



Joint Launching Conference

Best Practices for Roma Integration – EU/ OSCE-ODIHR
Promoting Human Rights and Minority Protection in South East Europe – EU/ CoE
Regional Initiative for Inclusive Education – EU/ CoE

27-29 June 2012
Hotel Avala, Budva, Montenegro

BRIEFING PAPER FOR WORKING GROUP 3

“How to approach diversity through inclusive education ?

Contents:

Recommendations made by

1. the Council of Europe’s Committee of Ministers in its monitoring function under the Framework Convention for the Protection of National Minorities (FCNM)
2. the Council of Europe’s Committee of Ministers in its monitoring function under the European Charter for Regional or Minority Languages (ECRML)
3. the European Commission Against Racism and Intolerance (ECRI)
4. the Council of Europe’s Commissioner for Human Rights
5. the OSCE High Commissioner on National Minorities
6. the national Roma seminars conducted by DG Enlargement in 2011

Framework Convention for the Protection of National Minorities

Third Opinion on Albania (2012)

- Intensify the dialogue with persons belonging to national minorities on the opportunities for teaching of and in minority languages and, where appropriate, take the necessary steps to address any shortcomings;
- Ensure that sufficient resources are available for the effective implementation of the National Action Plan 2010-2015 for the Decade of Roma Inclusion; involve effectively Roma in the design, implementation, monitoring and evaluation of the various measures taken by the different authorities to implement activities in the priority areas of education, employment, health, and housing within the framework of this Action Plan.
- Step up efforts to support initiatives aimed at protecting, preserving and developing the cultural identity and language of minorities;

Second Opinion on Albania (2008)

- Address the existing shortcomings in the field of minority language education, textbooks and teacher training; ensure the effective consultation of representatives of national minorities in those fields.

Second Opinion on Bosnia and Herzegovina (2009)

- Take resolute steps to counteract the worrying trend towards increased school segregation of pupils along ethnic lines;
- Strive to give national minorities more substantial support on a regular basis with a view to preserving and developing their cultural heritage and languages

Third Opinion on Croatia (2010)

- Put, without further delay, an end to the continued segregation of Roma children in schools and redouble efforts to remedy other shortcomings faced by Roma children in the field of education.

Second Opinion on Serbia (2009)

- Expand opportunities for minority language education, including by addressing the needs expressed by the Vlachs and other national minorities and review the current optional character of minority language teaching in consultation with national minority representatives;
- Address the issue of recognition of diplomas from educational institutions from the region in a comprehensive way and take measures to tackle the problems of delay and complexity of procedure which have been identified;
- Ensure that measures to be taken in the context of the future National Strategy on Roma are given adequate support by both central and local authorities in order to eliminate obstacles to the participation of the Roma in employment, housing, health and education;

Third Opinion on “the Former Yugoslav Republic of Macedonia” (2011)

- Develop urgently and implement appropriate and targeted policies to address the problems confronting Roma in the field of employment; allocate adequate resources to address the situation of Roma with regard to housing, education, and access to health care and the particular needs of Roma women;
- Undertake further measures to promote tolerance, mutual understanding, respect and intercultural dialogue, and further measures to combat prejudice towards persons belonging to national minorities, including through the effective implementation and monitoring of the laws adopted to implement the Ohrid Framework Agreement; create opportunities for interethnic dialogue in all spheres of life, in particular aiming to involve in joint activities children and young people living in ethnically-mixed areas;
- Make sustained efforts to ensure access to preschool education for all Roma children and guarantee that the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of the groups; raise awareness of teachers on Roma culture and provide those working in areas with substantial numbers of Roma with more adapted training.

