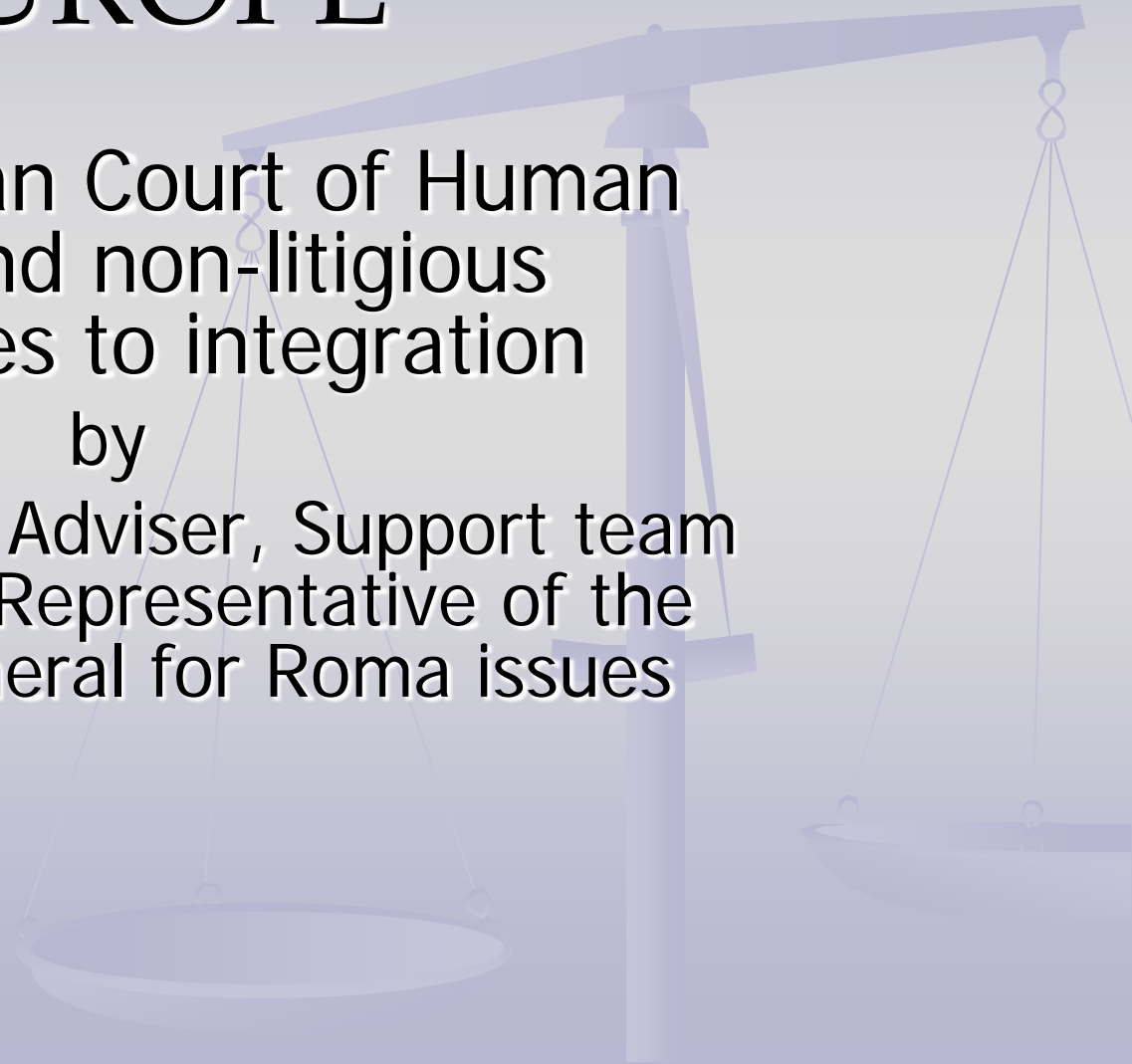


EDUCATION IN CENTRAL AND EASTERN EUROPE

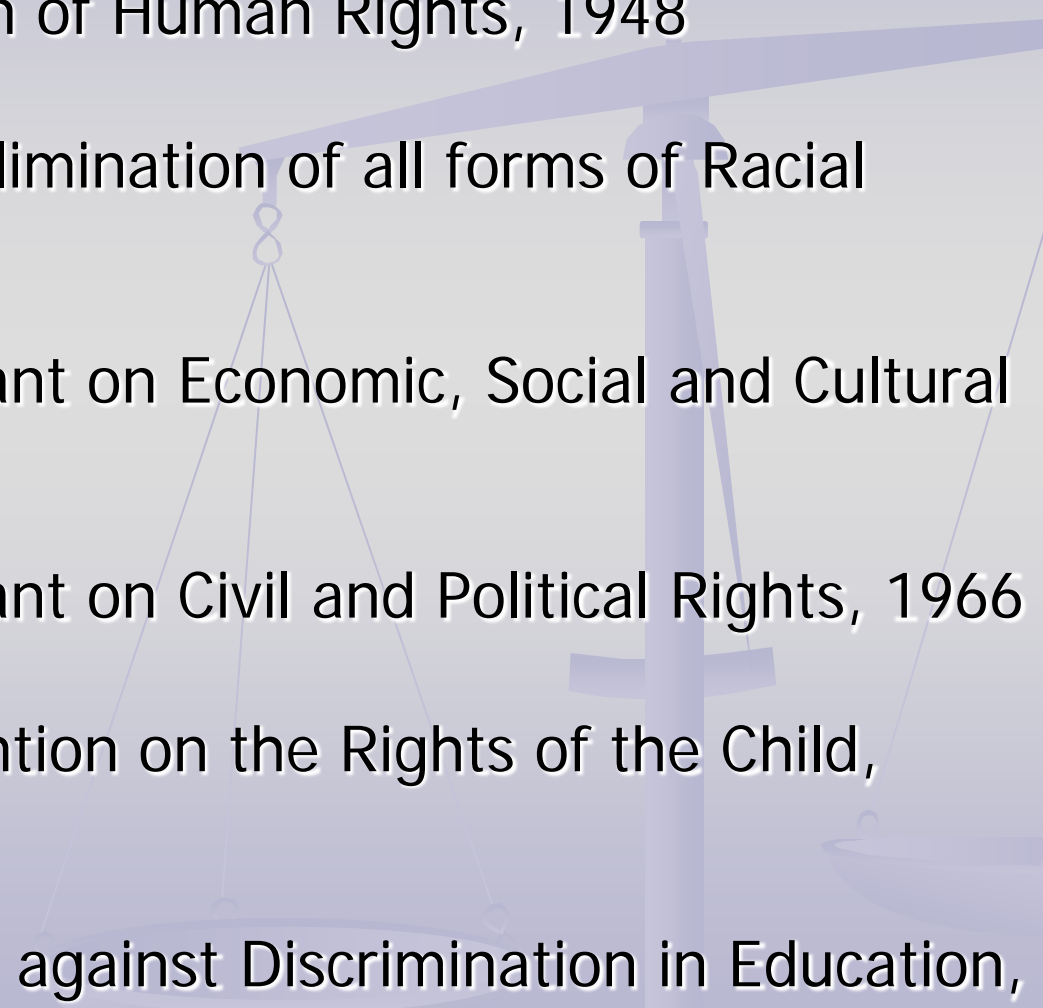
The European Court of Human
Rights and non-litigious
approaches to integration

