COUNCIL OF EUROPE

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Feasibility study on desegregation and inclusion policies and practices

in the field of education for Roma and Traveller children

- Report -

Contents

List of abbreviations

ADI-ROM - Committee of Experts on Roma and Traveller Issues

CDADI - Steering Committee on Anti-Discrimination, Diversity and Inclusion

CEE - Central and Eastern Europe

CSO - Civil Society Organisation

EC - European Commission

The [European] Court - European Court of Human Rights

The Convention – The Convention for the Protection of Human Rights and Fundamental Freedoms/European Convention on Human Rights

ECRI - European Commission against Racism and Intolerance

EENEE - European Expert Network on Economics of Education

ERRC - European Roma Rights Centre

EUMAP - EU Monitoring and Advocacy Program

FRA - European Union Agency for Fundamental Rights

NGO - Non-governmental Organisation

NRSF - National Roma Strategic Framework

OECD - Organisation for Economic Co-operation and Development

OSJI - Open Society Justice Initiative

OSF - Open Society Foundations

PISA - Programme for International Student Assessment

RCM - Roma Civil Monitor

REF – Roma Education Fund

UNCR - United Nations Convention on the Rights of the Child

UNESCO - United Nations Educational, Scientific and Cultural Organization

WB - World Bank

Executive Summary

The main purpose of the feasibility study is to inform the deliberations of the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and the Committee of Experts on Roma and Traveller Issues (ADI-ROM) about the necessity and feasibility of a possible Council of Europe Committee of Ministers Recommendation on desegregation and inclusion policies and practices in the field of education for Roma and Traveller children. The study is conducted within the context of the rich case law of the European Court of Human Rights (the Court), which since 2007 has sanctioned the educational segregation of Roma children in its various forms as a human rights violation and discrimination.

The study (Chapter 2) reviews the definitions and interpretations of school segregation including those of the European Commission against Racism and Intolerance (ECRI), the European Commission, the Organisation for Economic Co-operation and Development (OECD), and the European Union Agency for Fundamental Rights (FRA). It highlights the grounds on which physical separation of pupils in schools and school classes may occur and provides an overview of the multiple forms and mechanisms of educational segregation and their intersectionality. Based on research data, the study shows that low quality of education is an intrinsic part of educational segregation, and that segregated education means poor infrastructure, low teacher expectations and qualifications and low school achievements. The study presents the latest data on Roma and Traveller pupils' educational attainment, which is closely related to segregation. It shows that the likelihood of school-related interethnic socialisation among children (or young adults) decreases with age. The latest FRA data (FRA 2022:16) show that segregation of Roma is on an upward trend, from 44% in 2016 to 52% in 2021. The study also discusses the challenges in monitoring educational segregation of Roma and Traveller pupils, in particular the absence in policy practice of a threshold, which distinguishes between segregation and inclusion. In addition, it presents the negative effects of segregation on students/learners and stresses the negative impact of segregation on social cohesion, solidarity and interethnic understanding.

One of the main findings is that educational desegregation has not reached a systemic level and has not been part of integrated policies. Given the complexity of structural factors impeding the equal access of Roma to inclusive quality education, particularly antigypsyism, residential segregation and poverty, the study (Chapter 3) argues that educational desegregation should be seen as a long-term process and not as an end in itself. In this context, the study affirms that tertiary education is an important way of curbing intergenerational educational segregation, because Roma university graduates act as role models in their families and communities. The study also analyses the structural constraints that manifest themselves at the level of education systems, especially the unregulated free choice of school.

The report (Chapter 4) maps the relevant Council of Europe standards in the field of education for Roma and Traveller children, especially those pertinent to inclusive education and countering segregation. The mapping of standards is done to assess the necessity of updating and complementing these standards in response to the current level of segregation and educational status of Roma and Traveller children. The chapter acknowledges that the Council of Europe has underscored the necessity of integrating Roma and Traveller children into

mainstream schools since 1969. Recommendations and resolutions of the Council of Europe address important issues related to structural factors impeding desegregation and inclusion. They provide guidance for a series of aspects related to intercultural education, the introduction of Roma and/or Travellers history into the school curriculum, the teaching of the Romani language, and quality of education, as well as financial and educational measures to promote the educational mobility of Roma and Traveller children. One of the priorities of the Council of Europe's Strategic Action Plan for Roma and Traveller Inclusion (2020- 2025) focuses on supporting access to inclusive quality education and training. Chapter 4 also reviews the case law of the European Court of Human Rights on the educational segregation of Roma, as the judgments of the Court are essential for understanding different types of policy measures related to the positive obligations aimed at correcting *de facto* inequalities, including segregation.

The analysis of the answers provided by 18 member States to the ADI-ROM survey on the topic of this study (Chapter 5) shows that these countries have adopted the concept of inclusive education into their basic educational law and secondary legislation. While the concepts of school segregation and desegregation have entered the public debate of most countries via the respective National Strategies for Roma Inclusion, these concepts have not yet gained legal status in most of them. Among the countries responding to the questionnaire, only Romania and recently Spain and the Slovak Republic have adopted a legal definition of school segregation within their education law, whereas clear definitions of school segregation and desegregation are lacking for most of the responding countries. Furthermore, except for Croatia, responding countries have not regularly monitored the educational segregation of Roma children. The respondents justify the absence of regular monitoring of educational segregation of Roma children by restrictive legislation in regard to ethnic data collection or by the protection of sensitive information. Some countries use instead non-ethnic approaches to monitor educational segregation (for example France, Hungary and Sweden).

In the countries surveyed, studies about the impact of segregation on child and student/learner development with a specific reference to Roma pupils are scarce and mostly conducted by non-state actors (NGOs or academic institutions). An exception is Sweden, where the Institute for Evaluation of Labour Market and Education Policy and the National Agency for Education have carried out such research.

Inclusion of Roma children in the formal education process as early as possible is seen by the respondents as a key measure for preventing school segregation. Most countries have improved the coverage of their offer of early childhood education and care, some of them providing it free of charge or with charges proportional to the income of the parents. Some countries offer support for improving language skills in the official language of school instruction for pupils with a migration background and for Roma. The aim of such additional language support is to facilitate integration into regular classes as early as possible. Many countries have developed teaching materials about Roma, their history and culture and some of them have introduced information on these topics into the school curriculum.

Some countries have implemented specific policies to increase the participation of Roma in higher education. Bosnia and Herzegovina, Croatia, Greece, and Hungary offer scholarships to students from disadvantaged groups, including Roma. In particular, Hungary has a comprehensive system of scholarships for disadvantaged and multiply disadvantaged students,

especially for Roma students. Bosnia and Herzegovina and Croatia provide accommodation for Roma students.

Evaluations of educational programmes and policies for Roma are scarce and a culture of evaluation of educational interventions targeting Roma pupils is largely lacking in all surveyed countries. For Chapter 6 of the study, policies and practices that have been evaluated were selected, as well as such policies and practices that were indicated by the EC and Roma Civil Monitor as promising practices. The promising practices presented in the report address five thematic areas related to the educational inclusion and desegregation of Roma and Travellers children and pupils:

1) Desegregation policies and programmes;

2) Early childhood education and care;

3) Access and retention in primary and secondary schools;

4) Representation of Roma in curricula and digital education; and

5) Tertiary education.

The final chapter on *Conclusions and Recommendations* highlights the need for integrated policies to deal with neighbourhood poverty and antigypsyism, for broad consultations at the local level bringing together Roma and non-Roma communities, and for legal and policy definitions on segregation and desegregation. It provides a set of recommendations for stakeholders from Council of Europe member States addressing three thematic areas: the legal framework and monitoring of segregation; antigypsyism, residential segregation and poverty; and educational policies. The key recommendations made by the study are to develop definitions of segregation and desegregation and to legally prohibit segregated educational settings in particular at the beginning of primary and secondary education so as to facilitate a gradual desegregation process. To provide guidance and help member States in the difficult process of abolishing school segregation and moving to inclusive education for Roma and Travellers, it is suggested to pool together the expertise of all member States and to engage in the process of drafting a comprehensive Committee of Ministers Recommendation on the topic of desegregation and inclusion policies and practices in the field of education of Roma and Traveller children.

INTRODUCTION

The present feasibility study report was prepared within the context of the mandate that the Council of Europe's Committee of Ministers gave to the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI). One of the main tasks of the CDADI is to assist member States, in line with the Council of Europe's Strategic Action Plan for Roma[1] and Traveller Inclusion (2020-2025), in developing and implementing successful national inclusion strategies that address the specific situation of Roma and Travellers to ensure their protection against discrimination and full participation in society, with a particular focus on "*countering school segregation by promoting and reinforcing a common understanding of inclusive quality education including for Roma and Traveller children*" (CDADI, n.d.).

The task of elaborating the present study is part of the responsibilities of the Committee of Experts on Roma and Traveller Issues (ADI-ROM), a committee of experts under the CDADI with the mandate of assisting member States in the development and implementation of successful Roma and Traveller inclusion policies (ADI-ROM, n.d.). To fulfil this task, the ADI-ROM created a Task Force Group composed of several ADI-ROM members (from France, Greece, the Slovak Republic, and Switzerland), representatives of the Joint Council on Youth, the Steering Committee for Education, and representatives of civil society organisations and experts in the field of Roma and Traveller inclusion and education policies.

In this report, educational segregation of Roma and Traveller children is considered in its historical context, the underlying cause of which is the antigypsyism in European societies, which has manifested itself throughout Roma history. Historical and present antigypsyism has contributed to residential housing segregation and poor socioeconomic conditions of Roma and Traveller communities, which widens the educational gaps between Roma and non-Roma.

Segregation in the context of the Council of Europe is defined by ECRI in its explanatory memorandum of General Policy Recommendation No 7 on national legislation to combat racism and racial discrimination as "the act by which a (natural or legal) person separates other persons on the basis of one of the enumerated grounds[2] without an objective and reasonable justification, in conformity with the proposed definition of discrimination".

ECRI defines antigypsyism in General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma as "a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination." As an ADI-ROM

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[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 a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

[2] As regards the grounds set out in the ECRI General Policy Recommendation No.7 in respect to the definitions of direct and indirect discrimination, in addition to grounds generally covered by the relevant legal instruments in the field, such as race, colour and national or ethnic origin, the Recommendation covers language, religion and nationality. See ECRI General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, Explanatory Memorandum, CRI(2003)8 REV.

report acknowledges, school segregation is a manifestation of antigypsyism and one of the most reprehensible forms of discrimination (Rostas, 2021).

Through understanding the processual, historical character of segregation and exclusion of Roma and Travellers by mainstream societies, educational inclusion and desegregation should be regarded as a comprehensive and complex process that can be addressed only by looking at the causes and effects of the prevailing antigypsyism in today's societies. Combating antigypsyism coupled with supporting access to inclusive quality education is a key component of the Council of Europe's Strategic Action Plan for Roma and Traveller Inclusion (2020-2025). Acknowledging the interdependence of inclusion policy and programmes and measures addressing antigypsyism has been a concern for a long time of the organisation (Committee of Ministers, 2012).

The present report comes within the context of a growing body of case law of the Court affirming that the educational segregation of Roma is unlawful and an act of racial discrimination. The Court's case law in this field started being developed in 2007 with the groundbreaking judgment in *D.H. and Others v. the Czech Republic* on Roma education, a reference case for its legal implications and for raising social and political awareness of educational inequalities affecting Roma and Traveller opportunities in life. As the most recent judgment of the Court (*Szolcsán v. Hungary*, no. 24408/16, 30 March 2023) acknowledged, states not only have the duty to eliminate educational segregation in a particular isolated case but also "to ensure the development of a policy to put a stop to segregation in education."

The European Commission (EC) launched infringement procedures of the European Union's Racial Equality Directive 2000/43 concerning the unjustified and disproportionate placement of Roma children in special or practical schools and their segregation and discrimination by some member States. On 19 April 2023, the European Commission (EC), decided for the first time to refer a member State to the Court of Justice of the European Union for failing to effectively tackle the issue of segregation of Roma children in education. The lack of effectiveness in addressing the educational segregation of Roma was noticed by the EC (2023) in several other member States in a recent assessment of their new post-2020 National Roma Strategic Frameworks (NRSFs). These legal and political measures indicate the ongoing need for enhanced commitment and action for the educational inclusion of Roma in mainstream education in order to address the segregation of Roma children in schools .

The purpose of the feasibility study is to inform the deliberations of the CDADI and the ADI-ROM of the necessity and feasibility of a possible Council of Europe's Committee of Ministers Recommendation in this thematic area. In addition, the study aims to provide all relevant stakeholders with recommendations on workable interventions for advancing the educational inclusion of Roma and Traveller children into mainstream education systems.

The feasibility study is aimed at mainstreaming educational and social policies addressing Roma and Travellers (ESF Learning Network, 2015) so that desegregation and inclusion policies and programmes fulfil broader educational objectives of accommodating both quality and equality in education. As data (OECD, 2012; Rutigliano, 2020) demonstrates, the educational systems that perform highly are those that combine equality and quality education.

The conclusions of the feasibility study provide an unequivocal and analytical justification for the necessity of coherent and comprehensive policy interventions in the thematic area. The

current report provides an overview of the existing national policy and legal frameworks available for desegregation and inclusion, international policy initiatives, educational practices or approaches that have brought palpable results in improving the quality and inclusivity of Roma and Traveller children in education.

Furthermore, the recommendations of this feasibility study provide a set of principles and guidelines for action that have proven to be effective for desegregation and inclusion policies in education focusing on Roma and Traveller children in Council of Europe member States. They build upon the existing Council of Europe standards such as the case law of the European Court of Human Rights, ECRI's General Policy Recommendations, the Framework Convention on National Minorities, the European Charter for Regional or Minority Languages, relevant Committee of Ministers Recommendations, Council of Europe monitoring body country-based conclusions and recommendations, policy and capacity building tools and thematic guidelines, etc.

In addition, the recommendations of this report build upon the Council of Europe Strategic Action Plan for Roma and Traveller Inclusion adopted in January 2020 by the Committee of Ministers and interlink with the practical guidelines based on the 2021 Council of the European Union Recommendation (2021/C 93/01) on Roma equality, inclusion and participation, which makes access to quality inclusive mainstream education through measures to prevent and eliminate segregation a key sectoral objective. The recommendations of this study incorporate the principles of the Committee of Ministers Recommendation (2009) on the education of Roma and Travellers in Europe and the Council of Europe (2017) position paper on fighting segregation, while translating them into actionable measures for desegregation and inclusion. Whilst the recommendations of this study are applicable to all Council of Europe member States that have Roma and Travellers, they have been issued by analysing primarily the countries with a sizeable Roma population.

CHAPTER I: OBJECTIVES OF THE STUDY, METHODOLOGY, LIMITATIONS

General purpose of the study

The overall objective of the feasibility study report is to inform the deliberations of the CDADI and the ADI-ROM with regards to the appropriateness, necessity and feasibility of a Committee of Ministers Recommendation on desegregation and inclusion policies and practices in the field of education for Roma and Traveller communities through:

- Identifying key themes and open questions related to the field of school segregation;
- Analysing the existing segregation practices of Roma and Travellers across Europe from educational, policy and legal perspectives;
- Analysing existing instruments, standards and operational programmes of the Council of Europe, which promote quality and inclusive access to education and counter educational segregation;
- Assessing the work and instruments of the Council of Europe in supporting Roma and Traveller communities and member States in their efforts to participate in/enable inclusive and quality education settings;
- Reviewing existing instruments, standards, operational programmes and good practices of other international organisations, civil society and relevant stakeholders in countering segregation across Europe;
- Making specific recommendations for actions to Council of Europe member States to effectively support desegregation and inclusion policies in the education of Roma and Traveller children, which could represent the basis for a CM/Recommendation.

Throughout the report the term feasibility is employed referring to policy and programmes with a human rights-based approach, particularly the Council of Europe endorsed human rights principles of participation and inclusion, equality and non-discrimination, accountability and transparency (Council of Europe, 2020b). The study is less concerned with the economic aspects of the feasibility of educational inclusion and desegregation policies since they have been shown to produce economic benefits for society at large (Greenberg, 2010; WB, 2010; Ciaian, Ivanov and Kancs, 2019; EC, 2020).

More specifically, in the field of education, investments in the education of Roma show high economic returns for society: "an investment that makes one young Roma successfully complete secondary school would yield significant direct long-term benefits to the national budget" (Kertesi and Kézdi, 2006; see also EC, 2020). Investments in inclusive high-quality education for all, including for Roma and Traveller children is also a sustainable investment in social and economic terms as educational attainment tends to be transferred intergenerationally.

The report focuses on feasibility in a broad sense as an exploration based on evaluation data and expert opinions on the *conditions of possibility* for preventing segregation, facilitating inclusion in quality education and advancing desegregation.

Conditions of possibility in the context of this study are systemic or structural factors, a full set of social, political, economic and historical circumstances needed for the full realisation of the

learning potential of Roma and Traveller children and their successful educational inclusion in mainstream education systems.