Second Opinion on Kosovo (2010)

- Ensure that the conditions for safe and sustainable returns of persons belonging to minority communities, notably in areas such as security, housing, social protection, education and access to property, are put in place without delay;
- Continue to provide education in minority languages and increase efforts to ensure equal access to education for all persons belonging to minority communities; take measures to provide a balanced and pluralistic approach to the teaching of history with due attention paid to the adequate and effective involvement of minority representatives in the preparation of textbooks;

Increase and strengthen opportunities for persons belonging to minority communities to learn the official languages in order to promote their integration into society;

European Charter for Regional or Minority Languages

Recommendation of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Croatia (2010)

The Committee of Ministers,

Recommends that the Croatian authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. continue efforts to promote awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of Croatia, both in the general curriculum at all stages of education and in the media;
3. improve the system of regional or minority language education to make it more easily accessible;

4. strengthen, and where relevant, introduce the teaching of Slovak, Ruthenian and Ukrainian at all appropriate stages of education in co-operation with the speakers;

Recommendation of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Montenegro (2010)

The Committee of Ministers,

Recommends that the Montenegrin authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

2. take the necessary steps to promote the codification and development of written Romani, in co-operation with the speakers;
3. introduce teaching of the Romani language at pre-school, primary and secondary levels;
4. strengthen teacher training in Albanian, especially for lower and upper secondary level education (third cycle of elementary school and secondary school).

Recommendation of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Serbia (2009)

The Committee of Ministers,

Recommends that the authorities of Serbia take account of all the observations of the Committee of Experts and, as a matter of priority:

1. promote awareness and tolerance in Serbian society at large vis-à-vis the regional or minority languages and the cultures they represent;
2. clarify the status of Bunjevac and Vlach in consultation with representatives of all speakers;
3. introduce teaching of/in Part II languages at primary and secondary levels;
4. strengthen teacher training and provide adequate teaching materials for all regional or minority languages;

European Commission against Racism and Intolerance

ECRI Report on Albania (2010)

62. ECRI recommends that the Albanian authorities take all the necessary steps to ensure that no child is excluded from school for purely administrative reasons; to this end it recommends that they pay particular attention to the due implementation of the provisions permitting Roma children's enrolment in school even without a birth certificate, and refers in this context to its recommendations made elsewhere in this report regarding civil registration. It also recommends that the Albanian authorities ensure that, if a child first attending school has not been vaccinated, the vaccination will be provided rather than the child being banned from the school.

63. ECRI recommends that the Albanian authorities step up their efforts to increase Roma and Egyptian children's participation in all levels of education. In this context it stresses the need to maintain, and possibly reinforce, the financial support measures for the most disadvantaged families; to continue raising parents' awareness of the importance of sending their children to school; to recruit and train teachers and school directors of Roma or Egyptian origin; and to provide special training for teachers to heighten their awareness of discrimination issues and of the needs of Roma and Egyptian children.

64. ECRI again recommends that the Albanian authorities ensure the implementation at local level of the measures developed under the National Strategy for Improving the Living Conditions of the Roma Community in order to increase the participation of Roma children in all levels of education. It underlines the importance of enabling the involvement of Roma organisations at local level in the development and application of measures suited to their community's needs.

65. ECRI recommends that the Albanian authorities speed up the establishment and support the operation of pre-school facilities enabling Roma children to improve their proficiency in the Albanian language before they enter primary school; it also invites the Albanian authorities to support the implementation of non-governmental initiatives that have given good results in this field. 66. ECRI again recommends that the authorities ensure that there is no discrimination against Roma and Egyptian children in school.

87. ECRI strongly encourages the Albanian authorities to continue their efforts with regard to the registration of children in the civil register and calls on them to take as soon as possible all the necessary measures to ensure that no child of Roma origin is without identity documents.

106. ECRI strongly encourages the Albanian authorities to pursue their efforts to promote education in minority languages and, in this connection, encourages them to reinforce their dialogue with the representatives of the various minority groups concerned so as to find the best solution in each case.

133. ECRI encourages the Albanian authorities to continue and reinforce their efforts to combat the trafficking of children. It strongly recommends that the authorities directly involve representatives of the Egyptian and Roma communities in developing and carrying out measures aimed at combating the trafficking of their children so as to develop effective information and awareness-raising initiatives as well as to devise effective preventive measures.

The three specific recommendations for which ECRI requests priority implementation from the Albanian authorities are the following:

[...] ECRI recommends that the Albanian authorities speed up the establishment and support the operation of pre-school facilities enabling Roma children to improve their proficiency in the Albanian language before they enter primary school; it also invites the Albanian authorities to support the implementation of nongovernmental initiatives that have given good results in this field.