by

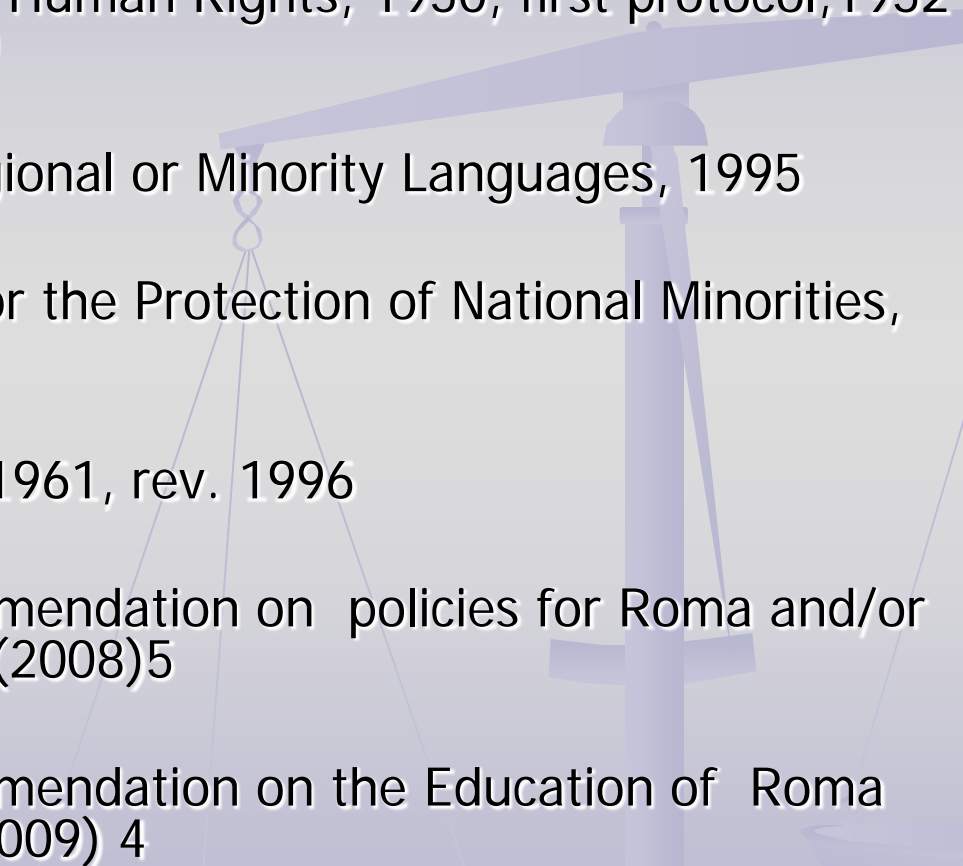
Henry Scicluna, Adviser, Support team
of the Special Representative of the
Secretary General for Roma issues