The conditions of possibility are similar to the horizontal objectives of the EU's guidelines for Roma policy making (addressing antigypsyism, poverty and participation), which are key contextual policy factors for educational interventions aimed at a systemic level. As suggested by the EU's guidelines, there is a need for integrated governance processes and for enhanced collaboration and co-operation among various government departments that have a role in implementing targeted Roma policies and mainstream education policies at national levels in order to overcome the structural factors preventing Roma inclusion.

The feasibility study acknowledges that, although segregation of Roma is increasing, a sizeable number of Roma children manages to access mainstream education against the odds and without benefiting from policy interventions. Such positive educational outcomes are the result of the Roma using their own strategies to confront racism, discrimination and educational inequality.

The study also acknowledges some policy tensions which leave room for a number of open questions throughout the report. As the analysis shows, despite more than two decades of policy interventions, educational segregation of Roma is not decreasing, on the contrary it is increasing in some countries, as reported by FRA (2022).

Methodology

A thematic approach has been adopted rather than a geographic one, which would have required the consideration of all member States of the Council of Europe. The decision to employ a thematic approach was motivated by the desire to comprehensively understand the influence of structural factors on educational segregation and inclusion. It also stemmed from the recognition that enabling educational desegregation and inclusion demands multifaceted social and educational interventions.

In addition to desegregation policies and programmes, the study aims to present thematic areas and international standards such as theoretical and practical approaches of educational desegregation and inclusion, early childhood education and care (ECEC), access to and retention in compulsory and tertiary education, inclusive and diverse curricula, intercultural education and pedagogy, and digital education. These themes are considered highly relevant for stakeholders committed to ensuring equal educational opportunities for Roma and Traveller communities, particularly in their efforts to prevent and reduce educational segregation.

Given the extensive scope of the issues under examination, the study's approach focuses on manageability within a reasonable timescale, while maintaining a concentrated emphasis on the most pertinent themes related to education, inclusion and desegregation. The desk research conducted for this study consisted of a literature review of documents aligned with the scope of the study. This included evaluation reports, policy papers, judgments of the Court, legal texts, country recommendations, resolutions and declarations of international bodies, as well as academic articles.

Regarding policy literature, the report analysed reports from civil society organisations (CSOs), along with texts and documents of international bodies and organisations such as the Council of Europe, European Commission, Roma Education Fund, Open Society Foundations, World

Bank, UNESCO, OECD, European Court of Human Rights, FRA and others. The desk research focused on countries with a relatively high Roma population that have experienced high levels of educational segregation, and also have experience in implementing educational inclusion and desegregation policies and programmes.

The perspective on Travellers was explored by analysing policy documents (Council of Europe Recommendations, FRA data, and governmental policy interventions). Moreover, unstructured interviews were conducted to delve into the challenges and policy solutions with representatives of both the government (Rosalita Giorgetti-Marzorati, Switzerland) and civil society (Maria Joyce, National Traveller Women's Forum, Ireland and Martin Collins, Co-Director of Pavee Point Traveller & Roma Centre, Ireland).

The study acknowledges the paramount importance of incorporating the perspectives of Roma and Traveller's and their full participation in policies targeting them, especially those of Roma women, youth, and children, which is central to any meaningful and sustainable educational policy. To achieve this, the study aimed to capture the opinions of Roma individuals regarding issues related to segregation and desegregation, as well as to reflect the opinions of Roma organisations, including those contained in the assessments of the Roma Civil Monitor (RCM).

Recognising the limited representation of children's and women's perspectives on matters of segregation and desegregation, the report also included some insights from Roma children and women, based on secondary data.

Furthermore, the literature review was complemented by a survey distributed to ADI-ROM members. The survey aimed to collect the most up-to-date information and data from Council of Europe member States about issues such as legal definitions of school segregation and desegregation, the monitoring of educational segregation of Roma and Travellers children, and the available educational policies and practices that promote desegregation and quality education. In addition to the open-ended questions, the questionnaire inquired about the strengths and weaknesses of educational inclusion and desegregation policies and programmes, as well as suggestions for actionable recommendations. The data analysis considered responses from 18 member States, and the questionnaire is available in the annex of this report.

The distribution and collection of the questionnaire was coordinated by the ADI-ROM Secretariat. Collaboration between the ministries of education and the National Roma Contact Points of the countries concerned facilitated completion of the questionnaire. The ADI-ROM Task Force Group played a significant role in shaping the study by offering input and recommendations regarding the scope of the study, the overall structure of the report, the thematic areas and topics to be included in the analysis, and the questionnaire. The Task Force Group provided invaluable feedback throughout the various draft versions and in finalising the present report.

Methodological limitations

The present report also has a series of methodological limitations, such as conducting a meta-evaluation of educational interventions in the field of educational desegregation and inclusion of Roma and Travellers. This constraint is attributed to the objective challenge of scarce and often inadequately rigorous evaluations and data, especially those grounded on solid, reliable, quantitative methodologies (Fresno et al., 2019). The insufficiency is particularly pronounced

when it comes to evaluations of desegregation interventions, as the majority of the studies, including many of those referenced in this report, do not meet the standard of methodological rigour, rendering their conclusions less substantiated.

To delve deeper into the issue, it is essential to note that most of the evaluations presented in this report do not align with the widely agreed evaluation criteria, which typically include factors/principles like relevance, coherence, effectiveness, efficiency, impact and sustainability. Additionally, these evaluations are not counterfactual impact evaluations, meaning that they fall short of providing sufficiently convincing evidence to conclusively attribute reported outcomes to exposure of participants to specific policies, programmes or projects.

To overcome the limitation of the scarcity of comprehensive evaluations, the feasibility study has adopted a pragmatic approach by including information about interventions that have been recognised as promising practices by Roma CSOs and the European Commission. This second-best approach aims to offer insights into existing policies and practices which are oriented by a conceptual framework rooted in broadly agreed principles, such as Roma and Traveller participation, mainstreaming, sustainability, quality education, social acceptance, etc.

CHAPTER II: EDUCATIONAL SEGREGATION: DATA, ANALYSIS AND THE STATE OF PLAY

The segregation of Roma and Traveller children in separate educational settings emerged as a policy concern back in the 1960s. It was during this time that the Council of Europe issued Recommendation 563 (1969) to its member States for "the integration of children from Traveller families into normal schools". This recommendation recognised the separation of Traveller children in schools and their limited access to mainstream educational settings.

Academic research began to acknowledge the issue of Roma school segregation and its negative consequences as early as the 1980s (Messing, 2017). The overrepresentation of Roma in special education, alongside their placement in separate classes and schools for children with mental disabilities, has deep historical roots. This practice, seen in some countries like in Czechoslovakia and Hungary, started in the 1970s and has persisted, if not worsened (OSJI, 2016).

The educational segregation of Roma children, as a *de facto* separation from their non-Roma peers, has been identified in several European countries over the past two decades. Civil Society Organisation (CSOs), researchers, international human rights organisations, as well as national and international courts have played a significant role in uncovering these patterns. Much of our current understanding about the various forms of Roma and Travellers segregation in education has been shaped thanks to the work of Roma and pro-Roma CSOs. Since the 1990s, these organisations have been active in identifying instances of segregation and have engaged in desegregation projects at the local level, proposed policy changes to address this phenomenon, and pursued strategic litigation in courts to rectify and penalise school segregation.

A common thread in all forms of educational segregation of Roma and Traveller children is the **uneven distribution of Roma and Traveller students across schools and classes.** This distribution does not reflect their proportionate representation in the overall school population. Consequently, education systems that segregate Roma and Traveller children from their peers fail in their mission of promoting diversity, equality and inclusion. They do not adequately mirror the social, economic and cultural diversity present at national, regional or local levels within classrooms and schools. In all of its forms, the educational segregation of Roma and Traveller children results in reduced opportunities for social and educational interactions among children from diverse cultural and socio-economic backgrounds.

Definitions and interpretations of school segregation

In both international educational policy documents and academic literature, the term "school segregation" is used to describe the *physical separation of pupils in schools and classes on the basis of a variety of social and cultural characteristics. These characteristics include factors such as "race"[3], colour, religion, national or ethnic origin, socioeconomic status, disability, level of parental education, and migration background*.

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[3] The term "race" do not correspond to any existing personal biological characteristic. However, the false (unscientific) belief in the existence of "human races" is a ground for racism and discrimination. In this regard,

The European Commission against Racism and Intolerance (ECRI), in its explanatory memorandum to General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, defines segregation "*as the act by which a (natural or legal) person separates other persons on the basis of one of the enumerated grounds without an objective and reasonable justification, in conformity with the proposed definition of discrimination*"..

Furthermore, the grouping of pupils according to their ability, especially early streaming or tracking, can also lead to separation in educational settings. Early streaming of pupils significantly contributes to explaining the differences in results seen in the Programme for International Student Assessment (PISA) tests across various schools and countries. Educational systems that have a more comprehensive approach show less variability in results than those that implement early streaming of pupils (EENE, 2021).

Experts on quality in investment in education and training define school segregation as **"the separation of students among different schools based on their ethnic or social origin, academic performance or any other attribute of social or educational vulnerability "**(EC, 2022:79).

School segregation is a complex phenomenon that cannot be reduced to a single indicator. A commonly used measure to quantify (assess) school segregation is the dissimilarity index, which ranges from value 0 (no segregation) to 1 (full segregation). This index often utilises socio-economic disadvantage as the primary variable for evaluating the evenness or unevenness of pupil distribution across schools and classes. In measuring educational segregation, the exposure indicator measures the probability of interaction in educational settings among students from two segregated groups (OECD, 2019).

The European Commission, in its *Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation,* recommends employing both a segregation index and a dissimilarity index for measuring (assessing) school segregation. The segregation index is defined as a "high percentage of pupils with low-income and low educational level parents in educational facilities (both at individual class and school level)." The dissimilarity index measures the "deviation from the "fair share" of children belonging to a marginalised group across all school facilities of the locality". The same document defines segregation as **"physical and social separation of members of a marginalized group from members of non-marginalized groups and unequal access to mainstream, inclusive and high-quality services"**, and stipulates that facilities in segregated settings provide lower quality services. Segregation is caused by several factors, including discriminatory actions, and economic and demographic mechanisms (EC, Guidance, 2015).

As demonstrated later in this chapter, determining the "fair share" distribution of Roma pupils across educational settings, or the threshold which distinguishes segregation from non-

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the *Committee of Ministers Recommendations CM/Rec(2022)16 on combating hate speech and CM/Rec (2024)4 on combating hate crimes of* explains that "Since all human beings belong to the same species, the Committee of Ministers rejects, as does the European Commission against Racism and Intolerance (ECRI), theories based on the existence of different 'races'. However, the term 'race' is used in order to ensure that those persons who are generally and erroneously perceived as 'belonging to another race' are not excluded from the protection provided for by the legislation and the implementation of policies to prevent and combat hate speech and hate crime (footnote 2 and footnote 1)". See also a similar explanation in the *ECRI General Policy Recommendation No. 7* on national legislation to combat racism and racial discrimination (footnote 1).

segregation, is not clearly defined at policy and educational practice levels. This lack of clarity has significant implications for policy making and the sphere of education practice.

In a 2021 survey targeted at Roma, the Fundamental Rights Agency (FRA) defines segregation in education as the ***"concentration of children from a certain socioeconomic, ethnic or cultural background, or with disabilities, in specific schools or classrooms"*** (FRA, 2022: 38).

In addition to being a violation of human rights and an act of discrimination, the educational segregation of Roma and Traveller children is closely related to **the quality of education**. The phenomenon of segregation divides schools between high-quality educational institutions and those schools where the quality of education is at an unacceptable (low) standard. The *de facto* classification of schools into elite, normal and poor-quality schools determines the different life paths of children and adolescents. As noted by the Council of Europe, segregated schools provide an inferior quality of education and are a major obstacle to the enjoyment of equal educational opportunities for Roma (Council of Europe, 2017).

A comprehensive study conducted in eight European countries revealed that the majority of Roma (segregated) schools face core problems related to poor school infrastructure, including lack of computers, laboratories, basic school equipment, lack of school desks in some countries, textbooks, and teaching materials. The study also identified a considerable gap between segregated Roma schools and mainstream schools in terms of the competencies of school staff. Roma schools often lack highly qualified or motivated teachers and staff turnover is relatively high. In addition, in segregated educational settings, curricular standards are often lower compared to mainstream education, classroom practices lack a child-centred pedagogy, anti-bias education is often missing, and cultural and ethnic diversity is not reflected in the school curriculum. (EUMAP 2007, vol.1 and 2). The ways in which school systems create and maintain unequal access to education are invariably influenced by the quality of education offered to students in public schools.

Forms and mechanisms of educational segregation

The educational segregation of Roma and Traveller children in Europe's educational systems is an undeniable reality with deep historical roots that likely extend over a century (see Matache and Barbu, nd.).

The school segregation of Roma and Traveller children is shown in many forms: in special schools or classes for children with mental disabilities, in exclusive or majority Roma schools (segregation between schools), in regular schools but separate classes (segregation within schools), being seated within the last rows in the classroom, in private or church-operated schools, in zero grade year of schooling or in special preparatory classes.

The European Court of Human Rights has observed the following forms of segregation in education through its case law:

a. Class level segregation: in *Oršuš and Others v. Croatia,* the Court dealt with segregation between classes in the same school building, whereby even though some Roma children were placed in integrated classes, others – especially those participating in extra language tuition were placed in almost exclusively Roma classes. *Elmazova and Others v. North Macedonia* is also partly concerned with classroom segregation;

b. Segregation between school buildings: segregation occurred between different buildings within the same school in *Sampanis and Others v. Greece*, a case in which Roma children were placed in special classes in an annex to the main primary school building;

c. Segregation between schools, including special schools for children with mental disabilities: the Court has dealt with two cases that relate to the segregation of Roma children in special schools in *D.H. and Others* v. *the Czech Republic* and *Horváth and Kiss v. Hungary*;

d. Roma only schools: segregation occurred between Roma only and integrated schools in *Sampani and Others v. Greece* and *Lavida and Others v. Greece.* Similarly, in the recent *X and Others v. Albania*, *Elmazova and Others v. North Macedonia* and *Szolcsán v. Hungary* judgments the Court addressed segregation between schools.

Symbolic exclusion or the separation of Roma and Traveller children based on actual or assumed ethnicity is also a form of segregation. Examples include exclusion from certain school or extracurricular activities, school clubs or trips, separate facilities such as school transportation, toilets, lockers, or separate lunch hours.

Understanding and addressing the educational segregation of Roma and Travellers, requires an intersectional approach. The physical separation of pupils from their peers is based on various segregation grounds that appear simultaneously. For example, the segregation of Roma and Traveller children in special schools is not primarily based on disability; at the testing process has often been found to be culturally biased, as psychological or pedagogical experts have anti-Roma biases (for example *D.H. and Others v. the Czech Republic,* 2007; Amnesty International and ERRC, 2017).

Many Roma children placed in special schools or classes are not there due to their disability, but rather because of their ethnicity and/or the socio-economic status of their families. A pilot research project demonstrated that inclusive education could yield good academic performance for Roma pupils and mitigate the negative effects of mis-categorisation of Roma as special needs pupils. In this regard, pupils placed in special schools in Czechia and the Slovak Republic who then migrated with their families to the UK, were placed in regular schools and successfully adapted to mainstream education (REF, 2011). The overrepresentation of Roma children in special education systems is due to a combination of socio-economic and cultural grounds for separation, along with early school tracking. Segregation in special schools is often explained by the supposed lack of readiness for school or language competencies among Roma children.

Roma segregated schools have, in many cases, appeared as a consequence of residential segregation dating back to the Middle Ages, with forced settlements in many countries of Central and Eastern Europe (CEE), and the confinement of Roma in poorly developed ethnic enclaves, or *"mahalas".*

In former socialist countries, state-initiated policies to improve the living conditions in *mahalas* led to urban development that in some cases attracted non-Roma to previously predominantly Roma neighbourhoods. However, after 1990, investment in infrastructure was not consistently maintained, leading to strong polarisation in the quality of residential living. This resulted in non-Roma residents moving out of poorly maintained infrastructure zones in which Roma had become the majority (see also Greenberg, 2010). In some cases, so-called Roma

neighbourhoods are impoverished areas inhabited also by other ethnic groups, although there may still be ethnic enclaves within these neighbourhoods.

However, not all segregated Roma schools are juxtaposed to historical or modern patterns of residential segregation, nor are they solely due to segregationist practices in the design of educational catchment areas. Researchers found that educational segregation can occur in areas with a diverse social and ethnic composition, and segregated schools can exist in close proximity to mainstream schools (Zahariev et al. 2021).

A study in Romania discovered that over half of the segregated Roma schools are within walking distance (less than 3 km) of the mainstream schools (Surdu, 2002), indicating that residential segregation is not always the sole cause of school segregation. Furthermore, although residential segregation and school segregation interact in complex ways, they do not always align, as many Roma and Traveller children living in segregated neighbourhoods also attend mainstream schools rather than just nearby segregated schools (Somogyi and Horváth, 2018).