ECRI Report on Bosnia and Herzegovina (2011)

68. ECRI urges the authorities of Bosnia and Herzegovina to put an end to all forms of segregation in public schools, including all forms of monoethnic schools.

69. ECRI urges the authorities to bring to completion as a matter of priority their work to resolve all remaining cases of "two schools under one roof". It emphasises that in so doing, the authorities should ensure not only that these schools are unified administratively but also that pupils are taught together wherever possible.

70. ECRI urges the authorities to strengthen their efforts to remove all other divisive elements from the school system. It refers in particular in this context to the need to provide a neutral learning environment which ensures that all textbooks are free of ethnic bias and that all school premises, names and insignia are also free of ethnically divisive elements.

71. ECRI strongly recommends that the authorities pursue and strengthen their efforts to implement the common core curriculum. It encourages them to continue developing the contents of this curriculum so that it covers an increasing proportion of all subjects taught in schools – including subjects such as history, literature and geography – and serves to foster mutual understanding of and openness to cultural and ethnic differences.

72. ECRI recommends that, as part of their efforts in this field, the authorities ensure that all teachers are trained to work in ethnically diverse classrooms including children belonging to all the different ethnic groups living in Bosnia and Herzegovina.

102. ECRI again urges the authorities of Bosnia and Herzegovina to provide children of minority returnee families with access to education free of political, religious and cultural bias and discrimination, in integrated multicultural schools in their area of return.

123. ECRI recommends that the authorities pursue and strengthen the implementation of the 2004 Action Plan on the Educational Needs of Roma and Members of Other National Minorities. It recommends that they also evaluate in detail the impact of the measures taken to date, in order to ensure that any deficiencies are ironed out and that best practices can be shared.

127. ECRI recommends that the authorities ensure that the necessary financial resources are available to implement the 2004 Action Plan on the Educational Needs of Roma and Members of Other National Minorities and the Action Plan for Addressing Roma Issues in the Fields of Employment, Housing and Health Care. It stresses that to achieve the goals set out in these Action Plans, financial support from all levels of government will be needed, and recommends that the authorities work to ensure that the necessary political support is also present.

140. ECRI again strongly encourages the authorities of Bosnia and Herzegovina to ensure that the provisions of the Law on National Minorities are duly applied. It recommends that they co-operate closely with the representatives of national minorities in this respect and draws the authorities' attention to the particular concerns of representatives of national minorities regarding the need to ensure the visibility of their languages and cultures as well as teaching of and in minority languages.

155. ECRI recommends that the authorities of Bosnia and Herzegovina ensure that compulsory human rights education is extended to all levels of schools Bosnia and Herzegovina. It encourages the authorities to ensure the Education for Peace curriculum is introduced in all schools as soon as possible.

The three specific recommendations for which ECRI requests priority implementation from the authorities of Bosnia and Herzegovina are the following:

[...] ECRI urges the authorities to bring to completion as a matter of priority their work to resolve all remaining cases of “two schools under one roof”. It emphasises that in so doing, the authorities should ensure not only that these schools are unified administratively but also that pupils are taught together wherever possible.

39. ECRI emphasises in particular that the prohibition of direct and indirect racial discrimination must apply to all public authorities and to all individuals and corporations, whether in the public sector or private sector, not only in employment but also in other areas such as education, training, housing, health, social protection, public goods and services intended for the public, public places, the pursuit of economic activity and public services.

75. ECRI strongly recommends that the Croatian authorities ensure that there is no discrimination against ethnic Serbs in access to public sector jobs. It encourages the authorities to conduct investigations when there are allegations of discrimination and to take all the necessary measures if those allegations are confirmed. It also stresses the importance of implementing the constitutional and other provisions providing for representation of the members of national minorities, including ethnic Serbs, in public services such as the police, education and the judicial service.

77. ECRI strongly recommends that the Croatian authorities work out a solution that would enable children from the Serb minority to receive education in Serbian while maintaining contact with and mutual respect towards ethnic Croat children. One solution would be to arrange for joint activities between the children of the two communities, which would also make it easier to teach ethnic Serb children Croatian, which is essential to pursue their education.

