

DRTO(2019)2

07/08/2019

Council of Europe Dialogue with Roma and Traveller¹ Civil Society

8th Meeting

Strasbourg, 10-11 October 2019

Palais de l'Europe, Room 10

***“Protecting the right of Roma and Traveller children to equal access to quality education.
Fighting school segregation through inclusive education”***

CONCEPT PAPER

1. INTRODUCTION

Education ensures life chances and as such everyone has the right to education. The right to education is enshrined in international law and has been reaffirmed in the 1960 UNESCO [Convention against Discrimination in Education](#). The [European Convention on Human Rights](#) states that the right to education is recognized as a human right ²and in the [European Social Charter](#), education is linked to the access and the fulfilment of all other rights³.

Education offers the means with which socially and economically marginalized children can break the poverty cycle. Access to quality and inclusive education is at the heart of the fundamental rights of all children. The right to education encompasses also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards, and to improve quality as interpreted in many judgements⁴ of the [European Court of Human Rights](#). There is no justification for discriminatory practices on any ground.

The main legal instruments dealing with racial discrimination at the EU level are the Racial Equality Directive (RED)⁵ and the EU Charter on Fundamental Rights. Member States are also bound by the European Convention on Human Rights and Fundamental Freedoms (ECHR), the International Convention on the

¹ The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand, Roma, Sinti/Manush, Kale/Calé, Kaale, Romanichals, Boyash/Rudari; and, on the other hand, groups such as Balkan Egyptians and Ashkali, Eastern groups (Dom, Lom and Abdal), Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies, Boshia or Garachi. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

² Article 2 of the first Protocol of 20 March 1952 <https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c>

³ Article 17 of the European Social Charter (Revised), Strasbourg, 3.V.1996

⁴ https://www.echr.coe.int/Documents/Guide_Art_2_Protocol_1_ENG.pdf

⁵ [Council Directive 2000/43/EC](#) of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Rights of the Child (CRC) that all prohibit discrimination in education, while ICERD specifically bans segregation.

Yet numerous studies⁶ and reports⁷ reaffirm that Roma children encounter obstacles in accessing this human right. Educational achievements have been historically very poor across Europe for Roma and Traveller children. Although considerable advances were made for Roma in education during the socialist and communist period in some member states, the disadvantagement of Roma children manifests itself today in every aspect of schooling and has deepened over the last two decades.⁸

Despite the good practices for promoting the inclusion of Roma children attending education and the positive legal developments, what emerge are increased patterns of segregation of Roma in education, low progress in access to quality education and continued systematic routing of Roma children to special schools. The rise in school achievement has remained modest where only a small percentage of Roma children, in particular Roma girls, finish primary education successfully.⁹

Segregated education of Roma and Travellers remains a prevalent feature of the educational systems in several Council of Europe member states. Despite legal and policy measures that have been taken, the practice has neither stopped nor significantly diminished. This situation has been repeatedly condemned by human rights bodies supervising state's compliance with international human rights treaties as well as by public institutions at national level which monitor human and minority rights. More recently, in some countries, national courts, based on newly adopted anti-discrimination legislation, have ruled against segregated educational facilities finding them in breach of the ban on discrimination and segregation in education.¹⁰ In complaints brought before the European Committee of Social Rights under Article 17 of the ESC, the Committee stresses that special measures for Roma children should not involve the establishment of separate schools or classes reserved for these children.

Existing legal and policy tools, including targeted actions on Roma education, however, have not been effective in challenging ingrained patterns of school segregation.¹¹ Neither anti-discrimination laws nor other relevant legislation require public authorities to undertake specific actions to eliminate segregation in education; such actions are minimal or entirely absent in some countries. Where desegregation initiatives exist, often imposed by ECtHR judgements as positive action measures to remedy segregation in schools' cases, their implementation is contingent upon endorsement by local educational institutions whose decisions are sometimes informed by public pressure to preserve segregated education.¹² Lack of coherence between Roma-specific measures and other policies in the field of education outweighs the potential positive effect of measures to reduce inequalities in education for Roma children.

Following the 2017 [Midterm review](#) of the EU Roma Framework, it has become obvious that some of the Roma-specific measures in the field of education implemented at the national level are neither aimed at nor do they result in reducing of the number of Romani children educated in separate school facilities. The review indicated that although more Roma children were entering education earlier and in higher numbers in comparison to 2011, segregation in education remained an issue in some countries, with more than

⁶ EU-MIDIS II - Transition from education to employment of young Roma in nine EU Member States https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-eu-midis-ii-roma-transition-education-employment_en.pdf and UNICEF <https://www.unicef.org/eca/media/1566/file/Roma%20education%20position%20paper.pdf>

⁷ Commissioner for Human Rights position paper : <https://rm.coe.int/fighting-school-segregation-in-europe-through-inclusive-education-a-positi/168073fb65> and EC Report on the Discrimination of Roma children in education: http://edz.bib.uni-mannheim.de/daten/edz-k/gdj/14/roma_childdiscrimination_en.pdf

⁸ https://resourcecentre.savethechildren.net/node/7391/pdf/070305-subregional_study_roma_children.pdf

⁹ https://europa.eu/rapid/press-release_IP-17-2961_en.htm

¹⁰ <https://www.equalitylaw.eu/downloads/4473-roma-and-the-enforcement-of-anti-discrimination-law-pdf-349-kb> (p. 13)

¹¹ Ibid, p.17

¹² http://edz.bib.uni-mannheim.de/daten/edz-k/gdj/14/roma_childdiscrimination_en.pdf (p.54-57)

60% of Roma children separated from other children in Bulgaria, Hungary and Slovakia.¹³ As a consequence, the European Commission has launched infringement proceedings against three European Union member states for breaching the prohibition of discrimination in education set out in the Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Council Directive 2000/43/EC).