Educational segregation is a dynamic process and the mechanisms behind segregation can sometimes be too subtle and challenging to grasp and address through legislation. For example, well-qualified teachers leaving schools can lead to pupils changing schools , contributing to increased school segregation (Amnesty International, 2015). The reinforcement of school segregation can also result from racist bullying of Roma children in mainstream schools, leading Roma families to withdraw their children from mainstream schools and enrol them in segregated, but more welcoming, educational environments (Amnesty International, 2015). The results of these interrelated phenomena are schools with many Roma pupils or with students from low socio-economic status families in suburban areas .

Educational segregation of Roma and Traveller children, in all its forms, constitutes a human right violation and discrimination, as established by the Court's judgments since 2007. It is noteworthy that the European Commission has launched infringement proceedings against three European Union member States (Czechia, Hungary, the Slovak Republic) for not effectively tackling the issue of segregation of Roma children in education, on the basis of the Race Equality (Directive 2000/43/EC). A case is currently pending before the Court of Justice of the European Union (Commission, 2023)

Roma and Traveller pupils' educational attainment and segregation trends

There is a general lack of disaggregated data on the educational situation of Roma children in Europe and the data that exist are mostly outdated. Many countries do not collect ethnicity-based educational data . In practice, when Roma educational statistics are calculated there are different practices of data collection, some relying on ethnic hetero identification (identification by others), while others rely on self-identification. Leaving aside the unethical aspect of hetero identification, the lack of common practices on data collection hampers the comparability of various datasets and estimates.

The most recent data at the European level are provided by FRA surveys and show a relatively **large gap in educational attainment between Roma and Travellers and other children**. In early childhood education (children from age 3 up to compulsory school age) for the 10 countries surveyed by FRA, there was no declining trend overall for the EU between 2016 and

2021. However, some countries present large differences between Roma and non-Roma children in early childhood education:

- in Croatia, Italy and Portugal the enrolment of Roma is more than three times lower than for non-Roma);
- and in Serbia Roma enrolment is more than six times lower (FRA, 2022: 37).

The other six countries surveyed also registered considerable attainment gaps. In 2021 Spain, Hungary and Bulgaria had rates of Roma participation in early childhood education well above the average EU level for Roma (but below non-Roma participation). Overall FRA data show that **Roma children are more than half or less likely to attend early childhood education**.

The gap in early childhood enrolment between Travellers and the majority population's children is considerably lower for some countries:

- 90% enrolment of Swedish Roma and Travellers,
- 75% of Ireland Travellers
- and 69% of the UK Travellers (FRA 2020: Figure 9, p.45).

An exception to the relatively low gap in early childhood enrolment of Traveller children is France where only 32% of *Gens du voyage* children are enrolled (FRA 2020: Figure 9, p.45). Such differences between Roma and Travellers and non-Roma participation in early childhood are translated into missing opportunities for early interethnic contact with peers and diminished chances of academic and socio-professional success for Roma and Travellers. Non-participation in early childhood education is likely to lead to later school segregation.

With the exception of primary and lower secondary education, where the share of Roma children not attending education was about 7% in the 2016 FRA survey (the same as for the general population), **for higher educational levels the non-attendance of Roma and Travellers increased considerably**: 48 % for upper secondary education (general population - 8%) and 95% (general population - 53%) for post-secondary and tertiary education (FRA, 2018: 25, Table 3). Among Traveller children aged from 6 to 15 years, lower rates of school participation were registered for caravan dwellers in Belgium (39 %), Travellers in the United Kingdom (64 %) and 82 % for Travellers in France (FRA 2020: Figure 10, p.46).

The partial statistics available at the EU level show that the chance of Roma and Travellers and non-Roma interacting as peers in educational settings in structured learning situations is relatively low and moreover, that **the likelihood of school-related interethnic socialisation decreases with the age of children** (or young adults). Given the large number of Roma children who are not enrolled in educational facilities, important values such as social cohesion, solidarity and interethnic understanding are largely missed by the European education systems.

Comprehensive data on Roma and Traveller school segregation in Europe for all types of segregation are not yet regularly collected administratively. The EC noted in its 2023 assessment of member States' NRSFs that "most of the affected countries (BG, EL, ES, HU, IT, RO, SK) opt for mapping and analysis of segregation" (EC, 2023:179), which implies that administrative data collection on residential and educational segregation is not yet a well-established practice at EU level.

The EU Roma strategic framework for equality, inclusion and participation adopted by the EC included, for the first-time, targets for monitoring implementation progress up to 2030. The **EU Roma Strategic Framework proposes that by 2030** Roma educational segregation is reduced by at least half, or more precisely that in EU member States with a significant Roma population **no more than 20% of Roma pupils should attend schools where most or all children are Roma**. It remains to be seen when and how the commitments of the EU member States to monitor residential and educational segregation will be translated into administrative data collection practices. So far, the only comprehensive and comparable source of data is the FRA survey, which provides longitudinal data on overall school segregation for the last decade.

The data on school segregation collected by FRA in 2021, although only on 10 countries in Europe, is representative enough to be applicable for the overall Roma population in Europe as the countries concerned cover about 87% of the estimated Roma population in the EU and about 53% in Europe (FRA, 2022). So far, as the FRA surveys show, desegregation and inclusion policies and programmes implemented during the last decade have not led to less educational segregation, quite the contrary.

FRA data from 2021 show that 52% of Roma children enrolled in compulsory education are educated in segregated schools in which most or even all of their peers are Roma. The FRA survey asked self-identified Roma respondents "Now please think about the school [NAME] attends. How many of the schoolmates would you say are Roma: all of them, most of them, some or none of them?" As the data demonstrates, the share of respondents who answered that their children attended schools in which all or most of the schoolmates were Roma presents an increasing trend, up from 44% in 2016 to 52% in 2021.

Some countries are well above the estimated average level of segregation at school for EU member States. In this regard, the Slovak Republic was the EU member state with the highest share of Roma studying in segregated education in 2021: 65% of Roma pupils from 6 to 15 years of age attended schools where all or most pupils were Roma, an increase of five percent compared to 2016.

It is estimated that, currently, the share of Roma children from marginalised communities in "special" schools for children with intellectual disabilities is three times higher than the population as a whole (U.S. Department of State, 2022). A survey carried out by the Public Defender of Rights in the Slovak Republic in 2013 found that Roma children constituted 88% of all pupils in special schools (Chudzikova, September 29, 2020).

In Bulgaria, 64% of Roma children attend segregated educational settings, an increase of six per cent from 2016. Alarmingly, increasing trends in the educational segregation of Roma children since 2016 were noticed in Romania (51% in 2021 compared to 28% in 2016), Czechia (49% in 2021, 29% in 2016), Croatia (53% in 2021, 40% in 2016) and Spain (45% in 2021, 31% in 2016).

Only a few countries showed a decrease in segregation trends such as Hungary with a 16% decrease since 2016, and Greece and Portugal both with a 12% decrease since 2016. Compared to the other countries surveyed, Serbia, Italy and Portugal have significantly lower rates of segregation, in those countries the share of Roma pupils in segregated educational settings is under 15%.

Challenges of monitoring Roma and Travellers pupils educational segregation

Survey statistics such as those provided by FRA are very useful for understanding the extent of the phenomenon of educational segregation, and its magnitude across Europe, as well as for keeping governments accountable for the implementation of their Roma national strategies. However, there are difficulties in measuring the phenomenon due to its complexity, and policy implementation factors at national and local level.

The Committee of Ministers noted that member States "should ensure that legal measures are in place to prohibit segregation on racial or ethnic grounds in education" and where "de facto segregation of Roma and Traveller children based on their racial or ethnic origin exists, authorities should implement desegregation measures" (Committee of Ministers, 2009). Other Council of Europe human rights bodies including ECRI recommended member States prohibit segregation as a form of discrimination (ECRI, 2002) and take measures, including legal and political ones to put an end to school segregation of Roma children (ECRI, 2011). Recently, the Commissioner for Human Rights stated that, in various countries, "the prohibition of discrimination is not sufficiently established in legislation and that there is a need for amending existing laws and spelling out important concepts more clearly" (Council of Europe, 2017:19).

The lack of legal definitions of segregation[4] and desegregation has been identified as a significant barrier to monitoring segregation. The legislative framework for most Council of Europe countries lacks a proper, measurable definition of what constitutes educational segregation: "Legally, segregation is not clearly defined, and it is very difficult to tackle due to the complexity of the phenomenon and the limitations of the current legal framework in Europe." (Rostas, 2021: 35). A challenging definitional issue in regards to monitoring is the threshold which distinguishes between segregation and non-segregation. In the area of policymaking, legislative frameworks and educational practices related to the desegregation threshold have not been given enough consideration which makes it difficult to properly plan, monitor and evaluate the impact of desegregation interventions. Without considering a well-defined segregation threshold, some situations that are arguably an unbalanced distribution of pupils across schools and classrooms could be reported as cases of successful desegregation. For example, high percentages between 25% and 49% of Roma or socially disadvantaged students in a classroom or school could be reported as desegregation if the segregation threshold is loosely defined (for example majority Roma classes or schools).

Different segregation thresholds have been discussed in the past. Some researchers tend to consider that a share of Roma pupils under 50% across classes in ethnically mixed schools is a relevant threshold for identifying segregated "ghetto schools" (see for example Messing, 2017; Kézdi and Surányi, 2009; Surdu, 2002). In schools in which there are more than 50% of Roma , the so-called white flight (change of school by non-Roma students) occurs at an increased rate (for example Radó, 2020:18).

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[4] In its monitoring work, when assessing national law compliance with it is Recommendation no. 7, ECRI has been generally referring to absence of the concept of segregation in equality law provisions, for example in Austria, Cyprus, Belgium, Czech Republic, Denmark, Estonia, Latvia, Lithuania, North Macedonia, Poland, Portugal, Romania, Spain and Georgia, Ireland, Malta, the Netherlands, Norway, San Marino, Sweden, Ukraine. In some countries, the concept has been later incorporated in legislation such as in North Macedonia, Romania or Spain.

Other stakeholders noted that a threshold of 40% of Roma pupils in mixed mainstream schools would cause the school to be labelled as a "Roma school" and lose its quality reputation (Amnesty International, 2015:12). A school director interviewed by Amnesty International explained that "once the proportion of Roma children in the school reached 40% in the early 2000s, non-Roma parents stopped enrolling their children" (Amnesty International, 2015:24).

There is still another relevant threshold, namely the threshold used for recognising successful and sustainable desegregation measures. In this regard some researchers consider the threshold for successful desegregation to be significantly lower: "In all forms of desegregation measures, it should be ensured that the rate of children coming from a marginalised background does not exceed a certain rate, the suggested threshold is usually 20 or 25 per cent, in any schools, grades, and classes" (Somogyi and Horváth, 2018:13).

Moreover, using a threshold of 50% for the segregation of Roma in special education is inappropriate as it will become difficult to demonstrate indirect discrimination by statistical data before national courts if considered as aggregated level (OSJI, 2017). In this regard, the percentage of Roma children in special education even at values much lower than 50%, could overrepresent Roma pupils enrolled in this type of education, as the share of Roma pupils in the overall school population is considerably lower. For example, if the ratio of Roma pupils in an administrative district is 10%, a percentage of 20% or 30% of Roma children enrolled in special education is an overrepresentation of Roma pupils in special education for this district.

Considerably lower thresholds for segregation are considered by educational practitioners who led the first desegregation programmes in Bulgaria by means of transportation of pupils to different schools by bus and by Roma activists. In this regard, the leader of the first desegregation project in Europe (Vidin project in Bulgaria) advises an equitable distribution of "Roma children in classes to all integrated Vidin schools, at less than 10 % of Roma per class" (DROM newsletter, nd). This lower threshold for achieving non-segregated schooling, though more ambitious and difficult to reach, is much closer to the real representation of Roma within the general school-age population and is more favourable to child-centred pedagogies reflecting the learning needs of a diverse classroom.

A segregation threshold can be a useful tool for policy planning, monitoring and evaluation, for showcasing best practice desegregation intiatives and for improving pedagogical practice. Defining a strict treshold is however not necessary for legal reasons or legal definitions. The principle of non-segregation should be the only legal consideration for legal decisions. In both contexts, the proportion of Roma in the population of the relevant area provides an important orientation. Additionally, proposing a segregation threshold for legal reasons is not practical due to the diverse national, regional, and local contexts where segregation occurs. This could also create room for interpretation by stakeholders, which would be detrimental to the prohibition of educational segregation.

Realising a low threshold could be more difficult in rural areas with low population density and large distances between schools than in densely populated urban areas with a high number of schools. In cities with a diverse student population, a segregation threshold can be beneficial. This is because it ensures that students from vulnerable groups are distributed equally across schools and classes. As a result, classrooms can reflect a balanced mix of students from various socio-economic and cultural backgrounds. This is particularly important as it helps to promote

inclusivity and integration, which are crucial for the overall personal and educational development of students.

Furthermore, definitional issues are complicated by a possible broadening of the definition of school segregation so as to include non-attendance as suggested by Council of Europe (2017). Based on the lack of interaction opportunities in educational settings, CoE (2017) proposes school non-attendance during compulsory years as a form of school segregation: "Depriving children of access to school or forcing them to receive education at home is also a form of segregation" (p.9). Acknowledging school non-attendance by Roma pupils as a form of segregation can dramatically change the picture of educational segregation.

The identification and monitoring of segregation are further challenged by keeping track of the various types of segregation and their interconnections. As an example, measuring segregation at the school (buildings) level only could obscure intra-school segregation, including segregation into special schools and remedial classes, segregation into preparatory classes or in the back row.

In addition, data provided by the countries could vary considerably depending on the assumptions and parameters used for calculating the statistics. Not considering all the relevant grounds for segregation could impede the monitoring of the desegregation progress. For example, those considered Roma would not in all cases identify themselves as Roma, therefore measuring segregation by ethnicity would not catch all relevant cases (for example, segregation based on socio-economic status). Referring to data collection on the educational segregation of Roma, Jack Greenberg, the lawyer who brought the case Brown v. Board of Education, which ended segregation in public schools in the U.S., acknowledges:: "It is maddening to try to ascertain precise facts, made even more obscure by an absence of records of who is Roma, by the denial of many Roma of their ethnicity, and by flat contradictions among apparently knowledgeable sources" (Greenberg, 2010: 935).

The EC recommends that **in countries where ethnic data cannot be collected, proxy data should be used, amongst which socio-economic data should be central**. According to the EC, the data collection should occur in segregated administrative units or those units with a high concentration of people from vulnerable groups. Since the Roma population is significantly affected by poverty and social exclusion it is likely that using proxy data and other data collection methods would be able to identify the realities of Roma (EC, Annex 2 portfolio of indicators, EU Roma Strategic Framework, 2020).

Using proxy data would also avoid stigmatising Roma children and pupils especially when data is collected in mixed educational settings. Furthermore, pupils are segregated and discriminated against based on perceived Roma ethnicity and not necessarily on how they self-identify. Moreover, some children come from mixed backgrounds and do not fit into exclusive categories. Ethnicity is a highly fluid and situational concept for all groups including Roma and Travellers and how people self-identify may vary in time and depending on circumstances. The Central Council of German Sinti and Roma constantly opposed ethnic data collection due to stigmatisation and the history of the use of ethnic statistics. **Ethnic labelling through data collection may risk worsening discrimination and negatively affect the school career of Roma children**: "a school survey may make children from Sinti or Roma families conspicuous and as a result exposed to racial discrimination. Ethnic identity is recorded in the files of Roma children from kindergarten onwards in several European countries. This label accompanies

these children throughout their educational pathway and, due to deeply rooted antigypsyism, has a negative effect on the education opportunities of these children. Research that reveals the identity of Sinti and Roma children could have negative effects on their further education" (Reuss and Mack, 2019: 253).

Measuring the segregation of Roma children in education at the national and European levels by adequate statistical methods and through administrative data collection is key for identifying and understanding the scope and negative impact of the problem. It is therefore suggested that Council of Europe **member States adopt definitions and standards of school segregation complemented with measurable indicators which have relevance for their stakeholders**, especially for Roma communities themselves. A condition of feasible definitions of segregation and desegregation and related standards is that they are operational, include safeguards against segregation, introduce duties to implement desegregation measures where de facto segregation occurs, and capture the quality of education where there are indications for segregation.

The negative effects of school segregation on students

The literature concerning school segregation highlights a range of **negative effects on students/learners**, including negative impact on academic achievement, unequal access to resources, social isolation, and reinforcement of stereotypes (for example OECD, 2012; Bonal, 2019). The most important consequence of school segregation is that students in segregated schools are more likely to have lower academic achievements than those in integrated and inclusive schools. Some segregated educational settings are not even able to instil basic competencies such as functional literacy and life skills (see for example Amnesty International, 2015). This can be due to limited resources, lower-quality teaching, and a lack of diverse perspectives.

These low academic achievements in segregated schools often result in school dropouts and shorter education careers which, in turn, have detrimental impact on students' opportunities for meaningful integration into the labour market. Conversely, a review of academic literature on the impact of school composition on student achievements shows a consistent peer effect on students with low socio-economic status educated in integrated (and inclusive) schools. This effect is manifestly positive, leading to a better learning process and educational climate, exposure to a robust and rich curriculum, higher motivation and increased academic expectations, improved skills and abilities, as well as better school results (EC, 2022b).

