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**COMPILATION OF FIRST AND SECOND CYCLE  
OPINIONS OF THE ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES IN RESPECT OF ARTICLE 12  
OF THE FCNM**

**Article 12**

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

NOTE: This document has been produced for the seminar on minority education held on 18 October 2006 and does not contain footnotes. For publication purposes, please refer to the original opinions of the Advisory Committee on the Framework Convention.

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## **ALBANIA (First Cycle)**

*Adopted on 12 September 2002*

### **Article 12**

57. The Advisory Committee notes that a number of calls have been made for greater attention to be paid to fostering the knowledge of the culture, history and language of national minorities in schools. Notwithstanding that some work has been carried out to foster such knowledge, the Advisory Committee is pleased to hear that there are plans to review further the school curriculum and the school textbooks. The Advisory Committee, in this respect, considers that it is important that attention is given to national minorities in these changes, and that persons belonging to national minorities are consulted in the revision process. The Advisory Committee highlights the importance of these changes, not just to improve understanding about national minorities but also to ensure that stereotypes of national minorities are removed from all educational materials.

58. The Advisory Committee notes that teacher training is available for teachers of the Greek national minority at the Pedagogical High School in the city of Gjirokaster. The Advisory Committee considers, however, that training will also be needed for teachers of other national minorities if adequate education in and of minority languages is to be offered in accordance with the requirements of Article 14.

59. In relation to Roma children, the Advisory Committee is concerned about a small number of allegations of incidents where Roma children have been denied registration at school or where they have been placed at the back of the class. The Advisory Committee considers that notwithstanding the intervention by the authorities in certain cases, such practices are not compatible with the Framework Convention. Furthermore, the Advisory Committee is also concerned about reports concerning bullying of Roma children and evidence of high absentee rates and low achievement levels of Roma pupils. These latter matters have varied and complex causes, ranging from difficult and dangerous access to the schools (with children having to walk on, and cross, dangerous roads), to the distance of schools from where Roma families live and the precarious financial circumstances of many Roma families. The Advisory Committee encourages the Albanian authorities to take these issues seriously and follow-up on all complaints and petitions received.

60. The Advisory Committee is aware of some of the initiatives being undertaken, in particular by certain non-governmental organisations, in order to improve the situation of Roma children in schools. The Advisory Committee is also aware of the potential importance of the national Roma strategy (see also under Article 4 above) that is being developed, and encourages the Albanian authorities to pay particular attention to the question of education of Roma children in this strategy. In specific terms, the Advisory Committee considers that teachers should be given encouragement and support in order to be more sensitive to the needs of Roma children and their life-style and traditions, and that special assistance programmes for Roma children in schools should be developed further in order to assist those who may lag behind. In this connection there exists a clear need for more Roma teachers and special assistants, for example for those Roma children who may not have learnt Albanian before going to school. The Advisory Committee notes that a key to improving the situation is to ensure that the education system reflects and takes fully into account the language and culture of the Roma, as stipulated in the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe. The Advisory Committee is of the opinion that Albania needs to develop, implement and evaluate further its measures aimed at improving the status of Roma in the educational system and that the proposed Roma strategy, which is to be developed, offers the opportunity of achieving much in this field, even with minimal resources.

61. The Advisory Committee welcomes that there is a Greek language branch at the University in Gjirokaster and notes that there is interest on the part of other minorities to establish additional departments at University to cater for their linguistic and other needs. The Advisory Committee is

therefore of the view that the authorities could examine further the possibility of extending education for these other national minorities at University level.

### **In respect of Article 12**

102. The Advisory Committee *finds* that greater attention should be paid to fostering knowledge of the culture, history and language of national minorities in schools and *considers* that this matter should be examined further in a future review of the school curriculum and the school textbooks.

103. The Advisory Committee *finds* that teacher training is available for teachers of the Greek national minority and *considers* that training will also be needed for teachers of other national minorities.

104. The Advisory Committee *finds* that alleged incidents where Roma children have been denied registration at school or have been placed at the back of the class, are not compatible with the Framework Convention. The Advisory Committee *considers* that particular attention and follow-up should be given to these and other issues - including the high absentee rates and low achievement levels of Roma pupils - in the national Roma strategy that is being developed.

105. The Advisory Committee *considers* that the Albanian authorities could examine further the possibility of extending education of national minority languages at University level.

### **ARMENIA (First Cycle)**

*Adopted on 16 May 2002*

### **Article 12**

63. In the legislative field, the Advisory Committee notes that Article 35 of the Constitution guarantees the right to education to every Armenian citizen. With regard to persons belonging to national minorities, the Advisory Committee is concerned by the fact that, apart from the aforementioned general guarantee, the State does not implement any active educational policy in favour of such persons and provides little or no support for educational initiatives by national minorities. The representatives of national minorities point out that the authorities rely heavily on the action of the persons concerned and the support of kin-States. The Advisory Committee notes the major problems encountered in this connection by the Yezidis and Assyrians, who receive no aid from a kin-State. Notwithstanding the serious economic difficulties faced in the country, it encourages the Government to increase its involvement in this field by means of practical support measures so as to enable such persons to exercise their right to education and to encourage awareness of their culture, history, languages and traditions as well as of those of the majority.

64. As to equal opportunities in access to education, the Advisory Committee notes that persons belonging to national minorities would like the Government to regard such equality as a genuine right necessitating an active contribution from the State. In this context, the Advisory Committee is concerned by the difficulties facing some of the Yezidi children. According to certain sources, the problem of low to non-existent State support, which cannot be offset with aid from any kin-State, is supplemented by a high rate of absenteeism, partly for economic reasons and partly because of the discriminatory attitude of some pupils and teachers. The Advisory Committee considers that the authorities should address this situation and take all the necessary steps to eliminate the shortcomings noted.

65. The Advisory Committee is concerned to note the insufficiency of resources for the proper functioning of schools for national minorities and the consequent shortage of such schools. Among the shortcomings highlighted by representatives of national minorities and largely acknowledged by the Government, the Advisory Committee notes the lack of training officers for schools teaching the

languages of national minorities, the shortage of nursery schools for children belonging to national minorities and the lack of public support in this field, as well as the absence of suitable textbooks and teaching curricula. The Advisory Committee notes that culture, history, religion and the traditions of persons belonging to national minorities are only taught in special Sunday classes, not as part of the general teaching curriculum. It appears that even though the law provides for Sunday schools and other optional classes aimed at studying the language and history of the national minorities, such activities are still fairly low-key and are difficult to run because of lack of State support. The Advisory Committee also notes that pupils belonging to national minorities consider discriminatory the fact that information on admission examinations is published and school competitive examinations are organised exclusively in Armenian. In the Advisory Committee's view, the authorities should take all the necessary steps to eliminate the above-mentioned shortcomings.

66. However, the Advisory Committee notes the positive initiatives taken recently by the Government in the field of access to education. For instance, a department responsible for national minorities has been set up in the Educational Reform Centre of the Ministry of Education and Science. This department is to help prepare study programmes relating to national minorities in the State schools, devise textbooks and seek financial resources, in co-operation with persons belonging to national minorities and their associations.

67. The Advisory Committee also notes that quotas have been set over the past few years to guarantee access by students belonging to national minorities to higher education, and in particular to courses for persons wishing to teach the minority language of their community of origin.

68. The Advisory Committee notes with satisfaction that, in view of their positive experience in this field, the authorities have announced their intention to reinforce bilateral co-operation in the educational field with the kin-States of certain national minorities in Armenia. They are hoping that this will increase the educational opportunities of persons belonging to these minorities, particularly in connection with supplies of school textbooks and teacher training.

69. The Advisory Committee encourages the Armenian authorities to implement the aforementioned measures without delay, consulting those concerned on their specific needs. At the same time, it considers that the shortcomings noted should be more systematically remedied in the specific legislation to be drafted in the field of protecting national minorities and in the corresponding implementation policies.

## **In respect of Article 12**

104. The Advisory Committee *finds* with concern that there is no active state policy in respect of persons belonging to national minorities in the field of education, and that the support offered by the state for the latter's initiatives is insufficient. The Advisory Committee *considers* that the authorities should show greater commitment in this field in order to ensure that these persons can enjoy equal access to education and that they can enjoy awareness of their culture, history, languages and traditions as well as of those of the majority.

105. The Advisory Committee *finds* with concern that there is a shortage of teachers, special curricula and textbooks for schools offering teaching in and of minority languages. It is also concerned that there is a shortage of nursery schools for children belonging to national minorities. The Advisory Committee *finds* that the Assyrians and the Yezidis are particularly affected by these difficulties and that in some cases Yezidi children are being subject to discriminatory attitudes on the part of certain pupils and teachers. The Advisory Committee considers that the authorities should take all necessary measures to rectify these shortcomings.

106. The Advisory Committee *finds* that certain initiatives have recently been taken in the field of access to education and *considers* that the authorities should develop these further, and attempt, as part

of the current legislative process and in consultation with the persons concerned, to identify lasting solutions to the current difficulties.

## **AUSTRIA (First Cycle)**

*Adopted on 16 May 2002*

### **Article 12**

54. The Advisory Committee notes that in Burgenland and Carinthia, the system of bilingual primary schools is a means to meet the requirements of Article 12 of the Framework Convention, one of the aims of which is to facilitate contacts among students and teachers of different communities. It is to be welcomed that these schools are becoming increasingly popular among parents, and that they are also attended by large numbers of pupils belonging to the majority population.

55. Regarding the preparation of textbooks, it seems that there is still a major shortage of books in Burgenland Croatian, and the Advisory Committee can only encourage the Federal and regional authorities to continue to support efforts to prepare and publish such textbooks in co-operation with Burgenland's Croat associations. More generally, the Advisory Committee considers that the authorities should make sure the needs in the field of textbooks for persons belonging to the various national minorities are met.

56. The Advisory Committee notes that the culture and language of national minorities are broadly disseminated in some of the autochthonous settlement areas of national minorities, mainly Burgenland and Carinthia, but that much remains to be done in other autochthonous settlement areas such as in Styria or Vienna. The Advisory Committee expresses the wish that the authorities will continue their efforts to increase the multicultural and multi-ethnic components of school curricula, particularly outside autochthonous settlement areas of national minorities.

57. The Advisory Committee welcomes the fact that, as a result of the determined efforts of the authorities in recent years, there are no longer any Roma attending special schools for mentally disabled children in the main autochthonous settlement area of this minority in Burgenland. It is of the opinion that other regions could draw inspiration from this achievement. The Advisory Committee notes that, for many Roma who have arrived in Austria more recently and live outside Burgenland, there is still a major need for additional educational measures. It considers therefore that the authorities should step up their support activities in this field so as to promote genuine equality of opportunities in access to education at all levels (see related comments under Article 4).

### **In respect of Article 12**

91. The Advisory Committee *finds* that there is still a major shortage of textbooks in Burgenland Croatian. It *considers* that the Federal and regional authorities should continue to support efforts to prepare and publish such textbooks in co-operation with Burgenland's Croat associations. More generally, the Advisory Committee *considers* that the authorities should make sure the needs in the field of textbooks for persons belonging to the various national minorities are met.

92. The Advisory Committee *finds* that the culture and language of national minorities are broadly disseminated in some of the autochthonous settlement areas of national minorities, mainly Burgenland and Carinthia, but that much remains to be done in other autochthonous settlement areas such as in Styria or Vienna. The Advisory Committee *considers* that the authorities should continue their efforts to increase the multicultural and multi-ethnic components of school curricula, particularly outside autochthonous settlement areas of national minorities.

93. The Advisory Committee *finds* that there are no longer any Roma attending special schools for mentally disabled children in the main autochthonous settlement area of this minority in

Burgenland but that there is still a major need for additional educational measures for many Roma who have arrived in Austria more recently and live outside Burgenland. The Advisory Committee *considers* that the authorities should step up their support activities in this area so as to promote genuine equality of opportunities in access to education at all levels.

## **AZERBAIJAN (First Cycle)**

*Adopted on 22 May 2003*

### **Article 12**

61. The Advisory Committee supports international initiatives aimed at ensuring that history textbooks and other educational materials do not foster negative stereotypes of national minorities and considers that the results of such initiatives should be taken into account by the Azerbaijani authorities in their efforts to reach this goal.

62. The Advisory Committee notes that the limited availability of textbooks and teachers is an obstacle in the context of the teaching of many of the minority languages of Azerbaijan. For example, concerns have been expressed that the shortcomings with respect to up-dated textbooks in Lezgin, Talysh and Tat languages and lack of Kurdish teachers have hampered the development of education for the minorities concerned. The Advisory Committee welcomes the fact that the authorities, while referring to economic constraints, recognise that shortcomings exist in this sphere. The Advisory Committee suggests that this issue is kept under constant review by the Government with a view to addressing any shortcomings.

63. The Advisory Committee notes that Azerbaijan is currently introducing reforms concerning the role of the Azerbaijani language in education. While considering the aim to promote the Azerbaijani language in education to be fully legitimate, the Advisory Committee underlines that these reforms must be designed, implemented and monitored carefully so that they do not harm equal access of persons belonging to national minorities to education at all levels. In this connection, the Advisory Committee notes the concerns by certain representatives of national minorities that the increased requirements concerning the use of the Azerbaijani language and Latin alphabet notably in the context of higher education have been introduced without adequate preparation, resources and support for persons belonging to national minorities and that a more gradual transition would therefore have been preferable. The Advisory Committee encourages the authorities to keep this issue under constant review in consultation with representatives of national minorities and introduce amendments if necessary (see also related comments under Article 14 below).

### **In respect of Article 12**

112. The Advisory Committee *finds* that international initiatives aimed at ensuring that history textbooks and other educational materials do not foster negative stereotypes of national minorities are important and *considers* that the results of such initiatives should be taken into account by the Azerbaijani authorities in their efforts to reach this goal.

113. The Advisory Committee *finds* that the limited availability of textbooks and teachers is an obstacle in the context of the teaching of many of the minority languages of Azerbaijan and *considers* that this issue should be kept under constant review by the Government with a view to addressing any shortcomings.

114. The Advisory Committee *finds* that Azerbaijan is currently introducing reforms concerning the role of the Azerbaijani language in education and that there are reports suggesting that certain aspects of the said reform have been introduced without adequate preparation, resources and support for persons belonging to national minorities. The Advisory Committee *considers* that the authorities

should keep this issue under constant review in consultation with representatives of national minorities and introduce amendments if necessary.

## **BOSNIA AND HERZEGOVINA (First Cycle)**

*Adopted on 27 May 2004*

### **Article 12**

84. The Advisory Committee notes that on-going discussions in the field of primary and secondary education essentially focus on the status of the Serbian, Croatian and Bosnian languages and curricula and the ways and means to put an end to the so-called “two schools under one roof”, i.e. separate classes for Croat and Bosniac pupils which still exist *de facto* in certain parts of the Federation, particularly in Canton 6 (Middle Bosnia) and Canton 7 (Hercegovina Neretva). The current reform, which was accepted by Bosnia and Herzegovina as a Council of Europe post-accession commitment, also aims at moving from three distinct curricula - and set of textbooks - to a common core curriculum supplemented by a “national group of subjects”. The unification process of some 52 schools in the Federation, which have operated separate and completely parallel systems while coexisting in the same school buildings, has however met with difficulties and resistance, notably from Croat officials arguing that they need to maintain their own school system in order to avoid assimilation.

85. The Advisory Committee underlines that in the case of Bosnia and Herzegovina, the principles set out in Article 12, paragraph 2 of the Framework Convention, namely to facilitate contacts among students and teachers of different communities, are of central importance. The need to promote the reconciliation process and to enhance national cohesion at all levels in the post-conflict rehabilitation phase makes it crucial to eliminate elements of segregation such as using separate entrances for the same school buildings or peer pressure encouraging intolerance towards pupils from another ethnicity. Moreover, efforts to introduce a common core curriculum should be instrumental in facilitating the integration of returnee children and student mobility, which remains a challenge given the number of displaced persons and refugees (see related comments under Article 6 above, paragraph 66). In a longer-term perspective, efforts should also be made to encourage common approaches to the remaining ‘national group of subjects’ as well. At the same time, the Advisory Committee emphasises that the education reform and the unification process should take place in a manner that fully respects the principles enshrined in Article 14 of the Framework Convention concerning teaching of/in minority languages and ensures that persons belonging to each of the three constituent peoples have an equal right to use their language, without discrimination.

86. Given the allocation of powers between the State and the Entities - and particularly the Cantons which are responsible for educational matters in the Federation -, there is an urgent need to coordinate matters in the field of education to ensure that the principles of Articles 12 and Article 14 of the Framework Convention are consistently reflected in legislation and practice throughout the territory of Bosnia and Herzegovina. The Advisory Committee therefore welcomes the adoption on 17 February 2004 of an “Action Plan on the Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina” by the Entities and Cantonal Ministers of Education. This Plan, which has been developed at the initiative of the OSCE following an eight-month consultation process with the various actors concerned, constitutes a sound basis for the competent authorities to try and meet the needs of the national minorities and especially the Roma. It builds upon three key instruments developed with the active participation of the Council of Europe: the May 2000 Education Agreement signed by the Ministers of Education of the three constituent peoples, the Education Reform Agenda, presented by the Ministers of Education and endorsed by the Peace Implementation Council in November 2002, as well as the 2003 Framework Law on Primary and Secondary Education in Bosnia and Herzegovina. The Action Plan calls for systematic action to ensure equal access to education for all and accommodation of educational needs for pupils belonging to national minorities.



87. As regards Article 12, paragraph 1 of the Framework Convention, the Advisory Committee notes that to date, measures to foster knowledge of the culture and history of national minorities are insufficient. As proposed by the Action Plan, such measures should be intensified with a view to giving all pupils a real chance to be acquainted with the multi-cultural character of Bosnia and Herzegovina. The Advisory Committee is indeed of the opinion that the benefits of inclusion and mainstreaming national minority issues into education could be instrumental in the post-conflict reconstruction effort.

88. Until recently, textbooks in the fields of history, literature, geography and social sciences have reportedly contained nationalist views and each school system (Bosniac, Croat and Serb) has presented its own interpretation of recent history. Against this background, the Advisory Committee welcomes the four-year process carried out by the Textbook Review Commission, which agreed to remove ethnically offensive terminology from some textbooks, to revise maps so as to present Bosnia and Herzegovina as a single State as well as to deal with controversial events from the past 10 years in a dispassionate way. The Advisory Committee encourages the authorities to continue this review process as well as the development of guidelines for history and geography textbook developers, an initiative supported jointly by the Council of Europe and the OSCE, to improve further the quality of textbooks.

89. The Advisory Committee is deeply concerned about the access of Roma children to education in Bosnia and Herzegovina. As recognised in the aforementioned Action Plan, a large majority of Roma children are unable to attend school due to their extremely poor living conditions. This often prevents their parents from providing them with proper clothing, textbooks and supplies. Transportation fees as well as small daily allowances for food are further obstacles faced by poor Roma families wishing to send their children to school. Discrimination and verbal harassment, including prejudicial attitudes towards the Roma by some teachers, school administrators and by other pupils, have also been signalled in some instances, which undermine Roma parents' confidence in the school system. The Advisory Committee therefore urges the authorities to tackle these problems with increased vigour. As a result of these and other factors, such as the lack of documentation for registration of children (see related comments under Article 4 above), the presence of Roma in schools is low and Roma pupils are nearly absent in the later grades of primary education and in secondary education. Reportedly, the percentage of Roma girls attending schools is much lower than that of the boys, a factor that merits increased attention from the authorities.

90. The Advisory Committee considers that the aforementioned Action Plan contains a number of proposed measures that, if properly implemented, could significantly improve the situation of the Roma in education. In this context, the Advisory Committee was pleased to learn that 4 Cantons of the Federation as well as the Republika Srpska have already set aside specific appropriations in their 2004 budget to start implementing the Action Plan. Other Cantons should follow suit and secure as a matter of priority funds, *inter alia* for procurement of textbooks, supplies, meals and transport fees, as required by the Action Plan and by Article 18 of the 2003 Framework Law on Primary and Secondary Education. The Advisory Committee considers that successful implementation of this Action Plan will to a large extent depend on the degree of commitment of all the authorities concerned. The Advisory Committee finds it important that the authorities intensify their efforts in this sphere, in particular to monitor and support - including amongst Roma parents - the implementation of legal provisions concerning compulsory education and school attendance. This should be done in consultation with the persons concerned and also bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

### **In respect of Article 12**

144. The Advisory Committee *finds* that the principles set out in Article 12, paragraph 2 of the Framework Convention, namely to facilitate contacts among students and teachers of different communities, are of central importance in Bosnia and Herzegovina. It *considers* it crucial to eliminate

elements of segregation such as using separate entrances for the same school buildings or peer pressure encouraging intolerance towards pupils from another ethnicity. The Advisory Committee also *considers* that the education reform and the unification process should take place in a manner that fully respects the principles enshrined in Article 14 of the Framework Convention.

145. The Advisory Committee *finds* that measures to foster knowledge of the culture and history of national minorities are insufficient. It *considers* that such measures should be intensified with a view to giving all pupils a real chance to be acquainted with the multi-cultural character of Bosnia and Herzegovina, as proposed by the “Action Plan on the Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina”.

146. The Advisory Committee *finds* that problems concerning the access of Roma children to education are reason for concern, in particular since a large majority of Roma children are unable to attend school due to their extremely poor living conditions. The Advisory Committee *considers* that the aforementioned Action Plan contains a number of proposed measures that, if properly implemented, could significantly improve the situation of the Roma in education. It also *considers* that successful implementation of this Action Plan will to a large extent depend on the degree of commitment of all the authorities concerned and that the authorities should intensify their efforts in this sphere, in particular to monitor and support - including amongst Roma parents - the implementation of legal provisions concerning compulsory education and school attendance.

## **BULGARIA (First Cycle)**

*Adopted on 27 May 2004*

### **Article 12**

84. The Advisory Committee notes that the Bulgarian education system lacks a tradition of promoting knowledge of minorities' culture, history, language and religion. At the present stage the curriculum and teaching resources contain few elements that would reflect the diversity of Bulgarian society and help the system open up to multiculturalism, the emphasis being placed more on the culture, values and history of the majority. Although minorities' cultures and history are studied in Bulgarian universities and research institutes, this cannot suffice to give an intercultural perspective to the entire Bulgarian education system, including at primary and secondary levels, so as to enable pupils to develop a spirit of tolerance and receptiveness to diversity (see also the comments relating to Article 6 above).