84. ECRI recommends that the Croatian authorities pursue and strengthen their efforts to raise schoolchildren's and teachers' awareness of the need to combat racism and intolerance. It strongly encourages all initiatives aimed at fostering mutual respect among children of all ethnic origins.

144. ECRI urges the Croatian authorities to take measures without delay to improve equal opportunities for Roma children in education. It stresses the paramount importance of elaborating a short-, medium- and long-term policy in the matter and providing sufficient funds and other resources to implement this policy. In particular, it should be made easier for Roma children to learn Croatian while also allowing those who so wish to be taught their Romani dialect and Roma culture.

145. ECRI encourages the Croatian authorities to conduct an in-depth investigation into the allegations that segregation is practised between Roma and non-Roma children in some schools and to rapidly take all the necessary measures, where appropriate, to put an end to such situations.

146. ECRI reiterates its recommendation that a study be carried out on the influence of stereotyping and prejudices among teachers, which may lead to low expectations of Roma children. It encourages all measures designed to educate teachers about Roma culture.

38. ECRI recommends that the authorities increase RAE children's attendance at pre-school facilities, to enable them to learn the Montenegrin language before entering elementary school.

42. ECRI strongly encourages the Montenegrin authorities to continue their efforts to support the training and recruitment of Roma assistants and increase their numbers.

46. ECRI urges the authorities to enable the families of the children of school age living at the Konik camp to move into standard housing in different parts of the town or country and place the children in various schools so that they can exercise their right to education under Article 2 of the Protocol to the European Convention on Human Rights.

132. ECRI encourages the authorities to integrate compulsory civic education, including human rights, tolerance and non-discrimination, into the secondary school curriculum and train teachers accordingly.

135. ECRI encourages the authorities to consider establishing a basic syllabus on the history and culture of the six national/ethnic minority communities in Montenegro and providing materials, in close collaboration with the Minority Councils and the Centre for Minority Culture.

ECRI Report on Serbia (2011)

53. ECRI strongly recommends that the Serbian authorities continue and reinforce the training provided to teachers on issues of racism and racial discrimination. ECRI recommends that the Serbian authorities provide all teachers with initial and on-going training on the provisions of the Law on the Foundations of the Education System dealing with equality and non-discrimination. ECRI recommends that the authorities take into account its General Policy Recommendation No.10 on combating racism and racial discrimination in and through school education when implementing these recommendations.

57. ECRI strongly recommends that the Serbian authorities take steps to remove Roma children who are unjustly placed in special schools, that they place them into mainstream schools and improve the selection process in this respect.

58. ECRI recommends that the Serbian authorities combat any discrimination faced by Roma pupils in schools. It recommends that the authorities draw inspiration from its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.

59. ECRI recommends that the Serbian authorities take measures to combat the segregation faced by Roma children in schools by ensuring they are not placed in separate classes. ECRI recommends that the Serbian authorities ensure that Roma children are not placed in Roma only schools.

104. ECRI recommends that the authorities continue to take measures to improve the access of Roma in the Autonomous Province of Vojvodina to education, and that special attention be paid to Roma girls.

ECRI Report on “the Former Yugoslav Republic of Macedonia” (2010)

37. ECRI urges the authorities to tackle the issue of ethnic segregation in the school system. In this connection, it reiterates its recommendations concerning the strengthening of plurilingual teaching at all levels of the education system and the determination and implementation of a deliberate policy of developing common school and extracurricular activities promoting contacts, mixing and interaction between children of all linguistic and ethnic backgrounds.

38. ECRI urges the authorities to continue the activities aimed at removing from school textbooks all content promoting stereotypes, prejudices and intolerance, and to revise the textbooks and curricula so as to include information on all minority groups' contributions to society and ensure that they better reflect society's diversity. It also recommends that they foster pedagogic methods promoting critical thinking by pupils and providing them with the tools they need to identify and react to stereotypes, prejudices and intolerance. In this connection, it draws their attention to its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.

42. ECRI strongly recommends that the authorities intensify their efforts to ensure that all pupils have access to quality education, regardless of their ethnic background. In this connection it draws their attention to its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education, which highlights inter alia the need to ensure compulsory, free and quality secondary education for all.