The school experience in segregated educational settings is inherently dissatisfactory, as schools (institutions) serving low-income and minority students often have fewer resources than those serving more affluent and majority students. This resource deficit can result in a lack of access to extracurricular activities, advanced courses, and technology. Furthermore, students in segregated schools may have limited opportunities to interact with peers from different ethnic backgrounds, leading to social isolation and limited exposure to diverse perspectives (see also EC, 2022b).

Last but not least, segregated schools can reinforce negative stereotypes and attitudes towards different ethnic groups, contributing to discrimination and prejudice. United Nations Convention on the Rights of the Child (UNCR) in article 28 states that "State Parties recognise the right of children to education" and "should take all appropriate measures to ensure that

school discipline is administered in a manner consistent with the child's human dignity." School segregation of Roma children is a violation of UNCR as it affects the dignity of Roma pupils who are kept separated from their non-Roma peers.

As articulated in the Council of Europe's position paper (2017: 14), the "lack of intercultural contacts is likely to result in less tolerance for diversity, lack of respect for religious and cultural differences and may exacerbate attitudes of racism, discrimination and exclusion among the youth. In particular, exclusion from or divisions in education along ethnic and language lines have a seriously negative impact on social cohesion and reconciliation in multi-ethnic societies struggling to come to terms with a violent past." Beyond the negative social consequences, such as increased social distance, diminished social cohesion, and missed opportunities for economic development, it is important to recognise the severe consequences for Roma and Traveller children who are educated in segregated settings.

It is important to avoid setting a high segregation threshold, as it can have negative effects if put into practice. Educational research consistently shows that quality and sustained interactions between disadvantaged pupils and their teachers, as well as with other pupils, are crucial to their success. Additionally, small class sizes with few vulnerable pupils can have a positive peer group effect on these students. Depending on local circumstances, an optimal segregation threshold could ensure higher school aspirations for vulnerable children, and enhance peer collaboration and communication, information sharing, friendships, and personal bonds. Furthermore, targeting and achieving an optimal segregation threshold could make desegregation initiatives more sustainable over time by avoiding the white flight that occurs when the ratio of Roma or vulnerable students is considered high for parents from the majority population.

Summarising the negative consequences of segregated schooling on Roma and Traveller pupils, researchers have found that education in segregated settings consistently offers lower quality education. This deprives Roma and Traveller pupils of interethnic socialization and friendships, restricts their career aspirations, diminishes their chances for further education, and has a negative influence on their identity and self-esteem (Council of Europe, 2017; Messing 2017; Kézdi and Surányi, 2009; Matache and Barbu, nd.).

Contrary to the stereotyped notion that Roma parents have low educational expectations, qualitative and quantitative research findings have revealed that Roma parents hold high educational aspirations for their children. Nevertheless, the realisation of these expectations is often constrained by material deprivation, financial barriers, a non-inclusive school environment, low expectations from certain school staff, racism within and outside the school environment, and bullying of Roma children in schools (for example Amnesty International, 2015; Dragoş, 2021; Hellgren and Gabrielli 2021; Messing 2017).

Both qualitative and quantitative data indicate that a majority of Roma parents interviewed have a clear preference for mainstream education over segregated educational settings. For example, participative research conducted by Roma women in Romania found that over 80% of the Roma women interviewed, whose children attended segregated schools, would prefer to have their children educated in a mixed learning environment. They prefer mainstream education due to their perception of higher education quality in mainstream schools and an acknowledgement of the potential positive effects of mainstream education on learning and achievement (Surdu L. and Surdu M., 2006). A survey in Bulgaria found similar high figures,

with 76.7% of Roma respondents expressing a preference for mainstream integrated and inclusive education, stating that they would like their children to be educated alongside children from the majority population (cited in REF, 2004: 20).

With a few but notable exceptions (for example, Amnesty International, 2015), the opinions of Roma on issues related to educational segregation and desegregation are rarely considered. In particular, the views of Roma women, children and youth who are negatively affected by educational segregation are not explored enough in academic and policy research.

Desegregation policies have yet to engage in a broad consultation with Roma and Traveller communities who are affected by residential and school segregation, as the consultative processes often have not been extended beyond consulting Roma NGOs. In this context, we provide a few quotes from Roma children and women that exemplify the systemic constraints that lead to enrolment and schooling in segregated settings:

"I decided to place my children in a Roma-only school because I didn't want them to experience racial bullying... I want my children to continue at a high school and to their maturita [the qualification required for university entrance] but now I'm worried that they may not succeed." (Roma women, Czech Republic, cited in Amnesty International, 2015:35);

"I'm happy she's with them [the Roma]. In Opava I had to go and argue with the teacher because she allowed the children to call her names… She came home saying she didn't want to go there [to school]… they called her a bitch, black mouth, everything – I can't even say those words!" (Romani women, Czech Republic, cited in Amnesty International, 2015:27);

"I know my classmates. I know what to expect of them…. Here I know children, know I am Roma, and they behave normally with me," (Roma boy, Czech Republic, cited in Messing, 2017:95);

"We preferred this school more than the first one […] not because it is better, but because they do not differentiate between children" (Roma girl, Czech Republic, cited in Messing, 2017:95);

"I changed schools because they did not like Gypsies […] teachers don't differentiate here." (Roma boy, Slovak Republic, cited in Messing, 2017:95);

"The [non-Roma] kids [in the mainstream school] would call me names. Now [upon a transfer to a practical school] I have more friends." (Roma girl, cited in Amnesty International, 2015: 27);

"I'm happy that I'm leaving that [mainstream] school, to [the practical school]. The teachers there are nicer. You don't know something, and they explain it to you." (Roma girl, cited in Amnesty International, 2015: 27).

CHAPTER III: STRUCTURAL FACTORS IMPEDING EDUCATIONAL DESEGREGATION AND INCLUSION

Educational specialists consider that segregation of Roma children in education is a complex phenomenon of social selection in education that is compounded by the interplay of several factors, the most important of which are **social inequalities, pedagogical practices, early performance gaps, different forms of tracking, inefficient design of school networks, failures in governance and parental expectations** (Radó, 2020).

This chapter analyses structural factors which are deeply embedded in social, economic, political and educational systems, all of which contribute to school segregation. The analysis begins by exploring the structural factors of antigypsyism and poverty, examining their collaborative role in promoting educational segregation. It then proceeds to provide analyses of school-related policies and practices that impede educational inclusion and processes of desegregation. The core argument of this chapter is that tackling these deep-rooted structural factors is an essential prerequisite for laying the foundation for effective policies aimed at educational desegregation and inclusion policies.

Antigypsyism, poverty and residential segregation

The failure of education policies for Roma is largely attributed to overlooking the power imbalances between Roma and non-Roma in policymaking, as well as the longstanding issue of antigypsyism. The Declaration of the Committee of Ministers on the Rise of Anti-Gypsyism and Racist Violence against Roma in Europe, adopted on 1 February 2012, acknowledges the systemic nature of antigypsyism, calling on member States to implement policy measures, including in education, to combat discrimination and antigypsyism.

ECRI's General Policy Recommendation No. 13 on combating Antigypsyism and discrimination against Roma, adopted in 2011 and ammended in 2020, acknowledges that school segregation of Roma and Traveller children is an educational manifestation of antigypsyism. In this context, the administrative decisions or the lack of action for countering educational segregation makes it difficult to distinguish between de facto and de jure segregation. The Council of Europe's Commissioner for Human Rights noted that "*in practice, however, authorities at national and local level do not always abide by their obligations and often yield to pressure from different sources, including from school administrations, teachers and other professionals and from families.*" (Council of Europe, 2017: 5).

Despite the historical marginalisation leading to segregated Roma schools, the lack of administrative action by local authorities and local decisions regarding school infrastructure, funding allocations, and policies on the management and design of catchment areas, perpetuate and further exacerbate educational segregation.

The ADI-ROM report on antigypsyism acknowledges the lack of action and acceptance of educational segregation by many public authorities: "*Segregation represents an egregious form of discrimination that is often tolerated, in general, by policy makers*" (Rostas, 2021: 35; see also Rostas and Kostka, 2014). The position paper by the Council of Europe's Commissioner for Human Rights recognises that "*school segregation is one of the worst forms of discrimination and a serious violation of the rights of the children concerned*" (Council of

Europe, 2017: 5). Through its case law on school segregation of Roma, the Court made clear that the separation of Roma pupils is a violation of the state's positive obligation to enforce the children's rights to education.

Beyond antigypsyism, research literature shows that other non-school related factors, including high levels of neighbourhood poverty and residential segregation, are important determinants of school segregation (see also Bonal, 2019). As FRA (2022) data shows, 80% of Roma live in poverty and 83% of Roma children are at risk of poverty. The aim of the EU Roma Framework is that the majority of Roma children will not live in poverty by 2030. However, as FRA (2022) acknowledges, EU member States are far from reaching that target. Though the percentage of Roma children living in severe material deprivation decreased from 62% in 2016 to 48 % in 2021 (FRA, 2022), the percentage of Roma children not enjoying decent living conditions remains very high.

Roma and Traveller women and girls are more affected by specific barriers preventing their full access to education. In this regard, the *Recommendation CM/Rec(2024)1 of the Committee of Ministers to member States on equality of Roma and Traveller women and girls* addresses the inequalities affecting women and girls in several fields, particularly in early childhood and school education. The recommendation asks member states to preserve the identity and traditions of Roma and Traveller women and girls while acknowledging violence against them as a barrier to accessing education for some of them: "certain forms of violence against women and girls, such as child marriages, early marriages and forced marriages, represent specific obstacles that some Roma and Traveller girls are facing in accessing education".

In the case of Roma children and pupils, educational segregation based on ethnicity is not distinguished neatly from that based on socioeconomic status as ethnicity and socioeconomic status are closely intertwined in the placement of Roma pupils in segregated educational settings. Roma students are more likely to live in poverty, and low-income neighbourhoods are often ethnically segregated. As a result, schools in these neighbourhoods are also likely to be ethnically segregated. In some countries and regions, the extent of residential segregation is so high that practically most of the Roma live in poor ethnic enclaves (for example, in the Slovak Republic in the Prešov region, 88% of the Roma are residentially segregated; see WB, 2020).

For Roma children who experience economic hardship and social exclusion, it is difficult to access quality education. Students living in poverty often face a range of challenges that can affect their educational outcomes, including lack of resources (for example, books, technology, transportation costs, inadequate nutrition, academic support), improper housing conditions, lack of adequate healthcare (for example, untreated medical conditions that lead to absenteeism), as well as stress and trauma associated with poverty and extreme poverty.

Big differences in the socio-economic status of families may give rise to new forms of educational segregation based on middle-class parents' choice of private schools (for example, in Hungary and Spain) which are, or are perceived, as better in terms of education quality and ensure a social class homogeneity of the pupils. Middle-class non-Roma parents (and Roma parents) are actively seeking a school environment for their children that reflects their socio-economic status. The implementers of a programme, which included 37 desegregation initiatives concluded that "desegregation was easier in schools serving those areas and neighbourhoods in which the socio-economic standing of Roma and non-Roma families was roughly similar, due to the intercommunity solidarity that existed between the two groups"

(Harvard F.B.X, 2015:26). Interviews with education experts and Roma activists from across Europe pointed to similar views, namely that desegregation projects are likely to be successful and sustainable when Roma and non-Roma communities have comparable socioeconomic statuses.

Decades of sociological research have shown that family socioeconomic status (for example, social class, income and parents' educational level) is a major predictor of a successful educational career and achievement. There is a large body of academic literature showing that even a modest reduction in the economic gaps between different social groups is likely substantially decrease the inequality of educational opportunities as well as the inequality of social opportunities.

These are the reasons why scholars and policymakers are calling for comprehensive policy interventions that go well beyond educational policies into more equitable urban planning and more redistributive justice so as to reduce the polarisation in the socio-economic status of families. It is well demonstrated by sociological studies, that the parental level of education (within a composite measure of socio-economic status) is the strongest predictor of children's educational achievement and attainment. Breaking the intergenerational cycle of educational segregation requires more educated Roma parents at upper secondary and tertiary educational levels. These highly educated Roma parents will transfer similar high educational aspirations to their children and more widely to their families and communities, aspirations which can only be fulfilled by schools in ethnically diverse neighbourhoods with a better quality of education.

Structural constraints in educational policy and practice

Beyond antigypsyism, poverty, and residential segregation, there are various structural challenges within the educational systems contributing to segregation of Roma and Traveller students. Data shows that the free school choice system and local educational policies in Hungary strongly influence the educational segregation of Roma: "The results of our statistical analysis indicate that school choice plays a very important role in school segregation" (Kertesi and Kezdi, 2013: 9). This aligns with extensive research, predominantly from the U.S., showing that **unregulated free school choice** systems tend to homogenise the student populations at the schools and exacerbate segregation (see, for example, Cobb, 2022).

Similar research in Germany and the Netherlands reinforces the point that unregulated school choice can intensify segregation, based on socio-economic status or ethnicity, especially within unfavourable educational contexts and policies (Boterman and Lobato, 2022). This is amplified for Roma pupils, who often lack adequate school career counselling (Beremenyi, 2020), whereas parents and pupils coming from a middle-class background have better access to information and benefit from a free school choice system.

The adverse effects of the free school choice system, which disadvantages Roma pupils and those from lower socio-economic backgrounds, are further intensified by local educational policies and school-level segregationist practices. An Amnesty International report from 2023 highlights that, in Czechia, it is common practice for majority non-Roma schools to refuse Roma pupils by claiming lack of places.

The Council of Europe's position paper on fighting school segregation in Europe through inclusive education lists a series of factors that governments invoke for existing school

segregation: language difficulties, parental choices including the "white flight", residential segregation, and an alleged focus on children specific needs. However, the Council of Europe's 2017 report points to **factors often unacknowledged or unacted upon by governments** such as selective school enrolment practices, culturally biased testing, misplacing Roma children in special schools, prejudice and discrimination against Roma, the reduction of funds allocated to education, vested interests of some educational stakeholders such as teachers, psychologists, testing centres in the special education system, school administration and local political actors[5].

Although there are no formal barriers in enrolling or transferring Roma pupils to non-segregated schools, Roma parents encounter a series of economic and bureaucratic hurdles as well as an obstruction on grounds of racial prejudice.

The effects of institutional and widespread racism, non-inclusiveness, a hostile school environment and economic barriers, influence on decisions made by some Roma parents to avoid mainstream schools: "Those who live in segregated residential areas tend to be reluctant to send their children to schools that are farther away, for a number of reasons, including fears about their children's safety and the cost of transportation." (Matache and Barbu, nd). Without understanding the views of all Roma parents and looking to structural solutions to address unfavourable circumstances and hostilities in education, it is hardly conceivable that many Roma parents would be in a position to choose their children's mainstream education. As one Roma scholar has stated "it is the right of Roma parents to decide what is best for their children and their community, barring the violation of the rights of other groups or individuals" (Rostas, 2019: 190).

Little emphasis is given to the potential of Roma and Travellers social, economic, and educational mobility which may contribute to an organic process of desegregation. Almost all educational research and policy interventions have concentrated mainly on disadvantaged Roma pupils, and on the deficiencies and gaps in education between Roma and non-Roma, exploring the negative effects of poverty and discrimination they are exposed to. In this regard , little is known about the conditions and factors that contribute to and promote the academic success of Roma children. Research on middle- and upper-class Roma families and their educational choices and itineraries is almost absent, despite the fact that according to some estimates the share of more affluent Roma could be about 10% (de la Rosa and Andreu, 2021:216). It is remarkable that, despite the complexity of unfavourable social and economic conditions, about half of Roma and Traveller children of compulsory school age attend mainstream schools, if the latest FRA statistics on school segregation are read on a positive note. Roma and Traveller strategies for educational mobility, which are influenced by socio-economic status, should guide in the long term policy efforts towards the educational inclusion of Roma children. It should be acknowledged that desegregation is a process and not an end in itself and that only Roma's economic empowerment could translate into sustainable desegregation efforts. Furthermore, creating and maintaining inclusive education systems that welcome diversity require a gradual, organic transformation. Experiences show that attempts to enforce desegregation by limiting school choice have proven, in the short and medium term, to be obstructed by the "white flight" phenomenon and by more subtle forms of segregation (Radó, 2020).

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[5] For an analysis of the interests of various stakeholders including educational institutions in preserving a separate system of special education and segregated special schools see also OSJI (2016).

As noted in the sections above, structural factors hinder the achievement of inclusion and desegregation in the short and medium term. In this respect, policy makers should acknowledge the persistent problem that many Roma children learn in segregated educational settings and receive a lower quality of education. As a consequence of the slow progress made in transforming schools into more diverse and inclusive environments, children who study in segregated schools have limited opportunities to fulfil their learning potential and life aspirations. Education policy makers should urgently examine the policy options and provide the necessary resources for Roma and Traveller children who are left in low-quality segregated schools, to effectively desegregate. This particularly concerns large schools in Roma settlements that require multifaced interventions from social, economic and educational nature.