85. Whereas certain local authorities and representatives of the educational sector describe the climate in schools as being frequently one of tolerance and mutual respect, it is nevertheless clear that the deficiencies remaining in this regard are underestimated. The Advisory Committee notes with concern that according to certain sources the information conveyed in history courses regarding certain minorities is often negative and presented in an excessively emotional manner, which is liable to strengthen existing prejudices. As to the Roma, their history, culture and traditions are virtually missing from the schoolbooks in current use. At the same time, the hostile attitudes towards Roma children which may be encountered in schools on the part of some teachers, pupils or parents are in turn liable to instil in the younger generation the negative image associated with this community.

86. The Advisory Committee encourages the authorities to revise history and literature textbooks and any other teaching instruments capable of conveying a damaging image of minorities and their cultures, and to take the necessary steps to remedy the deficiencies observed. It notes with interest the recent preparation, with active participation by non-governmental organisations, of educational instruments reflecting the history and culture of minorities, Roma included. Most of these instruments have been approved by the Ministry of Education and Science, and tested under pilot schemes. The Advisory Committee encourages the authorities to support reproduction and the distribution of these

instruments in Bulgarian schools, and also to ensure an intercultural perspective in the training of future teachers.

87. The Advisory Committee notes in this respect that a Department for the Cultural Integration of Minorities was set up in 2001 within the Ministry of Education and Science which adopted an Instruction on integration of children and pupils belonging to minorities in September 2002. Likewise, it greets certain commendable initiatives in this area, such as the staff training programmes and the provision of “assistant teachers” in the schools concerned, the introduction of compulsory attendance for the first year of pre-school education, and more specific projects seeking fuller integration of Roma children into the school system. The Advisory Committee observes that these measures apply both to children and to the education of young people and adults, and are also designed to meet the needs of other groups subject to difficulties regarding education (Turks in particular).

88. Despite these measures, the Advisory Committee is deeply concerned over the difficulties facing the Roma in education. The Advisory Committee finds it most alarming, although the phenomenon has been acknowledged by the authorities and its elimination proclaimed as a priority, that nearly 70% of Roma children are kept apart in separate schools located in the Roma settlement areas where material conditions are inferior and the standard of education usually below what is generally characteristic of Bulgarian schools. The Advisory Committee considers that this situation places Roma pupils at a disadvantage and may form an impediment to the application, where they are concerned, of Article 12 and of the principle of intercultural dialogue stated in Article 6 of the Framework Convention. The Advisory Committee notes that the measures taken for streaming these pupils into mixed (“integrated”) schools, often in co-operation with non-governmental organisations, frequently encounter considerable difficulties including the hostility of certain school directors and teachers, and that the progress noted is limited. Moreover, it appears that the financial resources essential to their implementation did not back the specific measures envisaged in the Plan of Action adopted in September 2003.

89. The Advisory Committee is also deeply concerned by the fact that the unwarranted assignment of Roma children to the “special” schools for children with mental disabilities continues to be reported, a situation which is not compatible with Article 12 paragraph 3 of the Framework Convention. The Advisory Committee is pleased to learn that stricter criteria aimed at averting unwarranted enrolment of Roma children in such schools were introduced in 2002, and urges the authorities to ensure that the criteria are observed in future as well as to remedy the shortcomings observed here.

90. Besides the phenomenon described above, Roma are confronted with other serious problems regarding access to education, although various initiatives have been launched to improve matters (no fees for the pre-school year, introduction of preparatory classes intended for children belonging to minorities, etc.). The great socio-economic hardship of the families, the poor quality of the education delivered in the schools which they attend, the neglect of Romani in the education process, compounded by limited knowledge or ignorance of Bulgarian, have led to substantial numbers of Roma children not enrolling in, and dropping out, of school even before finishing elementary level. Levels of absenteeism are high, and school achievement levels discouraging. The Advisory Committee is deeply concerned that, according to non governmental sources, between the 1992 and 2001 censuses a dramatic increase of about 60% in the percentage of illiteracy among the Roma population was noted. The Advisory Committee urges educational authorities to take immediate action in this respect, including specific awareness raising measures directed towards the Roma families themselves.

91. In view of this overall situation of Roma children, the Advisory Committee urges the authorities to make all appropriate efforts to improve their educational position, ensuring systematic consultation of the families taking into account the principles set out in Recommendation No. (2000) 4 of the Committee of Ministers on the education of Roma/Gypsy children in Europe. Specific attention should also be paid in this context to the educational needs of young people and adults belonging to the Roma community.

92. Having taken note of a recent decision by the authorities to devise a long-term strategy for the school integration of children belonging to minorities, the Advisory Committee, while welcoming the decision, wishes to impress upon the authorities the urgency of finding solutions to the problems without further delay through concrete measures established in consultation with the persons concerned and coupled with the necessary resources.

### **In respect of Article 12**

132. The Advisory Committee *finds* that despite the measures recently taken in this respect, equal opportunity in access to education is not yet secured to Roma, who continue to face difficulties such as their isolation in schools, unwarranted placement of some in "special" schools, poor school attendance, drop-out rates, increasing illiteracy, and lack of suitable teaching material. The Advisory Committee *considers* that the authorities should step up efforts to remedy the deficiencies observed and to promote the proper school integration of Roma children.

133. The Advisory Committee *finds* deficiencies in the promotion of knowledge of culture, history and traditions of minorities in Bulgarian education, and *considers* that the authorities should take positive measures to give the Bulgarian education system a genuine intercultural perspective conducive to tolerance and openness to dialogue and diversity.

### **CROATIA (First Cycle)**

*Adopted on 06 April 2001*

### **Article 12**

47. The Advisory Committee welcomes the initiatives, co-ordinated by the Ministry of Education, to conduct independent reviews aimed at ensuring that history textbooks do not foster negative stereotypes of national minorities and considers that the resulting findings that contribute to the reaching of this goal should be fully implemented.

48. The Advisory Committee has been informed about the problems of securing adequate textbooks for persons belonging to national minorities especially in secondary schools. Considering the importance of the matter, the Advisory Committee suggests that this issue is kept under constant review by the Government with a view to addressing any shortcomings, including through bilateral co-operation.

49. While recognising that there appears to be no large-scale separation of Roma children within the educational system of Croatia, the Advisory Committee is highly concerned about reports that in certain schools, Roma children are placed in separate classes and school facilities are organised and operated in a manner that appears to stigmatise Roma pupils. The Advisory Committee stresses that placing children in separate special classes should take place only when it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests. The Advisory Committee supports the efforts of the office of the Ombudsman to review this situation with a view to ensuring that Roma children have equal access to, and opportunities to continue to attend, regular classes. The Advisory Committee is aware of the reservations expressed by some Roma with respect to the integration of Roma pupils in regular classes and supports efforts to involve Roma parents and Roma organisations in the process aimed at remedying the current situation. The Advisory Committee considers that a key to reaching this aim is to secure that the education system reflects and takes fully into account the language and culture of the minority concerned, as stipulated in the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe. The Advisory Committee notes that the Government of Croatia adopted in July 1998 a "Programme of Integration of Roma Children in the Educational and School System" which contains a number of useful ideas in this respect. The text of the Programme appears however rather cursory in nature, and the Advisory Committee considers that Croatia needs to

develop, implement and evaluate further its measures aimed at improving the status of Roma in the educational system.

### **In respect of Article 12**

The Committee of Ministers *concludes* that there exist important initiatives on independent reviews aimed at ensuring that history textbooks do not foster negative stereotypes of national minorities. The Committee of Ministers *recommends* that the findings of such reviews be fully implemented.

The Committee of Ministers *concludes* that there have been problems with regard to securing adequate textbooks for persons belonging to national minorities especially in secondary schools and *recommends* that the Government keep this issue under constant review with a view to addressing any shortcomings.

The Committee of Ministers *concludes* that in certain schools in Croatia, Roma children are reportedly placed in separate classes, and school facilities are organised and operated in a manner that appears to stigmatise Roma pupils. The Committee of Ministers *recommends* that this question be reviewed, and necessary measures taken, with a view to ensuring that Roma children have equal access to, and opportunities to continue to attend, regular classes, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

### **CROATIA (Second Cycle)**

*Adopted on 01 October 2004*

#### **Content of history textbooks**

##### *Findings of the first cycle*

119. In its first Opinion, the Advisory Committee underlined the importance of the pending projects launched to ensure that history textbooks do not foster negative stereotypes.

#### **Present situation**

##### **a) Positive developments**

120. Following the expiry of the agreed moratorium on the teaching of recent history (1989-1995) in the Danube region in 2003, the authorities set up a commission to prepare a supplement to history textbooks, containing objective coverage of that period.

##### **b) Outstanding issues**

121. Pending the completion of the work of the above-mentioned commission, the pupils are using the old history textbooks, the content of which has prompted some criticism amongst persons belonging to the Serbian national minority.

122. At the same time, it has been stressed that efforts to ensure that history textbooks cover war-related and other events in a balanced manner should not be restricted to the books made available for the Serb pupils but should cover history textbooks more generally.

### *Recommendations*

123. The authorities should continue to assist the work of the commission working on the history supplement so that the new texts can be made rapidly available to pupils. They should also ensure that all history textbooks used in Croatian schools offer an equally balanced picture of the past events.

### **Availability of textbooks in minority languages**

#### *Findings of the first cycle*

124. In its first Opinion, the Advisory Committee urged the authorities to address the problem of securing textbooks for persons belonging to national minorities.

#### *Present situation*

##### Outstanding issues

125. A lack of up-to-date textbooks continues to be a serious problem for persons belonging to certain national minorities, in particular in secondary schools, to the extent that it may be a factor in the decisions of some pupils not to opt for minority language teaching.

### *Recommendations*

126. The Croatian authorities should address the problem of textbooks as a matter of priority in order to ensure equal treatment of persons belonging to national minorities in the educational system. In addition to ensuring adequate domestic production of textbooks, the authorities should also consider approving to a greater extent, where appropriate, the use of books produced in the kin State of the minority concerned in accordance with Article 15 of the Law on Education and Schooling in a National Minority Language and Script.

### **Education of Roma children and contacts amongst pupils from different communities**

#### *Findings of the first cycle*

127. In its first Opinion, the Advisory Committee expressed concern over the placing of Roma children in separate classes and their stigmatisation in certain schools and called on the authorities to take further measures to improve the status of Roma in schools.

#### *Present situation*

##### a) Positive developments

128. The authorities seem to be increasingly sensitive to the problems of Roma children in education and have launched new initiatives, including at the pre-school level, which are aimed at improving the situation and attendance of Roma children in schools. The National Programme for the Roma details a number of laudable measures that could help to further the protection of the Roma in the educational system, such as the employment of Roma assistant teachers in regular classes and provision of free meals for children.

## b) Outstanding issues

129. The placing of Roma children in separate classes appears to be increasingly rare in Croatia, but this practice, which has been challenged in pending legal cases, continues in some schools in Medjmurje county. The National Programme for the Roma also endorses the idea of separate first grade, Roma-only classes for those who have not attended pre-school and are not proficient in the Croatian language. Such classes do not appear to be set up to foster teaching in or of Roma language or other elements of Roma culture, but rather to assist the children to obtain basic Croatian language and other skills so that they can meet the demands of the educational system. While recognising that these are valuable aims, the Advisory Committee considers that pupils should not be placed in such remedial, separate classes on the basis of their affiliation with a national minority but rather on the basis of the skills and needs of the individuals concerned, and where such placing is found necessary, it should be for a limited period only.

130. In addition to the above-mentioned Roma issues, there are also problems in respect of ensuring contacts between pupils of other communities in accordance with Article 12 of the Framework Convention. In Vukovar, the students with instruction, respectively, in Serbian and Croat, while formally attending the same school, are in some instances educated in separate facilities. The Advisory Committee acknowledges that separate classrooms are often required to introduce instruction in minority languages, but it stresses that this does not necessitate altogether divided facilities within the same school.

### *Recommendations*

131. Croatia should fully implement the valuable educational initiatives contained in the National Programme for the Roma, including those promoting increased attendance of Roma children in pre-schools. The envisaged remedial first-grade classes should, however, not be conceived *a priori* as Roma classes, but as classes to which individuals are placed on the basis of their skills and needs, regardless of their ethnicity.

132. The authorities should encourage improved contacts between pupils of different communities, including through co-operation with non-governmental organisations and by addressing the cases where pupils attending the same school are placed in altogether divided facilities, according to their choice of language.

## **CYPRUS (First Cycle)**

*Adopted on 06 April 2001*

### **Articles 12-14**

39. The Advisory Committee notes with approval the regulatory possibilities and budgetary support available for minority education in Cyprus at primary, secondary and higher levels of education and equally notes a high degree of satisfaction of persons belonging to national minorities in this respect. The Advisory Committee welcomes in particular the recent decision taken by the Government to establish an elementary school for the Maronites (see also comments under Article 5).

## **CZECH REPUBLIC (First Cycle)**

*Adopted on 06 April 2001*

### **Article 12**

60. The Advisory Committee welcomes the considerable efforts made recently by the Czech Republic in the area of education with respect to the implementation of Article 12 of the Framework Convention. The Advisory Committee observes that the Government is self-critical with regard to the lack of attention given to the culture, history and language of national minorities in schools and deems it necessary to redouble efforts in this area (see comments under Article 6).

61. The system of so-called "special" schools has recently been the subject of much attention. While these schools are designed for mentally handicapped children, it appears that many Roma children who are not mentally handicapped are placed in these schools due to real or perceived language and cultural differences between Roma and the majority. The Advisory Committee considers that such practice is not compatible with the Framework Convention. The Advisory Committee stresses that placing children in such special schools should take place only when it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests.

62. The "special" schools have led to a high level of separation of Roma pupils from others and to a low level of educational skills in the Roma community. This is recognized by the Czech authorities. Both governmental and civil society actors agree on the need for a major reform. There is however disagreement about the precise nature of the reform to be carried out, of the amount of resources to be made available in this respect and of the speed with which reforms are being implemented. The Advisory Committee is of the opinion that the Czech authorities should develop the reform, in consultation with the persons concerned, so as to ensure equal opportunities for access to schools for Roma children and equal rights to an ordinary education, in accordance with the principles set out in Committee of Ministers Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

63. The Advisory Committee notes with approval the initiatives that have been taken to establish so-called zero-classes, allowing the preparation of Roma children for basic school education, inter alia by improving their Czech language skills and would encourage these facilities being made more broadly available. Furthermore the Advisory committee considers the creation of posts of Roma pedagogical advisors in schools, a civil society initiative, to be a most positive step. The Advisory Committee encourages the State authorities in its efforts to ensure the increase and development of such posts. A further crucial objective remains to encourage a much higher number of Roma children accessing and successfully completing secondary education. The Advisory Committee notes that there appears to be no serious complaints about the possibilities for persons belonging to national minorities to receive an education, with the exception of those complaints relating to Roma.

### **In respect of Article 12**

The Committee of Ministers *concludes* that, despite the measures taken in the field of education, insufficient attention is still paid to the culture, history and language of the national minorities in the Czech Republic's education system and *recommends* that the Czech authorities redouble their efforts in this area.

The Committee of Ministers *concludes* that the practice of placing a high percentage of Roma children in so-called "special" schools results in distinct separation of these children from the majority school population and the maintenance of low educational levels among persons belonging to the Roma minority. The Committee of Ministers *concludes* that such practice is not compatible with Article 12 of the Framework Convention. The Committee of Ministers *recommends* that the Czech Republic devise new measures to guarantee equal opportunities for access to schools for Roma children and for



receiving a standard education in them, bearing in mind the principles set out in Committee of Ministers Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

The Committee of Ministers *concludes* that the steps taken by the Czech authorities to prepare Roma children for basic school education, through the so-called “zero” classes, are commendable, as is the creation of posts for Roma educational advisers in schools, and *recommends* that the authorities pursue these measures and take other initiatives to ensure that an increased number of Roma children will have access to secondary education and complete it successfully.

## **CZECH REPUBLIC (Second Cycle)**

*Adopted on 24 February 2005*

### **Intercultural dimension of education**

#### *Findings of the first cycle*

133. In its first Opinion on the Czech Republic, the Advisory Committee called on the authorities to redouble their efforts to ensure that information on the culture, history and languages of minorities was more effectively disseminated in schools.

#### *Present situation*

##### **a) Positive developments**

134. The Advisory Committee is pleased to note that, as part of its integration policy, the Czech Government has in recent years paid increasing attention to making people aware, from a very early age, of the importance of human rights, tolerance and multicultural dialogue. In this connection, it has devised a strategy for the teaching of human rights and tolerance - which also covers questions relating to national minorities.

135. The Advisory Committee welcomes the establishment by the Government, in 2002, of a Training Centre for Democratic Citizenship under the auspices of the Ministry of Education. One of its tasks is to introduce teachers of all levels (from primary school to university), the staff of psycho-educational centres and school inspectors, to the concept of multicultural education and train them to promote it in their work.

136. The Ministry of Education also supports programmes devoted to multicultural education by universities and research centres, and subsidises the production of teaching programmes and materials for national minorities. National campaigns against racism have been organised yearly since 1999, and these include also projects to promote multicultural education, which are run by NGOs in co-operation with schools, libraries and other educational establishments.

##### **b) Outstanding issues**

137. While welcoming the above mentioned recent developments, the Advisory Committee notes that much remains to be done to ensure that the traditions, languages and cultures of national minorities are genuinely known and appreciated in Czech schools. Minority representatives themselves consider that their cultures, languages and traditions get limited attention - or are even altogether absent in some cases - in Czech schools.

138. The Advisory Committee's dialogue with minority representatives has also shown that certain persons belonging to national minorities (for example, Russians, Serbs, Ukrainians and Roma), both children and adults, have a poor grasp of the Czech language, and face communication problems with the majority. The Advisory Committee understands that this applies, not only to persons who have

arrived recently, but also to elderly people who have been living in the country for a longer period of time.

#### *Recommendations*

139. The authorities should pursue and extend the initiatives they have introduced in recent years to reinforce the intercultural element in education, with a view to fostering mutual knowledge and dialogue between the majority and the various minorities. Greater efforts are needed to teach the Czech language to persons belonging to certain minorities, without prejudice to the obligations under Article 14 of the Framework Convention.

#### **Equal access to education. The situation of the Roma.**

##### *Findings of the first cycle*

140. In its first Opinion on the Czech Republic, the Advisory Committee expressed concern at the educational situation of the Roma, and considered that the practice of undue placing of Roma children in “special” schools was not compatible with the Framework Convention. The authorities were encouraged to continue their efforts to eliminate isolation of these pupils, and find other ways to improve their educational situation.

##### *Present situation*

##### **a) Positive developments**

141. The Advisory Committee notes that the authorities are genuinely committed to improving the educational situation of Roma children, and are trying, in various ways, to realise this aim in practice. The Advisory Committee notes, above all, that the authorities are paying special attention to the unjustified placement of Roma children in “special” schools, reserved *de jure* for mentally disabled children who cannot successfully be educated in basic schools or in specialised elementary schools. It notes, in particular, the authorities’ commitment to put an end to such practices.

142. Tests and methods used to assess children’s intellectual abilities upon school enrolment have already been revised with a view to ensuring that they are not misused to the detriment of Roma children. Moreover, according to the authorities, the new Education Act (Act N° 561/2004 Coll.), which entered into force in January 2005, also introduces changes in the Czech system of education.

143. In addition to these changes, special educational programmes have been launched to help Roma children overcome their problems. These include waiving fees for the last year of pre-school education, relaxing the rules on minimum class sizes, more individualised education, appointing educational assistants (mostly Roma), as well as producing methodological handbooks and guidelines for teachers working with Roma children. Preparatory pre-school classes have also been organised for Roma children, and these have worked well, although on a fairly limited scale. To accommodate all the children concerned, these measures should be applied more widely.

144. The Advisory Committee also takes note of the special support programme for Roma access to secondary and higher education, and of the efforts made to build up a network of qualified Roma teachers and educational assistants. To ensure that Roma cultural identity gets more positive treatment in schools, special sections dealing with their culture, history and traditions have been opened at several universities. A textbook covering their history and lifestyle has also been commissioned by the Ministry of Education.

## b) Outstanding issues

145. Although constant monitoring and evaluation of the school situation of Roma children is one of the Government's priorities, the State Report says little about the extent to which they are currently integrated in schools, or the effectiveness and impact of the many measures taken for them. The Advisory Committee notes with concern that these measures have produced few improvements. It also notes that local authorities do not systematically implement the Government's school support scheme, and do not always have the determination needed to act effectively in this field.

146. The Advisory Committee notes with concern that, according to non governmental sources, a considerable number of Roma children are still being placed, at a very early age, in "special" schools, and that revision of the psychological tests used in this context has not had a marked impact. According to non official estimates, Roma account for up to 70% of pupils in these schools, and this – having regard to the percentage of Roma in the population – raises doubts concerning the tests' validity and the relevant methodology followed in practice.

147. This situation is all the more disturbing, insofar as it also makes it more difficult for Roma children to gain access to other levels of education, thus reducing their chances of integrating in the society. Although legislation no longer prevents children from advancing from "special" to regular secondary schools, the level of education offered by "special" schools generally does not make it possible to cope with the requirements of secondary schools, with the result that most drop out of the system.

148. It is too early to determine whether the revised educational system introduced by the new Education Act (Act N° 561/2004 Coll.), will substantially change the present situation of over-representation of Roma children in "special" schools or "special" classes. It is necessary for the authorities to keep the circles concerned constantly informed of the new developments and to discuss with them the implementation of the new Act.

149. In addition, the Advisory Committee notes that, in spite of the awareness-raising initiatives taken by the Ministry of Education, many of the Roma children who attend ordinary schools are isolated by other children and by teaching staff, or even placed in separate classes. At the same time, it is recognised that in some schools Roma children are the largest pupil-group simply because the schools concerned are located near the places where Roma reside compactly. It is important to ensure that these schools, too, provide quality education.

150. Estimates as to the number of Roma children who remain outside the school system vary. It appears that those who do attend school rarely advance beyond primary school. Material conditions in some of the schools they attend are reportedly precarious, and the teaching they receive is still, in most cases, insufficiently adapted to their situation.

### *Recommendations*

151. The Advisory Committee calls on the authorities to concentrate their efforts to make their support measures for Roma children more effective, and ensure that the programmes decided by the Ministry of Education are more systematically implemented by local authorities, in consultation with Roma representatives.

152. Priority should go to placing Roma children in ordinary schools, supporting and promoting preparatory classes and also educational assistants. Recruiting Roma teaching staff, and making all education staff aware of the specific situation of Roma children should also receive increased attention.

153. A further strategic priority should be the adoption of additional awareness-raising measures on the critical importance of education as a factor of individual development and social integration. An

active involvement on the side of the parents, in particular with regard to the implementation of the new Education Act, should be also promoted as a condition *sine qua non* for the overall improvement of the educational situation of the Roma.