Right to Education and non-discrimination

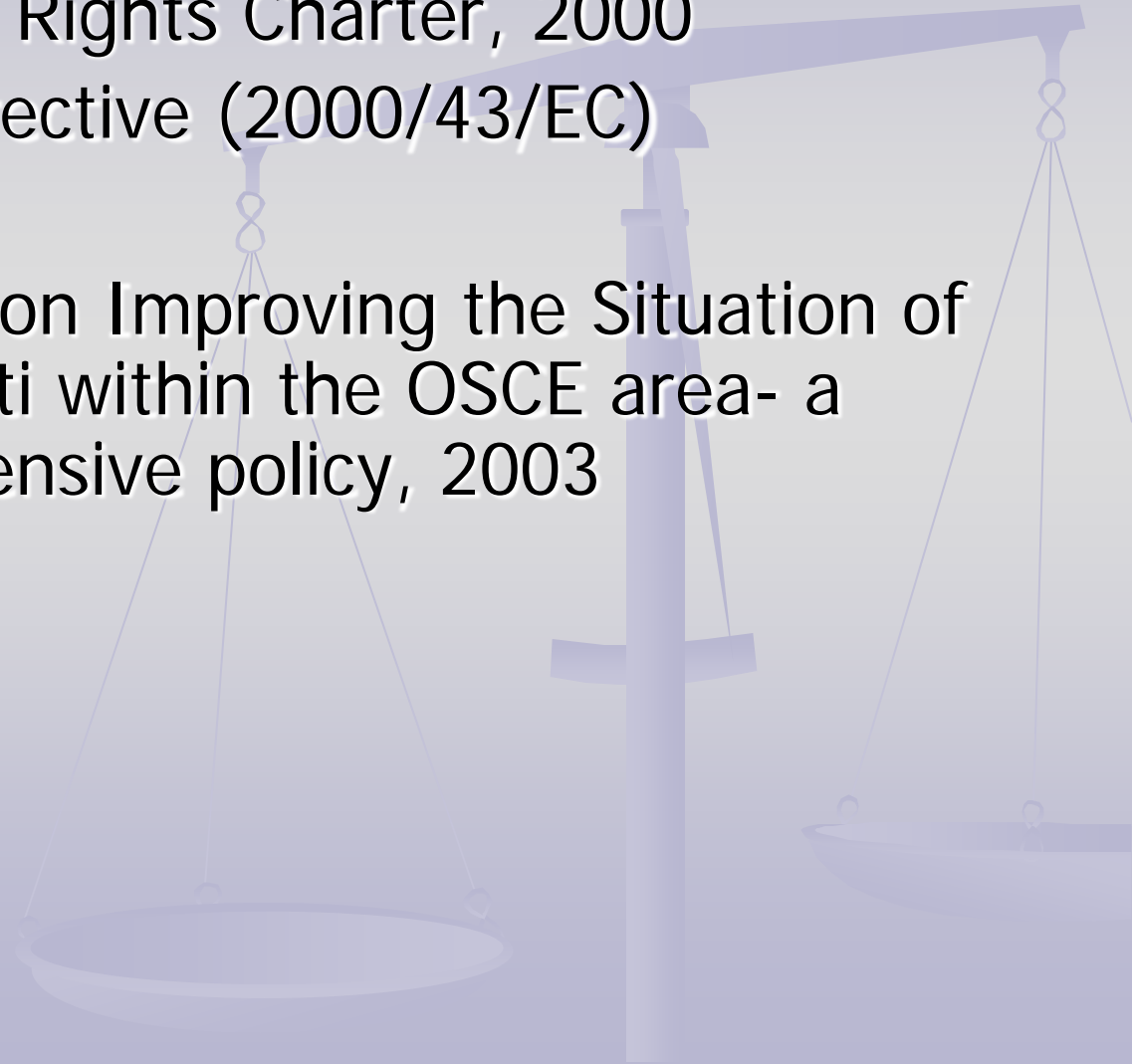
- Universal Declaration of Human Rights, 1948
 - Convention on the Elimination of all forms of Racial Discrimination, 1965
 - International Covenant on Economic, Social and Cultural Rights(1966)
 - International Covenant on Civil and Political Rights, 1966
 - International Convention on the Rights of the Child, 1989
 - UNESCO Convention against Discrimination in Education, 2008
- 

Right to Education and non-discrimination

- European Convention on Human Rights, 1950, first protocol, 1952 and protocol No 12, 2000
 - European Charter for Regional or Minority Languages, 1995
 - Framework Convention for the Protection of National Minorities, 1995
 - European Social Charter, 1961, rev. 1996
 - Council of Europe Recommendation on policies for Roma and/or Travellers in Europe Rec.(2008)5
 - Council of Europe Recommendation on the Education of Roma children in Europe Rec.(2009) 4
- 

Right to education and non-discrimination

- E.U. Fundamental Rights Charter, 2000
- Racial Equality Directive (2000/43/EC)
- OSCE Action Plan on Improving the Situation of the Roma and Sinti within the OSCE area- a national comprehensive policy, 2003



Application of anti-discrimination legislation

- All European states provided, in the past, protection against discrimination through a series of legislative instruments
 - Most European states have now introduced legislation that expressly prohibits direct and indirect discrimination
 - Most European states have equality bodies
- 

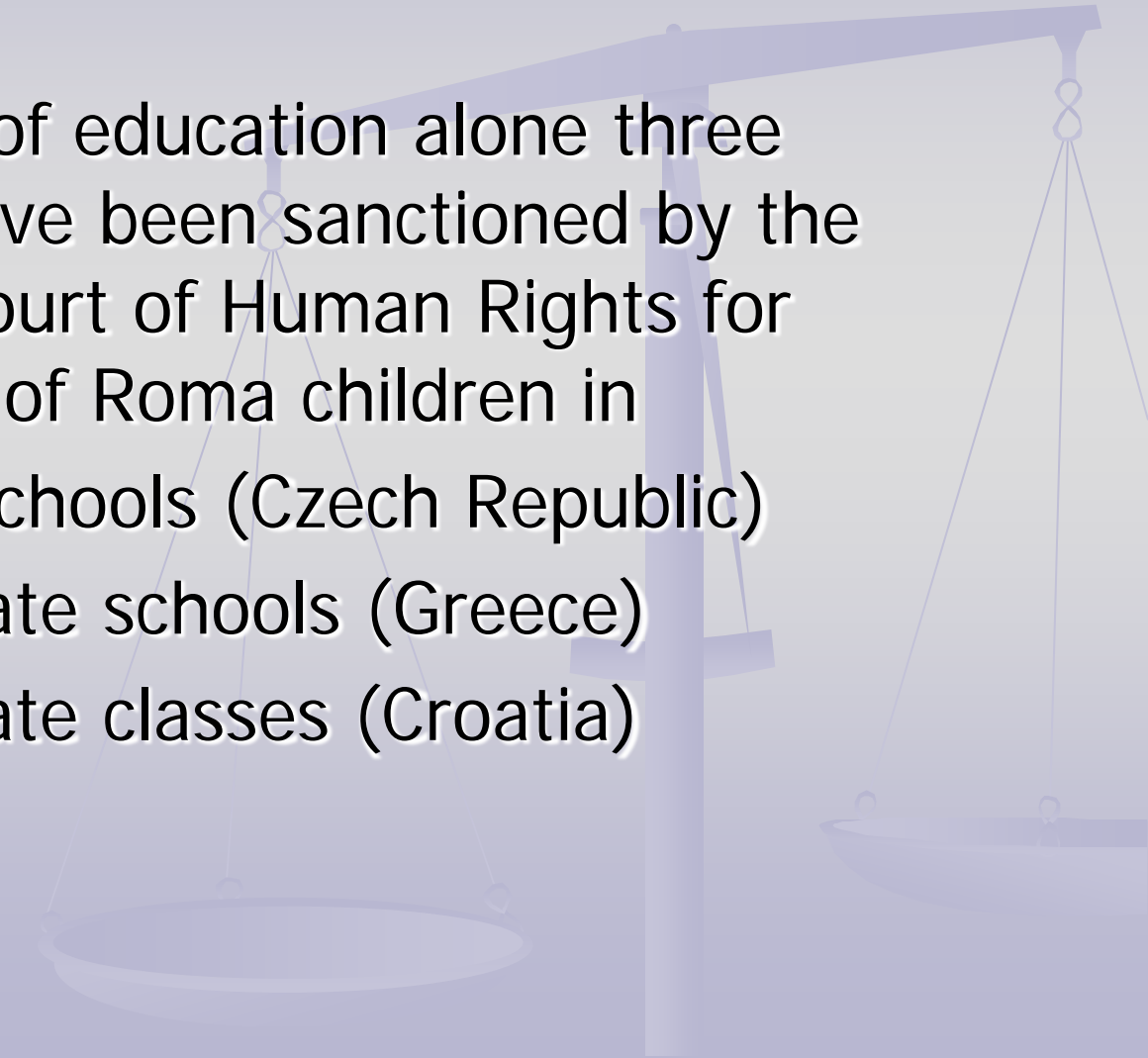
Application of anti-discrimination legislation