CHAPTER IV: COUNCIL OF EUROPE STANDARDS AND PRACTICES ON COUNTERING SEGREGATION AND PROMOTING EDUCATIONAL INCLUSION

The Council of Europe, as one of the pioneering international organisations on human rights, has played an important role in enhancing the education of Roma children. It has established standards, issued resolutions, recommendations, and declarations that offer practical guidelines in education policies and practice. These efforts focus on fostering inclusion and desegregation, along with the development of various educational initiatives and programmes. In this chapter, our objective is to map the relevant Council of Europe standards in the field of education for Roma and Traveller children, especially those pertinent to inclusive education and countering segregation. This is done in view of assessing the necessity for updating and complementing these standards in response to the current circumstances of segregation and the educational status of Roma and Traveller children.

Recommendations, Resolutions and the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025)

Recommendation 563 (1969) of the Parliamentary Assembly underscores the necessity of integrating children from Traveller families **into mainstream schools**. It also suggests establishing special classes near caravan sites as a provisional measure to ease Roma and Traveller children's transition into mainstream education.

Resolution (75) 13, adopted by the Committee of Ministers on 22 May, 1975, emphasises the need for member States to adopt measures to include Traveller children in mainstream education, and advocates for the promotion of their schooling through the most effective methods.

Resolution 125 (1981) of the Congress of Local and Regional Authorities calls for the Council for Cultural Co-operation (CDCC) to develop an **intercultural education** package for teachers about the history, culture and traditions of Traveller people and teacher training programmes, for teaching of the **Romani language**.

Resolution 16 of the Congress of Local and Regional Authorities marked a significant shift by stressing the importance of **high-quality education** tailored to the unique needs of Roma children, thereby recognising their right to fully participate in the educational process. The Resolution refers to "the possibility given to Roma communities to effectively exercise their fundamental right to education, having access to high-quality education at all levels, participating fully in the educational process and enjoying respect for their special needs."

Since 1998 ECRI issued a series of Recommendations directly addressing school segregation. In this regard, *ECRI's General Policy Recommendation No. 3* dealing with racism and intolerance against Roma from 1998 presents a forceful stance against the **school segregation** of Roma children. It urges member States to ensure equal access of education to these children, integrate Roma history and culture into the curriculum, and teachers to incorporate content into their classroom practice. The recommendation specifically states "to vigorously combat all forms of school segregation towards Roma children and to ensure the effective enjoyment of

equal access to education." *ECRI General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination* (adopted in 2002 and revised in 2017) called on member States to update their racial discrimination legislation while specifically recognising segregation as an act of discrimination. *ECRI General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education* adopted in 2006 recognises the existence of de facto educational segregation and reccomends member States to ensure compulsory, free and quality education for all, to combat racism and discrimination in schools and to train teachers on to work in multicultural schools. *ECRI General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma* (adopted in 2011 and amended in 2020) recognises Roma school segregation as a form of antigypsyism and reccomends member States to end school segregation and integrate Roma pupils into mainstream schools. It also tackles residential segregation and reccomends member States to "combat de facto or forced segregation in respect of housing" (p.6).

The Committee of Ministers *Recommendation No R (2000) 4* acknowledges **structural factors (economic, social, cultural, racism, and discrimination**) affecting Roma children's education. It highlights the historical character of assimilationist or segregationist policies and calls for comprehensive actions to counteract the effects. The Recommendation offers detailed guidance on educational structures, for instance curricula that reflect the cultural identity of Roma children, teacher recruitment and training, including Roma teachers, policy monitoring and evaluation in education, and enhanced coordination among stakeholders.

Recommendation (2001)17, also by the Committee of Ministers focuses on vocational, secondary and higher education. It introduces measures to facilitate the transition from school to the labour market, emphasising for the first time the need for **financial incentives (grants), mentoring support** for Roma students in higher education, and the importance of **information on technological skills** for new labour demands.

In 2002, the Parliamentary Assembly of the Council of Europe adopted *Recommendation 1557* which emphasised **dismantling school segregation of Roma in special education,** advocating for the eradication of segregated schooling practiced for Roma children and promoting the teaching of the Romani language, history and culture. The Recommendation specifically calls for the "eradicating of all practices of segregated schooling for Romany children, particularly that of routing Romany children to schools or classes for the mentally disabled."

Recommendation CM/Rec(2009)4 of the Committee of Ministers comprehensively addresses Roma and Traveller education, urging member States for educational reforms to ensure access to quality education and redress past harmful policies, such as existing assimilationist and segregationist education practices. It also insists on the participation of Roma in all phases of the entire education **policy cycle, from design, implementation, monitoring to evaluation**.

The same Recommendation underscores the necessity of "legal measures to prohibit segregation on racial or ethnic grounds in education, with effective, proportionate and dissuasive sanctions." Some novel perspectives brought by the Recommendation consist of emphasising the role of inappropriate assessment procedures, which are contributing to school segregation; the need for effective coordination of social and educational policies; flexibility in educational policies and practices in order to adapt to the diverse need of learning and context; attendance of preschool education and the transition between education cycles; access to upper secondary and university education; parental involvement; the use of school mediators

and intercultural learning. Overall, the Recommendation provides a holistic and inclusive approach to education policies, addressing legal, and social-cultural factors to mitigate segregation and promote equitable education opportunities for Roma and Traveller pupils.

Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education gives guidance to member States in these areas, acknowledging their critical role in reducing conflict, increasing appreciation and understanding of the differences between, for instance, ethnic groups, as well as their impact in building **mutual respect for human dignity** and shared values.

Recommendation CM/Rec(2012)13 on ensuring **quality education** considers "that the right to education can only be fully exercised if the education is of adequate quality". In the context of this Recommendation, quality education is understood as providing "access to learning to all pupils and students, particularly those in vulnerable or disadvantaged groups, adapted to their needs as appropriate". The definition of quality education in this Recommendation acknowledges among other factors "a secure and non-violent learning environment", the development of the full potential of pupils, respect for democracy and human rights, the development of citizenship competences and employability, and qualified and motivated teachers.

In 2013, the Parliamentary Assembly of the Council of Europe issued *Resolution 1927* on ending discrimination against Roma children. The Resolution provides a comprehensive overview of the educational measures required for integrating Roma and Traveller children into mainstream education. Along the inclusion measures suggested by the Resolution, a prominent role is given to integrated **early childhood**, affordable high-quality preschool programmes, anti-discrimination training for teachers, individualised pedagogies, providing material resources on education, after-school activities, and **scholarships and financial support**.

Recognising the long-term process required for school desegregation, the Resolution urges member States to provide "a long-term commitment to inclusive education that includes national and local action plans to promote inclusion", along with local desegregation plans which should be legally and financially sustainable. *Parliamentary Assembly Resolution 2153* from 2017 urged member States to implement the recommendations contained in Resolution 1927 (2013), noting in particular the need for an inclusive environment for successful school desegregation, the importance of quality preschool education and parental engagement.

Inclusivity of Roma children in the digital environment through education is tackled through *Recommendation CM/Rec(2018)7* on Guidelines to respect, protect and fulfil the rights of the child in the digital environment . The Guidelines underline the efforts to be "made by States and other relevant stakeholders, through the education and cultural system, to support and promote the digital literacy of children who have little or no access to digital technology for socio-geographical or socio-economic reasons, as well as sometimes for reasons of place of residence and also of children who have access to but do not use digital technology, who lack the skills to use or underuse digital technology for reasons of vulnerability…(p.18)"

Recommendation CM/Rec (2020)2, issued by the Committee of Ministers to member States, calls for incorporating the teaching of **Roma and/or Travellers' history** into current academic subjects. The work on inclusion of Roma and Traveller history should be based on existing

materials developed by the Council of Europe and other stakeholders. The Recommendation highlights the necessity of including education about the **Roma Holocaust** and other historical persecutions as an integral part of the educational process. The purpose of the Recommendation is to cultivate a culture of tolerance, recognise and integrate Roma culture and history as an integral part of European societies, to foster social and democratic competences, and to provide opportunities for Roma to reinforce their ethnic identity.

The Committee of Ministers' *Recommendation CM/Rec(2024)1* on **equality of Roma and Traveller women and girls** urges member states to ensure that the diverse traditions and ways of life of Roma and Traveller girls, including nomadic lifestyle, are respected and accommodated in educational environments. This includes an appropriate design of school arrangements and curricula, and ensuring that these girls have equal opportunities to preserve their culture alongside Roma and Traveller boys and other children with a minority background.One of the priorities of the *Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020‑ 2025)* focuses on supporting access to **inclusive quality education and training**. The Plan addresses the rising trend of school segregation of Roma and Travellers as a central issue impacting equality, school attendance and academic achievement. Within the objective on education, the Plan is aimed at removing the barriers to quality education for Roma and Travellers through measures such as teacher training, promoting inclusive teaching pedagogies, promoting the inclusion of Roma and Traveller history, including the Roma Holocaust into school curricula, and improving the transition from education to employment.

Policy and programme work of the Council of Europe promoting inclusive education

The Council of Europe has developed a Curriculum Framework for Romani, to provide "a common basis for the elaboration of language syllabuses, curriculum guidelines, examinations, textbooks, etc. across Europe" for the Romani language. It was further pursued by the work of the European Centre for Modern Languages of the Council of Europe, in the framework of the QualiRom project. The purpose of the project was to promote quality education in the Romani language within a human rights perspective by providing training on the use of QualiRom materials. It also provided consultancy on curriculum development using the Curriculum Framework for Romani (CFR), targeting among others, policy makers, decision takers and curriculum developers.

The Romani-Plurilingual Policy Experimentation (2022-2025) is working with a number of primary schools in Greece, the Slovak Republic and Slovenia to explore ways of using the Romani language and culture to promote the educational inclusion of Roma pupils.

The Council of Europe has developed a Reference Framework of Competences for Democratic Culture, unanimously endorsed by European education ministers in 2016, which provides a model of the competences that learners need to acquire in order to participate effectively in a democratic culture.

The European Union/Council of Europe Joint Programme "INCLUDE – Building Capacity for Inclusion in Education" has developed several tools and provided support to the education system in Kosovo* to improve the access to education for children from disadvantaged groups, including Roma, Ashkali and Egyptian children. For example, information and teaching materials, as well as a trainer's manual, were developed for teachers from Kosovo* to integrate democratic and inclusive principles into school education. Another Council of Europe

programme in the same region provided support and addressed the educational needs of, inter alia, Roma, Ashkali and Egyptian communities, as well as forced returnees from these communities).

As a specific contribution to education for Roma and Travellers, the Council of Europe since 2017 has developed and implemented the joint project "Inclusive Schools: Making a Difference for Roma Children (INSCHOOL). The joint project by the European Union and the Council of Europe focuses on supporting targeted member States in developing and implementing inclusive education policies and promoting innovative education practices for all children, including for Roma children. The project is currently in its third cycle of implementation, which runs until May 2024, and is currently implemented in the Czechia, Portugal, Romania and the Slovak Republic.

The qualitative evaluation of the INSCHOOL Project (2017-2021) measured the impact in the Czechia, Romania and the Slovak Republic, and assessed the work conducted at school level (in 22 schools) and at policy level. The external evaluation revealed that, despite political and pandemic challenges, the INSCHOOL Programme had an impact on enhanced inclusivity in schools and advanced the policy level of Roma educational inclusion (Blomeyer & Sanz, 2021).

During the first cycle of implementation, the INSCHOOL Joint Project adopted a dual approach targeting policy and school level interventions. At the school level, the interventions of the project supported the school community to implement inclusive education strategies based on a set of values the schools wished to promote. Among the specific objectives, schools implemented several activities on inter-cultural integration among Roma and non-Roma, teacher training, community actions, and remedial activities on improving academic performance, alongside an inclusive education methodology. At the policy level, the project coordinated interventions on education and Roma inclusion policy stakeholders in supporting the process of reforms and adaptation of the policy frameworks on education, based on learning experiences at the school/community level. The current implementation cycle of the project focuses on providing support in the framework of the policies that promote inclusive education, in cooperation with relevant stakeholders, including Ministries of Education, National Roma Contact Points, EU funding managing authorities, national policy coordination authorities and civil society organisations. It also aims to develop evidence-based solutions to desegregation and promoting inclusive education in the targeted member States. Through a tailor-made country programme of activities the project provides technical support to public authorities to develop specific solutions for the inclusion of Roma and Traveller children in education and for desegregation into a mainstream education environment.

The need to address exclusion and inadequate access to education of Roma children is also underlined by the *Council of Europe Strategy for the Rights of the Child (2022-2027)*. The general aim of the Strategy is to enhance the protection and promotion of the rights of the child across Europe, in the framework of the programme "Building a Europe for and with Children". One of its six pillars, focusing on *Equal opportunities and social inclusion for all children*, seeks to ensure that every child, regardless of their origin or personal backgrounds, can fully enjoy their rights. While stating that "Roma and Traveller children suffer from poverty, segregation, poor housing conditions, racism and social exclusion […], it suggests to carry out

innovative activities aiming at "Combatting racism/antigypsyism and tackling issues related to the exclusion of Roma and Traveller children […] including inadequate access to education)".

European Court of Human Rights Judgments on School Segregation

The European Court of Human Rights (the Court), a key institution within the Council of Europe, plays a crucial role in tackling the educational segregation of Roma and Traveller children. The Court's case law has established that segregation of Roma is **unlawful and constitutes an act of racial discrimination** in respect of the right to education. The Court's judgments have played a relevant role in the advancement of legislative and policy-making frameworks and enhanced public understanding of the phenomenon of educational segregation and its negative consequences.

The Court's key case law recognises and addresses various forms of educational segregation, by asserting that segregated education denies equal quality education to Roma and Traveller children. In this respect, segregated education in all its forms represents a denial of access to equal quality education for Roma and Travellers, as they are provided with an education of inferior quality.

The landmark case in *D.H. and Others v. Czech Republic* (hereafter D.H.) set a precedent in this domain, highlighting that the Czech Republic was liable for racial discrimination by assigning 18 Roma pupils (claimants) to special schools for pupils with mild mental disabilities due to their ethnicity. An important role in the D.H. case was played by the use of educational statistics that showed that Roma pupils were considerably more likely to be placed in special education than non-Roma. In Ostrava, the locality of the D.H. case, Roma children were 27 times more likely to be enrolled in special education compared to their non-Roma peers.

The DH case set a precedent during the last two decades which supported a growing body of judgments of the Court regarding the right to education for Roma. In this regard, the **overrepresentation of Roma pupils in special schools and classes is recognised as educational segregation**. The Grand Chamber judgment in the DH case demonstrated that apparently neutral educational policies could inflict considerable and disproportionate prejudice on Roma: "the Czech legislation had a disproportionately prejudicial effect on the Roma community, without objective and reasonable justification" (*D.H. and Others,* no. 57325/00, 13 November 2007 § 209).

With a similar justification, the Court judgment in the case of *Horváth and Kiss v. Hungary* ruled that "the Hungarian special education system, even if neutral in theory, discriminated against the Roma applicants in practice". Importantly, this judgment affirmed that the state has a positive obligation "to undo a history of racial segregation in special schools" (*Horváth and Kiss v. Hungary,* no. 11146/11, 29 January 2013, § 127).

In 2008, the Court decided in *Sampanis and Others v. Greece* that the placement of 11 Roma pupils in special preparatory classes situated in an annex to the mainstream school constituted an act of discrimination. In its judgment, the Court noted that **special preparatory classes** although organised with the purpose of facilitating the transition to mainstream schools, had not achieved their objective and therefore constituted segregation in education (*Sampanis and Others v. Greece*, no. 32526/05, 5 June 2008 §95). In a subsequent ruling in 2012, in *Sampani and Others v. Greece*, the Court concluded that the placement of Roma pupils in a Roma-only

school was a discriminatory act (*Sampani and Others v Greece*, no. 59608/09, 11 December 2012 §103-104). Similarly, in the case of *Lavida and Others v. Greece* (no. 7973/10, 30 May 2013) the Court determined that the separation of Roma pupils in Roma-only schools constituted racial discrimination. In another significant judgment, the Court found that **separating children in Roma-only classes based on the justification of limited proficiency in Croatian** was discriminatory. The judgment underlined that education authorities failed to implement the necessary measures to expedite the language acquisition of Roma children and their integration into mixed classes (*Oršuš and Others v. Croatia,* [GC], no. 15766/03, 16 March 2010, §§ 182,184). In *X and Others v. Albania*, the Court challenged **governmental inaction** in taking appropriate desegregation measures in a primary school attended only by children of Roma and Egyptian minorities. The court suggested that the authorities could have merged segregated Roma-only schools with mainstream schools, as successfully implemented in other areas. (*X and Others v. Albania*, nos. 73548/17, 45521/19, 31 May 2022, § 86).

