2004: 9). Children’s right to education is threatened during emergencies and a crisis will always leave an impact on education in one way or another, specifically, children in low-income countries are most vulnerable to such situations (Kariyawasam, n.d).

Online learning revealed how the COVID-19 crisis has increased social and economic inequalities within schools (Engzell et al., 2021); children and their families in disadvantaged communities do not have the Information Communication Technology (ICT) infrastructure and educational resources to learn at home, and as many parents within these communities have themselves not been to school to obtain the necessary skills to help provide distanced learning - it is therefore not of high quality, or even guaranteed, for all students (Tadesse & Muluye, 2020). This is the case for the Roma; it is estimated that 80-95% did not have the technical equipment needed to participate in online learning, they were the most out-of-reach students from teacher contact, and they had lower participation than their non-Roma peers, all of which will have long-term negative consequences (Bester & Pirc, 2020). The COVID-19 pandemic has exacerbated Roma’s exposure to all existing forms of social and structural inequality. Not only does it pose an economic, social and health threat, but also licenses the increased racism against already

¹ a widely spread and essentialist belief about the Roma community labeling them with negative, hence offensive adjectives mainly due to their skin color.

stigmatized groups, thus causing anti-Roma racism and the discriminatory treatment of Roma to spiral during the pandemic (Matache & Bhabha, 2020).

The Covid-19 pandemic and distance learning exposed the issue that the governments may not necessarily have the depth of specialist knowledge to understand how their policies and planning for and during pandemics will be operationalized and what the unintended consequences will be, especially regarding minority children (Leask and Youine, 2021). The unpredicted outburst of the pandemic resulted to reveal the pre-existing learning gaps of Roma children, hence shaping these gaps into stigmatization. These stigmatizations will have longitudinal consequences on Roma children's educational development and if no awareness is raised by the government itself, these children's right to education will remain at the end of the spectrum. Thus fore, the policy decisions made today will determine whether millions of children will be able to reach their full potential or left to face a future of worsening inequality and marginalization, hence determining the world we will see tomorrow (UNICEF, 2012). On that account, it is of high importance to raise awareness of the marginalization that the Roma children experience from the government that was predetermined to protect them because as Frederick Douglass rightly states "it is easier to build strong children than to repair broken men" (Douglass, 1855).²

² In 1855 Frederick Douglass had a series of dialogues with white slave-owners who could not, or would not, comprehend that slavery was morally wrong and it was during these communications that he wrote, "it is easier to build strong children than to repair broken men".

Bibliography

AIRE Center (2020). Covid-19 and the Impact on Human Rights (Overview of the relevant jurisprudence of the European Court of Human Rights <https://www.kmd.al/wp-content/uploads/2020/10/covid-guide-alb.pdf>)

Anon, J. M. (2021) Human rights obligations, especially, in times of crisis. The age of human rights journal.

Beiter, D. K. (2005) The protection of the right to education by international law. International studies in human rights. Martinus Nijhoff. <https://ug1lib.org/book/820236/9d5784>

Bester, R. and Pirc, J. (2020) Impact of remote learning during the Covid-19 lockdown on Roma pupils in Slovenia. Razprave in Gradivo: Revija za Narodnostna Vprasanja, (85).

Convention on the Right of the Child. Part I. entry into force 2 September 1990, in accordance with article 49.

Constitution of the Republic of Kosovo. June 2008. <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=3702>

Derecho a la education (2020) COVID-19 and the right to education: Collated resources.

Engzell, P. et. al. (2021) Learning loss due to school closures during the COVID-19 pandemic. Proceedings of the National Academy of Sciences, 118(17).

ERRC (2004) Stigmata: Segregated Schooling of Roma in Central and Eastern Europe, European Roma Rights Centre [online] Available at: http://www.errc.org/uploads/upload_en/file/00/04/m00000004.pdf [Accessed: 15th April 2022].

Hammarberg, T. (2020) A school for Children with Rights. The Society for International Development. 32.

Kariyawasam, V. A. (n.d.) Even in times of crisis, education is a fundamental right. UNESCO. <https://mgiep.unesco.org/article/even-in-times-of-crisis-education-is-a-fundamental-human-right>

Kids Kosova. Albanian Kids Education. Mësimi online sfidë për komunitetin rom, ashkali e egjiptian gjatë pandemisë. <https://kidsofkosova.net/mesimi-online-sfide-per-komunitetin-rom-ashkali-e-egjiptian-gjate-kohes-se-pandemise/>

Luzha, D. (2020) Pandemic reveals 'systemic' issues faced by Roma, Ashkali and Egyptian communities. Prishtina Insight.

Leask M. and Youine S. (2021) Education for all in times of crisis: Lessons from COVID-19. Education studies & teaching – School education & teaching. Routledge Publishing.
<https://ug1lib.org/book/17409601/1d7806>

Liebel, M. et. al. (2012) Children's rights from below – Cross-cultural perspectives. Studies in childhood and youth. Palgrave Macmillan.

Lorente, L., et. al. (2020) The right to education and ICT during COVID-19: An international perspective. MDPI.

Matache, M. and Bhabha, J. (2020) Anti-Roma racism is spiralling during the COVID-19 pandemic. Health and Human Rights, 22(1).

Memeti, A and Jasharaj D. (2020) Sfidat e komuniteti rom, ashkali dhe egjiptian gjatë pandemisë në Kosovë gjatë pandemisë COVID-19. Koalicioni për integritet dhe transparence në universitet.

Mehmeti (2021). The impact of the COVID-19 pandemic on pre-university education in Kosovo. Kosova Education Center.

New, W. (2011) Stigma and Roma Education Policy Reform in Slovakia, European Education, 43:4, 45-61.

O'Donnell, D. (2014) The Legal Framework for Child Rights in Kosovo : A study of the compatibility of existing legislation with the Convention on the Rights of the Child. UNICEF.

REYN (Romani Early Years Network). (2021) Reducing digital gaps for children of marginalized groups in Kosovo. <https://reyn.eu/reducing-digital-gaps-for-children-of-marginalized-groups-in-kosovo/>

Strategy on the rights of the child 2019-2023. Office on Good Governance. Office of the Prime Minister. The Republic of Kosovo.

Tadesse, S. and Muluye, W. (2020) The impact of COVID-19 pandemic on education system in developing countries: a review. Open Journal of Social Sciences, 8(10), pp.159-170.

Trupia, F and Madhi, G. (2021) Reforming or Reconceptualising Post-Pandemic Education in the Western Balkans? An analysis of Albania, Kosovo and Serbia. Kosovo Foundation for Open Society.

UNESCO (n.d) From disruption to recovery. UNESCO.

UNICEF (2012). Right in Principle and in Practice: A Review of the Social and Economic Returns to Investing in Children. New York.

United Nations (2020) Policy brief: Education during COVID-19 and below.
Accessed from https://www.un.org/sites/un2.un.org/files/sg_policy_brief_covid-19_and_education_august_2020.pdf

United Nations. United Nations Office of the High Commissioner. ODCHE and protecting human rights in humanitarian crises.

United Nations. Everyone included: Social impact of COVID-19. Department of Economic and Social Affairs Social Inclusion.

Vandenhoe W., et. al. (2019) Children's rights: A commentary on the Convention on the Rights of the Child and its Protocols. Edward Elgar Publishing.

Ziayee, M. (2022) Why education is a critical component in times of crisis. Royal Roads University. Accessed <https://www.royalroads.ca/why-education-critical-component-times-crisis>