48. [...] ECRI urges the authorities to end any practice of improperly sending Roma children to educational facilities for pupils with a mental disability, to identify the children concerned and to reintegrate them in mainstream schools and to implement a streaming system which guarantees that only children effectively suffering from a mental disability are guided towards the specialist education sector.

49. ECRI reiterates its recommendation that the authorities take specific measures to improve the situation of Roma in the field of education and recommends that they focus more on improving their access to preschool and primary education. In this connection it urges them to release the funding needed to implement the national action plan for Roma education.

93. ECRI strongly recommends that the authorities resolutely tackle the issue of the children on the street. It suggests that they urgently conduct a study, in cooperation with the non-governmental sector, to determine the precise reasons for this problem and then determine and implement measures to address its root causes.

122. ECRI strongly encourages the authorities to continue integrating civics education into all levels of the education system, developing the teaching of human rights, tolerance and respect for differences and enhancing the efforts to train teachers in these subjects.

The three specific recommendations for which ECRI requests priority implementation from the authorities of "the former Yugoslav Republic of Macedonia" are the following:

[...] ECRI urges the authorities to end any practice of improperly sending Roma children to educational facilities for pupils with a mental disability, to identify the children concerned and to reintegrate them in mainstream schools and to implement a streaming system which guarantees that only children effectively suffering from a mental disability are guided towards the specialist education sector.

Commissioner for Human Rights

Recommendation on systematic work for implementing human rights at the national level (2009)

In their systematic work for implementing human rights member states should:

8. Foster a human rights culture through the full integration of human rights in education and training as well as through awareness-raising using concrete and accessible language. Review curricula and teaching materials and apply participatory learning methods to this effect. Assess and address the needs of public officials and other professionals who deal with the human rights of others to ensure that they have a thorough and up-to-date knowledge of the international standards relevant to their field of competence.

10. Encourage local authorities to develop comprehensive local baseline studies, action plans or similar documents ensuring regular review of the local situation and coordinated efforts to address human rights challenges. Adequate systems should be established for monitoring the provision of health care, education or social services, whether provided by private or public actors, using the rights-based approach.

13. Develop a target-driven and results-orientated policy to tackle child poverty and to improve educational opportunities for children living in poverty.

14. Ensure and enforce an outright ban on corporal punishment in domestic settings as well as in all institutions for children including schools, hospitals, and detention centres, and denounce such violence against children from the highest authority.

15. Increase human rights education as part of the curriculum. Ensure that schools offer basic information on general health, including information on HIV/AIDS.

16. Take all legislative and procedural steps to regulate the system of birth registration to ensure all children are registered at birth. Authorities may consider, *inter alia*, adjusting or abolishing associated late-registration fees, extending the time limit for initial registration and developing information and contact points particular for isolated or impoverished families.

21. Continue to invest resources in order into delivering non-institutional care homes for persons with mental disabilities. In the interim, continue to improve the quality of service and care in existing facilities, including the human resources for developmental and educational stimuli.

42. Ensure the establishment of mechanisms at the local level to provide continuous and direct contacts among the local authorities, educational institutions and the Roma communities.

61. The Commissioner commends the efforts undertaken so far by the authorities of Bosnia and Herzegovina to improve the situation of the Roma, in particular in relation to the access to adequate education and employment. However, there are numerous shortcomings in practice that need to be seriously addressed and to which adequate solutions should be found. The Commissioner urges the authorities to step up their efforts to implement their action plans to solve the problems of Roma in employment, education, housing and healthcare, in accordance with the Council of Europe Committee of Ministers' Recommendation CM/Rec(2008)5 on *Policies for Roma and/or Travellers in Europe*. The authorities are urged, in particular, to effectively monitor and publish regular evaluation reports on the implementation and impact of their action plans, in line with the above Recommendation.

62. The Commissioner remains concerned by the widespread segregation and discrimination in schools in Bosnia and Herzegovina. The Entity and cantonal authorities are urged to undertake effective measures to end the system of 'two schools under one roof' or mono-ethnic schools, and to introduce a common, core curriculum while respecting the particularities of each constituent people's culture. The Commissioner calls on the authorities to include in the school curricula the language, history and culture of national minorities so that persons belonging to national minorities preserve their languages and culture.