In another significant judgment, *Elmazova and Others v. North Macedonia,* the Court challenged the segregation in **Roma-only schools and classes**. It critically examined the practical **implementation of the school's catchment area** as defined by the municipality and concluded that this practice led to the educational segregation of Roma children. It was held that residential segregation should not justify educational segregation. Furthermore, the Court addressed the "white flight" phenomenon, namely the withdrawal of non-Roma children from schools attended by Roma, presented by the government as a justification for segregation. The Court rejected this rationale, emphasising that such dynamics could not justify the continued educational segregation (*Elmazova and Others v. North Macedonia,* nos. 11811/20, 13550/20, 13 December 2022 §§76-79). The most recent judgment of the Court, *Szolcsán v. Hungary*, also concerns segregation in Roma-only schools and further advances the Court's reasoning for desegregation, as it ruled that states not only have the duty to eliminate educational segregation in a particular case, but also "to ensure the development of a policy to put a stop to segregation in education" (*Szolcsán v Hungary,* no. 24408/16, 30 March 2023, §69).

These judgments underscore the Court's standing in challenging discriminatory practices, outlining the importance of desegregation and equal treatment of Roma children in educational settings. A study by the Open Society Justice Initiative (OJSI) on the impact of strategic litigation on school desegregation revealed that the Court's judgments, alongside national litigations, have led to **substantial policy improvement.** However, these changes have not significantly translated into practice on the ground, as segregation trends persist (OJSI, 2017). The study also noted that while at local level desegregation progresses are not clearly visible, reforms such as restructuring of special education in the Czech Republic and decreased enrolment in primary practical schools suggest a gradual reduction in the overrepresentation of Roma pupils.

The study emphasises that the impact of strategic litigation should be seen as a long-term process, with the effects still unfolding. It highlights strategic litigation as a crucial tool for achieving desegregation and equal access to quality education for Roma, operating within a complex environment of institutional racism, lack of political will, and economic inequality. The Court's judgments have mobilised civil society at international and national level, and various entities and organisations have assumed an important role in monitoring segregation, the process and the execution of the Court's judgments.

However, the public impact of the Court's judgments has not been transferred to the local level and has not comprehensively affected existing segregation practices. The Court places the responsibility for redressing educational segregation of Roma and Traveller children primarily on the state, however successful desegregation also requires local level stakeholder and community engagement. The OJSI report acknowledges a lack of substantial Roma mobilisation in strategic litigation. It highlights the divided reactions within the Roma community, with some parents advocating for desegregation while others prefer Roma only schools/classes.

The Court's judgments addressing school segregation concern structural problems of discrimination of Roma children in the field of education. The supervision process has been closed in respect to the *Sampani*, *Sampanis* and *Lavida* cases, as well as *Orsus and others v Croatia*. However, the *D.H. and Others v. the Czech Republic* and *Horvath and Kiss v. Hungary* cases are still pending before the Committee of Ministers highlighting the complexities of fully addressing school segregation issues. In the most recent cases, *X and Others v. Albania*, *Elmazova and Others v. North Macedonia* and *Szolcsan v Hungary,* supervision has been initiated, as all cases are classified under the enhanced procedure giving rise to complex problems.

CHAPTER V: ADI-ROM SURVEY ON EDUCATIONAL INCLUSION AND DESEGREGATION

18 Council of Europe member States responded to the ADI-ROM questionnaire, contributing to a comprehensive survey supplemented by desk research on inclusive education and desegregation. The following member States submitted responses: Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Finland, France, Greece, Hungary, Republic of Moldova, Norway, Poland, Portugal, Slovak Republic, Sweden, Switzerland, and Türkiye. The chapter summarises the key findings from this survey.

Legal and policy framework on inclusion and desegregation

Inclusive education refers to the practice of providing all students, regardless of their background or abilities, with access to high-quality education. It is based on the principle that every child has the right to an education that is tailored to their individual needs and abilities. The European Union has made a commitment to inclusive education through its policies and initiatives, including the European Disability Strategy, the Erasmus+ Programme, and the European Pillar of Social Rights.

All Council of Europe member States have incorporated definitions, principles and rules regarding inclusive education into their national legal and policy education frameworks.

Since the 1990s, the scope of inclusive education has broadened to encompass the prevention of school segregation based on various discriminatory grounds such as birth, sex, racial, national or social origin, disability, age, illness, religion or belief, or other criterias that fall under the material scope of Article 14 of the European Convention of Human Rights[6]. This approach to inclusive education sees the diversity and different needs of **students as an opportunity to enrich teaching practices,** thereby supporting and addressing the unique requirements of each learner.

Many countries, in their approach to inclusive education, emphasise non-discrimination and the recognition of every child's **unique learning potential** as essential for ensuring equal educational opportunities. A study examining the concept of inclusive education of the basic educational laws of 32 countries in Europe found that these countries, to varying degrees, focus on promoting and transmitting **intercultural values** (Manzano-García and Fernández, 2016).

Providing a detailed overview of inclusive education legislative frameworks for all countries that answered the survey is beyond the scope of this report. The report provides examples from France and Hungary which are illustrative in particular for the inclusion of children with a migratory or from a disadvantaged background .

France's educational code stipulates that inclusive education aims to ensure the social mix of school populations within educational institutions. In France, the prevailing principle is that of systemic school inclusion, regardless of origin, ethnicity, migratory status or housing conditions. The law provides that the distribution of resources for the public education service

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[6] For a comprehensive list of discrimination grounds and their use in ECHR case law see *Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention*.

should be made according to the particular situation in economic, territorial and social terms. The law grants special attention to schools located in socially disadvantaged areas and scattered settlements, and seeks to enable pupils with difficulties, whatever their origin, to benefit from individualised support actions (ADI-ROM survey France, 2023).

Hungary's Act CXC of 2011 on National Public Education mentions that for pursuing pupils' personal development, educational institutions should ensure individual treatment, trust, love, empathy, and age-appropriate expectations for all. The law includes specific provisions for supporting children with special needs, ensuring institutional adjustment of educational institutions to meet their unique needs and facilitate their social integration. In addition, the law highlights the important role that educational institutions can play in bridging the educational gap for disadvantaged children, by organising small group sessions (up to three pupils) for better inclusion (ADI-ROM survey Hungary, 2023).

To varying degrees and with different provisions, the national legislation in Council of Europe member States recognises the individualised aspects of learning and child-centred pedagogies as conducive to the fulfilment of the potential of every child. Overall, the legislative frameworks put an accent on extending the offer and accessibility of early childhood education and care, especially for children from vulnerable groups. Some common features of various policy frameworks on inclusive education in Europe include equal access to quality education, sustained school participation with the involvement of parents, families and communities, and effective learning outcomes. These policies cover various topics on learning processes such as individualised education plans, school personnel qualifications and responsibilities (support services, teacher training), curriculum responsiveness to diverse learning needs, improving the assessment of learning, developing a school culture of respect and tolerance, and building child-friendly schools for all.

A notable conclusion observed from the review of the main policy frameworks concerning inclusive education is the lack of **a legal definition for educational segregation in general, and that of Roma children in particular** (ADI-ROM survey, 2023). While the concepts of school segregation and desegregation have been incorporated into the policy discourse of most countries through the National Strategies for Roma Inclusion, these concepts have not yet gained legal recognition. Only Romania and the Slovakia have adopted a legal definition on school segregation. The legal frameworks of most countries do not explicitly prohibit educational segregation of Roma and Traveller children.

Norway and Poland stated that there is no *de facto* school segregation of Roma pupils and children. In Sweden, the National Agency of Education offers a working definition of segregation, acknowledging socioeconomic and migration backgrounds as grounds for segregation. In France, despite the absence of a legal definition, policy and legal measures are in place to promote school diversity and prevent segregation based on socio-economic grounds.

This analysis indicates a widespread absence of a clear definition of school desegregation in the majority of the countries surveyed.

Educational inclusion and desegregation policies and projects

Apart from Croatia, regular monitoring of the educational segregation of Roma and Traveller children is not conducted by other countries.

In Croatia, the Ministry of Science and Education maintains a database showing which classes are attended by Roma national minority pupils, mainly related to the proximity of segregated Roma settlements. The absence of systemic monitoring of the educational segregation of Roma and Traveller children in other countries is often attributed to the restrictive legislation on ethnic data collection or concerns about protecting sensitive information, as noted in countries like France, Portugal, Sweden, Greece and Norway.

In order to overcome these limitations, some countries have adopted non-ethnic approaches to monitor educational segregation. For example, in France the Social Positioning Index (SPI) measures the learning outcomes in relation to the social, economic and cultural capital of students; in Hungary, the Educational Authority monitors the ratio of socially disadvantaged and multiple disadvantaged students on a yearly basis, based on indicators such as low income in the child's family, low qualification level of parents, poor housing conditions of the family, deprived labour market conditions of parents; in Sweden, the Segregation Barometer provides statistics on residential segregation which are used by the Swedish National Agency for Education for planning targeted initiatives, research and evaluation.

Studies exploring the impact of segregation on the development of children and students, particularly Roma students, are limited and mostly conducted by non-state actors like NGOs or academic institutions. Sweden, however, stands out as an exception, where the Institute for Evaluation of Labour Market and Education Policy and the National Agency for Education have undertaken such research.

Most countries have improved the coverage of early childhood education and care, with some providing it for free or at a cost proportional to the income of the parents.

Early inclusion of Roma children in formal education is viewed by the respondents as a key strategic measure for preventing school segregation. Countries like Austria, Croatia and Cyprus have made the attendance of at least one year of preschool obligatory for all children. Notably, since 2015 Hungary has introduced compulsory pre-school education from the age of 3 for all children; and since 2019, France lowered the age of compulsory education to the age of 3 for all. Greece has made two years of preschool education mandatory.

Recommendation CM/Rec (2022)1 of the Committee of Ministers on the importance of plurilingual and intercultural education for democratic culture emphasises that proficiency in the language/s of schooling is a precondition for accessing education and achieving individual potential, however it is also a challenge for children from disadvantaged backgrounds and minorities. The Recommendation acknowledges that pupils' home language is the foundation of their learning. In order to overcome the linguistic barrier faced by some Roma children, some Council of Europe member States, such as Croatia, Austria, and Cyprus have implemented additional support measures for improving Roma children's proficiency in the official language of instruction (ADI-ROM survey, 2023). The purpose of this language support is to facilitate their integration into regular classes. Additionally, countries like Austria and Finland, promote lessons in Roma language and culture; Cyprus provides breakfast for Roma pupils, ensuring confidentiality and respect for dignity in the provision of service. Many countries have developed teaching materials about Roma history and culture, and some of them have introduced information on these topics in the school curriculum.

In most of the countries, measures to counter educational segregation affecting Roma and Travellers are scarce and often rely on short-term, externally-funded programmes, with the exception of Hungary. In Hungary, the State School Maintenance Centres have the authority of redrawing catchment areas. This re-drawing considers the ratio of socially disadvantaged pupils living in a school district, aiming to foster more socially diverse school populations. State School Maintenance Centres also play a key role in supporting disadvantaged students, including Roma and Traveller students, in the transition from a segregated to an inclusive school.

Several member States have policies aimed at increasing the participation of Roma in higher education. Countries like Bosnia and Herzegovina, Croatia, Greece, and Hungary offer scholarships to students from disadvantaged groups, including Roma. Hungary has a comprehensive scholarships system for disadvantaged and multiply disadvantaged students, with a significant focus on Roma. Additionally, Bosnia and Herzegovina and Croatia, provide accommodation to Roma students.

CHAPTER VI: EVALUATED POLICIES AND PROGRAMMES AND PROMISING PRACTICES

The evaluation of educational programmes is limited because, as the answers to the ADI-ROM questionnaire reveal, there are no external evaluations that provide systematic data on the outputs, outcomes and the impact of educational policies and programmes promoting inclusive quality education and desegregation. There is not yet a comprehensive culture of evaluating educational initiatives aimed at Roma pupils across the surveyed countries. For this reason, our review of existing desegregation and educational inclusion policies and practices complements the information from the ADI-ROM survey with supplementary data from other sources.

This chapter presents these policies and practices that have been evaluated, as well as those identified by the EC and Roma Civil Monitor as promising practices. The evaluated and promising interventions presented in the report address five thematic areas related to educational inclusion and desegregation of Roma and Travellers children and pupils: Desegregation policies and programmes; early childhood education and care; access and retention in primary and secondary schools; representation of Roma in curricula and digital education; and tertiary education.

Desegregation policies and programmes

Romania stands as out a notable exception as regards the absence of a legal definition of segregation in the **legislative framework,**. The desegregation legal framework in Romania is considered a promising practice by RCM (RCM country fiche Romania, nd.). The first ministerial order **prohibiting segregation in Romania** was issued in 2007 and later updated in 2016 by the Ministry of National Education and Scientific Research order no. 6134 (hereafter the desegregation order). It addresses the prohibition of school segregation in pre-university education. The desegregation order defines segregation as the physical separation of pupils based on grounds of ethnicity, disability and/or special educational needs, socio-economic status of parents and families, school achievement, and residential location. The order identifies educational segregation as disproportionate representation of children within classrooms based on any of the above-mentioned criteria. Disproportionate representation within school classes is identified when the percentage of pupils categorised by any of these criteria diverges from their representation within the corresponding school-age population at the level of the territorial administrative unit. The desegregation order was followed by the setting up of the National Commission for Educational Desegregation and Inclusion. This Commission is responsible for monitoring school segregation and implementing corrective measures to prevent and eliminate all forms of school segregation. The desegregation order aims to prevent segregation by ensuring that the composition of the groups and classes at the beginning of certain levels of education (pre-school, preparatory class, 5th grade, 9th grade), adequately reflects social, ethnic, and cultural diversity. In 2019, the Romanian Ministry of Education and Research adopted a methodology, mandated by law, for monitoring school segregation in pre-university education. This monitoring methodology incorporates a comprehensive system of school segregation indicators as well as detailed data collection on human resources, infrastructure quality in segregated schools, and the school performance of pupils. A new law on

preuniversity education adopted by the Romanian Parliament in 2023 regulates extensively inclusive education, including the prohibition of segregation and school desegregation[7].

From 2005-2007, an impact evaluation of the **Hungarian National Integration Network (OOIH)** was carried out encompassing 30 participating schools with both intervention and control groups (Kézdi and Surányi, 2009). Although the OOIH programme had a mainstream and colour-blind policy approach without specifically targeting Roma, the programme included elements explicitly addressing ethnicity (minority culture) or ethnic conflicts and prejudices" (Kézdi and Surányi, 2009: 28). The **impact evaluation** showed that both Roma and non-Roma in the schools taking part in the programme achieved better grades and results in standardised reading comprehension tests. The programme led to improved inter-ethnic relations, decreased the social distance between Roma and non-Roma and enhanced the non-cognitive skills of Roma pupils: self-esteem, locus of control and the ability to cope with difficult life situations. The complex programme was implemented in integrated schools in which the percentage of Roma pupils was less than 50% (per school and per class). The intervention allowed schools to choose teaching and classroom management methods independently. The evaluation found that the key to the programme's success was classroom group work, cooperative learning, student-centred differentiated education and tailored support for disadvantaged children, for both Roma and non-Roma children (Kézdi and Surányi, 2009).

The first desegregation pilot project in Europe started in 2000 in the city of **Vidin, Bulgaria.** It was based on **"busing"** Romani children to mainstream schools. However, the term "busing", which is also mentioned in some policy documents, is probably not the best choice as this project (and its follow-up in Bulgaria) had a complex and comprehensive design. Going beyond the free-of-charge transportation for Roma children, these projects included community and advocacy campaigns, tutoring and catch-up classes for children with lower school achievement, extracurricular activities for children and parents, provision of free textbooks and school materials for poor children, intercultural training for teachers, and Roma mediators as links between schools, children and families. During the period of implementation between 2000 and 2009, the DROM organisation implementing the project noted a low dropout rate of about 2%. The implementer of the Vidin desegregation project noted a steady improvement in school results as measured by school evaluations on subjects such as Bulgarian language and literature, sciences and mathematics. Furthermore, there was an increase in the annual school grades of Roma children who were beneficiaries of the project (DROM newsletter, nd).

The sustainability of desegregation programmes depends on their integration into the regular educational policies of the countries concerned, embedded within national legislative frameworks and budgetary allocations, and establishing both governmental and non-governmental overseeing. Roma and pro-Roma NGOs have been at the forefront of designing and implementing desegregation programmes, but these initiatives have rarely scaled up into comprehensive long-term governmental programmes. Desegregation initiatives have been project-based, reliant on donors' support, the willingness of schools to participate in such initiatives and the goodwill of local public administration. Although some pilot projects led by Roma NGOs have been instrumental and much needed, they have proven to be less efficient

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[7] Law no 198 from 4 July 2023 on preuniversity education published in the Official Journal no. 613 from 5 July 2023, Art. 67, Art.79-81 and Art. 116, available at https://legislatie.just.ro/Public/DetaliiDocumentAfis/271896.

and not sustainable from the perspective of systemic educational desegregation: "Desegregation tactics employed by both Roma and pro-Roma organisations and groups, including busing and establishing local networks of human rights monitors, have proven to be creative and efficient in the short run, but unsustainable and not sufficient in the longer-term" (Matache and Barbu, nd).