- 22 European countries – East and West – have adopted strategies and action plans for the integration of the Roma
 - No European country follows a formal policy of school segregation, promotes it or approves it
 - Hungary has legislation explicitly outlawing segregation
 - All countries have expressed commitment to put an end to it
- 

Application of anti-discrimination legislation

and yet.....

- In the area of education alone three countries have been sanctioned by the European Court of Human Rights for segregation of Roma children in
 - special schools (Czech Republic)
 - in separate schools (Greece)
 - in separate classes (Croatia)



The European Court of Human Rights

D.H. and others vs Czech Republic (2007)

Roma children placed in special schools with mentally deficient children

The first time the Court ruled substantively on Article 14 (prohibition of discrimination)

Judgment refers to several international texts, thus underlining « the commonality of rights problems as well as the inter-connectedness of regional and international regimes ».

Louise Arbour, UN High Commissioner for Human rights, at the opening of the judicial year of the ECHR (January, 2008)

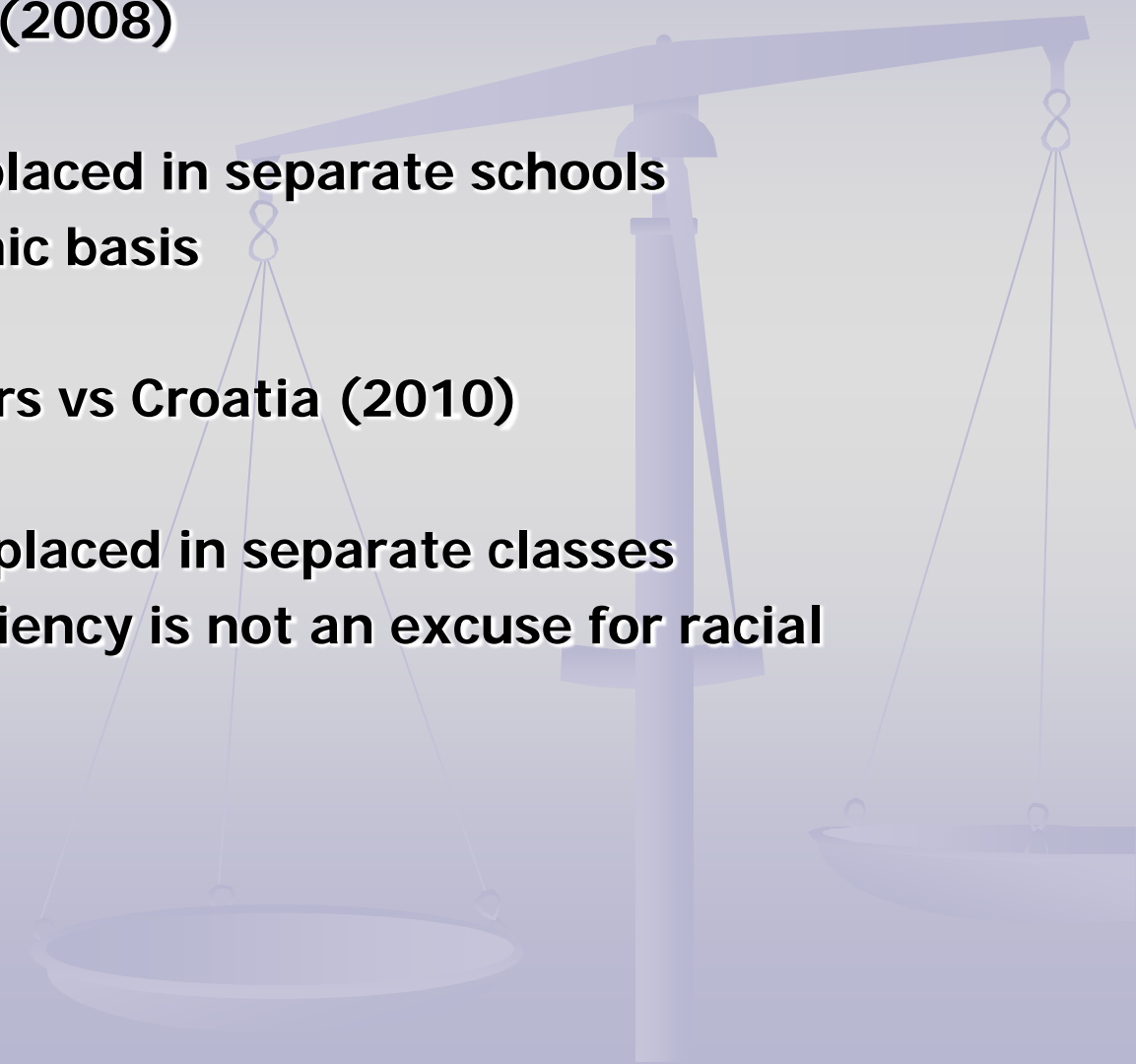
The European Court of Human Rights

Sampanis vs Greece (2008)