Governments often justify school segregation and the reluctance to implement desegregation strategies with the need to pay attention to students' specific requirements and cultural differences. This is reflected in the frequent lack of government reaction to court decisions, including decisions of the European Court, which have not necessarily translated into systematic desegregation strategies and the adoption of inclusive education policies. The resistance to desegregation impedes on the progress of adopting inclusive educational approaches.

What remains as a crippling factor evident in segregated schools, is poor quality education. Lower quality education tends to polarise educational demand and is a cause of increased school segregation. Roma children are often taught in poorly resourced schools and, as indicated in the observations in the Roma education cases of the ECtHR, follow an inferior curriculum. This vicious circle of lower quality education and school segregation is at variance with the right of all children to education on an equal footing.

To address the complexity of barriers to school inclusion initiatives and to overcome the inconsistency of current efforts to remedy inequalities in education for Roma and Traveller children, member states should adopt comprehensive desegregation strategies with clear targets, sufficient resources to implement them and a clear and an ambitious timetable. The commitment to desegregation should be supported at the highest level of state authorities ensured through a network of effective synergies which include monitoring and evaluation mechanisms.¹⁴

Combating structural discrimination in education for Roma and Traveller children should be a concerted effort by all key stakeholders, including civil society. Civil society efforts to date have focused more on families and social and economic conditions, while institutional initiatives have engaged more with schools and inclusive education tools. There is room for constructive planning and dialogue with all key stakeholders to fight school segregation particularly at the local level of policy and practice implementation through the monitoring of desegregation strategies and the promotion of inclusive education practices.

2. MEETING OBJECTIVES AND EXPECTED OUTCOMES

The 8th meeting of the Council of Europe Dialogue with Roma and Traveller civil society will focus on **fighting school segregation through Inclusive education** with the aim to:

- **Discuss and understand** school segregation and social exclusion and its impact on the community and on the society in general;
- **Present** an overview of legislation and policy measures which are directly aimed at or may have an impact on desegregating schools;
- **Identify** cooperative projects where civil society organisations can play a significant role in promoting and supporting inclusive educational approaches;
- **Develop synergies** with human rights defenders and institutions for the effective monitoring of desegregation strategies and actions plans at national and local level for school inclusion.

¹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0785&from=EN>

¹⁴ <https://rm.coe.int/fighting-school-segregation-in-europe-through-inclusive-education-a-positi/168073fb65> (p.20-21)

Expected outcomes

- **Increased** understanding of school segregation and its impact on Roma and Traveller inclusion and how inclusive education as a policy approach can be supported by civil society organisations;
- **Improved** multi-sectoral stakeholder coordination on combating school segregation and on promoting inclusive education.

Follow up activities to the Dialogue meeting

- **Development of draft Guidelines** for civil society organisations on their role in monitoring desegregation action plans and the promotion of inclusive education;
- **The development of a draft Joint Statement** on inclusive education with Equinet, ENNHRI, INGO and Roma and Traveller Civil Society

Civil society has the necessary network and knowledge about the situation of Roma and Travellers on the ground and can contribute to assisting member states and the Council of Europe in meeting their commitments. The role of Roma and Traveller civil society is to provide support and be the bridge between Roma and Traveller communities and policy makers as well as decision-takers. As complementary actors, civil society organisations can facilitate Council of Europe action through constructive and mutual dialogue.

The 8th meeting of the Council of Europe Dialogue with Roma and Traveller Civil Society will also serve as a forum for Roma and Travellers as well as other stakeholders to improve their knowledge, exchange experiences and share best practices, plan future cooperation activities for fighting school segregation, and identify possibilities for promoting inclusive education.

3. PARTICIPATION

Twenty (20) Roma and Traveller representatives of civil society organisations and Roma and Traveller individuals with expertise in fighting school segregation through inclusive education are encouraged to participate.

Interested candidates **must complete** an online Application Form **by 13 September 2019**, at **18:00 hrs** Central European Time (CET).

The online application form is available [here](#).

Participants will be selected based on their merits while securing a balance between Roma and Traveller civil society from local, national and international levels, and other key stakeholders with expertise on the topic. Gender, age and geographical representation will also be taken into consideration.

Applicants should clearly state in their motivation letter their area of competence and expertise in the field and indicate in which way their expertise would contribute to reaching pertinent conclusions on the identified topic for the Dialogue meeting.

Candidates should be:

- In a position to use the outcomes of the meeting in their work;
- Resident in one of the Council of Europe member states;
- Actively involved in Roma or Traveller education issues, particularly in the area of desegregation and in promoting and supporting inclusive educational approach;
- Available to attend the meeting for its full duration;
- Able to express themselves fluently in at least one of the working languages of the Dialogue meeting (English, French, Romani).