154. More determined action is needed to combat isolation of Roma children in both ordinary and “special” schools. A clearer approach, coupled with instructions and immediate action on all levels, is needed to put an end to unjustified placement of these children in “special” schools designed for children with mental disabilities. Effective monitoring measures, particularly designed to eliminate undue placement of children in such schools, should be one of the authorities’ constant priorities.

#### **DENMARK (First Cycle)**

*Adopted on 22 September 2000*

#### **Articles 12 - 14**

35. The Advisory Committee refers to its observations above concerning the scope of implementation. On the basis of the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any other observations.

#### **DENMARK (Second Cycle)**

*Adopted on 09 December 2004*

#### **Fostering of knowledge of the culture, history, language and religion of national minorities and the majority**

##### *Present situation*

##### **a) Positive developments**

143. The Advisory Committee notes that the Danish Comprehensive Primary and Lower Secondary School Act states that all pupils should become acquainted with Danish culture and other cultures, although the curriculum does not lay down that teaching should be concerned with specific minorities. The Advisory Committee also notes that instruction in human rights forms part of the teaching in primary and lower secondary school.

##### **b) Outstanding issues**

144. The Advisory Committee has received representations that more could be done to reflect the culture, history, language and religion of the German minority and other ethnic and religious groups in the curriculum and in the textbooks used in schools.

145. In relation to the German minority, the Advisory Committee considers that any negative suspicion that existed towards this minority in the past should give way to recognition of the specific contribution that the German minority can make to life in Denmark, including through links to Germany, the German language and culture. A clearer reflection of this through the curriculum and through textbooks could benefit both the minority and the majority.

146. The successful integration of ethnic and religious groups in Denmark will also depend on the fostering of knowledge of their culture, history, language and religion within society (see also the comments under Article 6 above). While the Advisory Committee understands that the Ministry of Education has no plans to revise the school curriculum to promote further knowledge of ethnic and religious groups, the Advisory Committee considers that a discussion with those persons concerned on this issue is needed.

147. The Advisory Committee has received information alleging that undue restrictions may be being placed on children in certain day care facilities (kindergartens) in the use of their mother tongue. The Advisory Committee recalls in this context the pivotal importance of the first years of education for children and the importance of their mother tongue at a young age. The Advisory Committee also recalls Article 30 of the United Nations Convention on the Rights of the Child which makes specific provision for children belonging to ethnic, religious or linguistic minorities not to be denied the right, in community with other members of his or her group, to enjoy his or her own language.

#### *Recommendations*

148. The Advisory Committee recommends that the authorities examine further, with those persons concerned, how to better reflect the culture, history, language and religion of persons belonging to the German minority and other ethnic and religious groups in the curriculum and textbooks.

149. The Advisory Committee considers that undue restrictions should not be placed on the use by children of their mother tongue in day care facilities (kindergartens) and that the authorities should look into this matter and examine the extent to which there may be a problem. The Advisory Committee recommends that the authorities provide clarification to parents, teachers and schools on what may be acceptable in terms of limitations on the use of the mother tongue so as to tackle any confusion which may exist concerning this issue.

#### **ESTONIA (First Cycle)**

*Adopted on 14 September 2001*

#### **Article 12**

44. The Advisory Committee finds it laudable that the national curriculum underlines the importance of the identity of all ethnic groups living in Estonia. The Advisory Committee notes that careful implementation of this principle is essential and should also receive attention in the framework of the national integration programme in a manner that covers all national minorities of Estonia. The Advisory Committee also stresses that the teaching of minority languages for the persons belonging to the majority should be supported and encouraged as it contributes to the implementation of the principles contained in Article 12.

45. The Advisory Committee notes that the on-going reform of the educational system of Estonia (see also related comments under Article 14) has significantly increased the demand for the training of teachers. In particular, the teachers of schools with instruction in a minority language should be given increasing access to language and other training.

46. There are regrettably limited contacts between the pupils of minority language schools and those attending schools with Estonian as the language of instruction. The Advisory Committee finds it commendable that this concern has been identified in the context of the national integration programme and expresses the hope that the initiatives aimed at alleviating this problem will receive adequate resources.

47. The Advisory Committee notes that the public higher educational institutions have significantly limited the amount of instruction available in the Russian language. Considering the impact of this transition on persons belonging to national minorities, the Advisory Committee finds it important that the authorities concerned should assist those persons to adapt to this new language situation so as to ensure that the increasing focus on the Estonian language will not cause difficulties for persons belonging to national minorities with respect to their equal opportunities for access to higher education.

48. With regard to pre-school education, the Advisory Committee notes that the current legislation underlines the availability of Estonian language pre-schools. The Advisory Committee finds it important that this goal is achieved in a manner that also provides equal opportunities for access to such education for persons belonging to national minorities.

### **In respect of Article 12**

The Committee of Ministers *concludes* that the national curriculum underlines the importance of the identity of all ethnic groups living in Estonia and *recommends* that this principle be carefully implemented and that it receive attention also in the framework of the national integration programme.

The Committee of Ministers *concludes* that the on-going reform of the educational system of Estonia has significantly increased the demand for the training of teachers and *recommends* that the teachers of schools with instruction in a minority language be given increasing access to language and other training.

The Committee of Ministers *concludes* that there are limited contacts between the pupils of minority language schools and those attending schools with Estonian as the language of instruction and *recommends* that the initiatives aimed at alleviating this problem be given adequate resources.

The Committee of Ministers *concludes* that the public higher educational institutions have significantly limited the amount of instruction available in the Russian language and *recommends* that persons belonging to national minorities are assisted so as to ensure that this development does not cause difficulties for persons belonging to national minorities with respect to their equal opportunities for access to higher education.

The Committee of Ministers *concludes* that the current legislation underlines the availability of Estonian language pre-schools and *recommends* that this goal be achieved in a manner that also provides equal opportunities for access to such education for persons belonging to national minorities.

### **ESTONIA (Second Cycle)**

*Adopted on 24 February 2005*

#### **School curriculum**

##### *Findings of the first cycle*

110. In its first Opinion, the Advisory Committee underlined that the identity of all ethnic groups living in Estonia is to be reflected in schools in accordance with the national curriculum. The Committee further stressed the importance of supporting teaching of minority languages to persons belonging to the majority.

##### *Present situation*

##### **a) Positive developments**

111. In the framework of the Integration Programme, initiatives on curriculum development co-operation between Russian-medium and Estonian-medium schools have been launched. Also, a number of new textbooks for children studying in language immersion classes have been drawn up in a manner that takes into account the cultures of persons belonging to national minorities, avoiding at the same time gender stereotyping.

#### b) Outstanding issues

112. Despite some efforts, studies suggest that the multicultural elements in the curriculum of Estonian schools remain comparatively modest. Moreover, while the teaching of certain minority languages for majority pupils is available in a number of schools, studies show that the importance of studying minority languages is not widely appreciated amongst majority pupils.

113. The Government announced in October 2004 the establishment of a new commission to look into history issues. The envisaged task of the commission, including review of history textbooks used in Estonian-medium and Russian-medium schools, is of direct relevance to the implementation of Article 12 of the Framework Convention and it is important that the work of the said commission entails an intercultural perspective and that persons belonging to national minorities are also involved in the process.

#### *Recommendations*

114. Further efforts should be made to ensure that adequate multicultural elements are included in school curricula. Estonia should take further steps also to encourage majority pupils to study minority languages. Intercultural perspective should be reflected in the work of the new commission on history issues.

### **Teacher training**

#### *Findings of the first cycle*

115. In its first Opinion, the Advisory Committee called for increased language and other training for teachers.

#### *Present situation*

##### a) Positive developments

116. Estonia has launched a number of training initiatives, including in-service Estonian language training for teachers and introduced promising teacher exchange initiatives between Estonian-medium and Russian-medium schools.

##### b) Outstanding issues

117. There is a clear need to introduce more teacher training, including courses on language and in teaching methodologies, as well as study materials suitable for an increasingly bilingual school environment. This is instrumental *inter alia* to ensure that the quality of education does not suffer as a result of the increase in the proportion of Estonian language instruction in Russian-medium schools and that the teaching staff of schools continue to reflect the ethnic and linguistic diversity of Estonian society. The demand for additional training and other measures is particularly acute in many of those secondary schools that are expected to introduce Estonian as their main language of instruction as from 2007, but it also merits increased attention in other levels of education, including in pre-schools, especially in Ida-Virumaa.

#### *Recommendations*

118. Estonia should step up further its efforts in the field of teacher training and in the production of study materials suitable for a more bilingual school environment with a view to ensuring quality education.

## **Contacts between pupils**

### *Findings of the first cycle*

119. In its first Opinion, the Advisory Committee called for further initiatives to increase contacts between pupils of minority language schools and those attending schools with Estonian as the language of instruction.

### *Present situation*

#### **a) Positive developments**

120. Projects have been launched to facilitate contacts of children belonging to national minorities with Estonian-speaking children, including through Estonian language camps and family exchange programmes.

#### **b) Outstanding issues**

121. While the above-mentioned efforts have yielded some positive results, the pupils in Estonian-medium classes and those receiving instruction in a minority language continue to have limited contacts. Also, the above-mentioned exchange projects and other similar initiatives focus almost exclusively on providing persons belonging to national minorities an experience in a cultural environment of the majority and not vice-versa.

122. Furthermore, it appears that none of the various models introduced to increase Estonian language instruction in pre-schools and basic schools entail a clear policy of encouraging the creation of bilingual classes bringing together pupils from both an Estonian language family environment and from a minority language environment or envisage measures to ensure that school facilities are planned so that they encourage contacts between them.

123. An increasing number of parents belonging to national minorities have requested that their children be enrolled in regular Estonian-medium pre-schools and schools. The Advisory Committee considers that introducing classes with pupils from both majority and minority communities can be a valuable way not only to improve the pupils' language skills but also to promote intercultural dialogue, provided the required specific pedagogical skills and tools and careful planning are ensured. There is a need to consider ways to further initiatives of this nature. This may need to involve changes in the current regulatory framework, which provides *inter alia* that, in order to enrol pupils in a school, they must have the sufficient proficiency in the language of instruction of the school concerned.

### *Recommendations*

124. Estonia should further develop two-way contacts between children belonging to the majority and those belonging to a national minority. The importance of such contacts should also be reflected in the design and implementation of various models of education, starting at the pre-school level, as well as in the planning of educational facilities.

## **Access to pre-schools**

### *Findings of the first cycle*

125. In its first Opinion, the Advisory Committee underlined that the availability of Estonian language teaching in pre-schools should be achieved in a manner that also provides equal opportunities for access to such education for persons belonging to national minorities.



### *Present situation*

#### a) Positive developments

126. The Estonian language has been introduced gradually and in a manner that has not undermined the availability of Russian language teaching in pre-schools.

#### b) Outstanding issues

127. The availability of teachers with adequate language skills and other challenges need to be tackled so as to ensure that minority language pre-schools remain a real option with quality comparable to other alternatives such as immersion models.

### *Recommendations*

128. Estonia should continue to pursue vigorously its commitment to ensuring that children belonging to national minorities have equal opportunities for access to pre-school education.

## **Access to higher education**

### *Findings of the first cycle*

129. In its first Opinion, the Advisory Committee called for measures to ensure that the limited availability of Russian language instruction does not cause difficulties for persons belonging to national minorities with respect to their equal opportunities for access to higher education.

### *Current situation*

#### a) Positive developments

130. Estonia has continued to provide the possibility for persons belonging to national minorities to devote their first year at university to acquiring proficiency in Estonian language, and, in addition to private institutions, state universities have continued to offer some limited programmes in Russian.

#### b) Outstanding issues

131. Language difficulties continue to be a serious obstacle in higher education for many persons belonging to national minorities, and this has contributed to the relatively high drop-out rate. Furthermore, the census data suggests that persons belonging to national minorities are significantly less likely to acquire a master or doctorate degree than persons belonging to the majority.

### *Recommendations*

132. Estonia should take further measures to encourage and facilitate access of persons belonging to national minorities to higher educational institutions. In this connection, it is important to ensure that increase in the volume of state language instruction in the secondary education is pursued in a manner that does not harm the quality of education in schools attended by persons belonging to national minorities and thereby limit their possibilities to access higher education.

## **FINLAND (First Cycle)**

*Adopted on 22 September 2000*

### **Article 12**

36. Bearing in mind the concerns expressed to the Advisory Committee by several individuals belonging to national minorities regarding the relatively limited amount of information that is given on minorities in the general education system, the Advisory Committee finds it important that Finland ensure that textbooks, and the educational system in general, provide adequate information on minorities, including on their culture and language. As concerns the Roma, the Advisory Committee recognises that certain difficulties may arise in fostering knowledge of the Roma culture among the majority due to the reluctance on the part of some Roma to share information on certain aspects of their culture.

37. The Advisory Committee takes note of the reports according to which a relatively high proportion of Roma children are placed in special and adapted educational groups within the public school system, often due to language and cultural differences between the Roma and the majority. The Advisory Committee stresses that placing children in such special groups should take place only when it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests. The Advisory Committee finds it important that Finland further explore, where appropriate, the possibility of taking alternative measures enabling children to stay in regular classes, such as individualised teaching plans, bearing in mind also the principles contained in the Committee of Ministers' Recommendation No R (2000) 4 on the education of Roma/Gypsy children in Europe.

38. Bearing in mind that, in the context of education, experiences gained by minorities at the day-care and pre-school level are often of central importance, the Advisory Committee regrets the fact that the commendable inclusion of the support of the Roma language and culture as one of the educational objectives of the Children's Day Care Decree has reportedly not had a real impact on the relevant practice at the local level.

39. The Advisory Committee welcomes the establishment of a Roma language board in the Finnish Research Centre for Domestic Languages with the aim to develop and research Roma language and expresses the hope that adequate resources will be allocated for the activities of this body.

40. While the Advisory Committee welcomes the fact that, under the Comprehensive School Act, Roma language may be taught as a mother tongue, it notes that, in 1998, such language classes were in fact available only in 8 municipalities. It appears that one reason for the limited availability of Roma language classes is the lack of qualified teachers. Therefore, the Advisory Committee is of the opinion that Finland should strengthen its efforts to provide opportunities for the Roma in the field of teacher training, taking into account the experience gained in the efforts to secure the training of teachers speaking Swedish or Sami languages.

### **In respect of Article 12**

The Committee of Ministers *concludes* that several individuals belonging to national minorities consider the amount of information that is given on minorities in the general education system to be inadequate. The Committee of Ministers *recommends* that Finland ensure that textbooks, and the educational system in general, provide adequate information on minorities, including on their culture and language.

The Committee of Ministers *concludes* that, reportedly, a relatively high proportion of Roma children are placed in special and adapted educational groups within the public school system, often due to language and cultural differences between the Roma and the majority. The Committee of Ministers *recommends* that Finland ensure that such placing in special and adapted groups takes place only when

it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests. The Committee of Ministers also *recommends* that Finland explore further, where appropriate, the possibility of taking alternative measures enabling children to stay in the regular classes.

The Committee of Ministers *concludes* that the inclusion of the support of the Roma language and culture as one of the educational objectives of the Children's Day Care Decree has reportedly not had a real impact on the relevant practice at the local level. The Committee of Ministers *recommends* that Finland take further measures to ensure that this objective is reflected in the relevant practice.

The Committee of Ministers *concludes* that a Roma language board has been established in the Finnish Research Centre for Domestic Languages but that no staff resources have been allocated for this purpose. The Committee of Ministers *recommends* that Finland allocate adequate resources for the activities of this body.

The Committee of Ministers *concludes* that the limited availability of Roma language classes appears to be, to a certain extent, caused by the lack of qualified teachers. The Committee of Ministers *recommends* that Finland strengthen its efforts to provide opportunities for the Roma in the field of teacher training.

## **FINLAND (Second Cycle)**

*Adopted on 2 March 2006*

### **Information on minorities in the educational system**

#### *Findings of the first cycle*

113. In its first Opinion, the Advisory Committee called on the authorities to ensure that text-books, and the educational system in general, provide adequate information on minorities, including on their culture and language.

#### a) Positive developments

114. The Advisory Committee welcomes the fact that the National Core Curricula for Basic Education, adopted in 2004, in addition to containing sections on minority-specific education, underlines, albeit only in a very general fashion, the need to take into account national minorities of Finland. The Advisory Committee welcomes the fact that the Ombudsman for Minorities has paid attention to the portrayal of minorities in the educational system.

#### b) Outstanding issues

115. The information received by the Advisory Committee suggests that the information on national minorities contained in textbooks continues to be inadequate, both in terms of volume and content, and teachers' knowledge of these issues is also often limited. The evaluation of the situation is, however, complicated by the fact that the high degree of decentralisation in educational matters limits the capacity of the central authorities to monitor the situation, for example, as regards the content of local curricula and of textbooks. (See also comments under Article 4 regarding reported problems faced by Russian students in Finnish schools).

#### *Recommendations*

116. Finland should design tools to ensure regular review of the content of the local curricula as well as history and other textbooks with a view to ensuring that national minorities are adequately addressed therein and make sure that this issue receives sufficient attention also in teacher training.

## **Roma in education**

### *Findings of the first cycle*

117. In its first Opinion, the Advisory Committee drew attention to the reports that a relatively high proportion of Roma children are placed in special and adapted educational groups within the public school system and it urged the authorities to consider alternative measures enabling children to stay in the regular classes. It also regretted the fact that the support of the Roma language and culture was not adequately reflected in day-care. Furthermore, the Advisory Committee called for more efforts in the field of teacher training to address problems in the availability of Roma language classes.

#### **a) Positive developments**

118. The situation of Roma in the basic educational system has received significant attention following the adoption of the first Opinion of the Advisory Committee, including in a comprehensive survey on the status of Roma children's basic education published by the National Board of Education in 2004.

#### **b) Outstanding issues**

119. The above-mentioned survey confirms that Roma continue to face serious problems in the educational system. According to the survey, based on the situation in 2000-2001, 50 percent of Roma children received some form of special education (whereas 20 percent of the overall population received such education), and the drop out rate amongst Roma, in particular Roma girls, was also markedly higher than amongst pupils in general. The study also noted a range of other shortcomings that contribute to the marginalisation of Roma children in the educational system and highlighted the fact that it is rare for Roma to take part in pre-school education.

120. The limited availability of Roma teachers has continued to hamper the development of the teaching of the Roma language. Currently such teaching is available in only a small proportion of schools with Roma pupils (see related comments under Article 14).

### *Recommendations*

121. The above-mentioned survey contains a number of recommendations that should be followed up by the authorities, including recommendations to analyse in more detail the real reasons behind transfers to special education, to increase knowledge of Roma culture within the school staff and to step up cooperation between schools and families.

## **Swedish language teaching for Finnish-speaking pupils**

### *Present situation*

122. Teaching of Swedish as the other national language is widely available in Finland, and it is a compulsory subject in comprehensive schools and upper secondary schools for Finnish-speaking pupils. However, as from 2004, Swedish is no longer a compulsory subject in the matriculation examination. It is important to ensure that the said change and other pertinent developments do not have negative consequences for Swedish language teaching for the Finnish-speaking population, bearing in mind also that the Swedish-language skills amongst the Finnish-speaking population are an important factor in ensuring proper implementation of language legislation. The Advisory Committee notes in this connection that the authorities in Sweden recently decided to provide support for the promotion of the Swedish language in Finnish schools.

### *Recommendations*

123. The authorities should ensure careful monitoring of the developments concerning Swedish-language teaching and take continuous measures to promote the teaching of the Swedish language among the majority population.

## **GERMANY (First Cycle)**

*Adopted on 01 March 2002*

### **Article 12**

55. As mentioned above (see the comments on Article 5), education is mainly the responsibility of the *Länder* and so it is largely up to them to promote the culture, history, language and religion of national minorities. The German authorities acknowledge that the culture and language of national minorities is given considerably more exposure in the areas traditionally inhabited by these minorities than in other German regions. The Advisory Committee hopes that the authorities will continue in their efforts to extend the multicultural and multi-ethnic content of school curricula, even in areas outside those traditionally inhabited by national minorities.

## **HUNGARY (First Cycle)**

*Adopted on 22 September 2000*

### **Article 12**

39. The Advisory Committee welcomes the important efforts made by the Hungarian authorities in the field of minority education set out in the State Report. Without seeking to detract from these achievements, the Advisory Committee points out that, in its contacts with national minority self-governments, it has learned that there is still, for a number of minorities, a shortage of available textbooks in the minority language and/or a shortage of qualified teachers. In such circumstances, it is difficult to offer an education in bi-lingual schools and native language schools, which is of the same quality as that offered in Hungarian. The statistics provided by the Government indicate that it is but a small percentage of parents that choose these forms of minority language education. Although many factors ultimately influence their choice, this unsatisfactory situation may discourage parents from opting for an education where most subjects are taught in the minority language. In this context the Advisory Committee is concerned about reports that additional funding which is made available at the level of the central government to cover additional costs for minority education does not have the desired effect. Apparently this additional source of income for minority schools is offset in several cases by a reduction of expenditure by the local self-governments, so that, in effect, the total amount of resources available for minority schools is not increased. The Advisory Committee considers that the Hungarian authorities should investigate this question as a matter of urgency and take action to remedy any such undesirable effects in order to ensure that the full range of options provided for at the regulatory level is indeed open in practice.

40. The Advisory Committee is deeply concerned about the position of Roma in the field of education, which significantly differs from that of other minorities and the majority in Hungary.

41. The Advisory Committee is deeply concerned about the well documented cases of improper treatment of Roma children in the field of education, notably through putting them in “special schools”, which are reserved ostensibly for mentally disabled children. The Advisory Committee stresses that placing children in such special schools should take place only when it is absolutely necessary on the basis of consistent, objective and comprehensive tests, which avoid the pitfalls of culturally biased testing. It considers it a positive step that the existence of and the need to address this unacceptable phenomenon has been recognised by the Ministry of Education. The Advisory Committee considers that the current situation is not compatible with Article 12(3) of the Framework Convention and must be remedied.

42. The Advisory Committee is further concerned about the disproportionately low number of Roma students successfully completing secondary and higher education. This problem too is recognised by the Government and the Advisory Committee notes that the Government has engaged in developing medium and long-term approaches to remedy the situation. The Advisory Committee

concludes that the current situation needs considerable improvement and that progress in this area should be regularly reviewed.

43. A further phenomenon in the field of education appears to be the *de facto* increasing separation of schools, already mentioned under Article 6(1) above, where parents withdraw their children from schools where Roma children go. Furthermore, the reluctance of Roma parents to send their children to kindergarten appears to express a lack of confidence in the educational system. Whereas the Hungarian authorities obviously should pay due respect to the principle of parental choice, they must at the same time not remain passive before these undesirable developments and take measures to counteract them. In addressing all these issues, the Advisory Committee considers that the Hungarian authorities should pay due attention to Recommendation No. R (2000) 4 of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe.