63. In this context, the Commissioner recalls the Council of Europe Parliamentary Assembly Recommendation 1880 (2009) on *History teaching in conflict and post-conflict areas* and reiterates the significant role of history teaching for reconciliation in post-conflict situations, such as the one in the region of the former Yugoslavia. Genuine knowledge of history facilitates understanding, tolerance and trust between individuals, especially the young, and peoples. All countries concerned should realise the vital need to teach history without resorting to one single interpretation of events. The Commissioner stresses that it is only through an open dialogue, knowledge of

the truth and deep reflection that members of post-conflict democracies in Europe may attain social cohesion and preserve their inherent, valuable pluralism.

66. The Commissioner calls on the authorities of Bosnia and Herzegovina to consider revising the social welfare legislation in order to enable equal division of funds between different categories of disabled persons. Further investments should be made to build infrastructure that would make possible disabled persons' access to public premises. Sufficient medical care and educational opportunities should be provided to children with mental incapacities, and the common practice of placing children with mild mental incapacities in special schools should be ended. The authorities' attention is drawn to the pertinent guidelines contained in Recommendation CM/Rec(2010)2 of the Committee of Ministers *on deinstitutionalisation and community living of children with disabilities*.

195. In this context the Commissioner wishes to note that post-war justice and peace call for measures far beyond the necessary criminal proceedings and victims' reparation. He recalls the Council of Europe Parliamentary Assembly's Recommendation 1880 (2009) on *history teaching in conflict and post-conflict areas* and reiterates the significant role of history teaching for reconciliation in post-conflict situations. Genuine knowledge of history facilitates understanding, tolerance and trust between individuals, especially the young ones, and peoples. All countries concerned should realise the vital need to teach history without resorting to one single interpretation of events. The Commissioner stresses that it is only through an open dialogue, knowledge of the truth and deep reflection that members of post-conflict democracies in Europe may attain social cohesion and preserve their inherent, valuable pluralism.

Report by the Commissioner for Human Rights Mr. Thomas Hammarberg following his visit to Croatia (2010)

68. The Commissioner underlines the need for Croatia to establish a permanent reception centre for asylum seekers to strengthen current limited capacities. He also urges the authorities to provide for an adequate support scheme and a special reception facility for unaccompanied/separated children in line with the relevant Council of Europe standards. This particularly vulnerable group of children should be granted accommodation, access to quality education and specific protection from violence and risks of trafficking.

142. The Commissioner wishes to underline that the vast majority of Roma and Travellers in most of the Council of Europe member states, including Croatia, remain in urgent need of effective protection of their human rights. This concerns especially their vital social rights, such as the right to adequate housing and to education.

148. The Commissioner is particularly worried by the de facto very limited access of Roma to education. The rates of completion of primary education by Roma are extremely low. Recalling the judgment of the Grand Chamber of the European Court of Human Rights in the case of *Oršuš and others*, the Commissioner notes the urgent need to improve access to education for Roma children as a particularly disadvantaged group. This is critical for the successful social integration of Roma.

149. Robust measures are required to improve literacy among the Roma population, in particular women and girls, who suffer from the effects of underage pregnancies and early marriages. More efforts should be deployed to ensure pre-school preparation for Roma children and to substantially improve their rates of school completion. The Croatian authorities are also called upon to take measures to improve awareness among Roma parents and their community as a whole on the benefits of education.

150. The Commissioner calls on the Croatian authorities to provide possibilities for Roma children to study also in their mother tongue. Classes and educational material in Romani (and Bajashi) should be supported by the authorities. In this context, the Commissioner encourages Croatia to re-examine its reservation to Article 7,

paragraph 5, of the European Charter for Regional or Minority Languages which results in the non-application of the protective provisions of the Charter to 'non-territorial' languages, so that the Romani language is not affected by this reservation.

155. Finally, noting that human rights education should start early, the Commissioner calls on the Croatian authorities to strengthen their efforts to combat racism and racial discrimination at school, taking into consideration ECRI's General Policy Recommendation N° 10 on Combating Racism and Racial Discrimination in and through School education. Such efforts may well be framed in the national human rights action plan. In this context, the Commissioner encourages the Croatian authorities to translate and disseminate the *Factsheets on Roma History*, prepared by the Council of Europe Directorate General of Education, Culture and Heritage, Youth and Sport (DG IV) in schools.