Early childhood education and care interventions

Early childhood education and care (**ECEC**) is seen by educational experts as key to reducing school and social inequalities, achieving equity in educational systems and developing a sense of belonging (Aguiar et al., 2020). ECEC is considered fundamental not only for further educational success and realising the full educational potential of future adults (The Council of the European Union, 2019), but also **for preventing school segregation,** a fact also acknowledged by the ADI-ROM survey. Early and preschool education interventions targeting Roma children reduce the risk of educational segregation in special schools or Roma-only preparatory classes (Fresno et al. 2019). In this regard, out of 4 355 children supported by the Roma Education Fund with preschool interventions in 2018, about 70% managed to enrol in integrated primary schools and the drop-out rate among pre-schoolers was only 1% (REF annual report, 2018). ECEC projects advocated by Roma NGOs "through an indirect route, eventually led to the prevention of segregation" (Harvard F.X.B., 2015, p. 18). Experts and policymakers agree that investing in high-quality, child-centred, inclusive and affordable ECEC services strengthens future educational achievements, prevents early skills gaps and early school leaving and contributes to social cohesion (The Council of the European Union, 2019).

A recent **meta-evaluation of ECEC interventions** across eight countries (addressing Roma children as well) involved an analysis of the projects' findings. The meta-evaluation found that in a pool of over 500 interventions, only about 78 projects contained data about effectiveness or represented promising approaches due to their innovative practices and were therefore included in the sample of the analysis (Aguiar et al., 2020). This review of ECEC practices found that about three-quarters of the selected interventions targeted language skills, while academic skills, intercultural competence and parents' involvement were substantially less in focus and needed to be addressed for future successful interventions (Aguiar et al., 2020).

Experts and policymakers agree that effective ECEC policies aimed at reducing poverty and promoting social inclusion among vulnerable and disadvantaged groups, should operate in an integrated manner. This involves connecting, coordinating and integrating several services (education, health, social, cultural) within a universalist system which focuses on parents as first educators of their children. Researchers and experts consider that, within a universal ECEC system, targeted interventions on disadvantaged groups or Roma reduce the gap in equal access to high-quality services. The conditions for successful ECEC programmes are the right mix of universal and targeted policy measures and interventions (EC Recommendation, 20 February 2013; Vandekerckhove et al., 2019). Beyond the advice of maintaining a balance between universal policies and targeted approaches to disadvantaged children, the EC Recommendation explicitly asks to "Ensure a focus on children who face an increased risk due to multiple disadvantages such as Roma children" (EC Recommendation, 20 February 2013). The 2018-2020 working group on Early Childhood Education and Care set up by the European Commission emphasised that universal policies and practices benefitting all children and

targeted measures for vulnerable children, including Roma, are key for more inclusive and quality EC systems (EC, 2021).

Removing the financial barriers and providing additional financial support (for example, for travel costs, toys, books, medical services and meals)**,** is one of the most important conditions for ensuring access of Roma and children from disadvantaged backgrounds to high-quality ECEC and preschool (Vandekerckhove et al., 2019; WB, 2012). A randomised large-scale control trial conducted in 2014-2015 by the World Bank in Bulgaria, encompassing 236 poor settlements (including Roma and Turkish minorities) showed that removing preschool education costs and organising information campaigns for Roma parents halved non-attendance rates and significantly increased attendance (Huillery, de Laat and Gertler, 2017). The evaluation was used to advocate for a law aimed at increasing participation in kindergarten of 4-6 years old children, especially poor children, adopted by the Bulgarian Parliament in 2020 (Volen and De Laat, 2021). Research findings highlight the **substantial benefits for Roma children who attend preschool, showing significant improvement in verbal and analytical skills** (Felfe and Huber, 2016), both crucial for the transition to primary education. The socio-economic status and education level of Roma parents whose children attend preschool is on average better than those who do not attend, which could be a factor that influences educational development (ibid.).

Over the past decade, many EU member States have taken significant steps towards making at least one year of ECEC compulsory. Some countries have made ECEC compulsory from the age of 3 (for example, Hungary since 2015, France since 2019) or from the age of 4 (for example, Greece since 2021 and Bulgaria, an ongoing process, which is gradually being implemented). Some European countries (for example, the Czech Republic, Poland, Portugal, and the Nordic countries) have introduced a legal entitlement to ECEC. This means "a statutory duty on ECEC providers to secure publicly subsidised ECEC provision for all children living in a catchment area whose parents, regardless of their employment, socioeconomic or family status, require a place for their child" (EC, EACEA, Eurydice, 2022: 41).

Within the context of a balanced mix of universal and targeted policies, family-level interventions through informal educational practices could be successful in reducing educational disadvantages and preventing segregation. **Engaging Roma children in preschool-age story reading within their families or informal settings** is an innovative method for enhancing school preparedness and accordingly avoiding segregation in primary schools. An external evaluation of the **project "Your Story"** (Meséd) "through which mothers develop a routine of reading stories to their children, proves effective in developing parenting abilities and involvement in their children's education. This initiative significantly improves children's reading skills, school achievement, vocabulary and cultivates a positive attitude towards reading and overall education" (Surdu L. and Switzer, 2015: 24). The "Your Story" programme on preliteracy training was implemented by the Roma Education Fund in 16 localities in four countries (Hungary, North Macedonia, Romania, and the Slovak Republic). The design of this nine-month project is focused on the empowerment of Roma mothers who every day read aloud story books in groups moderated by a trained facilitator and discuss the stories with their children. Most of the Roma women involved had completed up to lower secondary education. The facilitator's role was to increase mothers' self-confidence in reading and discussing stories, abilities which were then transferred to children. The project helped to build a library of storybooks for Roma families through the donation of a large number of

books. It also brought Roma and non-Roma children together in reading groups and other extracurricular activities moderated by a facilitator. The evaluation found that mothers attending the "Your Story" programme valued preschool education significantly more than mothers who did not participate. The project led to increased kindergarten enrolment and Roma academic skills (Surdu L. and Switzer, 2015). Interventions of this type have been implemented over the years by the REF in several other projects and locations. Researchers found that early reading based on parents reading to their children at home are effective, evidence-based interventions for the cognitive and academic development of children from disadvantaged families (Andersen et al., 2022; Park, 2008; Logan et al., 2019; Shahaeian et al. 2018) as well as for children from ethnic minorities (Dias-Broens and van Steensel 2022; Shen and Del Tufo, 2022). A recent evaluation found that reading stories to children at home not only improves vocabulary and reading skills, but also writing abilities (Andersen et al., 2022). Most importantly, the study acknowledges that "the effects of the intervention on writing tended to be stronger for children from low maternal education households, thus reducing some of the early achievement gaps evident in writing skills" (Andersen et al., 2022: 7).

Another evaluated project **is the Omama project in the Slovak Republic,** a project which won the Sozial Marie Prize for Social Innovation in 2019**.** The project carried out by the Slovak civic organisation *Cesta von* (Way Out) is an early childhood development home-visiting programme which supports the cognitive, social, and physical development of Roma children (0-4 years of age) living in poverty. Part of the Omama project involves regular home visits from trained Roma women (referred to as Omamas) from local communities. The Omamas are trained by psychologists, special educators and doctors. During their visits Omamas engage children in educational activities and games. Omamas provide counselling within the families or at their own homes. Omamas teach Roma mothers to better stimulate their small children through reading books together, playing games, and teaching children colours, shapes, words, and numbers. Roma mothers are taught intervention exercises and are encouraged to exercise with their children daily. The impact of the Omama project is measured through cooperation with the University of Oxford. Impact measurement compares the neurodevelopment of 2-year-old children, who take part in the programme, with the results from control samples of children from settlements outside the Omama project and children of the majority population. A study carried out in 2022 found that Omama interventions improved neurocognitive outcomes among poor Roma children, particularly cognitive, gross motor and language outcomes (Shaw et al., 2022). The interventions have been instrumental in reducing the number of children enrolled in special schools.

An external evaluation of a **preschool-targeted intervention implemented by the REF** and partner organisations in 18 municipalities **in North Macedonia** (MAC051- 2009-2011) shows that the project significantly increased the enrolment of Roma children in primary school after one year of attending public preschool institutions. Among the outcomes, a remarkable 87% of the 777 children who were enrolled and consistently attended preschool through project activities successfully transitioned to primary school and decreased the risk of school dropout. The enrolment in preschool institutions was undertaken in ethnically mixed groups and some challenges from non-Roma parents opposing the inclusion of Roma were addressed by the management of kindergartens. However, there were also instances of Roma children being segregated (Anger et al, 2012). The project was based on community work and meetings with Romani parents, as well as training of preschool teachers and Roma assistants to increase

preschool staff competencies in combating discrimination and reducing stereotypes. The project involved authorities and local municipalities in finding solutions appropriate to local contexts for supporting early childhood development and raising preschool attendance of Roma children. 17 Roma women were employed as assistants in targeted preschool institutions.

New initiatives aimed at supporting Roma children in enrolling and attending preschool (for example, "Together for Equity in Early Childhood – Kosovo*[8] - 2016-2018) provide comprehensive **children's packages. These packages include school materials, books, daily snacks, transportation and assistance from school mediators** who act as liaisons between Roma families and the preschool). Several evaluations of Roma pedagogical assistants working with preschool institutions and Roma families in Serbia found "positive impacts on academic achievement, attendance, Roma participation in extra-curricular activities, communication with parents, parent involvement, social cohesion and school climate, and access to and quality of education" (Klaus and Siraj, 2020:59). An **impact evaluation of the Roma Teaching Assistant (RTA) Program in Serbia** revealed its remedial education component to be particularly beneficial for first graders, notably girls. The programme led to an increase in school attendance and performance in schools with a low number of Roma (Battaglia and Lebedinski, 2015).

Access and retention in primary and secondary schools

In its assessment of National Frameworks for Roma Strategies (NFRSs), the European Commission (EC), recognises the **school mediation programme in informal settlements** implemented by France, as a promising initiative (EC assessment 2023). This programme plays a crucial role in identifying pupils in informal settlements, often overlooked by school authorities, and helps in creating a link between the families and the school. The programme is key in ensuring schooling for disadvantaged children living in informal settlements, including Roma and Traveller children. The mediation activities facilitate school access and ensure regular monitoring of Roma and Traveller children to ensure continued attendance, aiming to provide them with high-quality schooling. The programme actively involves parents through pedagogical meetings with educational staff and discussions groups.

School mediators support both families and teachers and they help with the schooling and social inclusion of Roma children with a migratory background. Mobile teams ensure outreach and tailored support to families with children not yet enrolled in school. Mediators also accompany these children to schools and organise socio-educational workshops to enhance language skills. Due to the intervention of school mediators, the number Roma children with a migratory background enrolled in school has more than doubled from 2019 to 2020/2021 (EC assessment 2023). The EC notes that the aim of France is to achieve full clearance of informal settlements by 2027, and the school mediation programme is a real contribution to this goal.

The Secondary Scholarship and Mentoring Programme developed by the Roma Education Fund and implemented in nine countries in Central and Eastern Europe successfully ensured the enrolment of thousands of students and had a high retention rate: "95% of the students have completed secondary school, and a large share continue on to university"

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[8] *All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.

(Robayo-Abril and Millan, 2019: 175). In 2018, for example, out of the 3102 Roma students supported with scholarships by the REF, 61% enrolled in university, while 39% transitioned to the labour market (REF annual report, 2018).

An evaluation of an REF-implemented programme in North Macedonia (MAC052-2009-2011), demonstrated the effectiveness of scholarships in increasing the enrolment in secondary education. The evaluation revealed that less than 2% of the 800 recipients of scholarships had either dropped out or repeated the school year. The programme significantly improved achievement and retention rates, established Roma models in communities and facilitated the transition to the labour market and tertiary education. The project took a gender approach in the selection of beneficiaries by ensuring that an equal number of girls and boys benefitted from scholarships. Key activities implemented under the programme included school-based mentorship and tutoring tailored to individual needs, support for preparing and passing school examinations, and carefully matching mentors with pupils. Beneficiaries of the programme enrolled in high schools all over the country and are now studying in integrated, mainstream educational settings (Anger et al., 2012).

In Ireland, the National Action Plan for Apprenticeship (2021 – 2025) aims to increase the participation of underrepresented groups, including Travellers, in apprenticeship programmes. The Action Plan provides grants to employers who recruit underrepresented groups, including Travellers, and non-financial support to small and medium enterprises that employ apprentices. A notable aspect of the Action Plan is the provision of stipends to apprentices facing a severe socioeconomic disadvantage, such as single parents, people with disabilities, Travellers, and Roma (DFHERIS, 13 May 2021). Additionally, in 2023, Ireland launched a one-year pilot *Traveller Apprenticeship Incentivisation Programme*, which aims to stimulate the participation and retention of Travellers in apprenticeship programmes by offering grants (DFHERIS, 8 November 2022).

Educational interventions that combine scholarships for Roma students with comprehensive educational support have increased school retention and led to improved academic performance. An **impact evaluation** of an REF Romania project focusing **on preventing early school leaving for Roma** revealed significant improvements in the mathematical competences of 800 Roma pupils in grades V to VIII (Ivan and Rostas, 2015). The eight months long project in Romania included a comprehensive package consisting of the following: preparatory sessions for main school subjects led by qualified teachers; provision of meals during preparatory sessions; educational and vocational counselling; individual and group mentoring to enhance motivation, self-esteem, social and life skills; parental involvement through individual and group sessions; and differentiated scholarships based on school attendance and performance.

Researchers have suggested that **scholarships**, functioning as a form of conditional cash transfer based on attendance or school performance, are **more likely to be accepted socially and politically when beneficiaries are targeted according to family income and not ethnicity** (Friedman et al., 2009).

The Bari Shej (Big Girl) Programme in Hungary is considered a promising practice by the European Commission's 2023 assessment of the NRSF and by the Roma Civil Monitor (EC, 2023; RCM country fiche Hungary, nd.). The project aims to reduce the school dropout rate of disadvantaged Roma girls and to increase their chances of further education through a

mentoring system. The project included a variety of activities designed to support and engage Roma girls through career guidance, school visits and extracurricular activities such as media literacy training, excursions, camping, sports activities, cultural events, and healthy lifestyle sessions. In addition, the project beneficiaries received material support, including musical instruments, computer tablets, booklets, books, and clothes, in order to facilitate their participation at school and stimulate their interest in learning. An important aspect of the project was the involvement of parents in the mentoring process. A qualitative assessment of the programme found an improvement in the literacy and social skills of participating Roma girls, as well as an increase in their educational expectations (Pupek, 2020).

Representation of Roma in curricula and digital education

The Council of Europe, in collaboration with the Georg Eckert Institute and the Roma Education Fund, commissioned a study about the **representation of Roma in primary and secondary school curricula and textbooks** across 21 member States in Europe. This study made an in-depth analysis of school subjects such as history, civic education and geography. According to the report's findings, the representation of Roma in the school curriculum and textbooks face two major issues: insufficient representation and misrepresentation (Spielhaus et al., 2020). The researchers found that "only 8 out of 21 European countries and Kosovo* included references to Roma in their curricula for the subjects "geography", "history" and "civics" (Spielhaus et al., 2020). The report found that often Roma are presented in textbooks as a homogenous group, as passive victims, as poor, or as an exotic group and culture and that "contributions by Roma to European or national culture and society are very rarely mentioned (Spielhaus et al., 2020:19). However, the study mentioned also notable exceptions, for example, Germany and Hungary who present stories of successful Roma. The study pointed out that the textbooks only very rarely give a voice to the Roma people and Roma activists. The research showed that **France was a good example for its detailed coverage of the Roma genocide** in textbooks, a distinctive approach compared to most other countries that only noted Roma extermination among other victims of the Holocaust. Good but isolated examples are also those of the UK and Finland that present Roma as a European people. A report by the Ad-Hoc Committee of Experts on Roma and Traveller Issues (CAHROM, 2018) noted that contents of Roma history and Roma culture in school curricula and textbooks should depict Roma as "part of European history and European cultural heritage" to be effective for reducing majority populations' prejudices and increase Roma self-esteem and a sense of European belonging.

Roma children are likely to have no or limited access to the Internet and other digital technologies, are often not familiar with these and are left out of digital education. (Gottschalk, OECD and Wise, 2023) The Council of Europe Strategy for the Rights of the Child underlines the importance of "fighting digital exclusion and ensuring an **equal access to the digital environment**, including for (…) children belonging to national minorities, in particular Roma and Traveller children, as well as in the context of distance learning." (Council of Europe, 2024:23).