### **In respect of Article 12**

The Committee of Ministers *concludes* that there is still, for a number of minorities, a shortage of available textbooks in the minority language and/or a shortage of qualified teachers. Furthermore it *concludes* that there is reason for concern about additional funding which is made available at the level of the central government to cover additional costs for minority education not having the desired effect. The Committee *recommends* that Hungary investigate this matter as a matter of urgency and take action to remedy any undesirable effects and also take all other measures necessary in order to ensure that the full range of options provided for at the regulatory level is indeed open in practice.

The Committee of Ministers *concludes* that the practice of improper treatment of Roma children in the field of education, notably through putting them in “special schools”, which are reserved ostensibly for mentally disabled children is not compatible with Article 12(3) of the Framework Convention and must be remedied.

The Committee of Ministers *concludes* that a disproportionately low number of Roma students successfully complete secondary and higher education. The Committee of Ministers *concludes* that the current situation needs considerable improvement and *recommends* that progress in this area be regularly reviewed.

The Committee of Ministers finds that there appears to be an increasing *de facto* separation of schools, where parents withdraw their children from schools where Roma children go. It *recommends* that the Government should not remain passive before these undesirable developments and take measures to counteract them.

In addressing all these issues, the Committee of Ministers *recommends* that Hungary pay due attention to Recommendation No. R (2000) 4 on the education of Roma/Gypsy children in Europe.

### **HUNGARY (Second Cycle)**

*Adopted on 09 December 2004*

#### **Segregation of Roma children in schools**

##### *Findings of the first cycle*

86. In its first Opinion on Hungary, the Advisory Committee expressed deep concern about the improper treatment of Roma children in the field of education. The Advisory Committee considered that placing them in special schools reserved ostensibly for mentally disabled children was not compatible with the Framework Convention.

87. In addition to the placement of Roma children in the aforementioned special schools, the Advisory Committee mentioned other worrying forms of separation aimed at isolating Roma children from their non-Roma peers.

#### *Present situation*

##### a) Positive developments

88. The aptitude test procedure used to determine which children are sent to the aforementioned special schools is enshrined in a Ministry of Education decree. This decree generally reinforces the role of parents in the decision-making process linked to the placement of their children in these schools.

89. Significant efforts have been made by the Ministry of Education to curb the segregation of Roma children. An important part of the integration programme launched in 2003 is devoted to this problem and appears to be producing some encouraging results. The new package of medium-term measures aimed at improving the living conditions and social status of the Roma population, approved by the Government in March 2004, also includes the elimination of segregation in education amongst its specific objectives.

##### b) Outstanding issues

90. As noted by certain bodies such as the Parliamentary Commissioner for National and Ethnic Minorities and numerous NGOs, and confirmed by various court rulings, the Hungarian education system continues to create a strong phenomena of exclusion of Roma children. For example, a number of Roma children continue to be placed in special schools for mentally disabled children because of cultural differences. These and other practices contributing to the segregation of Roma children are partly due to current legislation but above all to its unsatisfactory implementation in practice, especially at the local level.

91. Under Hungarian law, parents are free to place their children in the school of their choice. In the opinion of the Ministry of Education itself, segregation between schools has tended to increase in recent years because the number of schools in which the proportion of Roma children exceeds 85% has risen. This phenomenon appears to be largely due to parents of non-Roma children gradually withdrawing their children from these schools, which increases the segregation effect.

92. Another form of school segregation through which Roma children with difficulties can be isolated has emerged relatively recently in Hungary. This involves persuading parents to ask for private pupil status for their children, who are then excused from attending school in accordance with Article 69(3) of Law LXXIX of 1993 on Public Education. The Parliamentary Commissioner for the Rights of National and Ethnic Minorities has received several complaints from Roma parents, claiming they have been pressured in this way. Some parents have complained that their child has been threatened with expulsion from school if they refused to request private pupil status. It is true that stronger safeguards were introduced by the Ministry of Education in 2001. These oblige school principals to ask for the opinion of the local child care department before authorising a child to be granted private pupil status. Despite these safeguards, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities continues to receive such complaints and it seems that some representatives of local child care departments are joining with local authorities and principals in increasing the pressure on parents until they give in.

93. Although the legislation in the field of education already contains guarantees concerning the prohibition of discrimination, it has not so far been sufficient to prevent the emergence and the development of exclusion and segregation practises by local authorities, which have extensive powers in the education field. It is the local authorities, for example, who decide whether a separate school building should be used to house a special class composed almost exclusively of Roma children, or

whether one particular school should be implicitly designated as the "Roma school" in an area served by several different schools. It is also at the local level that all kinds of pressures are put on some Roma parents to persuade them to request private pupil status for their children.

94. The Government – particularly the Ministry of Education – does not have sufficient control over local authorities in this area and is therefore unable to discourage the persistence of such practices. The Ministry of Education, for example, appears unable to declare these practices illegal and to impose sanctions, including fines, against local authorities that use these various forms of exclusion and discrimination. Another example is that, under current legislation, the Government is unable to ask a school to participate in the campaign to eliminate school segregation, even if the school's situation suggests it ought to be involved.

#### *Recommendations*

95. Hungary should step up its campaigns aimed at eliminating the various forms of segregation affecting Roma in the education field. More resolute action should be taken to stop Roma children being unduly placed and kept in special schools reserved for mentally disabled children – including in relation to the way in which intellectual aptitude tests are conducted – as such a practice is not compatible with the Framework Convention. Stronger emphasis should be placed on the development of a trustful relationship between the parents of Roma children and school staff, for example by increasing the number of Roma mediators and Roma assistants in schools or developing a more active information policy for Roma parents.

96. Hungary should endeavour to strengthen state supervision of local authorities' efforts to organise education, for example by providing the possibility of imposing fines and other sanctions on those that practise exclusion or discrimination. This should be done by amending the relevant legislation and/or finding ways and means to ensure its proper implementation in practice. Hungary should also improve the decision-making mechanism for the granting of private pupil status, for example by involving bodies that are less closely linked to local authorities and interests.

### **IRELAND (First Cycle)**

*Adopted on 22 May 2003*

#### **Article 12**

77. The Advisory Committee recognises the particular challenges facing both the Government and the Traveller community concerning the education of Traveller children.

78. The Advisory Committee understands that Traveller children have in the past faced serious problems and marginalisation in relation to access to education, particularly in relation to school exclusion, segregated education, attainment levels and dropout rates. While the situation has clearly improved in certain respects, problems continue to persist.

79. The Advisory Committee is aware of alleged incidents of Traveller children being rejected or excluded from schools as well as cases of racism and bullying in schools. The Advisory Committee is aware that the Government recognises the importance of acting when such incidents are notified to it and encourages the education authorities to act promptly to deal with such complaints.

80. The Advisory Committee is pleased to note that at primary school level, near full enrolment of Traveller children has been recorded. The Advisory Committee notes in this respect the important contribution made by the Visiting Teacher Service to this progression. The Advisory Committee however notes with concern that while initial enrolment rates at second level are improving considerably, very few Traveller children complete second level education and a handful of Travellers go on to third level education. The Advisory Committee considers that the authorities should step up



their efforts to improve this situation, including through providing investment and support for community and school based strategies. The Advisory Committee also considers that an independent evaluation of Traveller education within the education process could contribute to the creation of a full strategy for tackling issues in this field.

81. The Advisory Committee is concerned that, while statistics are not available on attainment levels of Traveller children, there is evidence that the levels of literacy of some children remains particularly low. The Advisory Committee considers that further measures are required in order to address this situation.

82. The Advisory Committee considers that further steps should be taken to foster knowledge of the culture, history, language and religion of minorities and the majority in Ireland. In this, particular attention should be placed on reviewing the school curricula, improving relevant educational materials, including history and other textbooks, and ensuring that all teachers develop the skills necessary to combat discrimination and promote respect for diversity in their work.

83. The Advisory Committee notes the publication of guidelines by the Department of Education and Science on Traveller education at primary and post-primary school level. The Advisory Committee considers that it is important that these guidelines, which promote an understanding of the Traveller culture, history and language in an intercultural context, be implemented and that teachers receive in-service training on these guidelines.

84. The Advisory Committee is pleased to note that segregated teaching of Traveller children has largely been phased out. The Advisory Committee nonetheless notes from the information submitted by the Government that there remains one segregated unit attached to a school, a small number of culturally specific primary schools for Travellers, several Training Centres for teenage Travellers and a number of pre-schools for Traveller children.

85. The Advisory Committee understands that the Government is currently examining whether it would be in the best interest of the Traveller community to phase some of these out. The Advisory Committee is of the opinion that Traveller children share the need for contact with children from different backgrounds and that the placing of Traveller children in separate educational facilities only on the basis of their Traveller background gives rise to deep concern from the point of view of Article 12 of the Framework Convention. While the Advisory Committee understands the need to cater for the specific needs of Traveller children, including through the provision of additional resource teachers for children with special needs, the authorities should take full account of the long-term interests of both Traveller children and other children to be educated together in an integrated environment.

86. The Advisory Committee attaches particular importance to early childhood care and education. This is not only important for Traveller children, but it also has an impact on the ability of Traveller parents to participate effectively in a range of areas affecting them (see also under Article 15 below). The Advisory Committee understands that the Department of Education and Science is awaiting a Composite Pre-School Evaluation Report which should form the basis of discussions and further policies in this area and the Advisory Committee hopes that due attention will be given in this report to satisfying fully the needs of Travellers including in relation to integrated early childhood care and education.

87. The Advisory Committee notes that there is a lack of qualified teachers from the Traveller community although notes that there are a number of teachers and assistants from the Traveller community in Traveller pre-schools. While the Advisory Committee understands that there are active discussions concerning a mentoring programme to support Travellers interested in teaching, further efforts are required to ensure the graduation of qualified teachers from the Traveller Community in the future.

88. The Advisory Committee recognises that a large number of important steps have been taken to improve the access of Traveller children to education. This is attested to in the First Progress Report of the Committee to Monitor and Co-ordinate the Implementation of the Recommendations of the Task Force on the Travelling Community. The Advisory Committee notes however that with such a wide range of issues to be dealt with, it is particularly important to develop a full Traveller Education Strategy. The Advisory Committee welcomes the fact that such a Strategy is being discussed by the Advisory Committee on Traveller Education and hopes that priority is given to this strategy drawing inspiration from the Committee of Ministers' Recommendation No. R (2000) 4 on the education of Roma/Gypsy children in Europe.

### **In respect of Article 12**

121. The Advisory Committee *finds* that there are particular challenges facing both the Government and the Traveller community concerning the education of Traveller children.

122. The Advisory Committee *considers* that the Education authorities should act promptly to deal with complaints of Traveller children being rejected or excluded from schools and incidents of racism and bullying in schools.

123. The Advisory Committee *finds* that very few Traveller children complete the final year of secondary education and only a few go on to third level education and *considers* that the Government should step up its efforts to improve the situation.

124. The Advisory Committee *considers* that further measures are necessary in order to address the levels of literacy of some Traveller children.

125. The Advisory Committee *considers* that further steps should be taken to foster knowledge of the culture, history, language and religion of minorities and that the authorities should be particularly sensitive to the needs of Traveller children in this respect.

126. The Advisory Committee *finds* that while segregated teaching of Traveller children has been largely phased out, there remain certain separate educational facilities. The Advisory Committee *considers* that the authorities should take full account of the long-term interests of both Traveller children and other children to be educated together.

127. The Advisory Committee *finds* that there is a lack of qualified teachers from the Traveller community and *considers* that further efforts are required to ensure the graduation of qualified teachers from the Traveller community in the future.

### **ITALY (First Cycle)**

*Adopted on 14 September 2001*

### **Article 12**

53. The Advisory Committee commends the considerable efforts made by the Italian authorities in the education of minorities resident in regions with self-governing status. It also welcomes the scope provided by Law No. 482 of 15 December 1999 for fostering study of the languages and cultural traditions of persons belonging to the historical linguistic minorities. It expresses the wish that the authorities will take full advantage of this law to increase the multi-cultural and multi-ethnic component of school syllabi and to facilitate purchase and/or publication of schoolbooks. More generally, the Advisory Committee hopes that efforts to increase knowledge about minority cultures will be enlarged for the benefit of the majority as well as of the minorities.

54. With regard to paragraph 3, the situation of Roma in the educational field gives rise to deep concern and differs appreciably from that of the other minorities and of the majority, so that equal opportunity in access to education is not yet secured to this minority.

55. The abnormally high level of absenteeism among Roma pupils forms one of the main obstacles to be eliminated. This absenteeism admittedly has varied and complex causes, but the Advisory Committee feels that in general state education should accentuate the language and culture of the Roma minority more than at present, in accordance with the principles set out in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe. The transportation problems facing Roma pupils who live in camps remote from schools, and the precarious financial circumstances of many parents, are also factors of absenteeism which should be addressed. Some moves have already been made at local and regional level to aid school bus services and relieve the parents' lack of means. The Advisory Committee nonetheless considers that the Italian authorities should redouble their efforts in this connection.

### **In respect of Article 12**

The Committee of Ministers *concludes* that the level of absenteeism among Roma pupils is abnormally high; it *recommends* that the authorities redouble their efforts to combat this tendency and give the language and culture of the Roma minority more prominence, in accordance with the principles stated in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

### **ITALY (Second Cycle)**

*Adopted on 24 February 2005*

#### **Teacher training and access to textbooks**

##### *Findings of the first cycle*

107. In its first Opinion, the Advisory Committee welcomed the scope provided by Law 482/99 for fostering study of the languages and cultural traditions of historical linguistic minorities and expressed the hope that the authorities would take full advantage of this law to increase the multi-cultural and multi-ethnic component of school curricula and to facilitate the purchase and/or publication of related schoolbooks.

##### **a) Positive developments**

108. A number of school projects have been supported at pre-school, elementary and lower secondary school levels on the basis of articles 4 and 5 of Law 482/99. The number of such projects increased from 47 in 2002 to 120 in 2004. This is a positive trend, bearing in mind that the minorities themselves take the view that strengthening the presence of minority languages and cultures in the school curricula is a precondition for maintaining and developing their identity.

##### **b) Outstanding issues**

109. Given the strong interest shown in the educational projects for minorities by those concerned, as evidenced by the rise in the number of projects eligible for funds, there may be a need to reconsider in the future the somewhat rigid funding mechanism created by Law 482/99 so that it would better accommodate the growing importance of the educational sector (see related comments and recommendation under article 5 above).

110. The representatives of some minorities have indicated that there would be a need to intensify teacher training measures and give greater support for the preparation of textbooks and other

pedagogical instruments. This is particularly the case for those minorities which do not enjoy the support of a “kin State”, like the Friulans. It is also the case for small groups like the old German-speaking community of Timau, in Friuli-Venezia Giulia, who speak an archaic form of German that significantly differs from standard German.

#### *Recommendations*

111. Further steps should be taken to ensure an adequate level of teacher training and the publication of textbooks in minority languages. In doing so, Italy should pay particular attention to those minorities that have no access to support by a “kin State”.

### **Education of Roma children**

#### *Findings of the first cycle*

112. In its first Opinion, the Advisory Committee noted the disproportionately high level of school absenteeism among Roma, Sinti and Traveller pupils and pointed to the need to address the various causes of this state of affairs. The Advisory Committee also encouraged the authorities to better take into account the language and culture of the Roma, Sinti and Travellers in public education.

#### **a) Positive developments**

113. Some commendable initiatives, which are often implemented by NGOs and/or social workers, have been taken to ensure better access of Roma, Sinti and Traveller’s children to schools. Such initiatives, which include the organisation of public transportation of pupils to schools and the introduction of cultural mediators, are frequently supported from the municipal authorities.

#### **b) Outstanding issues**

114. Roma, Sinti and Traveller children continue to face serious obstacles in their equal access to education. Attendance at compulsory school is often irregular and they are poorly represented at higher levels of education. This is largely due to their precarious living conditions and, more generally, to the fact that the placement of Roma, Sinti and Travellers in isolated camps is still considered the model to follow by many authorities. Initiatives taken so far by the Italian authorities, such as steps to adapt the content of education to a multicultural reality or the introduction of cultural mediators, have produced limited results, mainly due to the absence of a comprehensive strategy of integration at national level aimed at improving their situation in various fields of life (see related comments under article 4 above). In its comments on the first Opinion, the Government indeed recalled the difficulty to find Roma or Sinti language teachers and stressed that equal access to education remained the priority in its action in favour of these persons.

#### *Recommendations*

115. Italy should step up its efforts to ensure that Roma, Sinti and Traveller pupils attend school on a regular basis and reinforce the visibility of their culture in the school curricula as part of a comprehensive strategy of integration.

## **KOSOVO (First Cycle)**

*Adopted on 25 November 2005*

### **Article 12**

#### **Intercultural contacts in education**

84. The Advisory Committee considers that the implementation of the principles of Article 12 of the Framework Convention is of central importance in order to ensure that the Kosovo school system is designed in a way that promotes inter-ethnic dialogue and mutual understanding. Determined action by the authorities is needed in order to address the mistrust and inter-ethnic tension that are still deeply felt in the Kosovo society. The Advisory Committee recognises that the challenges faced by the authorities are immense: they have to deal with the legacy of the past as well as with the post-conflict political atmosphere which risks making education a political battle field.

85. The continuous operation of “parallel schools”, financed by the Serbian Ministry of Education and Sports and following the Serbian curriculum, means the *de facto* existence of a separate school system. While perpetuating the distance of Serbian pupils from the majority community, the existence of the parallel school system also reflects the lack of trust and the security concerns within the Serbian community vis-à-vis the Kosovo educational institutions. This poses a serious challenge to the prospect of achieving a unified education system.

86. In today’s Kosovo, notwithstanding the existence of some shared school initiatives, the possibility for Serb and Albanian pupils to interact in the context of the school system is often non-existent and their mere co-existence in the same school is also difficult to achieve. Indeed, the Advisory Committee finds that there is still a widespread perception that attending shared schools is not safe. This feeling was aggravated by the events of March 2004, during which Serb schools were also targeted. The above-mentioned security concerns have prompted Serb students to travel to enclaves in order to receive education, despite difficult transportation conditions. In view of the above, the Advisory Committee finds that the authorities should give strong support to the design of a comprehensive plan which would endeavour to remove the existing barriers between Albanian and Serbian pupils, including by paying increased attention to this issue in the context of the Kosovo Standards Implementation Plan.

#### **Multicultural content of education**

87. Education has a key role to play in the reconciliation process. Determined efforts by the competent authorities are needed to ensure that tolerance and diversity are duly reflected in all components of the education system. In this connection, the Advisory Committee welcomes the fact that a new unified curriculum, which is applicable also for pupils from minority communities, was developed in 2002 according to European standards. The Advisory Committee notes that this curriculum includes specific elements designed for Bosniac and Turkish communities respectively and that work is being done to adapt it to the needs of Serbian pupils in selected grades.

88. While this is a positive development, the Advisory Committee finds it essential that increased efforts are made to provide updated pedagogical materials that take into account the contribution of all communities to the Kosovo society (see also Article 14). In this connection, the Advisory Committee notes that members of the Ashkali and Egyptian communities have complained that their respective cultures and traditions are not reflected in the revised curriculum or in textbooks. The Advisory Committee encourages the competent authorities to duly take into account these comments in their future efforts to enhance the quality of education in Kosovo and to make sure that sufficient consultation of representatives of all communities is included in initiatives in the education field.

### **The educational situation of Roma, Ashkali and Egyptians**

89. The Advisory Committee is particularly concerned with the situation of Roma, Ashkali and Egyptian pupils with regard to their access to education. The educational situation of these communities is characterised by extremely low enrolment rates and a high drop-out rate. The schooling situation is particularly alarming among girls belonging to these communities. The Advisory Committee understands that there is a constellation of factors explaining their poor educational situation, including the vulnerable socio-economic conditions in which these communities are living. With regard to the Roma, the lack of awareness among the community itself of the importance of education is also an obstacle as is the related absence of awareness among parents of the need to register their children in order to have access to a number of services, including education. The Advisory Committee is aware that some positive initiatives are being implemented by NGOs from these communities in liaison with pupils' parents to remove these obstacles. Such initiatives are commendable and should be encouraged and provided with adequate support.

90. The Advisory Committee notes that a large number of Roma, Ashkali and Egyptians have been outside the school system for the last years and need to be re-integrated into the education system. The Advisory Committee welcomes the efforts made by the Ministry of Education, Science and Technology (MEST) with the support of the OSCE and international NGOs to address this problem by providing catch-up classes for children from these communities in order to help them integrate into regular schools. The Advisory Committee finds it encouraging that the first results of this intensive programme have been assessed positively, including by members of these communities. The Advisory Committee considers that it is important that the sustainability of such a programme is ensured, not only by allocating sufficient financial means but also by ensuring that adequate teaching staff is assigned to this programme in order to ensure its quality. The Advisory Committee was also informed that Roma girls appear to have insufficiently benefited from this programme and recommends therefore that specific attention be paid to this issue.

91. The Advisory Committee finds it positive that the placing of Roma in "special schools" is apparently not a practice that exists in Kosovo. The Advisory Committee is, however, concerned about reported problems of harassment, intimidation and stigmatization among pupils belonging to this community as well as among pupils from the Ashkali and Egyptian communities. Such phenomena are reportedly rarely addressed by the school authorities. The Advisory Committee stresses that educational institutions have a specific duty to react with vigour to such phenomena. Further action should be taken by the authorities to improve the position of these communities in the education system, drawing on the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe. More generally, the Advisory Committee finds that while there are valuable sectoral and local initiatives, a Kosovo-wide comprehensive strategy covering the education of these communities needs to be designed in order to assist them in successfully integrating and staying in schools while maintaining their specific identities.

### **Access to higher education**

92. With regard to access to higher education, the Advisory Committee notes that UNMIK Regulation No. 2003/14 on the Promulgation of a Law adopted by the Assembly of Kosovo on Higher Education in Kosovo provides that higher education carried out by licensed providers in Kosovo "shall be accessible to all persons in the territory of Kosovo (...) without direct or indirect discrimination on any actual or presumed ground such as national, ethnic (...) origin, association with a national community". The Advisory Committee notes that while a system of quotas for minority communities is now in place in the University of Prishtinë/Priština since 2004 in order to increase their participation in higher education, education in this university is delivered only in Albanian with the possibility of taking exams in Serbian. This however does not respond to the needs of the Serbian or Bosnian speaking communities. These communities can receive higher education in their language only

through parallel structures (see below paragraph 94) or at the Business School in Pejë/Peć or the Faculty of Pedagogy of the University of Prizren, which deliver education in the Bosnian language.