**Roma children placed in separate schools
on a purely ethnic basis**

- **Orsus and others vs Croatia (2010)**

**Roma children placed in separate classes
Language deficiency is not an excuse for racial
segregation**



The European Court of Human Rights

- The Orsus judgment « rounds out the European court's jurisprudence concerning the most common grounds of segregation experienced by Romani children in education. »
- Robert Kushen, ERRC Managing Director

The European Court of Human Rights

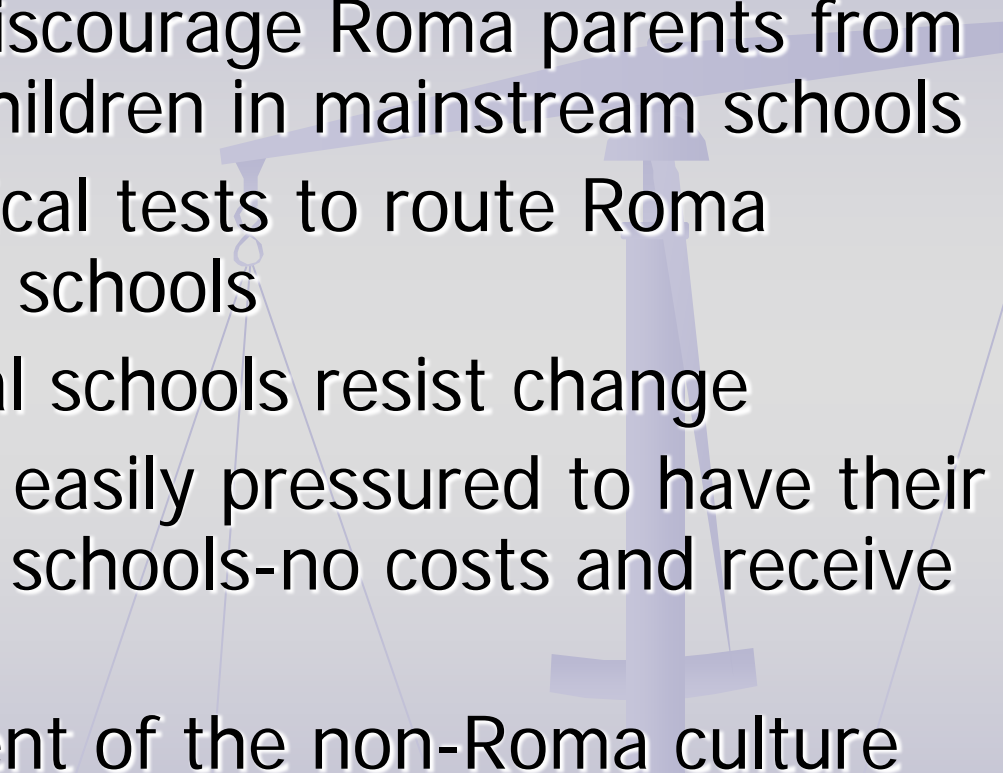
- All Council of Europe member states have incorporated the European Convention on Human Rights in their domestic law.
 - These three judgments indicate a failing on the part of the national courts
 - More needs to be done to protect human rights at the national level
- 

Why is it happening?

Combination of poverty, marginalisation, public opposition and government inaction

- no money for good clothes, textbooks school meals
- No transport- problem of spatial segregation
- Roma children bullied by the non-Roma children and ignored by the teachers
- bad health

Why is it happening?

- School directors discourage Roma parents from registering their children in mainstream schools
 - Flawed psychological tests to route Roma children to special schools
 - Teachers in special schools resist change
 - Roma parents are easily pressured to have their children in special schools-no costs and receive allowances
 - Parents are diffident of the non-Roma culture
- 

Why is it happening?



Ms Viktoria Mohacsi, former Hungarian European parliamentarian sums it up as follows:

« The Education Ministry won't monitor segregation and won't enforce the law »

« There is huge resistance to it from Hungarian parents, the police, local authorities.. »

How can we stop it?

Two important considerations

1. Issue of schooling linked with other social factors

- Efforts to improve the educational situation of Romani children need to be placed in the wider socio-economic context. The fact that the issue of schooling for children is linked with other factors needs to be taken into account by states when developing approaches to improve Roma educational opportunities »

OSCE report on the situation of the Roma and Sinti in the OSCE area, 2000

- « need for a holistic approach, in particular in the fields of healthcare and housing... »

