



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



CommDH/Speech(2009)11

**“Children must be the actors of their rights”**

by Thomas Hammarberg,  
Commissioner for Human Rights of the Council of Europe

On the occasion of the International conference on children's rights and protection against  
violence  
Ljubljana, 6 October 2009

This year we are celebrating the 20th anniversary of the Convention on the Rights of the Child. This UN treaty has been ratified by all the Council of Europe member states and almost all the countries throughout the world. In one comprehensive document, children's rights have been laid down, structured and recognised.

This celebration does not in any way overshadow the extremely important achievements of the Council of Europe thus far in this domain. Years before the Convention on the Rights of the Child, the Council of Europe was at the forefront of promoting the protection and development of children's rights across the continent and continues to do so to this day.

Juvenile justice, violence, the right to a family, freedom of expression, protection against exploitation and abuses and the right to social, legal and economic protection are just some of areas in which our organisation has played an active role over the years.

One of the first judgments passed by the European Court of Human Rights concerned children's rights to an education: the so-called "Belgian linguistic" case of 1968 related to children's access to education in their mother tongue. Since then, the Council of Europe has continued to assist governments in making education accessible to everyone.

International law is clear: children have the right to receive an education of quality and state's authorities must make primary education compulsory and accessible to all. Furthermore, they should allow equal access to secondary schools and higher education.

For many children across Europe, education is seen as an obvious right. Some may even feel that it is an obligation and not a real chance. Unfortunately, this feeling is not shared by thousands of children that are excluded from the schooling system because of their origin or their disability.

#### *Education for Roma/Gypsy children*

In Europe, Roma/Gypsy and Sinti communities are excluded from society and are also the victims of prejudice and extremely harsh living conditions. Many of these social problems are interlinked: if you cannot get a job, you cannot improve your housing, poor housing conditions, in turn, affect one's health and also the education of one's children. If Roma children do not receive sufficient schooling, they will be at a serious disadvantage in the labour market. All these issues must be tackled simultaneously in order to find an effective solution, but it goes without saying, that a quality education must be at the heart of this solution.

Many Roma children remain outside the national education system. There are many reasons for this: the cost of schooling, prejudice, fear of the system and/or the feeling of exclusion. There is also a high drop-out rate among those who enrol and the achievements, in general, among Roma pupils are low. One explanation is, of course, the high levels of illiteracy among parents.

Experiences in several countries prove that preschool education increases the attendance rate and decreases the tendency to drop out later in life. This system lowers the entry threshold for children coming from a difficult background, especially if they do not speak the language taught in school. For example, with preschool education, Roma children are better prepared and equipped to enter primary school.

Unfortunately, not all preschool education is free of charge, nor do such schools exist everywhere. Governments should take the necessary measures to remove such barriers by establishing free-of-charge preschool education. These programmes should be developed in Roma neighbourhoods as this would remove transport problems for the pupils and additional costs for the parents. To be successful, however, efforts should also be made to raise parents' awareness of the importance of preschool education and school attendance.

Another major problem is that Roma children are sometimes mistakenly placed in special-needs schools. I visited schools in several countries where Roma children were almost automatically placed in special-needs classes for pupils with learning difficulties and this was done even when it was obvious that a child was very capable, but simply lacked parental encouragement to study. Another problem stems from the selection process which is often based on criteria or references that are unfamiliar to young Roma. This discrimination is entirely unacceptable.

In 2007, the European Court of Human Rights addressed the issue of Roma segregation in education. In this landmark ruling, it was established that Roma pupils were 27 times more likely than non-Roma children to be placed in special needs schools. The Court found that this pattern of segregation violated the children's rights to education and not to be discriminated against.

It is conceivable that teachers in the ordinary schools may need special training to handle mixed classes. Today there are not many Roma teachers and it is certainly critical that their numbers increase. More staff with a Roma background should be recruited to work in schools, since, for example, experiments with Roma class assistants in several schools have produced encouraging results.