93. The Advisory Committee notes that access to higher education for members of minority communities is further complicated by the implementation of the educational reforms, adopted by Kosovo in 2002. The reforms pursue the commendable goal of adapting the system to European education standards. However, as a result, the system in Kosovo differs from those educational systems of the region that have not yet undergone similar reforms. This has created additional obstacles for members of the Slavic speaking communities in receiving higher education in the universities outside Kosovo in Serbia and Montenegro and elsewhere in the region. In particular, the Gorani community is under pressure to adapt to this new system, which does not necessarily correspond to the educational needs of all pupils belonging to this community. While annual exemptions from the applicability of the new system have been granted by the MEST up until this year, it appears that the authorities are no longer willing to show such flexibility. The Advisory Committee finds it important that, pending wider implementation of the educational reforms in the region, the MEST shows flexibility regarding this issue and finds a solution, through the possible continuation of the exemption system, so that the education process of those members of the Gorani community who have not yet integrated into the new education system, is not disrupted as is presently the case.

94. The Advisory Committee notes that, further to UNMIK Regulation No. 2003/14 on the Promulgation of a Law adopted by the Assembly of Kosovo on Higher Education in Kosovo, the University of Northern Mitrovicë/Mitrovica was effectively legalised. This University, which is managed by the Serbian authorities, is the sole University providing higher education in the Serbian language within Kosovo. Pupils from this University include not only Serbs but also Bosniacs, Gorani and others who are not able to follow university education in Albanian. The Advisory Committee was informed about allegations according to which students graduating from Northern Mitrovicë/Mitrovica University, whose diplomas are recognised *de jure* (notwithstanding current difficulties), may encounter difficulties in finding employment in mixed areas and/or entering Albanian-run university programmes because the documents issued by parallel structures are not valued in practice. The Advisory Committee considers that while these problems are linked to the general question of the status of Serbian university education in Kosovo, they should be tackled in an appropriate manner pending the resolution of the overall issue.

95. The Advisory Committee considers that the availability of higher education in one's mother tongue can be a key factor in deciding whether to stay in Kosovo. Together with access to primary and secondary levels of education in one's mother tongue (see also related comments under Article 14), the availability of higher education is influencing the return decisions of IDPs and refugees. This should be reflected in the policies and practices developed in this field. Furthermore, the Advisory Committee wishes to underline that the important role assigned to the Serbian language in official bodies and other contexts in Kosovo, reflected *inter alia* in the Constitutional Framework and in the draft law on languages, implies that there is a need to ensure adequate language skills and capacity within various public sectors. This also needs to be taken into account in the design and implementation of educational legislation and policies, including in higher education.

## **RECOMMENDATIONS**

### **Education**

158. Consider ways to create opportunities for interaction between pupils from Serbian and Albanian communities and design a comprehensive plan that would progressively remove barriers, including linguistic ones, between pupils from different communities.

159. Accommodate minority concerns and introduce incentives that could reduce the demand for maintaining a parallel educational system.

160. Address as a matter of urgency the issue of safe transport of pupils from minority communities to educational facilities.

161. Address the existing needs for education in the languages of the minority communities, including by clarifying the threshold for opening a class with instruction in a minority language while aiming to accommodate the requests made by numerically smaller communities and take measure to provide adequate textbooks and qualified teachers for instruction in mother tongue.

162. Ensure that decisive steps are taken to address the educational needs of Roma, Ashkali and Egyptian communities, including by ensuring the sustainability of the programmes designed to help pupils from these communities to integrate and stay in the education system.

163. Allow for flexibility in the implementation of the educational reforms in relation to those pupils from the Gorani community who have not yet integrated into the new education system.

## **LITHUANIA (First Cycle)**

*Adopted on 21 February 2003*

### **Article 12**

59. The Advisory Committee notes the existence in Lithuania of a number of documents, of varying legal status, governing access to education by persons belonging to national minorities and the measures taken in that sphere to promote knowledge of their culture and identity and those of the majority. For example, the Advisory Committee notes the existence, in addition to the law on education in force, of a document adopted by the Ministry of Education and Science in January 2002 which contains “Guidelines for the education of national minorities”. The Advisory Committee also takes note of another, even more recent, document proposing guidelines for the entire Lithuanian education system for the period 2003-2012, which contains, *inter alia*, new proposals for the education of national minorities. At the same time, the Advisory Committee notes that a draft for a new law on education reforming the entire education system is currently being debated in Parliament.

60. On the basis of the information made available to it, the Advisory Committee concludes that at the moment these documents do not reflect a sufficiently clear and consistent approach to Government policy on the protection of national minorities in the sphere of education. It expresses the hope that this situation is only a transitional stage in the process of the global reform of the Lithuanian education system. In the Advisory Committee’s view, the authorities should define more precisely the scope and relationship between the various documents on which this policy is based and ensure that the future legislation adopted clearly reflects a unified and coherent approach in this sphere.

61. As regards the draft law on education, the Advisory Committee observes that the articles of relevance to the education of national minorities have been the subject of heated debate within the special parliamentary committee and of vehement reaction on the part of certain national minorities. This reaction concerns, in particular, the Government’s approach to the teaching of/in minority languages (see in this regard the comments under Article 14 below), the new system of education financing and its consequences for the opportunities for national minorities to receive instruction of or in their languages as well as the question of the taking of decisions on setting up schools or classes providing such instruction. A great majority of representatives of national minorities consider that the draft does not have sufficient regard to the specific needs of persons belonging to national minorities in the field of education and does not enable them to be involved in decision-making in that sphere. The Advisory Committee considers it essential that the authorities take into consideration, in the legislative process, the wishes expressed by the representatives of national minorities and ensure that the new law on education does not result in limitations of their opportunities in this sphere.



62. The Advisory Committee welcomes the various measures taken by the Government to foster, through education, knowledge of the culture, history, language and religion of national minorities and of the majority. It notes with interest certain more recent initiatives, such as the publication of anthologies of the history and life of certain communities, the organisation, planned for 2003, of a conference on preparing history textbooks and the reinforcement of support for Sunday schools. The Advisory Committee urges the Lithuanian authorities to continue and increase these efforts and to involve the representatives of the national minorities more systematically.

63. At the same time, the Advisory Committee notes the difficulties described by the representatives of the minorities as regards the lack of sufficient textbooks in minority languages (especially in subjects other than the language and literature) and teacher training. The Advisory Committee encourages the authorities to seek solutions to improve this situation, including by providing increased State funding and also by means of bilateral inter-state co-operation.

64. The situation of the Roma in the sphere of education is a matter of concern. The Advisory Committee is aware that the Roma are faced with socio-economic difficulties which have considerable influence on their access to education and that improvements in this situation require determined and coordinated action, with measures taken at various levels (economic, social, linguistic and cultural). The Advisory Committee welcomes the initiatives recently launched by the Government in different spheres (under the programme for the integration of the Roma) and encourages it to continue and develop them. As regards the more specific measures in the sphere of education, the Advisory Committee notes with interest the educational activities held at the Roma Community Centre in Vilnius, aimed at both children (in the context of a preparatory class for access to primary school) and adults. It urges the authorities to continue these activities and to grant further resources so that they can be developed and extended to a larger number of persons. The Advisory Committee wishes to stress in this context that when Roma children are integrated into the school system, the authorities should ensure that the choice of those parents who wish to enrol their children in schools with instruction in the Lithuanian language rather than in Russian (the latter option allegedly favoured by the authorities) is fully respected, given the desire of these parents that their children are able to acquire a good knowledge of Lithuanian as well as their own language and culture. It refers in that regard to the principles set out in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe and urges the authorities to ensure that they are fully observed.

65. The Advisory Committee welcomes the measures aimed at fostering knowledge of the culture of the Roma minority, such as the publication, planned for 2003, of the results of a scientific study of the history and traditions of the Roma. The Advisory Committee further considers that the Government should make additional efforts to make the population, particularly in schools (both pupils and teachers), aware of the culture and identity of the Roma, and also of the difficulties they face.

## **In respect of Article 12**

100. The Advisory Committee *finds* that the rights of persons belonging to national minorities in respect of education are governed by several texts having different legal status and which do not reflect a unified approach of the authorities in this area. In particular, the Advisory Committee *notes* that there is legal uncertainty regarding the criteria which govern decisions to open or maintain classes or schools which provide teaching of or in minority languages, and regarding the authorities empowered to take such decisions. The Advisory Committee *considers* that the authorities should take the action needed to solve this problem.

101. The Advisory Committee *finds* that, according to the representatives of the national minorities, the draft law on education does not meet the expectations of the national minorities. The Advisory Committee *considers* it essential that the authorities take into account the concerns expressed by the minorities and ensure that the new law does not reduce their educational opportunities. The Advisory

Committee *considers* that special attention should be paid to improving the situation of Roma in this area.

## **MOLDOVA (First Cycle)**

*Adopted on 01 March 2002*

### **Article 12**

69. The Advisory Committee notes with satisfaction that the Moldovan authorities have made considerable efforts in schools, libraries, research institutes and museums, to foster knowledge of the values, culture, traditions, history, language and religion that make up the identity of national minorities and of the majority population. It also notes that the Government is permanently concerned with creating the right conditions for interaction between the various ethnic groups making up Moldovan society.

70. The Advisory Committee welcomes the steps taken to give legislative backing to such measures (see Article 35 of the Constitution, enshrining the right to education, and Articles 5 and 6 of the National Minorities Act, on the state's obligations regarding education and research). Concerning the institutional support, the Advisory Committee notes that, in the early 1990s, a special division responsible for national minority issues was set up in the Ministry of Education. Its priorities include training teachers for schools for persons belonging to national minorities, preparing curricula that are consistent with those followed by the majority population, drawing up appropriate textbooks and student exchanges.

71. The Advisory Committee considers that, despite the lack of resources, the Moldovan authorities have made substantial efforts in most of the areas referred to above. For example, the number of schools attended mainly by children belonging to national minorities and providing an education in or of a minority language represent a third of the Moldovan schools. Turning to higher education, according to the State Report, the breakdown of students by their ethnic origin is not far from the respective proportion of persons belonging to national minorities within the population of the country. While recognising that certain Roma are undertaking university level education, the Advisory Committee remains concerned about the access of persons belonging to this minority to higher education.

72. The Advisory Committee notes that quotas have been established in recent years to ensure that students from national minorities gain admission to higher education and for the allocation of scholarships abroad.

73. In general, the Advisory Committee welcomes the Moldovan authorities' commitment to the continuing modernisation and improvement of the quality of education, including education for persons belonging to national minorities.

74. The main shortcomings identified by the Government include: the shortage of teachers and the difficulty of attracting qualified university graduates to the profession because of the low salary, the difficulty of finding teachers qualified in both the state and a minority language (and able to teach subjects other than languages in both state and minority languages), the lack of textbooks, the higher costs for textbooks for pupils belonging to national minorities, the difficulty of ensuring continuity of education in a minority language at different levels and, more generally, the lack of financial resources. The Advisory Committee is aware that all these problems have to be seen in the context of an education system that is being reformed and modernised. It therefore welcomes the competent authorities' determination to find solutions, while seeking to maintain the system's coherence and avoid dealing with the education of persons belonging to national minorities in isolation.

75. The Advisory Committee notes that, in view of limited resources, relations with kin-states of national minorities are given great importance. In their meetings with the Advisory Committee, the authorities spoke of fruitful relations with Bulgaria, the Russian Federation, Turkey, Ukraine etc. These countries co-operate in the organisation of training sessions and teacher and student exchanges. They also supply school textbooks in the languages of the minorities concerned based on lists of needs drawn up by the Ministry of Education in accordance with standard national curricula. The Advisory Committee notes that certain difficulties still remain with regard to cooperation with Ukraine in this field, and encourages the Moldovan authorities to strengthen their efforts in this respect.

76. The Advisory Committee encourages the authorities to ensure that all the national minorities, particularly those that are numerically smaller or do not enjoy the support of a kin-state, benefit equitably from the special government programmes for national minorities in the field of education.

77. The Advisory Committee also wishes to draw the Government's attention to the high rates of school absenteeism and illiteracy amongst the Roma population, as well as to more specific problems, like the lack of textbooks, the lack of Roma teachers and the absence of nursery schools in certain Roma villages. The Advisory Committee considers that what has been done so far is insufficient and that substantial progress is possible through special education programmes, dialogue with families and direct financing. It believes that the Moldovan authorities should make this a priority, using as a basis the guidelines in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

## **In respect of Article 12**

116. The Advisory Committee *finds* that in spite of the authorities' efforts to guarantee equality of access to education for persons belonging to national minorities, a number of difficulties remain in this domain. The Advisory Committee *considers* that the authorities should ensure that all the national minorities, particularly those that are numerically smaller or do not enjoy the support of a kin-state, benefit equitably from the special government programmes for national minorities.

117. The Advisory Committee *finds* that the Roma experience particular education problems and *considers* that improving their situation in this field through special education programmes, dialogue with families and direct financing should be a priority for the Moldovan Government.

## **MOLDOVA (Second Cycle)**

*Adopted on 09 December 2004*

### **Intercultural dimension of education**

#### *Findings of the first cycle*

102. In its first Opinion, the Advisory Committee welcomed Moldova's efforts to protect national minorities in the field of education, despite limited resources. It further noted with satisfaction the authorities' will to promote the multicultural dimension of education and foster exchanges between the different ethnic groups through the education process.

#### *Present situation*

#### **a) Positive developments**

103. Moldovan pupils receive training in human rights and tolerance in civics classes (at secondary school) and get familiar with the basic principles of law (at high schools). In order to develop the multicultural dimension of education and facilitate intercultural knowledge, a literature textbook including works by writers from different ethnic groups has been produced by an Education Centre

and, after being tried out in 15 schools, submitted to the Ministry of Education for approval. This textbook is later to be recommended to all Moldovan schools.

104. In the schools of national minorities, a subject devoted to “The people’s history, culture and traditions” was introduced into the primary school curriculum from the 2002-2003 school year. Since the 2003-2004 year, this has been extended to years V to IX.

105. Also to be welcomed, among other projects on national minorities, is the current research on Roma history, culture and language in Interethnic Research Institutes of the Academy (see also the comments under Article 5 above). Unfortunately, representatives of the academic community report difficulties in publishing and distributing monographs and other research findings, whether on the Roma or other subjects concerning the cultures of national minorities, as a result of lack of resources and inadequate state support.

#### b) Outstanding issues

106. Information on the culture, history and traditions of national minorities remains limited in Moldovan schools, the initiatives mentioned above being recent and requiring energetic measures accompanied by adequate resources if they are to be effective.

#### *Recommendations*

107. In order to ensure the necessary quality of the teaching of the new subjects of study mentioned above, it is essential speedily to draw up and distribute the relevant syllabuses and methodologies, produce and/or distribute the necessary textbooks, as well as provide specific training for the teachers concerned. Bilateral co-operation and the support of international organisations are avenues to be explored to make up for the lack of resources at national level.

108. Special attention should also be paid to reflecting the multicultural nature of Moldovan society in the curricula and relevant textbooks of other subjects for all pupils, whether they come from the majority or national minorities. Similarly, educational, artistic and cultural activities organised in and by schools should include this intercultural dimension in order to foster mutual knowledge, closer ties and dialogue among children whatever their ethnicity.

### **Content of history textbooks**

#### *Findings of the first cycle*

109. The changes in history teaching announced by the Government in late 2001 were the source of considerable tensions in Moldovan society from January 2002. In order to calm the situation, a moratorium on those measures was announced in the spring of that year. In its first Opinion, the Advisory Committee called for a balanced approach to these sensitive issues and considered it essential to consult all the parties concerned.

#### *Present situation*

##### a) Positive developments

110. Since then, the authorities have begun to prepare new history textbooks and sought the Council of Europe’s co-operation in this. The intention is to include in the new books a multicultural dimension and to take a balanced approach to the country’s history, while strengthening Moldova’s distinct identity. A special committee has been set up by the authorities to work on the new contents and methodology to be proposed to schools. According to the information provided to the Advisory Committee, the new textbooks are ready and the authorities plan to introduce them in schools from the 2005-2006 school year.

## b) Outstanding issues

111. According to the information made available to the Advisory Committee, the intercultural dimension is at present lacking in the history textbooks currently used in Moldovan schools. It also seems that the introduction of the new textbooks continues to be a potentially controversial issue in Moldova.

### *Recommendations*

112. Drawing on the Council of Europe's experience in this area, the authorities should try to ensure that the new textbooks give a balanced picture of the country's history and contribute to the strengthening of tolerance and mutual understanding. When the new approach to history teaching is implemented, they should try to take all sensibilities into account in order to foster the preservation and strengthening of social cohesion and interethnic dialogue.

## **Equality of opportunity in access to education – education of Roma children**

### *Findings of the first cycle*

113. In its first Opinion, the Advisory Committee encouraged the authorities to ensure that all national minorities, including the numerically smaller ones and those who cannot enjoy the support of a kin-state benefit equitably from their attention in the development of education policies and curricula. The Committee of Ministers' Resolution on implementation of the Framework Convention by Moldova stressed the need to consult representatives of national minorities in order better to understand and take into account their educational needs.

### *Present situation*

#### a) Positive developments

114. The authorities have continued their efforts to improve the situation with respect to training specialised teachers, as well as the preparation and publication of textbooks appropriate for the education of national minorities, including through bilateral co-operation with kin-states.

115. The authorities have recently been more receptive to concerns expressed by the Roma and have launched new initiatives to improve the situation in the field of education. The State Report details the measures taken by central and local authorities to facilitate the integration of Roma children in the school system at the various levels. These include direct socio-economic support for families as well as special initiatives, such as introducing quotas for access to higher education.

116. The fact that there are now about forty young Roma studying in the universities of Moldova can only be welcomed. It is to be hoped that this will have a positive impact on improving the educational situation of other Roma.

#### b) Outstanding issues

117. Representatives of national minorities argue that resources so far allocated by the authorities to teacher training and textbooks are still inadequate. With respect to textbooks, it should be noted that the problem concerns the whole of the Moldovan education system as well as families, since parents rent textbooks for a fee, which is a problem in view of the difficult economic situation many of them are in.

118. Despite the measures mentioned above, the Roma continue to have serious difficulties in the education field. Difficult material conditions in families and the schools concerned (where the minimum conditions needed for education are lacking and children of different ages sit side-by-side, often without textbooks), the complete isolation of Roma children when they live in Roma villages far

from other localities, the lack of qualified teachers and other factors are resulting in families' losing interest in education. In the absence of support measures by local authorities, the result is a large number children who do not go to school, high rates of absenteeism and underachievement at school, as well as continuing high illiteracy rates in this population. These difficulties are accentuating the marginalisation of the Roma and keeping them in a vulnerable situation in terms of effective participation in the economic, social, political and cultural life of the country, as well as in public affairs.

#### *Recommendations*

119. The question of textbooks and teachers trained for the education of national minorities should be dealt with as a priority. Notwithstanding the limited resources available, the authorities should try to increase their efforts in this area, including through greater use of the opportunities for obtaining international support for this purpose.

120. As for the Roma, it is essential to act without delay through concerted measures in the various sectors concerned (economic, health, etc) in order to deal sustainably with the roots of the problems and make it possible to ensure that Roma children enjoy equal access to education. Awareness-raising measures are also needed for both families and schools with a view to greater integration of these children in the education system.

### **Teaching of the State language**

#### *Findings of the first cycle*

121. In its first Opinion, the Advisory Committee found that knowledge of the State language among persons belonging to national minorities was limited and was growing only very slowly. The authorities were encouraged to make further efforts in this respect.

#### *Present situation*

##### **a) Positive developments**

122. Following an evaluation of the situation, Moldova has intensified its efforts to boost learning of the State language by persons belonging to national minorities, including through programmes with international support (in the form of expertise and financial assistance). In this context, dictionaries and textbooks for both children and adults have been prepared and published for the various national minorities, and specific teaching methods have been developed and implemented. Families are now more aware of the importance of the State language as a factor of cohesion and a precondition for the future socio-economic integration of their children. This explains, inter alia, the growing number of persons belonging to national minorities preferring the State language as the language of instruction.

##### **b) Outstanding issues**

123. Despite these positive developments, national minorities report problems with the quality of this teaching, which, according to some sources are the result of a lack of textbooks and particularly the difficulty of finding and training teachers proficient in both languages (the State language and the minority language). In this context, the minority representatives expressed the wish for qualified teachers from their respective communities to teach the State language.

#### *Recommendations*

124. Moldova should examine the situation and requests of national minorities in this respect and take the necessary measures to improve the quality of the teaching, including by seeking possibilities to allocate increased resources.

## **NORWAY (First Cycle)**

*Adopted on 12 September 2002*

### **Article 12**

52. The Advisory Committee welcomes the commitment of the authorities to support research pertaining to national minorities, including the numerically small ones such as Jews and Skogfinns and encourages the authorities to pursue and expand their plans in this sphere.

53. The Advisory Committee has received representations from national minorities suggesting that the current history and other relevant text-books do not contain adequate information on the various national minorities of Norway. At the same time, the ministry concerned has stated that it is not in a position to give information on the current situation in this respect because the system of national recognition of textbooks to be used in primary and secondary schools has been abolished. The Advisory Committee considers that there is a need for the authorities concerned to increase vigilance in this area and to improve monitoring of the current situation with a view to addressing any shortcomings that may exist.

54. The Advisory Committee is concerned about the reports suggesting that the educational system does not take adequately into account the itinerant culture of Romanies and Roma and thereby risks placing the children concerned at a disadvantage. The Advisory Committee is of the opinion that the authorities should pursue further their efforts to accommodate better the itinerant culture and the specific traditions and needs of Romanies and Roma with a view to promoting their equal access to education at all levels, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

55. As regards teacher training, the Advisory Committee notes that a lack of qualified teachers who can teach Finnish is identified as a problem by both the authorities and representatives of the Kven minority. While acknowledging that some measures have been taken to address these shortcomings, the Advisory Committee encourages the authorities to increase these efforts and to allocate adequate resources for related initiatives.

### **In respect of Article 12**

92. The Advisory Committee *finds* the authorities are committed to supporting research pertaining to national minorities, including numerically small minorities, such as Jews and Skogfinns, and *considers* that the authorities should pursue and expand their plans in this sphere.

93. The Advisory Committee *finds* that relevant text-books reportedly do not contain adequate information on the various national minorities of Norway and that the ministry concerned is not in a position to give information on the current situation in this respect. It *considers* that there is a need to improve monitoring of the current situation with a view to addressing any shortcomings that may exist.

94. The Advisory Committee *finds* that the educational system reportedly does not take adequately into account the itinerant culture of Romanies and Roma and *considers* that the authorities should pursue further their efforts to accommodate better the culture and specific needs of Romanies and Roma.

95. The Advisory Committee finds that there is a lack of qualified teachers who can teach Finnish and considers that the authorities should increase their efforts in this sphere and allocate adequate resources for related initiatives.