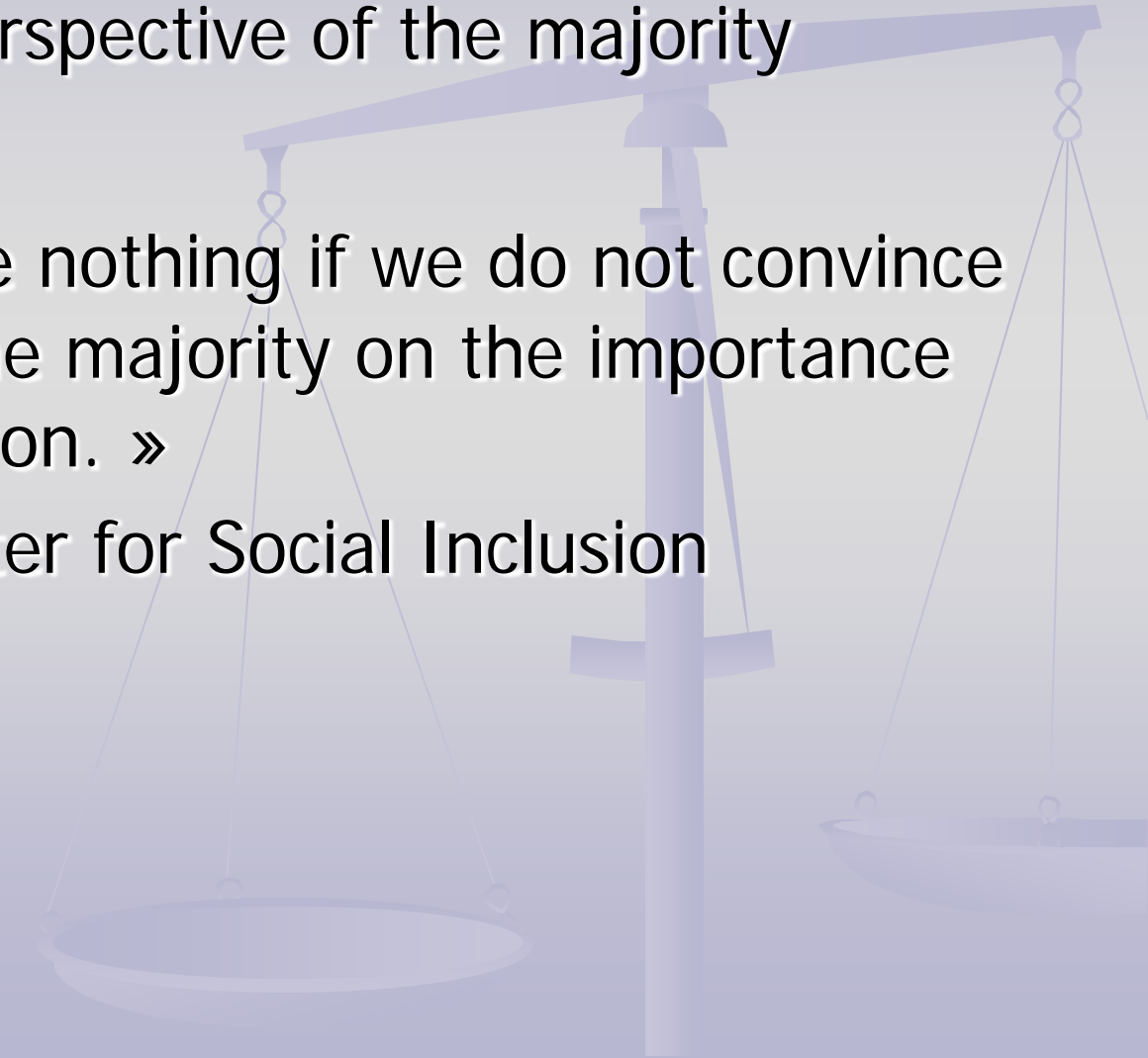
Rec.(2009) 4 on the education of Roma children in Europe

How can we stop it?

2. Changing the perspective of the majority

« We can achieve nothing if we do not convince at least part of the majority on the importance of Roma integration. »

Zoltan Balog, Minister for Social Inclusion



A Dialogue for understanding and empowerment

The Council of Europe High Level Meeting
on Roma, Strasbourg, 20 October, 2010 -

The Strasbourg Declaration

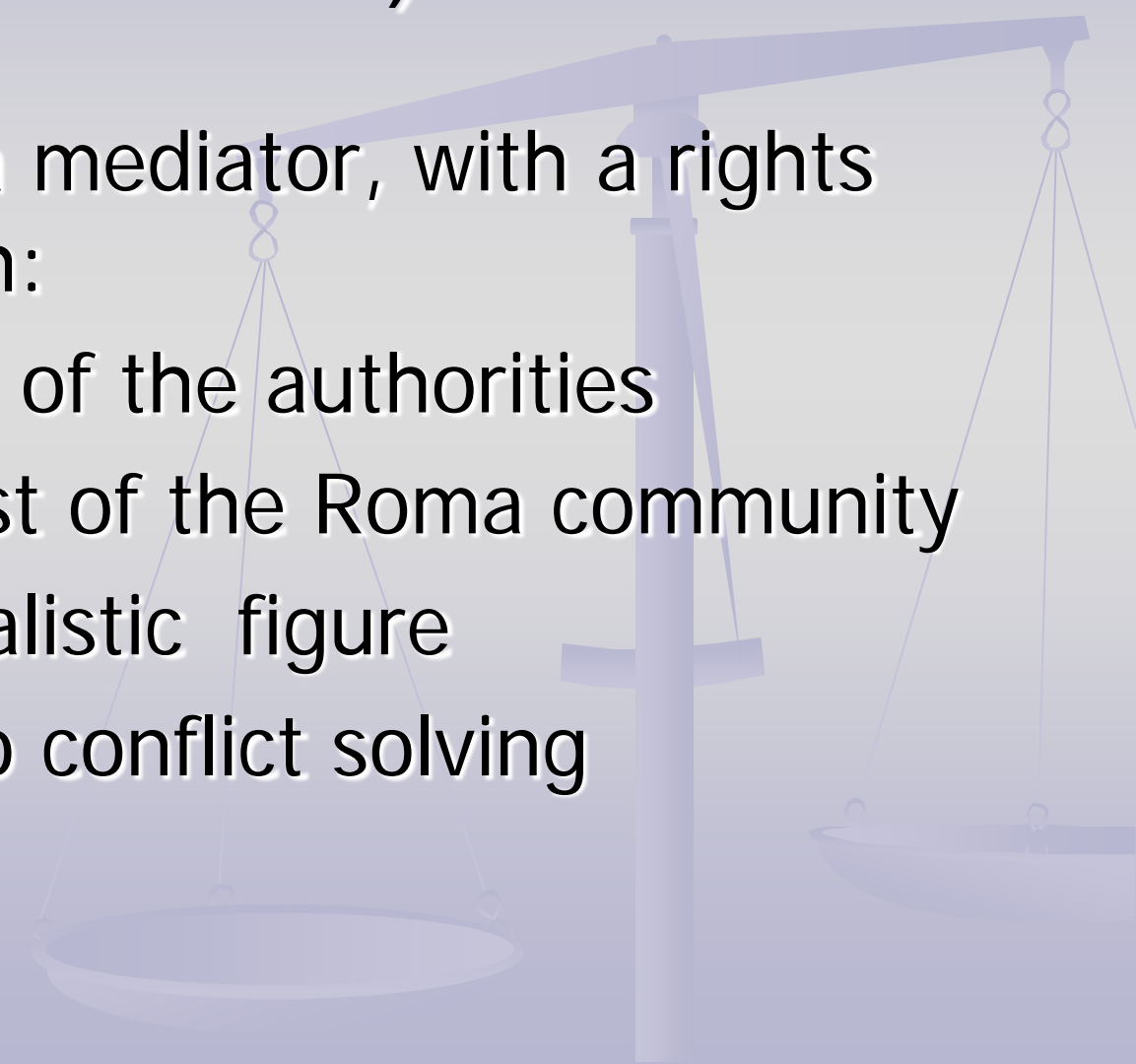
- define the priorities
- take immediate practical measures