It cannot be overstated how important it is that schools establish contact with Roma parents. In the past this has not worked well, in most cases due to prejudice from both sides; therefore, greater efforts are needed. The adult generation must also be welcomed and offered a chance to basic education themselves, if they so wish.

#### *Giving access to education to children with disabilities*

Last year, the European Committee of Social Rights dealt with a complaint regarding over 3,000 children with intellectual disabilities living in residential centres. Less than 3% of the children were integrated into mainstream primary schools. In addition, the teachers were not trained to teach pupils with intellectual disabilities and the teaching materials were inadequate. The activities offered in these institutions did not give children the opportunity to study towards any diplomas, and, as a result, they were being hindered from entering secondary education. The Committee concluded that these children with disabilities were discriminated against and deprived of their right to education.

If this example is extreme, it is sadly not unique. In many European states, children with disabilities continue to be placed outside of society and not educated with other children. Even though every child's ability to learn is undisputed, there are still children of school age who are considered to be "uneducable" and denied any form of education.

Just as in the case of Roma children, such practices limit children's options to support themselves as adults and their chances of becoming independent and having an active role in

society are reduced. Children with disabilities have the right to receive a good quality education. No one should be excluded from school because of his or her disability.

If we want to include all children in the education system, all schools must be adapted throughout. Material improvements should be made so that children with physical disabilities have access to the building and classrooms: often, small changes are all that are required to allow more children with disabilities to have access to and move freely around the building.

But changing the school set-up to eliminate the physical barriers is not sufficient: we also need to change mentalities. School teachers must receive appropriate training so that they know how to deal with disabilities. Raising parents' awareness is also necessary in many cases, and can contribute to a more general transformation of attitudes.

The integration of children with disabilities should be explained and discussed with the other pupils in schools to overcome their reluctance and fears. Children should be taught about differences and diversity. Discussions on human rights and non-discrimination at school are an important element in the fight against prejudice.

### *Education to rights*

To create citizens embracing and respecting European values of equality, non-discrimination and freedom, human rights education should be provided in schools.

Human rights or children's rights are not always compulsory in the school curricula. When they exist, the time allocated is often limited and the teaching methods are often unsuitable. Unfortunately, the focus of the school curricula has more often than not been on preparing pupils for the labour market rather than on developing their life skills and powers of reasoning.

I have great concerns about the attitude of certain governments. It seems that some have directly interfered in the primary and secondary school curricula by refusing to address certain human rights issues, notably the question of sexual education and homosexuality. At times, governments can be wary of a human rights approach in schools, fearing it could breed unwanted criticism. This is an undemocratic and short-sighted attitude: educating citizens in their human rights creates an informed society which, in turn, strengthens democracy.

Schools should provide basic information on human rights norms and systems of protection. Children should be made aware of judicial authorities or ombudsperson's institutions existing at a national level that can protect them and their rights. This education should foster essential values such as mutual respect, non-discrimination, equality and democratic participation.

Teaching pupils about their rights should not only be theoretical. The school is an ideal place to begin implementing children's rights. Pupils should have the possibility to express their views in class about the lectures, as well as on how classes are presented. They should also participate in the running of the school by, for example, taking part in the school management board. In such progressive schools, children learn social, communication and other life skills and not just facts.

Teachers and school staff also play a key role in developing such schools and, for this reason, they need the support of their local and central authorities. Educational policies should promote a rights-based approach. Teacher training for all teachers, regardless of their specialisation, should be developed along these lines.

Teaching methods should promote democracy and participation in society. Textbooks and other educational materials should be consistent with human rights' values. The Council of Europe has developed a number of helpful and practical tools in this area, including the Compass manual on human rights' education.

Extra efforts are also required in order to ensure that minorities and disadvantaged groups are included in schools. Inclusive approaches to societal diversity permit children, on a daily basis, to discover, understand and appreciate diversity and take an interest in other cultures.

As stated by the European Court, "education is essential for the preservation of the democratic society". It is now our duty to preserve it by offering an accessible and quality education to every child in Europe.