## **POLAND (First Cycle)**

*Adopted on 27 November 2003*

### **Article 12**

73. The Advisory Committee acknowledges that efforts have been made, in the school curriculum, to promote knowledge of the cultures, histories, languages and religions of national minorities living in Poland. Despite this, Poland still too often seems to be presented as an ethnically and linguistically homogeneous country (see related comments under paragraph 48 above). The Advisory Committee therefore expresses the hope that the authorities will take further steps to increase the multicultural and multiethnic content of the curriculum and that, more generally, efforts to raise both the majority's and minorities' awareness of minority cultures will be intensified.

74. The Advisory Committee welcomes the efforts by the Ministry of Education and Sport as regards production of textbooks in minority languages and teacher training. A number of bilateral agreements facilitate co-operation in this field and the national minorities concerned benefit from them. However, groups which do not have the benefit of such bilateral agreements still seem to have unmet needs in these matters. Representatives of the Kaszubs, for instance, said that introduction of the Kaszub language into schools, a fairly recent development, was not without its problems, notably a shortage of textbooks and of teachers with the necessary skills. The Advisory Committee therefore encourages the authorities to continue their efforts to assist development of instruction in Kaszub.

75. The situation regarding education of the Roma gives rise to deep concern and differs significantly from the situation of other minorities and the majority. Even though there are great differences between Roma communities in Poland, the Roma minority is not yet guaranteed equal educational opportunity, and, as the authorities themselves admit, nearly 30% of Roma children fail to complete compulsory schooling.

76. Although most pupils of Roma origin attend state schools within an integrated system in which there is a mix of Roma and other children, the authorities state that, in isolated cases, there are still what are termed "Roma classes" - 20 or so special classes at primary level which are solely for Roma pupils. These classes were set up as a start-of-school aid to Roma pupils to help them overcome the dual handicap of imperfect command of Polish and lack of a preschool education. Even though the decision to send a pupil to a Roma class is taken by the parents, and no testing seems to be used in that connection, the Advisory Committee notes with concern that there is a great deal of criticism concerning maintenance of such classes, in particular from Roma representatives themselves. Such classes, which are not designed specifically to develop Roma language and culture, appear to perpetuate a form of separation rather than help Roma integrate into the Polish school system.

77. The Advisory Committee welcomes the fact that, under the Pilot Programme to assist the Małopolskie Roma community in 2001-2003, the authorities offer a new instruction model based on integrating Roma into ordinary classes. This model has already produced positive results: only four schools in Małopolskie continue to have Roma classes, pupils' average standard has improved, the drop-out rate has fallen and programmes for Roma teachers' assistants seem to have been widely welcomed by Roma parents, leaders and school directors. The Advisory Committee considers that similar measures to encourage Roma integration into ordinary schooling, together with increased support for pre-school access, should be extended to the whole of the country without delay. That could be done, in particular, as part of the recently adopted Programme for the Roma community in Poland (see related comments under Article 4). More generally, the Advisory Committee recalls that the system must also take full account of Roma language and culture, in accordance with the principles laid down in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.



## Concerning Article 12

118. The Advisory Committee *finds* that while efforts have been made in the school curriculum to promote knowledge of the cultures, histories, languages and religions of national minorities living in Poland, Poland still too often seems to be presented as an ethnically and linguistically homogeneous country. The Advisory Committee *considers* that the authorities should take further steps to increase the multicultural and multiethnic content of the curriculum and that, more generally, efforts to raise both the majority's and minorities' awareness of national minority cultures should be intensified.

119. The Advisory Committee *finds* that the situation regarding education of the Roma gives rise to deep concern and differs significantly from the situation of other national minorities and the majority. The Advisory Committee *finds* that there is a great deal of criticism concerning maintenance of "Roma classes", in particular from Roma representatives themselves since such classes, which are not designed specifically to develop Roma language and culture, appear to perpetuate a form of separation rather than help Roma integrate into the Polish school system. The Advisory Committee *finds* that, under the Pilot Programme to assist the Małopolskie Roma community in 2001-2003, the authorities have offered a new instruction model based on integrating Roma into ordinary classes and that this model has already produced positive results. The Advisory Committee *considers* that similar measures to encourage Roma integration into ordinary schooling, together with increased support for pre-school access, should be extended to the whole of the country without delay as provided for by the Programme for Roma community in Poland recently adopted.

## ROMANIA (First Cycle)

*Adopted on 06 April 2001*

### Article 12

52. The Advisory Committee takes notes of the considerable efforts made by the Romanian authorities concerning minority education. It welcomes the many improvements - particularly increased possibilities of using minority languages - introduced by Act No. 151/1999, amending Act No. 84/1995 on education, as well as the efforts made by the Ministry of National Education to develop literature, history and traditions of national minorities in the curricula.

53. Without wishing to minimise the results achieved, the Committee points out that it has learned that a shortage of minority-language textbooks and qualified teachers is still the rule for some minorities, in particular Armenians, Croats, Poles, Serbs, Slovaks, Turks and Tatars. This makes it hard for schools attended by children from national minorities to provide full education of the same standard as that provided in Romanian. Although many other factors can affect their choice, this may discourage parents from sending their children to schools where most subjects are taught in the minority language. The Advisory Committee considers that this matter should be reviewed in order to provide the said minorities with the necessary textbooks and teachers.

54. The Advisory Committee is also concerned at reports from various sources that history teaching does not sufficiently reflect Romania's ethnic diversity, although Article 120 (3) of Act No. 151/1999 provides for this. The Advisory Committee considers that the Romanian authorities should explore, in consultation with representatives of the national minorities, approaches to the teaching of history more designed to enhance the intercultural dialogue promoted by the Framework Convention.

55. In higher education, the Advisory Committee welcomes the existing possibilities for persons belonging to national minorities, as well as the recent positive developments that have led to the possibility, introduced by Article 123 of Act No. 151/1999, of establishing multicultural institutions, where languages other than Romanian can be used in the teaching. Legal obstacles to the establishment of the Petöfi-Schiller multicultural University have thus been removed. The Advisory Committee also notes that there had been a Hungarian-language Bolyai university in the past and that

today's Babes-Bolyai University offers instruction in Romanian, Hungarian and German. The Advisory Committee welcomes a continuing dialogue between the Romanian authorities and those concerned that could help to find a solution that would correspond to the aspirations of the Hungarian and German minorities in the matter of higher education.

56. As concerns Article 12 paragraph 3, the situation of the Roma, who are still not guaranteed equal opportunities for access to education, gives cause for deep concern and differs noticeably from that of other minorities and the majority.

57. In view of various submissions made during its visit to Romania and in the light of information made available to it, the Advisory Committee is deeply concerned by the fact that a significant percentage of Roma children attend school irregularly or not at all. Since there are various reasons explaining Roma parents' reluctance to send their children to school, only a whole range of long-term measures can remedy this situation. At the same time, the Advisory Committee considers that one of the causes is particularly unacceptable: repeatedly during its visit, it was told that the main reason why many school-age children stayed away was the lack of food. Of course, the Advisory Committee is aware that this applies, not only to Roma children, but also to children belonging to the majority. It is clear, however, that Roma children are proportionally far more affected than others by school absenteeism associated with their parents' inability to pay for their daily meal. It is therefore of central importance that the Romanian authorities tackle this problem and remedy this unsatisfactory situation as a matter of priority. The Advisory Committee is pleased that the Ministry of National Education has recognised the problem of school absenteeism, and taken steps to deal with it, for instance by appointing Roma mediators and school inspectors - even though these appointments have met with some resistance on the part of various authorities. In higher education, the Advisory Committee is pleased to see that places are being reserved for Roma students, and finds it important that the authorities launch information campaigns to help ensure that they are filled.

58. Given the extent of school absenteeism, however, further measures should be envisaged to strengthen Roma parents' confidence in the school system. Indeed, this confidence is regarded as essential by the Advisory Committee. Simplified school registration formalities might therefore be considered - especially for the children of families with itinerant or semi-itinerant life-styles. Teachers should be encouraged to be more tolerant of the Roma community, its life-style and its traditional trades.

59. The Advisory Committee notes with satisfaction that in general, Roma pupils are integrated in regular schools in Romania despite isolated cases of improper placement in "special" schools for mentally disabled children. The Advisory Committee notes that the education system should take full account of the Roma minority's language and culture, in accordance with the principles set out in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe. Such an approach would help to increase mutual understanding between Roma parents and schools. The Advisory Committee is of the opinion that the Romanian Government should strengthen its initiatives aimed at improving opportunities for Roma in kindergartens and expresses the hope that they will have a positive impact on the relevant practice at the local level.

## **In respect of Article 12**

The Committee of Ministers *concludes* that the considerable efforts made by the Romanian authorities have brought many improvements, particularly increased possibilities of using minority languages. However, it *concludes* that there is still a shortage of minority-language textbooks and qualified teachers for some minorities, in particular Armenians, Croats, Poles, Serbs, Slovaks, Turks and Tatars. The Committee of Ministers *recommends* that this matter be reviewed in order to provide the said minorities with the necessary textbooks and teachers.

The Committee of Ministers *concludes* that there is reason for concern about allegations that history teaching does not sufficiently reflect Romania's ethnic diversity. It *recommends* that the Romanian

authorities explore, with representatives of the national minorities, approaches to the teaching of history more designed to enhance the intercultural dialogue.

The Committee of Ministers *concludes* that, as is recognised by the Ministry of Education, there is an abnormally high school absenteeism rate among Roma pupils due, inter alia, to a lack of food. The Committee of Ministers *recommends* that the Romanian authorities tackle this problem as a matter of urgency. Given the extent of school absenteeism, the Committee of Ministers *recommends* that Romania strengthen Roma parent's confidence in the school system and consider the simplification of school registration formalities, as well as additional measures aimed at ensuring that Roma children have equal opportunities for access to education at all levels, bearing in mind the principles set out in the Committee of Ministers' Recommendation (2000) 4 on the education of Roma/Gypsy children in Europe.

## **ROMANIA (Second Cycle)**

*Adopted on 24 November 2005*

### **Multicultural and intercultural dimension of education**

#### *Findings of the first cycle*

135. In its first Opinion on Romania, the Advisory Committee welcomed the efforts made to improve the situation of national minorities in the educational field, and the numerous improvements noted, particularly in the teaching of minority languages. The Advisory Committee called on the authorities to review their approach to history teaching in order to reflect more fully the ethnic diversity of the country and to encourage mutual awareness and understanding.

#### *Current situation*

##### **a) Positive developments**

136. The Advisory Committee notes with satisfaction that aspects of the history, culture and traditions of persons belonging to national minorities are now offered as optional subjects to pupils belonging to the minorities concerned, in their mother tongue. Religion may also be taught as an optional subject in the mother tongue. A textbook on Roma history, culture and traditions has been elaborated and is available for the use of Roma children. Training courses for working with Roma children have been organised for non-Roma teachers (420 in 2004).

137. The Advisory Committee also appreciates the many out-of-school activities run at central level and given financial support by the Department for Interethnic Relations as well as by schools, activities meant to encourage dialogue between pupils and teachers belonging to different communities.

##### **b) Outstanding issues**

138. Nonetheless, the Advisory Committee remains concerned about the limited presence in the common school curricula, and in the textbooks and educational material designed for pupils belonging to the majority population, of information regarding the history and culture of the country's national minorities, even though the Education Act provides for such topics to be covered. However, the competent authorities point to recent initiatives aiming at promoting ethnic diversity more fully in history textbooks (for the current school year, for pupils in grade 10 and with effect from 2006, for those in grade 12). According to the Ministry of Education and Research, such initiatives will also apply to literature textbooks.

139. The Advisory Committee also notes that the Draft Law on the Status of National Minorities makes several references in Article 17 to the state's obligation to guarantee teaching of or in minority

languages in separate groups, or in kindergarten, schools, separate sections or classes. The Advisory Committee is aware that teaching for national minorities has its own specific features and may involve separate teaching. However, it hopes that in the legislative process, the most appropriate approach and wording will be identified in order to promote multicultural education and to offer such forms of separate education as one possible option, and not as the only option provided for in the legislation.

#### *Recommendation*

140. The authorities should review the curriculum and syllabi of schools so as to adequately incorporate aspects which will enhance the country's ethnic and cultural diversity and ensure that the majority are more aware of the history and cultural identity of minorities. At the legislative level, the authorities are encouraged to promote an integrated and multicultural approach to education when addressing the right to education of persons belonging to national minorities.

### **Equality of opportunity in access to education – textbooks and teacher training**

#### *Findings of the first cycle*

141. In its first Opinion on Romania, the Advisory Committee noted that the number of textbooks in minority languages and qualified teachers from certain smaller minorities continued to be insufficient. The authorities were encouraged to redouble their efforts to address this situation.

#### *Current situation*

##### **a) Positive developments**

142. The Advisory Committee notes that Romania has a generous legal basis which has given rise to an elaborate system of education for national minorities. It welcomes the commitment shown by the authorities to improve and consolidate this system under difficult financial circumstances, bearing in mind the rather limited proportion (around 4%) allocated to education in the national budget.

143. The Advisory Committee further notes that the recently introduced decentralised system of funding education, based on a standard amount per pupil, takes into consideration the fact that the costs for pupils belonging to minorities are necessarily higher. This new system, which is supposed to take better account of existing needs, is currently being introduced on an experimental basis in a number of counties in Romania.

144. In order to overcome the shortage of appropriate textbooks, in recent years the authorities have translated new textbooks for subjects such as maths, civics, biology, etc into minority languages. Also in preparation or under consideration are literary anthologies (in Serbian and Slovak) and textbooks covering the history of the Czech, Bulgarian, German, Hungarian, Serbian and Slovak minorities in the language of the community concerned.

145. The Advisory Committee notes with satisfaction that the Ministry of Education and Research is paying priority attention to the quality of education. This includes the adoption of specific regulatory provisions incorporating education quality criteria and mechanisms to monitor implementation. Although additional efforts are required to meet existing needs, it notes the training measures taken to reduce the number of unqualified or under-qualified teachers in the sector of education for national minorities.

146. The Draft Law on the Status of National Minorities reasserts the right to education, already acknowledged in Romanian legislation, of persons belonging to national minorities and significantly enhances participation by such persons in the taking of decisions in this field. The Advisory Committee further notes that the draft law contains very favourable provisions in the field of education, such as the obligation for the State to guarantee education in the minority language at all levels and in all forms and types of education. In view of the financial difficulties mentioned above,

the Advisory Committee hopes that impact and feasibility studies have been carried out prior to the introduction of such ambitious provisions (see also relevant comments under Article 5 above).

b) Outstanding issues

147. Although Romanian legislation offers persons belonging to national minorities broad opportunities in access to education and in receiving an education tailored to their specific needs, a number of shortcomings remain, particularly at local level, in the implementation of this legislation.

148. The authorities continue to experience difficulties in providing the requisite number of textbooks in the various subjects concerned, especially for the smaller minorities. In addition, minority languages continue in some cases to be taught by unqualified staff. Over and above the high costs of producing adequate textbooks, the authorities also seem to find it difficult to motivate young people - whether they belong to national minorities or to the majority - to consider a career in teaching. The Advisory Committee is concerned by the fact that, due to the economic situation of the country, severe financial restrictions affect Romania's education system, including the policies and measures specifically devised for national minorities. It notes that too often laudable initiatives launched in the education field depend on the existence of external financial support. More generally, the Advisory Committee notes that the plans as well as the legislation in force do not correspond to the resources available (see also comments in paragraph 142 above).

149. Nevertheless, the Advisory Committee has taken note of a recent Order from the Ministry of Education and Research, adopted in April 2005, authorising minorities to prepare their own textbooks in their mother tongue for various subjects, in line with the common curriculum. The Advisory Committee believes that such a solution, while it might address the problems in the short term, should not mean in the long term that the State does not have to fulfil its responsibilities and obligations in this field.

150. The Advisory Committee notes with concern the information provided by representatives of the Turkish minority as well as by the National Institute for Statistics regarding the high level of illiteracy among young people belonging to this community.

*Recommendation*

151. The authorities should redouble their efforts to ensure, particularly for the numerically smaller minorities, an adequate number of textbooks and qualified teachers to teach minority languages or in these languages.

**Situation of the Roma**

*Findings of the first cycle*

152. In its first Opinion on Romania, the Advisory Committee, noting the difficulties encountered by the Roma in the field of education, particularly absenteeism, called on the authorities to take additional measures, including socio-economic support, in order to improve the situation.

*Current situation*

a) Positive developments

153. The Advisory Committee notes with satisfaction that the Romanian authorities continue to view education of the Roma as a priority area of action. It appreciates the fact that the Ministry of Education and Research is focusing on an integrated approach for Roma children and that efforts are being made to involve Roma representatives in education programmes and projects of direct relevance to them.

154. At the institutional level, inspectors for Roma education have been appointed in all county school inspectorates, and Roma mediators have been appointed in schools. A Roma specialist, acknowledged by his own community, now works in the Ministry of Education and Research.

155. In practical terms, significant resources have been allocated to the production of textbooks for the teaching of the Roma language, culture and history, and to train an adequate number of qualified teachers from among the Roma community to teach these subjects (see observations under Article 14 below). To address the problem of absenteeism and improve conditions enabling Roma children to achieve better school results, the authorities have also made provision for socio-economic support (including the distribution of snacks at school) and taken a number of initiatives to encourage Roma families realise to pay increased attention to education.

156. The Advisory Committee also welcomes the active measures taken to promote Roma access to university and, more recently, upper secondary school, through the allocation of specific places reserved for the Roma (398 in over 40 universities for the 2005-2006 academic year). Despite the fact that certain failings have been reported in the practical application of these measures, designed by the authorities as a means of forming an elite among the Roma, significant results have already been noted.

157. Specific measures have also been taken to promote vocational education for Roma, with places reserved for them in professional training establishments. Vocational training projects, linked to traditional handicraft occupations of the Roma, have also been developed at local level.

b) Outstanding issues

158. Despite the above efforts, a large proportion of Roma children continue to fail at school and drop out, often as early as primary school level, or to remain outside the school system altogether. Roma representatives and other sources, while appreciating the specific education measures introduced by the authorities, consider that insufficient steps have been taken to address the socio-economic factors contributing to this situation (poverty, poor health, parents' educational level, traditions etc.). The stereotypes and negative attitudes vis-à-vis the Roma among pupils' parents and in schools are other factors limiting the effectiveness and impact of the measures adopted.

159. In this context, the Advisory Committee notes with concern reported attempts and occasional cases of isolation of Roma children within the education system. Nonetheless, it notes that the authorities are fully aware of this problem and it welcomes the steps already taken by the Ministry of Education and Research to tackle this phenomenon. For example, a special committee has been set up within the Ministry and a Notification, has been issued to all staff and schools concerned, defining and prohibiting segregation in its different forms and setting out specific measures to address the problem.

*Recommendations*

160. While pursuing the positive measures taken in respect of the Roma in the field of education, the authorities should step up their efforts to provide socio-economic support and raise awareness among Roma families and the rest of the population. The measures and projects launched in the sphere of vocational training should be pursued and developed further, in constant co-operation with the Roma and the local authorities concerned.

161. Priority attention should be given to the implementation of the measures agreed upon to put an end to the separation of Roma children in the education system and to ensure ongoing monitoring of the situation in this field.

## **RUSSIAN FEDERATION (First Cycle)**

*Adopted on 13 September 2002*

### **Article 12**

88. The Advisory Committee notes that the limited availability of textbooks is an obstacle in the context of the teaching of many of the minority languages of the Russian Federation. For example, concerns have been expressed that the shortcomings with respect to textbooks in Ukrainian have hampered the development of education in this language in the Russian Federation. The Advisory Committee welcomes the fact that the federal authorities, while referring to economic constraints, recognise that shortcomings exist in this sphere. The Advisory Committee encourages the authorities to review the situation and address these shortcomings and to draw in this context on the positive experiences that have been gained in bilateral co-operation, for example, with respect to the German language education and textbooks (see also related comments on tolerance and inter-ethnic dialogue in general under Article 6).

89. The Advisory Committee understands that there have been improvements with respect to the way in which minorities are portrayed in history and other text-books. At the same time, reports noting that there is scope for improvement for example in the way in which Tatars are portrayed in the history textbooks suggest that continuous vigilance is required to improve the situation further.

90. The Advisory Committee notes with concern that there are serious problems as concerns equal opportunities for access to education for persons belonging to national minorities in a number of regions. The situation appears particularly acute with respect to the displaced Ingush and Chechen population in Ingushetia, where the lack of adequate educational facilities - such facilities are at times limited to commendable private initiatives - are undermining children's equal opportunities for access to education at various levels beginning from pre-schools. The Advisory Committee considers that this is an issue that merits increased attention by the authorities concerned.

91. In addition to limited resources, the Advisory Committee is deeply concerned about the measures that have been taken by certain local and regional authorities to restrict the access of persons belonging to national minorities to existing educational facilities of the locality at issue. The Advisory Committee refers in particular to the attempts to link access to education to the residency registration, which when coupled with the problems of the registration regime (see comments under Article 4), would seriously undermine the equal opportunities of persons belonging to national minorities for access to education and would thereby not be compatible with Article 12 of the Framework Convention. It is essential that no such measures are, *de jure* or *de facto*, tolerated by the federal, regional or local authorities.

### **In respect of Article 12**

150. The Advisory Committee *finds* that the limited availability of textbooks is an obstacle in the context of the teaching of many of the minority languages of the Russian Federation and *considers* that the authorities should review the situation and address these shortcomings.

151. The Advisory Committee *finds* that there is scope for improvement with respect to the way in which certain minorities are portrayed in history and other text-books and *considers* that continuous vigilance is required from the authorities to improve the situation further.

152. The Advisory Committee *finds* that there are serious problems as concerns equal opportunities for access to education for persons belonging to national minorities in a number of regions, particularly with respect to certain displaced populations. The Advisory Committee *considers* that this is an issue that merits increased attention by the authorities concerned.

153. The Advisory Committee *finds* that certain local and regional authorities have taken measures to restrict the access of persons belonging to national minorities to existing educational facilities and *considers* it essential that no such measures are, *de jure* or *de facto*, tolerated by the federal, regional or local authorities.

## **SERBIA AND MONTENEGRO (First Cycle)**

*Adopted on 27 November 2003*

### **Article 12**

85. The Advisory Committee notes that there have been serious shortcomings in the implementation of the principles of Article 12, paragraph 1, of the Framework Convention in Serbia and Montenegro, but the authorities are at present taking decisive measures to address these problems in line with Article 12 of the federal Law on the Protection of Rights and Freedoms of National Minorities, Article 71 of the Constitution of Montenegro and other pertinent provisions.

