



Strasbourg, 9 April 2008

CommDH/Speech(2008)5
Original version

European Conference on Roma Education
“Education and training of Roma children and youth: the way forward”

Bratislava, 9 April 2008

Written presentation by Thomas Hammarberg
Commissioner for Human Rights of the Council of Europe

It is a pleasure for me to participate in today’s conference and speak on an issue of crucial importance not only for the hosting country but also for many other Council of Europe member States.

Everyone’s right to education has been entrenched in international law as a programmatic human right, that is, a right corresponding to a State obligation to take steps, to the maximum of its available resources, with a view to achieving progressively the full realization of this right.

I should stress that effective enjoyment of this right is also dependent on or closely linked to other fundamental social rights, such as the right to work and the right of everyone and their families to an adequate standard of living, including adequate food, clothing and housing.

However, the programmatic nature of the right to education is closely linked to the overarching *prohibition of discrimination*, a fundamental human rights principle, which is in no way conditioned on States’ available resources and the step-by-step logic of programmatic human rights. As stressed in the United Nations Convention on the Rights of the Child, education should be provided “*on the basis of equal opportunity*”.

In addition, in European human rights law it is established that States have particular, *positive obligations* towards minority groups, especially if these are de facto marginalized, as is the case of Roma.

As affirmed recently by the Grand Chamber of the European Court of Human Rights in the case of *D.H. and others*, concerning discrimination in education against Roma children in the neighbouring Czech Republic, the vulnerable status of Roma means that special consideration should be given by European States to their needs.

The European Court of Human Rights in this judgment reminded us, once again, that the Roma, as “a specific type of disadvantaged and vulnerable minority”, require special measures by States, with a view to achieving the former’s *effective protection in all areas of life, including education*.

Discrimination against the Roma in the field of education continues unabated on our continent. A significant number of Roma children do not have access to education of a similar standard enjoyed by other children. This not only prevents the Roma from participating effectively in the social and political life of their home country but also negatively affects the future of the latter's society.

Deeply ingrained prejudices against the Roma, on all levels of societies, are one of the major causes of inequality in the sphere of education. Of particular concern to me remains the practice of *segregation in education*, which exists in Council of Europe member States. It may take on various forms, such as the establishment of segregated schools in segregated settlements or a clear, unjustified over-representation of Roma children in classes for children with special needs.

The automatic placement of Roma children in classes for children with special needs must stop.

I think it is not needless to repeat that segregation practices lead to the increase of the Roma's marginalization and, above all, deny both the Roma and non-Roma children the chance to know each other and to learn to live as equal citizens. That is to say, it erodes social understanding, tolerance and friendship, fundamental values of harmonious, democratic societies.

It is encouraging to see that a number of European States now acknowledge the seriousness of the plight of their Roma populations and make concrete efforts to repair it. I have in mind, in particular, the Decade of Roma Inclusion (2005-2015) aimed at nine Council of Europe member States' positive action in crucial areas such as education, employment, health and housing.

I personally commend national human rights action plans, as well as specialised ones for promoting and protecting Roma's rights.

This good practice is also in line with the recent Recommendation CM/Rec(2008)5 adopted on 20/02/2008 by the Council of Europe Committee of Ministers *on policies for Roma and/or Travellers in Europe*, which is worthy of particular mention.

Three substantive, action-oriented elements of this Recommendation should be pointed out:

- First, the adoption by States of national and regional strategies which are coherent, comprehensive and adequately resourced;
- Secondly, the coupling of these strategies with short- and long-term action plans, targets and indicators for implementing policies that address legal and/or social discrimination against Roma and/or Travellers;
- Last, but not at all least, the monitoring and the publication of regular evaluation reports on the state of implementation of these strategies.

In the context of the above framework of proposed action, I should like to draw the attention of Council of Europe member States in particular to the following:

- *States' national and regional strategies relating to Roma protection may only be effective if they are drawn up and implemented in close cooperation with regional and local authorities. One cannot overstate the crucial role that regional and local authorities have and play in this area.*

The non-integration and the hostilities with which Roma are faced in many European States nowadays originate in action or inaction of regional or local authorities, despite the fact that

human rights law and standards bind them as much as they bind central authorities. National and regional action plans present a great opportunity for making regional and local authorities and societies more sensitive to and proactive in human rights issues.

In this regard, one should never forget that the *effective participation* of Roma themselves in the drawing up and implementation of these action plans is not only a prescription of European minority law but a necessary, practical condition of success.

- Also, in order for States to deliver in this area, it is absolutely necessary to adopt a regular, *result-oriented follow-up to their action plans*, irrespective of the latter's size.

As you know, I am mandated to contribute to the promotion of the *effective observance and full enjoyment of human rights in the Council of Europe member States*. Thus, I strongly encourage States not only to adopt comprehensive action plans but also to be ready to acknowledge and act promptly to fill the existing, serious gaps in Roma's human rights protection. In this context, the provision of domestic, effective remedies, accessible to all Roma alleging violations of their human rights, such as that to education, should be one of European States' main preoccupations.

The regrettable lack of progress in combating discrimination, especially in the crucial area of education, against the Roma in Europe allows no room for complacency for anybody. The European States' serious, political commitment must be strengthened, while on a pan-European level concerted, sustained action must further develop.

I stand ready to support the genuine efforts made by Council of Europe member States aimed at enhancing Roma's access to education, remaining also determined to keep this issue as one of my priorities.-