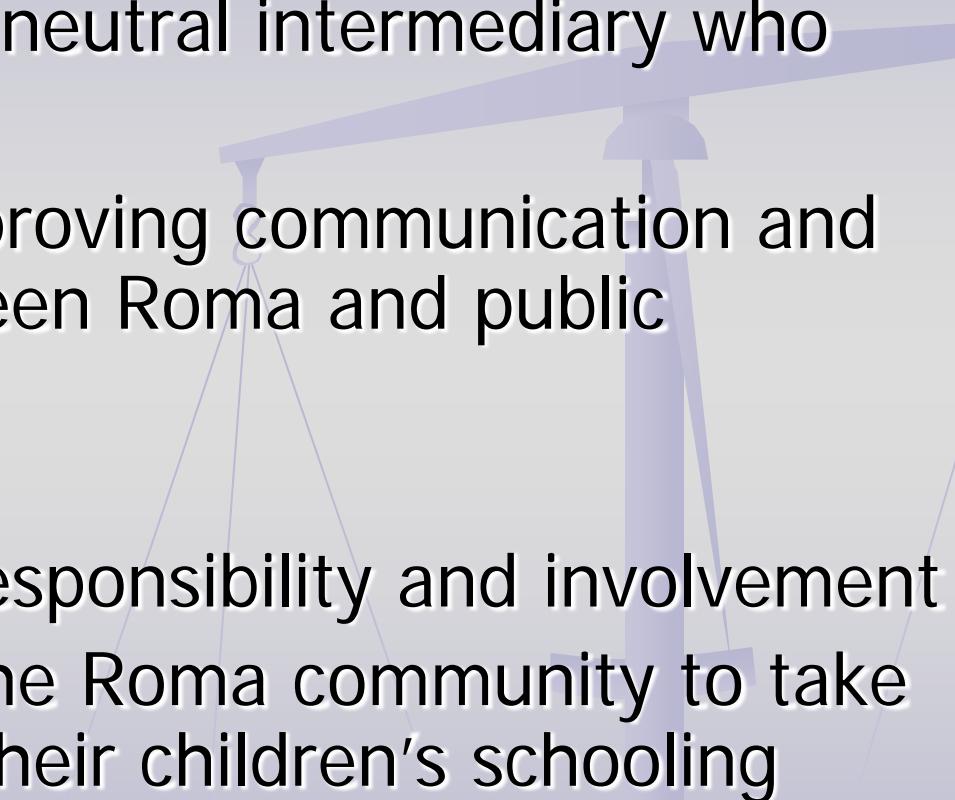
The Roma Mediators Training Programme (ROMED)

New concept of a mediator, with a rights based approach:

- not an agent of the authorities
- not an activist of the Roma community
- not a paternalistic figure
- not limited to conflict solving



The Roma Mediators Training Programme (ROMED)

- The mediator is a neutral intermediary who
 - assists in improving communication and cooperation between Roma and public institutions
 - stimulates responsibility and involvement
 - empowers the Roma community to take responsibility for their children's schooling
- 

The Roma Mediators Training Programme (ROMED)