86. In this connection, the Advisory Committee refers in particular to the on-going efforts to improve, in co-operation with the Council of National Minorities, history and other textbooks that have to date contained only limited information on national minorities and their cultures and have in some cases contributed to negative stereotypes as regards Albanians, Germans, Muslims and persons belonging to other national minorities.

87. The Advisory Committee notes that the production and sales of textbooks is increasingly moving from the public sector to the private sector. The Advisory Committee urges the authorities to monitor this process carefully and, where necessary, take positive measures to ensure that this process does not harm the accessibility or affordability of textbooks in minority languages.

88. Additional efforts are also needed to address the various shortcomings that remain in terms of availability of qualified teachers (reported by Albanians, Slovaks, Romanians, Ruthenians and a number of other national minorities).

89. The Advisory Committee is deeply concerned about the access of Roma children to education in Serbia and Montenegro. The Advisory Committee finds it particularly alarming that, according to the research quoted by the authorities, in Serbia, Roma children account for 50 to 80 percent of the total number of pupils in the so-called “special schools” designed for children with mental disabilities. Roma are placed in these schools upon enrolment to elementary school on the basis of verbal tests that do not take into account the specific needs, social and cultural characteristics or language skills of Roma. The Advisory Committee stresses that the resulting situation is not compatible with Article 12, paragraph 3, of the Framework Convention. However, the Advisory Committee welcomes the fact that the authorities openly recognise the serious shortcomings outlined in the preceding paragraph and that the Ministry of Education of Serbia intends to devise, by the 2004-2005 school-year, a new enrolment policy that would, *inter alia*, be adapted to the children’s knowledge of Serbian. The Advisory Committee urges the authorities in Serbia to pursue this issue as a matter of high priority and to introduce also additional measures to integrate in regular schools those Roma children who have been unduly placed in special schools. Furthermore, it urges the authorities in Montenegro to review the situation in this domain and to address any shortcomings identified.

90. A separate problem, which the authorities are actively seeking to address, is that in some municipalities the measures taken with respect to Roma pupils have led to the establishment of specific classes for Roma. The Advisory Committee considers that specific classes devoted to one national minority as such (rather than, for example, to the teaching in/of their language and of their culture) risk placing the children concerned at a disadvantage and harming the implementation of Article 12 and the principle of intercultural dialogue contained in Article 6 of the Framework Convention. The Advisory Committee finds it important that the authorities pursue their efforts in this



sphere, in consultations with the persons concerned, with a view to enabling and encouraging Roma children to stay in the regular classes, also bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

91. The Advisory Committee notes that Roma face other serious problems in terms of their access to education, despite the fact that the authorities have launched some commendable initiatives to improve their situation, including the provision of free textbooks for Roma pupils and the introduction of positive measures to improve access of Roma to secondary education and higher education. One persistent problem is the low school attendance and high drop-out rates amongst Roma children, in particular girls, in elementary schools. The Advisory Committee considers that the draft Strategy for the Integration and Empowerment of Roma contains a number of initiatives that, if properly implemented, could significantly improve the situation. The Advisory Committee refers in particular to the conclusions of the draft Strategy that the educational system should reflect better the Roma culture and language, and that stereotypes regarding Roma should be eliminated and that the authorities should make additional efforts to monitor and support, including amongst Roma parents, the implementation of legal provisions concerning compulsory education and school attendance. Finally, the Advisory Committee believes that specific priority areas should also include the elimination of language barriers that many internally displaced Roma from Kosovo and Roma repatriated from abroad face in accessing education (see related comments under Article 14 below) and further attention by the authorities to pre-school education of Roma, taking into account results achieved by civil society initiatives in this field.

92. The Advisory Committee notes that one controversial question affecting the implementation of Article 12 of the Framework Convention in particular as regards persons belonging to the Albanian minority has been the non-recognition and delays in the recognition of certain diplomas from educational institutions abroad and from Kosovo. While there have been positive developments in respect of the recognition of diplomas from Kosovo, the Advisory Committee finds that there is a need to make further progress with respect to diplomas obtained in Albania or other foreign countries and it encourages the authorities to find legitimate and balanced solutions that reflect the principles of the Framework Convention.

### **In respect of Article 12**

152. The Advisory Committee *finds* that the production and sales of textbooks is increasingly moving from the public sector to the private sector and *considers* that the authorities should ensure that this process does not harm the accessibility or affordability of textbooks in minority languages.

153. The Advisory Committee *finds* that additional efforts are needed to address the various shortcomings that remain in terms of availability of qualified teachers.

154. The Advisory Committee *finds* that, in Serbia, Roma children are frequently placed in the so-called “special schools” designed for children with mental disabilities, on the basis of tests that do not take into account the needs and culture of Roma. The Advisory Committee *finds* that the resulting situation is not compatible with Article 12, paragraph 3, of the Framework Convention and *considers* that the authorities should pursue as a matter of high priority their plans to address this issue.

155. The Advisory Committee *finds* that in some municipalities specific classes have been established for Roma and *considers* that the authorities should pursue their efforts in this sphere with a view to enabling and encouraging Roma children to stay in the regular classes.

156. The Advisory Committee *finds* that low school attendance and high drop-out rates are a problem amongst Roma children, and it *considers* that the draft strategy for the Integration and Empowerment of Roma contains a number of initiatives that could significantly improve the situation.

157. The Advisory Committee *finds* that the non-recognition and delays in the recognition of certain diplomas from educational institutions abroad and from Kosovo has been controversial, and it *considers* that the authorities should seek legitimate and balanced solutions to these issues.

## **SLOVAK REPUBLIC (First Cycle)**

*Adopted on 22 September 2000*

### **Article 12**

38. The Advisory Committee welcomes the efforts to ensure that textbooks (in particular those on history), and the educational system in general do not foster negative stereotypes of national minorities, and that they provide adequate information on minorities, including on their culture and language. Against this background, it welcomes the fact that the Government prohibited the use, in the school curricula, of a controversial history textbook.

39. The Advisory Committee is deeply concerned about the reports according to which a high proportion of Roma children are placed in so-called special schools. While these schools are designed for mentally handicapped children, it appears that many Roma children who are not mentally handicapped are placed in these schools due to real or perceived language and cultural differences between Roma and the majority. The Advisory Committee considers that such practice is not compatible with the Framework Convention. The Advisory Committee stresses that placing children in such special schools should take place only when it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests.

40. The Advisory Committee notes with satisfaction that the above-mentioned problem is recognised by the Government and that it is designing new measures aimed at ensuring that Roma children have equal access to, and opportunities to continue to attend, regular schools. The Advisory Committee considers that a key to reaching this aim is to secure that the education system reflects and also fully takes into account the language and culture of the minority concerned, as provided in the principles contained in the Committee of Ministers' Recommendation No. R (2000) 4 on the education of Roma/Gypsy children in Europe. Such an approach would also help to increase mutual understanding between Roma parents and schools. In this connection, experiences gained by minorities at pre-school level are often of central importance. Considering that the proportion of Roma children attending kindergartens has dropped drastically in recent years in Slovakia, the Advisory Committee welcomes the initiatives aimed at improving opportunities for Roma in kindergartens and expresses the hope that they will have a positive impact on the relevant practice at local level.

41. The Advisory Committee welcomes the fact that the Ministry of Education is currently considering plans to introduce a multicultural and multiethnic component in the core curriculum of schools. The Advisory Committee expresses the hope that these plans will be pursued further and that adequate resources will be allocated for their implementation. The Advisory Committee is convinced that the implementation of this initiative would be helpful in addressing the concerns raised in the preceding paragraph as well as a number of other issues raised in the present opinion.

### **In respect of Article 12**

The Committee of Ministers *concludes* that the efforts to ensure that the educational system does not foster negative stereotypes of national minorities has led to certain concrete measures and *recommends* that Slovakia continue such efforts by ensuring *inter alia* that books available in schools contribute to the reaching of this aim.

The Committee of Ministers *concludes* that a high proportion of Roma children are placed in so-called special schools. While these schools are designed for mentally handicapped children, it appears that many Roma children who are not mentally handicapped are placed in these schools due to real or

perceived language and cultural differences between Roma and the majority. The Committee of Ministers *concludes* that such a practice is not compatible with the Framework Convention. The Committee of Ministers *recommends* that Slovakia design further measures aimed at ensuring that Roma children have equal access to, and opportunities to continue to attend, regular schools, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. R (2000) 4 on the education of Roma/Gypsy children in Europe.

The Committee of Ministers *concludes* that the implementation of the plans to introduce a multicultural and multiethnic component in the core curriculum of schools contributes to the implementation of the Framework Convention and *recommends* that Slovakia pursue these plans and allocate adequate resources for their implementation.

## **SLOVENIA (First Cycle)**

*Adopted on 12 September 2002*

### **Article 12**

60. The Advisory Committee notes that in the “ethnically mixed area” inhabited by the Hungarian minority, the well-developed and effective system of bilingual primary and secondary schools set up as part of the public education system is a means of meeting the requirements of Article 12 of the Framework Convention, which aims *inter alia* to promote contacts between students and teachers of different communities, in particular since it is compulsory for all pupils irrespective of their ethnic origin. In this context, the Advisory Committee welcomes that this system seems to be appreciated by most of those concerned, whether they belong to the majority population or to the Hungarian minority.

61. With regard to the provision of school textbooks, it appears that the needs of the Hungarian minority are still not fully met and the Advisory Committee can but encourage the authorities to continue to support textbook development and production, including through bilateral action with Hungary.

62. In the ethnically mixed area inhabited by the Italian minority, there is a different education system with kindergartens, primary schools and public secondary schools providing a full education in Italian. The Advisory Committee notes that this system seems to meet the needs of the persons concerned and welcomes the fact that such schools are attended not only by pupils belonging to the Italian minority but also by pupils from the majority population, thereby also encouraging contacts between students from different communities in accordance with Article 12 of the Framework Convention. According to the Italian minority and as the Government itself acknowledges, one of the main difficulties is finding trained supervisory staff and teachers for these Italian schools, especially to teach a range of subjects in Italian. This is said to be due *inter alia* to the fact that the procedure for recognising qualifications awarded in Italy is particularly lengthy. The Advisory Committee therefore urges the authorities to continue their support for the Italian minority's efforts to recruit and train qualified staff, where necessary via bilateral action (see related comments under Article 18).

63. The educational situation of the Roma gives rise to deep concern and differs widely from that of the other minorities and the majority population. Even though the situation of Roma living in the Prekmurje region is significantly better than elsewhere in the country, equality of opportunity in access to education is not yet ensured for this minority in Slovenia. The Advisory Committee is deeply concerned about credible information alleging that a very high percentage of Roma children are still being placed in “special” schools designed for mentally handicapped children. It seems, however, that many of these children are being placed in these institutions because they are less familiar with the Slovene language when they enter school or because of real or perceived cultural differences. The Advisory Committee considers that this practice is not compatible with the Framework Convention. The Advisory Committee stresses that children should only be placed in these institutions when it is absolutely necessary, and always on the basis of consistent, objective and comprehensive tests.

64. The Advisory Committee welcomes the fact that the Slovene authorities have recognised the existence of the above-mentioned situation and committed themselves to improving the testing methods: a panel of experts rather than the school authorities should be responsible for deciding who is sent to these special schools. The Advisory Committee considers that the Government should closely monitor developments in this sphere so as to ensure that the new measures introduced effectively remedy the situation. It notes in this context that the educational system should take full account of the language and culture of the minority in question, in accordance with the principles laid down in Committee of Ministers' Recommendation (2000) 4 on the education of Roma/Gypsy children in Europe. Such an approach would also help to promote mutual cooperation between Roma parents and the schools. In this context, the experience minorities acquire during the pre-school period is often of vital importance for them and the Advisory Committee regrets that not enough Roma children are attending kindergartens, a situation which may be partly due to the considerable expense involved for the parents. This being so, the Advisory Committee can but encourage initiatives designed to improve equality of opportunity for Roma at this early age and hopes that such initiatives will have a positive practical impact at the local level.

65. Another reason for concern comes from information about the introduction of separate classes for Roma in some municipalities, especially at Leskovec near Krsko, where classes are even, in some cases, being housed in separate buildings. Insofar as such practices seem to be left to the discretion of the schools concerned and to be an obstacle to further integration of the Roma, the Advisory Committee urges the Slovene authorities to make a full review of the situation and to take prompt measures to stop this practice.

### **In respect of Article 12**

98. The Advisory Committee *finds* that the needs of the Hungarian minority are still not fully met as concerns the provision of school textbooks. It *considers* that the authorities should continue to support textbook development and production, including through bilateral action with Hungary.

99. The Advisory Committee *finds* that one of the main difficulties faced by Italian schools is to find trained supervisory staff and teachers, especially to teach a range of subjects in Italian. The Advisory Committee therefore *considers* that the authorities should continue their support for the Italian minority's efforts to recruit and train qualified staff, where necessary via bilateral action since it appears that the procedure for recognising qualifications awarded in Italy is particularly lengthy.

100. The Advisory Committee *finds* that there is reason for deep concern about credible information alleging that a very high percentage of Roma children are still being placed in "special" schools designed for mentally handicapped children, although many of them are apparently being placed in these institutions because they are less familiar with the Slovene language when they enter school or because of real or perceived cultural differences. The Advisory Committee *finds* that this practice is not compatible with the Framework Convention. It also *finds* that the authorities have recognised the existence of the above-mentioned situation and committed themselves to improving the testing methods. The Advisory Committee *considers* that the authorities should closely monitor developments in this sphere so as to ensure that the new measures introduced effectively remedy the situation.

### **SLOVENIA (Second Cycle)**

*Adopted on 26 May 2005*

### **Intercultural dimension of education**

*Findings of the first cycle*

138. In its first Opinion on Slovenia, the Advisory Committee found a number of shortcomings regarding the availability of suitable school textbooks for the Hungarian minority and qualified teachers for the Italian minority. Problems were also noted in respect of the procedure for recognising qualifications awarded in Italy. The authorities were urged to make additional efforts in these areas, *inter alia* via bilateral action with the relevant neighbouring States.

#### *Present situation*

##### a) Positive developments

139. The Advisory Committee welcomes the successful implementation of interculturalism in schools operating in the “ethnically mixed areas”. It is pleased to find that the whole education system – organisation, curricula, teaching material – has been adapted, in these areas, so as to ensure equality of opportunity in access to education for persons belonging to both communities, and to bring about the necessary conditions for the preservation and affirmation of their linguistic identity. It also notes the system’s flexibility, such that the minority language can also be learned – at primary and secondary level – outside the “ethnically mixed area”, should a sufficient number of pupils request it. The Advisory Committee notes with satisfaction the low numerical criterion which is applied in this context (5 pupils).

140. The Advisory Committee wishes to emphasise that, as well as serving to enhance dialogue and understanding among children belonging to different communities during their schooling, the educational systems put in place in the “ethnically mixed areas” inhabited by the Hungarian and Italian minorities also contribute to better subsequent vocational and social integration.

##### b) Outstanding issues

141. The Advisory Committee notes that, notwithstanding the efforts made in this area, shortcomings continue to be reported in respect of the teaching material available. At the same time, the problem of the excessive length of time taken to recognise qualifications obtained in Hungary and Italy also remains, despite the co-operation with both countries developed by Slovenia in this area.

#### *Recommendations*

142. The Advisory Committee urges the authorities to step up their efforts, including financially, to make the necessary teaching material for the education of persons belonging to the Hungarian and Italian minorities available to the schools concerned.

143. At the same time, the authorities should take appropriate measures in order to eliminate the reported difficulties when it comes to recognizing qualifications obtained in Hungary and Italy, respectively, by persons belonging to Slovenia’s Hungarian and Italian minorities.

### **Equality of opportunity in access to education. Situation of the Roma.**

#### *Findings of the first cycle*

144. In its first Opinion on Slovenia, the Advisory Committee was concerned about the educational situation of the Roma. In particular, it expressed its concern over the unjustified placement of Roma children in so called “special” schools, which it considered to be incompatible with the Framework Convention.

145. The authorities were urged to continue the initiatives that had already been launched with a view to stopping the isolation of these children within the education system, and to develop other measures likely to improve their educational situation.

## *Present situation*

### a) Positive developments

146. The Advisory Committee notes that new measures have been taken by the authorities with a view to improving the educational situation of Roma children. It notes, for instance, that particular attention has been paid in recent years to researching and developing suitable education and training models for Roma children and their families, as part of a government-funded project. A new Strategy for the Education of Roma was also adopted in June 2004, with the aim of securing equality of opportunity in access to education and integrating them more fully into the education system. The Advisory Committee welcomes the fact that, according to the information provided by the Ministry of Education, the distinction based on the “autochthonous” criterion is not taken into account in the allocation of the relevant funds.

147. The following are the most notable measures included in the above-mentioned strategy: the enrolment of Roma children in pre-school education for at least 2 years prior to primary school, in order to help them learn the Slovene language as well as their mother tongue; the introduction of Roma teaching assistants; the introduction of the Roma language as an optional subject in primary schools; and the inclusion of information about Roma culture, history and identity in the curriculum. Provision is also made for specific measures with a view to raising the level of education and qualifications among Roma adults and better preparing them for the labour market.

148. The Advisory Committee welcomes the efforts made by Slovenia to discontinue the unjustified placement of Roma children in “special” schools or classes and notes a certain reduction in the percentage of Roma children enrolled in such schools. The criteria for sending pupils to “special” classes or schools have, in fact, been modified so as to prevent any abuses in this area. The competent authorities now favour the enrolment of Roma children in regular classes, at all levels of instruction, while making provision for specific arrangements to assist pupils in difficulty. In this context, it should be noted that a number of textbooks geared to the needs of Roma children (for the Slovene language, mathematics and the natural and social sciences) have recently been produced and published, and others are scheduled.

149. The Advisory Committee also notes the efforts made by the authorities to discontinue the isolation of Roma pupils in regular schools. Whereas, until the 2002/2003 school year, the regulatory framework in force laid down special rules for the establishment of Roma classes, since the 2003/2004 school year the new regulations no longer provide for the creation of classes made up exclusively of Roma children. In this connection, the Advisory Committee notes that such classes are now, reportedly, very rare.

### b) Outstanding issues

150. The educational situation of the Roma continues to represent a challenge for the authorities. The integration of the Roma into the school system raises issues starting at the pre-school level, where, despite improvements, the number of Roma children is still low. In difficulty right from this early stage, *inter alia* as a result of their poor command of the Slovene language, many Roma children have difficulties to cope with the demands of primary school, which is where their schooling generally ends. Unfortunately, notwithstanding the measures taken by the authorities and certain positive trends, the number of Roma children pursuing secondary studies remains very low.

151. The authorities acknowledge that significant issues still need to be resolved, failing which it will be impossible to bring about a genuine improvement in this area. These issues include, in particular, the prevention of and combating ongoing prejudice towards the Roma among the rest of the population, recruitment of Roma teaching staff and resolving of existing problems connected with the Roma language.

152. Despite the measures mentioned in paragraphs 148 and 149, it is too early at this stage for the Advisory Committee to assess the impact of the authorities' efforts to stop the practice of isolating Roma children in the education system. The Advisory Committee is still concerned about this situation, and regrets that the information provided on this subject by the authorities was limited.

153. The Advisory Committee understands that, although the creation of classes made up solely of Roma pupils is no longer allowed under the new regulatory framework, smaller study groups can still be set up on a temporary basis to receive additional instruction outside the normal timetable. According to some sources, the instruction offered in such study groups is nonetheless at a lower level than that offered in ordinary classes, and therefore potentially penalises the pupils concerned.

154. The Advisory Committee is particularly concerned, given that various sources report recent measures in the Novo Mesto region (Brsljin primary school) resulting in Roma children being taught in separate classes or study groups. The Advisory Committee regrets that it was not possible to obtain more specific information from the Government concerning the reasons behind such measures, and the efforts made to avoid resorting to them. Nevertheless, it understands from non-governmental sources that reasons relating to differences among the pupils concerned - in terms of academic ability and performance - were invoked by the local authorities in question.

155. At the same time, the Advisory Committee finds it regrettable that a significant proportion of children from those Roma families whose legal status has still not been regularised continue to remain outside the school system. It finds this situation unacceptable, and considers that the authorities should take immediate action to ensure that the children concerned have access to education.

#### *Recommendations*

156. Without further delay, the authorities should adopt an approach entailing clearer, more decisive measures to combat the unjustified isolation of Roma children in the education system, and monitor the situation at all levels to ensure that such isolation practices are not repeated.

157. The authorities should continue, and step up, their specific measures to assist Roma children, such as recruiting teaching staff among Roma, developing Roma teaching assistant posts, raising teacher awareness of the specific problems of Roma children and involving parents more effectively. More sustained efforts are necessary with a view to promoting the Roma language, culture and traditions, and giving other children a more positive image of Roma identity.

158. When study groups or other forms of separate instruction are set up, the authorities should ensure that the views of the parents and children concerned are ascertained in advance, and that these measures are not based on an ethnic criterion.

159. The Advisory Committee calls on the authorities to take urgent action to address the situation of children from those Roma families whose legal status has still not been regularised, so as to ensure that these children have access to schooling and to the necessary assistance to continue their education.

#### **SPAIN (First Cycle)**

*Adopted on 27 November 2003*

#### **Article 12**

68. The Advisory Committee notes with approval that, according to Roma sources, there has been a substantial improvement in the past ten years with regard to access to schooling for Roma children from age 6 and to completion of studies. More recent initiatives designed to include specific training for teachers working with Roma children, the incorporation of human rights education and the

teaching of diversity in the teaching syllabus should also be mentioned. Likewise welcomed are the conferences and cultural events recently devoted to Roma by private higher education establishments.

69. The Advisory Committee observes nonetheless that Roma are still facing difficulties in this sphere. Their situation is markedly different from that of the rest of the population, so that equal opportunities for access to education is not yet secured to them. The Advisory Committee recalls in this context the principles set out in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/gypsy children in Europe, and encourages the authorities to ensure that they are fully complied with in their own action.

70. In concrete terms, the Advisory Committee notes that, despite recent measures taken by the authorities, shortcomings persist with regard to absenteeism and the level of education attained by Roma children. Similarly, difficulties are reported over the integration of Roma children into pre-school education. Families' socio-economic difficulties, poor family support for education and lack of information are among the factors underlying this situation. The Advisory Committee encourages the authorities to make additional efforts to remedy the outstanding problems.

71. The Advisory Committee notes with concern in this connection reports of a large concentration of Roma children in certain public schools as a result of their rejection, in other schools, by the population and teachers. The Advisory Committee welcomes the measures taken in recent years by the central and territorial authorities to curb this phenomenon, and the introduction of remedial programmes to facilitate the integration of these children into school. Despite these initiatives, the fact remains that the degree of interaction between Roma children and other children remains slight and they continue to run the risk of isolation. The Advisory Committee is of the opinion that the authorities should examine this situation and take all necessary measures to prevent these children being unduly grouped together and isolated.