The European Commission's 2021–2027 Digital Education Action Plan focuses on fostering **Digital competence** (knowledge, skills and attitudes) for both students and teachers. It aims to achieve high-quality, inclusive and accessible digital education in Europe and facilitating the transition of education and training systems of member States to the digital age. The

digitalisation of society, increased use of information technologies to access goods and services, and active participation in society advance digital competencies as life skills that are highly relevant, not only for academic success and professional integration but also for fostering active citizenship. Recommendation CM/Rec(2019)10 of the Committee of Ministers to member States on developing and promoting digital citizenship education considers that access to digital technology, digital literacy skills and a secure technical infrastructure are key requirements. An assessment report of the EU member States National Strategies of Roma Integration released recently by the European Commission noted that "*More measures are needed to address digital skills in education and improve access to the internet. Measures are also needed to improve the provision of PCs, laptops, tablets and teaching materials for distance learning and to ensure that they reach impoverished communities, in particular Roma children. The risk of further digital exclusion of Roma from education, as seen during the COVID-19 pandemic, is insufficiently addressed by the NRSFs.*" (EC, 2023). A similar call to EU member States to better prepare Roma for the digital age was made recently by the European Parliament (Resolution 2022/2662(RSP).

It is in this context that targeted interventions aimed at reducing the digital gap and providing digital skills to Roma children could make a difference. As an example, an intervention to enhance the digital competencies of (mainly) Roma children (6 to 16 years of age), the **Head in the Clouds project**, was implemented between 2015-2018 by the Vienna University of Technology together with six partners in the Slovak Republic, Romania and Kosovo. The objectives of this Erasmus+ project targeting more than 100 children were "the prevention of early school leaving, the development of basic and transversal skills and the enhancement of digital education in the context of minorities, mainly Roma." According to the evaluation , the interventions aimed at increasing learners' independence, despite some challenges and obstacles, noted that "common visible improvements of participating students, across all three locations, include improved social interaction, reading and writing skills as well as learning how to handle devices such as computers and tablets" (Novak et al., 2018: 389).

Tertiary education

Participation of Roma in higher education is of crucial importance for curbing intergenerational educational segregation. Roma NGOs acknowledge that desegregation is a holistic and long-term process that needs sustainable financial support over time (Harvard F.B.X, 2015). A group of experts in social integration policies and Roma inclusion note that even if conditions such as "structural changes and long-term commitments" were fulfilled, "it may take more than a generation before one can see the real impact" (Fresno et al., 2019: 7).

In 1992, upon the initiative of the Faculty of Sociology and Social Work of the University of Bucharest in Romania, the first reserved places were allocated to Roma candidates to specialise as social workers. In 1998, the Ministry of Education adopted the first official regulation to reserve special places for Roma candidates in seven universities and since then **affirmative action for Roma** has been extended to the entire secondary and higher education system. Research on the impact of affirmative action on Roma people in secondary and higher education institutions (REF and Gallup, 2009) found that Roma graduates had good insertion into the labour market (81% found a job) and that they formed social bonds with Romanian students (86 % of students reported an increase in friendships with Romanians). However, due to discrimination, about 18% of employed Roma received lower salaries compared to the

industry standard for their respective fields. Many beneficiaries of affirmative action in higher education are from relatively large families (3-4 children) and low socio-economic backgrounds. Although most of the beneficiaries mentioned financial hardships in their families, only about a third of them have received a form of scholarship.

Since its establishment, the **Roma Education Fund** has supported the development of a critical mass of Roma higher education graduates through means of **scholarships**. The REF has the largest tertiary education scholarship programme for Roma university students: since 2005, the REF has supported thousands of Roma pupils who have graduated from higher education through scholarships. Currently, the REF (with support from donors) has four schemes designed to facilitate Roma youth's access to tertiary education (Bachelor, Master or Doctorate) and inclusion into the labour market: Roma Memorial University Scholarship Programme (RMUSP), Law and Humanities Programme (LHP), Roma Health Scholarship Programme (RHSP), and Roma International Scholar Programme (RISP). In the academic year 2021-2022, out of the 452 beneficiaries 60% were female and 40% were male (REF Annual Report 2021). The selection of scholarship recipients is highly competitive as the funds are granted to students based on previous academic achievement, as well as social criteria, such as voluntary participation in activities related to the social inclusion of Roma. The scholarship schemes have a very high graduation rate (98.22% for the school year 2020-2021). The REF scholarship schemes combine financial support with academic and professional development support. Despite these achievements, the transition of beneficiaries to the labour market has proven challenging and remained limited for some of the beneficiaries. For example, a study in 2015 (REF, 2015) found that, among RHSP beneficiaries, at the time of the survey, only 47% of respondents were employed and, of those employed, only 52.3% were working in a medical profession.

CHAPTER VII: CONCLUSIONS AND RECOMMENDATIONS

The main barriers impeding the access of Roma and Travellers to inclusive quality education in mainstream schools are related to a combination of structural factors among which the most important are the unequal socio-economic status that divides European societies across ethnic lines and the widespread antigypsyism that manifests itself at all levels of society including the educational milieu. Educational segregation is strongly linked to the general pattern of residential segregation of Roma and Travellers. Accordingly, to reverse the trends in the educational segregation of Roma and Travellers towards inclusive schooling, **integrated policies** need to be implemented that require a combination of general and specific measures in the field of education.

General measures should be composed of activities tackling segregation and poverty, and more precisely neighbourhood poverty in areas predominantly inhabited by Roma and Travellers, as well as a set of concerted actions against antigypsyism that needs to cover not only the educational system but all spheres of social life. Comprehensive policy interventions aimed at more equality-based urban planning and increased redistributive justice are needed to reduce the gap between the socio-economic status of families.

Those general measures should be combined with specific actions in the field of education. The participation of Roma and Travellers in policies addressing them is crucial, especially since desegregation policies affect all aspects of life; therefore, **broad consultations with the Roma and Travellers communities** as well as with the majority population should be carried out at the local level in this context.

To enable Council of Europe member States to develop and implement successful policies to end educational segregation, it is important to achieve **legal** and **policy** clarification through defining the term **of educational segregation,** based on the case law of the Court, and taking into account the interests and priorities of those concerned, namely Roma and Travellers. The definition of what successful desegregation means, should also clarify the end-result of desegregation and include the integration of Roma and Travellers into the educational systems of the countries they live in. As the analysis in this report demonstrates, different thresholds of educational segregation could present very different pictures of success or failure in achieving educational inclusion. Setting a percentage threshold for educational segregation may seem sensible to ensure a more equal distribution of Roma and Traveller pupils across schools and classes where comprehensive data are collected. The appropriate percentage will depend on the circumstances. In the end, desegregation measures should fulfil their social function of creating more interaction and solidarity across social and ethnic divisions and also improve the education of pupils and their ability to adapt to the existing socio-economic challenges.

Addressing antigypsyism should be accomplished by policies that **facilitate social cohesion** of communities and individuals from different ethnic backgrounds and social strata. If interventions directed against antigypsyism are to be successful, they should be judged by the effects they have on reducing the social distance between Roma and Travellers and the general population. Reducing the social distance between Roma, Travellers and others could be achieved by creating appropriate spaces for being together in the most relevant fields of social and economic life: in residential living, in the workplace, and in membership to various social

and political organisations. Research has convincingly demonstrated that prejudice and stereotypes decrease considerably when different ethnic communities are interacting, living and working together. Accordingly, measures to address antigypsyism should act on a systemic level and address the labour market, the lack of infrastructure and public transportation in neighbourhoods predominantly inhabited by Roma and Travellers, as well as the various obstacles that prevent Roma and Travellers from accessing public services.

Desegregation is a long-term process, as it is the undoing of a long-term process that created the separation between Roma and Travellers and the rest of the population in residential, educational, social and political spheres. While desegregation measures are put in place, it should be ensured that no Roma or Traveller pupil is left behind and that children who are forced to remain in segregated educational settings receive effective assistance and other compensation for this unjustified differential treatment. While new investments in school infrastructure in residentially segregated schools should be discouraged to prevent the maintenance of the status quo, Roma and Traveller children in segregated educational settings should be provided with highly qualified teachers so that their school experience remains meaningful.

From the analysis presented in this report, recommendations are derived that are divided into three main categories:

1. Legal framework and monitoring segregation;
2. Antigypsyism, residential segregation and poverty; and
3. Educational policies.

To support member States in developing and implementing such integrated policies on desegregation and inclusive schooling of Roma and Traveller children, it is suggested that the ADI-ROM and the CDADI pool together the expertise of all member States and engage in the process of drafting a comprehensive policy document in the form of a Committee of Minister's Recommendation on desegregation and inclusion policies and practices in the field of education of Roma and Traveller children. The present study demonstrates that this is feasible, and the following recommendations can serve as a solid basis for embarking on the drafting process.

Legal framework and monitoring segregation

Results from the ADI-ROM survey and from policy sources show that most of the Council of Europe member States have not yet adopted a legal framework defining school segregation and clarifying what school desegregation entails. Definitions of segregation and desegregation are an important prerequisite for working comprehensively and systemically towards substantive equality for Roma and Traveller children in education. The adoption of legal frameworks and methodological guidelines for desegregation would help to move from sporadic, inconsistent, short-term and project-based desegregation measures to long-term strategies.

- Accordingly, member States should adopt **legal definitions of segregation and desegregation that are comprehensive in their nature and consider all grounds** (for example, socio-economic, ethnic, disability) that impede inclusive education. Careful consideration should be given to whether there may be a role for desegregation thresholds for successful and individualised educational practices. Specific research on

optimal desegregation thresholds could provide useful information on the sustainability and efficiency of education desegregation. Desegregation measures which ensure an optimal distribution of Roma and Traveller children and of children with a marginalised background could allow individualised pedagogical practices as well as better academic results and improved interpersonal skills for all pupils. Such measures should aim at devising policies to avoid, in the best interests of the child, that Roma and Traveller pupils are over-represented in school settings.

- Legal frameworks should foresee the collection of administrative data (through educational institutions) that are relevant for **monitoring the situation of segregation**, its various forms, and the progress made with desegregation measures. Where this is not possible, or where Roma and Traveller are opposed to data collection, it should be ensured that **proxy measures** are in place, especially systems for collecting data related to indicators such as the **socio-economic status and community poverty**, which can serve to identify patterns of school segregation.

- Member States should adopt legal frameworks that ensure that the **segregation** of Roma and Traveller children, and of children from socio-economically marginalised backgrounds in general, **is prohibited at crucial entry points into formal education**. The legislation should explicitly stipulate that forming segregated classes in the first degree of primary school and at the entry point for secondary schooling is illegal and subject to legal sanctions, possibly including fines. The legal prohibition of forming new segregated classes and schools will significantly reduce segregation in schooling without disrupting existing educational processes.

Antigypsyism, residential segregation and poverty

Roma and Traveller policies that focus on educational inclusion and desegregation of Roma and Traveller children should analyse, build on and reinforce the conditions that enable Roma and Traveller children to attend mainstream schools. At the same time, they should remove the **socio-economic barriers and address antigypsyism that prevent Roma and Traveller children from attending mainstream schools**. To achieve this, those policies should be coupled with a general strategy or action plan for the promotion of equality for Roma and/or Travellers and combating antigypsyism.

- Member States should address the roots of antigypsyism by creating opportunities for **interaction and social cohesion, and by reducing residential segregation of Roma and Travellers**. Member States should in particular ensure that housing policies do not create or reinforce residential segregation. Where residential segregation exists, infrastructure (for example, roads, public institutions, sanitation and sewage) should be built that connects Roma and Traveller with the general population.

- Member States should provide the **financial means to Roma and Travellers who are living in poverty** to allow them to enrol their children in good quality education in ethnically and socially diverse educational settings. The inclusion of Roma and Travellers parents in the labour market should be a priority to ensure good conditions for the schooling of their children. The persisting levels of unemployment and the low salaries and precarious working conditions of many Roma and Traveler make it necessary to ensure that all Roma and Traveller parents who are unemployed or without

adequate resources receive social benefits in line with Article 13.1 of the Revised European Social Charter.

Educational policies

Member States' approach to tackling segregation should **prioritise segregated settings where the quality of education is low** due to reduced forms of curricula, underqualified teachers, and inappropriate school infrastructure and equipment.

- Member States should involve Roma and Traveller communities as well as the majority population at the local level in **a broad process of consultation on desegregation measures**. Measures to sensitize the majority population about the detrimental effect on Roma and on social cohesion of school segregation are a prerequisite for meaningfully involving the majority population, The design, implementation and evaluation of desegregation measures should be part of these consultations. In particular, the consultation **of Roma and Traveller women and children** should become the standard in the design and implementation of educational desegregation and inclusion policies.

- Member States should incorporate **inclusive education approaches and methodologies, including anti-discrimination aspects**, in teacher training in order to instil non-discrimination values and attitudes in school staff.Member States should introduce **financial support (scholarships, grants) for Roma and Travellers living below the poverty threshold** to allow them to enroll their children in mainstream schools of higher quality instead of ethnically or socially segregated schools. They should also improve the situation of those Roma and Travellers whose children are already attending mainstream schools despite their poverty by offering them the same financial support.

- Member States should provide **adequate educational support to children moving from segregated to mainstream schools**, including mentoring and tutoring on subjects where they did not acquire the necessary skills and knowledge in segregated schools. Adequate support should be also provided to parents of children moving from segregated to mainstream schools so as to involve them meaningfully with the new school environments.

- **For Traveller children** whose families have a nomadic lifestyle, member States should ensure that pupils are provided with **an appropriate mix of in-presence schooling (in winter), distance learning and home schooling**. They should also ensure that Traveller children, who do not attend in-presence schools over the whole school year, are not segregated when they attend in-presence schooling. They should furthermore ensure that home schooling of Traveller children, when needed, is based on high quality pedagogical materials, which fit the needs of Traveller parents as home school educators.

- Member States should ensure that educational desegregation and inclusion policies take into account the **gender dimension** by explicitly designing these policies to meet the **specific needs of Roma and Traveller girls** from socially marginalised backgrounds. The educational desegregation and inclusion policies should devise specific measures for improving the retainment of Roma and Traveller girls in the educational system.

- Member States should ensure that early childhood education and care of good quality is provided to Roma and Travellers to bridge the gap between Roma and Travellers and other children. For the preschool experience to be effective in the transition process to school and in facilitating future academic success, member States should ensure that **two years of preschool education are made accessible and affordable to all Roma and Travellers**. As also noted by the Council of Europe Commissioner for Human Rights (Commissioner for Human Rights, 2017, 24), there is a structural issue with the role of testing in the education system that cannot be resolved simply by refining diagnostic tools. Thus, in preschool and primary school should be as much as possible avoided, to remove the risk of early and erroneous streaming based on a misdiagnosis of mental disability which can result from lacking proficiency in the testing language, from culturally inappropriate or biased psychological testing or from testing not adapted to socio-economic conditions.

- Where used, the assesment of knowledge in the official instruction language(s) should be used only for formative purposes (additional language support) in mainstream educational settings. Appropriate testing, where it is in place, should be used for educational formative purposes and individualised learning and not for selection purposes, for postponing school entry, or for inappropriate enrollment in special schools for mentally disabled children. Member States should identify and reverse the inappropriate placement in special education or reduced curriculum education, which results from such misdiagnosis.

- In view of their multiple vulnerabilities, the principle of **annual reassessment** should be applied to Roma and Traveller children in special education or reduced curriculum education. Those found not to have a **mental disability** should be transferred into mainstream education and provided with the **educational support** needed to bridge the gap between the reduced and the mainstream standard curricula.

- With regard to Roma and Traveller children with a disability, who face multiple vulnerabilities, member States should, in line with Recommendation CM/Rec(2013)2 of the Committee of Ministers on ensuring full inclusion of children and young persons with disabilities into society, prioritise, monitor and uphold the international legal obligation to supply an **inclusive education, adapted to the individual needs of students with disabilities,** while providing the necessary support, and the opportunities to achieve the fullest possible educational and social attainments.

- Member States should ensure that Roma and Traveller children receive the best possible IT skills training that will allow them to adapt to the new digital society. Children who have been left behind in segregated educational institutions should also have the opportunity to receive a **high-quality IT education**.

- Member States should ensure that children whose mother tongue is Romani are given , the choice to study in their mother tongue at an academic level if they and their parents decideso[9]. For children whose mother tongue is Romani, additional **support should be provided already at an early age** and in the framework of preschool education **for developing their skills in the official language of instruction** to the level needed to successfully participate in school education. The teaching of Romani and the additional educational support for increasing Roma children's skills in the official language of

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[9] For countries that have ratified the European Charter for Regional or Minority Languages this reccomandation is consistent with the text of this document.

instruction should not be used to further create or reinforce segregation but be provided in integrated school settings.

- Member States should ensure, in line with Recommendation CM/Rec(2020)2 on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, that **Roma and Traveller history and culture and information about the Roma Holocaust** are introduced in the curriculum across relevant subjects and resourced with high-quality teaching materials. They should also ensure that Roma and Travellers are not misrepresented in the information provided and that the diversity of those subsumed under the umbrella term Roma and Travellers is well reflected. Given the cultural and social diversity of Roma and Traveller groups, member States should ensure that **Roma and Travellers are involved as co-producers of local curricula based on their knowledge and experiences**.

- Member States should institute or extend **scholarships for Roma and Travellers attending tertiary education**. In addition, they should promote the admission of Roma and Travellers to a wide range of subjects, including beyond social sciences and humanities, which could offer good prospects for integration into the labour market.

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