Tools of the Programme

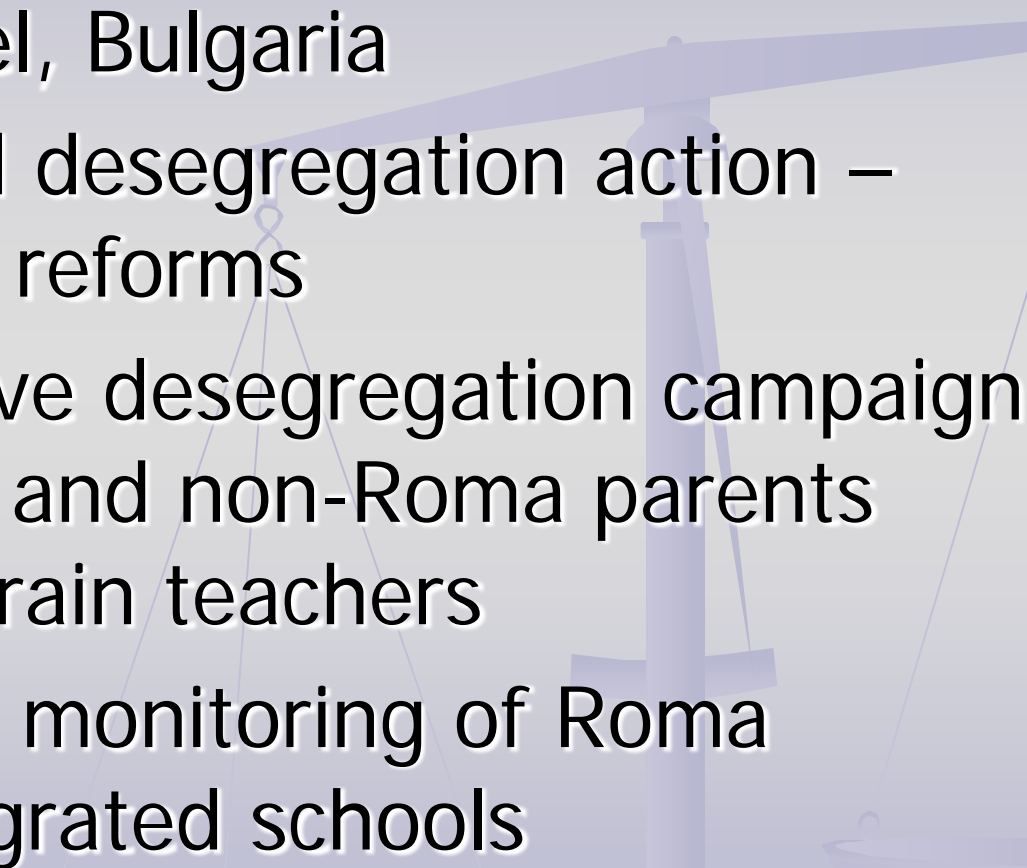
- a Framework curriculum
- a European code of Ethics for Mediators
- a pool of trainers

First group of beneficiaries:

Bulgaria, Czech Republic, France, Germany, Greece, Hungary, Italy, Moldova, Romania, Serbia, Slovakia, Spain, »the former Yugoslav Republic of Macedonia », Turkey, Ukraine.



VIDIN – an example

- The Vidin model, Bulgaria
 1. Romani-led desegregation action – provide faith in reforms
 2. All-inclusive desegregation campaign - involve Roma and non-Roma parents and students; train teachers
 3. Constant monitoring of Roma children in integrated schools
- 

Conclusion

- Establish a dialogue between Roma and non-Roma parents and children, teachers and local authorities.

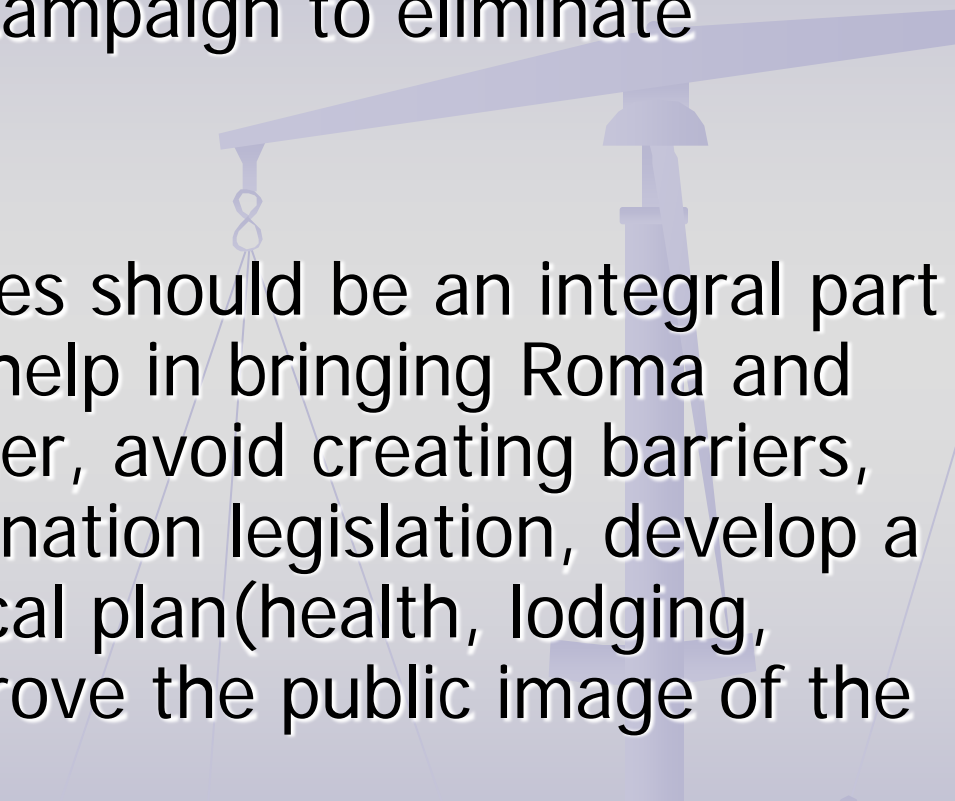
Declaration of Ms Androulla Vassiliou, European Commissioner for Education, Culture, Multilingualism and Sport at the meeting of Education Ministers (20 May, 2011)

« As a concrete contribution to help deal with the profound educational problems of Roma children, I want to inform you of my intention to launch, jointly with the Council of Europe a programme to train, over the next three years, 1000 Roma people as mediators. The aim is that they should work to bridge the gaps that exist between Roma children, families and communities and the schools and other services which are meant to serve their needs. »

Conclusion

- Empower Roma to stand up for their rights- resist pressure, insist on their rights
- Influence them in exercising responsibility in the education of their children – have trust in the education system, realise the importance of education for both girls and boys, stop early marriages

Conclusion

- Use the DOSTA! Campaign to eliminate prejudices.
 - The local authorities should be an integral part of the dialogue – help in bringing Roma and non-Roma together, avoid creating barriers, apply anti-discrimination legislation, develop a comprehensive local plan (health, lodging, education) to improve the public image of the Roma
- 

Conclusion

- Undertake educational reforms: introduce and enforce pre-school education, stop giving allowances to families with children in special schools, ensure proper psychological evaluation of children's mental abilities, train teachers in dealing with Roma children