72. The Advisory Committee is concerned that in Spain, according to various sources, the school curricula do not reflect to an adequate extent the cultural diversity of the country (see also relevant comments under Article 6 above). In particular, the Advisory Committee notes that, except for certain initiatives taken on an *ad hoc* basis, information about the Roma, their history, culture and traditions, is absent from school textbooks. By contrast, even if these are isolated instances, there are definitions and references which are damaging to the image of Roma in highly regarded Spanish dictionaries such as the one published by the Royal Academy of Languages. The Advisory Committee is pleased to note that these references have already been the subject of criticism at national level (by the Ombudsman, among others) and at international level, and urges the authorities at all levels to ensure that such damaging references are no longer allowed to appear in curricula, dictionaries, textbooks or other teaching materials.

## **In respect of Article 12**

94. The Advisory Committee *finds* that, in spite of the progress made in this area, equality of opportunity in access to education is not yet secured to Roma. The Advisory Committee *finds* that they continue to encounter difficulties with regard to pre-school education, absenteeism, the level of education attained, and isolation in certain schools. The Advisory Committee *considers* that the authorities should make increased efforts to remedy these shortcomings and, in order to integrate Roma more effectively in schools, pay particular attention to the information given on them through teaching material.



## SWEDEN (First Cycle)

*Adopted on 20 February 2003*

### Article 12

52. The Advisory Committee welcomes the fact that the curriculum for the compulsory school system (Lpo 94) and that for the non-compulsory school system stipulate that the schools are responsible for ensuring that all pupils completing the school “have knowledge about the national minorities’ cultures, languages, religions and history”. However, the Advisory Committee has received representations from national minorities suggesting that this goal is often not reflected in practice and that the current history and other relevant school text-books do not contain adequate information on the various national minorities of Sweden. At the same time, the ministry concerned has stated that it is not in a position to give information on the content of text-books in this respect because the selection of text-books is the responsibility of the schools and their headmasters. In this respect, the existing high degree of decentralisation appears to have limited the capacity of central authorities to monitor the implementation of the relevant provisions of the Framework Convention. In view of the foregoing, the Advisory Committee considers that there is a clear need for the authorities concerned to increase vigilance in this area and to improve monitoring of the current situation with a view to addressing any shortcomings that may exist.

53. The Advisory Committee has received reports according to which in some municipalities the measures taken with respect to Roma pupils have led to the establishment of specific classes for Roma, often with support from a number of Roma parents. The Advisory Committee considers that, even when such initiatives are designed as a way to provide additional support for the pupils concerned, specific classes devoted to one national minority as such (rather than, for example, to the teaching in/of their language and of their culture) risk placing the children concerned at a disadvantage and harming the implementation of Article 12 and the principle of intercultural dialogue contained in Article 6 of the Framework Convention. The Advisory Committee finds it important that the authorities analyse the local situations carefully and take additional measures, in consultations with the persons concerned, with a view to enabling and encouraging Roma children to stay in the regular classes, bearing in mind also the principles contained in the Committee of Ministers' Recommendation No (2000) 4 on the education of Roma/Gypsy children in Europe.

54. The Advisory Committee notes the existing lack of minority language teachers, which is recognised by the Government. It welcomes the Government's intention to allocate funds to address these shortcomings. The Advisory Committee also draws attention to the need to provide adequate teaching materials in minority languages and to the shortcomings that reportedly exist in this respect *inter alia* as regards materials in Meänkieli and in South Sami and Lule Sami.

### In respect of Article 12

86. The Advisory Committee *finds* that the current school text-books reportedly do not contain adequate information on the various national minorities of Sweden and that the ministry concerned is not in a position to give information on their content in this respect. It *considers* that there is a need to improve monitoring of the current situation with a view to addressing any shortcomings that may exist.

87. The Advisory Committee *finds* that measures taken with respect to Roma pupils have reportedly led in some municipalities to the establishment of specific classes for Roma, often with support from a number of Roma parents. The Advisory Committee *considers* that the authorities should analyse the local situations carefully and take additional measures, in consultation with the persons concerned, with a view to enabling and encouraging Roma children to stay in the regular classes.

88. The Advisory Committee *finds* that there is a lack of minority language teachers in Sweden and *considers* that the authorities should pursue their plans to allocate funds to address these shortcomings. The Advisory Committee also *finds* that shortcomings reportedly exist as regards teaching materials *inter alia* in Meänkieli and in South Sami and Lule Sami and *considers* that this issue merits attention.

## **SWITZERLAND (First Cycle)**

*Adopted on 20 February 2003*

### **Article 12**

60. The Advisory Committee welcomes the numerous measures taken to foster knowledge of the culture, history and language of persons belonging to linguistic minorities as well as the majority. It notes that pilot projects for bilingual teaching enable contacts to be facilitated between pupils and teachers of different communities, and encourages the authorities to develop this type of teaching more (see also related comments under Article 14).

61. It appears that for some years the question of the role of English vis-à-vis the national languages has been the subject of a wide-ranging debate in Switzerland. In several cantons, obligatory teaching of English now begins earlier than the teaching of a second national language. The Advisory Committee notes that a parliamentary initiative under which cantons would be required to teach an official language of the Confederation as a second language is currently being examined. The Advisory Committee notes in this regard the legitimate concern, expressed by a considerable number of persons belonging to the linguistic minorities, that the introduction of English teaching at an early stage should not be to the detriment of the teaching of the national languages. It therefore encourages the authorities to ensure that the reforms underway in the field of language teaching will leave sufficient room for plurilingualism, as moreover the preliminary draft Federal Act on National Languages seems to provide.

62. The Advisory Committee encourages the competent authorities to make efforts to have teaching programmes reflect more the history and concerns of the Jewish community in Switzerland, and take account of phenomena connected with anti-Semitism.

63. The Advisory Committee notes with satisfaction that, for some time, the Federal Office of Culture has initiated discussions with representatives of the community of Travellers with a view to securing better knowledge of their linguistic and cultural needs. It encourages the authorities to step up their efforts in this area in particular as regards the production of a glossary and an inventory of the literature. The same applies to works on the origin, history and meaning of their vocabulary. More generally, the Advisory Committee recalls that the educational system should also take account of the language and culture of the Travellers, in accordance with the principles laid down in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

64. Certain difficulties have been identified with regard to access to education for the children of Travellers with an itinerant or semi-itinerant way of life. The Advisory Committee considers that the authorities should examine, in consultation with the Travellers, whether new measures, in particular of a legislative nature, are necessary to remedy those difficulties.

### **In respect of Article 12**

97. The Advisory Committee *considers* that the competent authorities should make efforts to have teaching programmes reflect more the history and concerns of the Jewish community in Switzerland, and take account of phenomena connected with anti-Semitism.

98. The Advisory Committee *finds* that the Federal authorities have initiated discussions with representatives of the community of Travellers with a view to securing better knowledge of their linguistic and cultural needs. It *considers* that the authorities should step up their efforts in this area.

## **“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” (First Cycle)**

*Adopted on 27 May 2004*

### **Article 12**

74. The Advisory Committee has already expressed deep concern at the attitudes of intolerance which have led to clashes between Macedonian and Albanian pupils over the introduction of additional classes in Albanian and the functioning of ethnically mixed schools (see Article 6 above). In this context, the Advisory Committee considers that the principles set out in Article 12 paragraph 2 aiming at facilitating contacts between pupils and teachers of various communities should be given a central importance when designing measures in the field of education. These measures should aim at promoting the knowledge of the culture, history, language and religion of the various groups and so contribute to intercultural dialogue. In view of the information it has received according to which there would be an increasing linguistic gap between the various communities, the Advisory Committee considers that special attention should be given to encouraging individuals' knowledge of the languages spoken in their region.

75. Although mention is made in the State Report of strengthening the integrating capacity of schools as a priority of government action, the Advisory Committee notes that the institutional capacity needed in order to fully accomplish this task is still lacking. The Advisory Committee notes, for example, that the department responsible for education development within the Ministry of Education has neither the staff nor the resources necessary for its efficient operation. The Advisory Committee urges the authorities to review this situation and to create the conditions that would enable this department to deal with the problems observed in relation to school curricula and teaching resources (see under Article 14 below).

76. The Advisory Committee notes that one of the difficulties encountered when implementing the principles set out in Article 12 paragraph 1 of the Framework Convention is the lack of up-to-date textbooks in languages other than Macedonian. The Advisory Committee believes that measures should be taken to provide persons belonging to minorities with up-to-date teaching materials, making use of bilateral co-operation with neighbouring States if necessary.

77. The Advisory Committee's attention has been repeatedly drawn to the shortage of qualified teachers for providing instruction of and instruction in minority languages. This shortage is particularly acute in the case of certain minorities such as the Roma and the Vlachs. The Advisory Committee believes that the authorities should give a high level of attention to this problem and take steps not only to develop appropriate, recognised training for the staff teaching these languages but also to monitor this education, in close consultation with the organisations representing the minorities in question (see also Article 14 below).

78. On the subject of Roma education in particular, the Advisory Committee acknowledges that recent years have seen a flurry of initiatives by the non-governmental sector to facilitate the educational integration of Roma children. In the opinion of the Advisory Committee, however, the situation with regard to the education of Roma children and Roma girls in particular remains worrying. The statistics cited in the State Report indicate low school attendance and high drop-out rates among Roma children after primary school. In this context, the Advisory Committee believes that the national strategy for the Roma currently being developed (see also Article 4 above) has an important role to play in breaking down the barriers with which Roma children are confronted in the education sphere. The Advisory Committee urges the authorities to make sure that any measures taken involve all the parties concerned, including the parents of Roma children, and take due account of these children's

needs, their culture and language in keeping with the principles enshrined in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

79. More specifically, the Advisory Committee underlines the need to focus on turning pre-school education for Roma children into a strategy of integration. It notes here that the authorities plan to amend the law on the protection of children and the law on primary education.

80. Besides the Roma minority, the Advisory Committee has taken note of the data provided in the State Report which point to a significant drop-out in the number of persons belonging to Albanian and Turkish minorities between primary and secondary school levels. The Advisory Committee believes that the authorities should look closely at the reasons for this state of affairs, with due regard for the comments set out in Article 14 below, and take the necessary steps to tackle the problem.

81. In the field of higher education, the Advisory Committee notes that positive discrimination measures have been taken to make it easier for persons belonging to minorities to enter higher education and in particular, notes the introduction of quotas, the purpose of which since 1996 has been to ensure that student enrolment reflects equitably the composition of the population. In practice, however, it appears that while there have been some improvements in access for minorities at the universities of Skopje and Bitola, the system has not brought the expected results as far as the Roma are concerned. The Advisory Committee considers that the authorities should introduce monitoring of the system to ensure that the various groups have equitable access to higher education.

82. The Advisory Committee notes that the faculties of Skopje have departments specialising in the study of Albanian and Turkish. It notes, however, that further steps could be taken to extend this provision to include other languages, in order to meet needs which are not currently catered for, in particular the Vlach language.

83. The Advisory Committee is aware of the heated debate and tensions surrounding the process that led to Tetovo University being recognised as a state university under the Law of 21 January 2004, and of the fears expressed in some quarters that having a university that provides instruction in Albanian only might lead to further segregation in the education sector. The Advisory Committee hopes that this granting of recognition will make it easier for persons belonging to the Albanian community to obtain a quality higher education, something which is unlikely, in its view, to have an adverse effect on inter-ethnic relations. The Advisory Committee urges the authorities to take all the necessary accreditation measures, including the approval of the curricula and the recognition of diplomas delivered by the University of Tetovo.

84. On the other hand, the Advisory Committee welcomes the fact that the privately run South East-Europe University, by providing education in Albanian, Macedonian and English, facilitates interaction of students from different ethnic backgrounds.

## **In respect of Article 12**

134. The Advisory Committee *finds* that there are attitudes of intolerance amongst Macedonian and Albanian pupils towards the issue of mixed schools and *considers* that the authorities should aim at facilitating contacts between pupils when designing measures in the field of education, including through the promotion of individuals' knowledge of the languages spoken in their region.

135. The Advisory Committee *finds* that the relevant department of the Ministry of Education dealing with minority education does not have the institutional capacity to carry out its tasks adequately and *considers* that the authorities should review the situation.

136. The Advisory Committee *finds* that efforts are needed to address the various shortcomings in terms of updated textbooks in minority languages and the availability of qualified teachers.

137. The Advisory Committee *finds* that there is a low school attendance and high drop out rate after primary school among Roma pupils and *considers* that the authorities should address this issue in the national strategy for the Roma that is being developed, in consultation with the parents of Roma children, and taking due account of the childrens' needs.

138. The Advisory Committee *finds* that there is a significant drop-out in the numbers of pupils belonging to Albanian and Turkish communities between primary and secondary school levels and *considers* that the authorities should examine closely the roots of this situation and take the necessary measures to address this problem.

139. The Advisory Committee *finds* that the quota system introduced in higher education to ensure that students' enrolment reflects equitably the composition of the population has not increased the enrolment of Roma and *considers* that the authorities should monitor the situation in order to remedy this shortcoming.

## **UKRAINE (First Cycle)**

*Adopted on 01 March 2002*

### **Article 12**

58. The Advisory Committee finds it laudable that the Ukrainian legislation, including Article 3 of the Law on General Secondary Education, identifies multiculturalism and mutual respect among ethnic groups as one of the bases of the educational system and that the Ministry of Education has issued a textbook on human rights with a section devoted to the rights of minorities. The Advisory Committee has however been informed that the above-mentioned principles are still not fully reflected in practice and that *inter alia* the contents of history textbooks do not always portray adequately the role played and the positive contributions made by national minorities. Bearing in mind the importance of the matter, the Advisory Committee considers that this question should be under constant review by the authorities concerned, who should draw on the principles contained in Committee of Ministers' Recommendation No. (2001) 15 on history teaching in twenty-first-century Europe.

59. The Advisory Committee notes that there have been difficulties in ensuring adequate access to textbooks for persons belonging to national minorities. Recently, however, there have been improvements in this respect with respect to certain textbooks, including in the Romanian and Hungarian languages. It is commendable that a number of text-books in minority languages are issued free-of-charge, which is not always the case for other text-books in Ukraine due to financial constraints. In spite of these improvements, access to textbooks remains an issue of concern *inter alia* for the Crimean Tatars, and the Advisory Committee considers it important that any remaining shortcomings are addressed and that adequate financing is allocated for this purpose.

60. The Advisory Committee understands that the attendance figures for Roma children remain low at all levels of education. This is an issue that merits increasing attention from the authorities, who should design new initiatives in this sphere in accordance with the principles, contained in Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe.

61. As concerns higher education, the Advisory Committee notes that persons belonging to the Romanian minority have called for a creation of a multicultural university in the Chernivtsy *oblast*. The Advisory Committee is of the opinion that the feasibility of this initiative should be considered in dialogue with those concerned together with other options aimed at promoting equal opportunities for access to education at all levels for persons belonging to Romanian and other national minorities.

## **In respect of Article 12**

103. The Advisory Committee *finds* that the principles of multiculturalism and mutual respect among ethnic groups are reportedly not fully reflected in practice in the educational system and *considers* that this question should be under constant review by the authorities concerned.

104. The Advisory Committee *finds* that, despite recent improvements, access to textbooks remains an issue of concern with respect to some national minorities and *considers* that Ukraine should address any remaining shortcomings in this sphere.

105. The Advisory Committee *finds* that the attendance figures for Roma children remain low at all levels of education and *considers* that Ukraine should design new initiatives in this sphere.

106. The Advisory Committee *finds* that persons belonging to the Romanian minority have called for a creation of a multicultural university in the Chernivtsy oblast and *considers* that this initiative should be considered in dialogue with those concerned.

## **UNITED KINGDOM (First Cycle)**

*Adopted on 30 November 2001*

### **Article 12**

76. The Advisory Committee notes the steps taken in the fields of education to foster knowledge of the culture and history of national minorities and of the majority. The Advisory Committee notes in this respect the Citizenship programme of education in primary schools and secondary schools, as well as the wide range of history topics and the teaching of social, cultural, religious and ethnic diversity of societies. In Scotland the Advisory Committee notes the inclusion of citizenship within the five national priorities and the opportunity for teaching culture and history of national minorities in the subject areas of “People in Society” and “People in the Past”.

77. The Advisory Committee also notes that the teaching of history in schools in Wales provides for specific study on the history of Wales. The Advisory Committee furthermore understands that a working party is being established to look at how issues concerning national minorities could be better incorporated into the curriculum.

78. The Advisory Committee has received a number of representations from the ethnic minority communities, Roma / Gypsies and Irish Travellers and also from the Ulster-Scots and the Cornish that more should be done to foster knowledge of their culture, history, language and religion. The Advisory Committee therefore encourages the Government to examine this issue further to see how the concerns of the different groups can be reflected both within and outside of the curriculum.

79. The Advisory Committee notes that data available shows that while certain groups of ethnic minority pupils have higher attainment levels than their peers, a number of groups have significantly lower levels of attainment. African and African Caribbean, especially boys, Pakistani and Bangladeshi pupils are the lowest attaining groups. The Advisory Committee notes that the Government has taken steps to close the attainment gap for Pakistani, Bangladeshi and African and African Caribbean pupils which are linked to recommendations under the Lawrence Inquiry, and that they have published a guidance document “Removing the Barriers: Raising Achievement Levels for Minority Ethnic Pupils”, which has been disseminated widely to schools. The Advisory Committee considers that the Government should continue to give priority to this issue.

80. The Advisory Committee shares the concern of the United Kingdom Government in relation to school exclusion and the continuing over-representation of African and African Caribbean pupils amongst those excluded. The Advisory Committee notes the various steps being taken by the

Government, including additional funding, promoting community mentoring and special inspection of schools with high levels of exclusion. The Advisory Committee while noting that the figures for exclusion are falling, encourages the Government to continue to give priority to this issue.

81. The Advisory Committee recognises the particular challenges concerning the education of Roma / Gypsy and Irish Traveller children and has received information from various sources concerning the low percentage of children in school. The Advisory Committee notes that as a result of special education programmes and direct funding, the percentage of Roma / Gypsy and Irish Traveller children in school rose at the primary level. The Advisory Committee understands that the attendance figures for Roma / Gypsy and Irish Traveller children at secondary school level and higher education level remains particularly low. The Advisory Committee is also concerned at reports that Roma / Gypsy and Irish Traveller children suffer high incidents of bullying and racism.

82. The Advisory Committee acknowledges that the Government is actively taking steps in order to deal with the low level of attendance of Roma / Gypsy and Irish Traveller children including through grants and the creation of a Development Fund to meet the needs of the children as well as the provision of Traveller Education Services in some 120 Local Education Authorities. The Advisory Committee also notes that in Scotland the Executive provides funding for the Scottish Travellers Education Programme. The Advisory Committee however considers that the situation calls for further efforts throughout the spectrum of education, including steps to ensure participation and avoid exclusion, giving greater recognition to the travelling culture, history and values of this group and catering for their specific needs. These steps need to dovetail in with measures to provide suitable stopping places for the families in order to avoid them being evicted or forced to move on, which impacts directly on the children's schooling (see also the comments under Article 5). The Advisory Committee considers that the United Kingdom should pay due attention to Recommendation No. R (2000) 4 of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe.

83. The Advisory Committee notes that in Belfast the majority of primary age Irish Traveller children are educated separately at a single primary school. The Advisory Committee understands that this education has come about in part as a result of Irish Traveller parent and pupil concerns about the possibility of racist intimidation or bullying at other primary schools in Belfast. The Advisory Committee notes from the Government's replies to its questionnaire that the Department of Education believes that it is in the best long term interests of both Irish Traveller children and settled children to be educated together in an integrated environment and that support and encouragement will be given to Irish Traveller parents who wish to have their children educated in an integrated setting. The Advisory Committee notes, however, that the Government will continue to support the operation of this special primary school mentioned above as long as there is sufficient demand on the side of Irish Traveller parents to justify its existence.

84. The Advisory Committee is of the opinion that Irish Traveller children share the need for contact with children from different backgrounds and that the placing of Irish Traveller children in a separate school gives rise to concern from the point of view of Article 12. The reluctance of parents to send their children to other primary schools in the area would appear to be an indication of a lack of confidence in the educational system. The Advisory Committee considers that the authorities should take measures to counteract this lack of confidence with a view to ensuring the best long-term interests of both Irish Traveller children and settled children to be educated together in an integrated environment.

85. Concerning access of ethnic minorities to higher education, the Government has recognised that while certain ethnic groups are well represented in higher education, other groups, such as Bangladeshi women and African and African Caribbean men remain seriously under represented. The Advisory Committee considers that the Government should examine this issue further in order to redress this imbalance.

86. The Advisory Committee notes that the Government is keen to increase the number of teachers from minority ethnic backgrounds and has set targets to increase the overall proportion of ethnic minority entrants from 7% in 2001 to 9% in 2005/6. The Advisory Committee also notes that the Teacher Training Agency is funding 15 projects to support initial teacher training to attract, train and retain teachers from minority ethnic backgrounds. The Advisory Committee encourages the Government to continue in its efforts to reach these targets.

87. The Advisory Committee notes the Government's comment that in Scotland there is a need for expanding initial teacher education for Gaelic-medium teaching and encourages the Scottish Executive to pursue ways to increase the supply of Gaelic medium teachers.

## **In respect of Article 12**

120. The Advisory Committee *finds* that certain groups of ethnic minority pupils have lower attainment levels than their peers and that there is an over-representation of African and African Caribbean pupils amongst those excluded from school and *considers* that the United Kingdom should continue to take steps in order to improve the situation.

121. The Advisory Committee *finds* that while certain ethnic minority groups are proportionately well represented in higher education, other groups remain seriously under represented and *considers* that the United Kingdom should examine further the measures necessary to increase the level of participation of under represented groups.

122. The Advisory Committee *finds* that attendance levels of Roma / Gypsy and Irish Traveller children at primary schools and more particularly at secondary schools and higher education are low and *considers* that the United Kingdom should continue to examine how the situation can be improved, in particular at secondary level.

123. The Advisory Committee *finds* that the majority of primary age Irish Traveller children in Belfast are educated separately in a single school due in part to the Irish Traveller parent's and pupil's concern about the possibility of racist intimidation or bullying at other primary schools in the area. The Advisory Committee also *finds* that, to the extent possible, it is in the best long-term interests of both Irish Traveller children and settled children to be educated together in an integrated environment. The Advisory Committee *considers* that the United Kingdom should explore further how to deal with concerns about bullying and racist intimidation in order to encourage and ensure integrated education of Irish Traveller and settled children in Belfast.

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