Report by the Commissioner for Human Rights Mr. Thomas Hammarberg, following his visit to Montenegro (2008)

35. Step-up efforts to create a public sector that is proportionally representative of the population with priority given to government structures, the judicial system, the military, law enforcement, education and local administration.

48. Increase efforts to further develop the system of pre-schooling possibilities for all children especially in rural areas.

Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Serbia (2011)

136. The Commissioner commends the efforts undertaken so far by Serbia to improve the situation of Roma, in particular their access to adequate education and health care. However, there are numerous shortcomings in practice that need to be effectively addressed. The Commissioner urges the authorities to implement their action plans concerning access of Roma to employment, education, housing and healthcare, in accordance with the Council of Europe Committee of Ministers' Recommendation CM/Rec(2008)5 on *Policies for Roma and/or Travellers in Europe*. The authorities are urged, in particular, to effectively monitor and publish regular evaluation reports on the implementation and impact of their action plans, in line with the above Recommendation.

141. The Commissioner commends the adoption of legislation aimed at the protection of the human rights of persons with disabilities. He welcomes the progress achieved so far in the process of deinstitutionalisation of children with disabilities and encourages the authorities to continue these efforts drawing also upon the guidelines contained in the Council of Europe Committee of Ministers' Recommendation CM/Rec(2010)2 on deinstitutionalization and community living of children with disabilities.

143. The housing segregation of disabled university students should be remedied.

Report by the Commissioner for Human Rights Thomas Hammarberg on his visit to "the Former Yugoslav Republic of Macedonia" (2008)

43. Take comprehensive measures to increase the attendance of Roma children in school and to prevent their drop-out.

44. Ensure the inclusion of Roma children in pre-school education and of Roma girls in education at all levels.

47. Include a legal obligation for employers, teachers and other duty-bearers to take reasonable action to resolve the problems persons with disabilities face due to an inaccessible environment.
64. Tackle the high drop-out rate between primary and secondary school, including with measures to reduce costs for transport, textbooks, uniforms and other obstacles preventing children to continue secondary education.
65. Examine possibilities to expand the scope of pre-school education to ensure that children are better prepared for school, especially in rural areas, and to increase school attendance.
66. Ensure regular opportunities for interaction between students from different ethnic groups to foster mutual respect and understanding between ethnic and cultural groups.
67. Adopt a legal ban on all forms of corporal punishment.
68. To consider other measures to prevent such violence guided by the principles to protect and support the victims and to punish the perpetrators.

OSCE High Commissioner on National Minorities

Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (2008)

II. State obligations regarding persons belonging to national minorities

6. States should respect and promote the rights of persons belonging to national minorities, including the right freely to express, preserve and develop their cultural, linguistic or religious identity free from any attempts at assimilation against their will.
8. States should not unduly restrict the right of persons belonging to national minorities to establish and maintain unimpeded and peaceful contacts across frontiers with persons lawfully residing in other States, in particular those with whom they share a national or ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

III. Benefits accorded by states to persons belonging to national minorities abroad

9. States may extend benefits to persons residing abroad, taking into account the aforementioned principles. Such benefits may include, inter alia, cultural and educational opportunities, travel benefits, work permits and facilitated access to visas. They should be granted on a non-discriminatory basis. The State of residence should not obstruct the receipt or enjoyment of such benefits, which are consistent with international law and the principles underlying these Recommendations.
10. States should refrain from taking unilateral steps, including extending benefits to foreigners on the basis of ethnic, cultural, linguistic, religious or historical ties that have the intention or effect of undermining the principles of territorial integrity. States should not provide direct or indirect support for similar initiatives undertaken by non-State actors.
12. States may offer assistance to support education abroad, for example, with regard to textbooks, language training, teacher training, scholarships and school facilities. Such support should be non-discriminatory, have the

explicit or presumed consent of the State of residence and be in line with applicable domestic and international educational standards.

The Hague Recommendations regarding the Education Rights of National Minorities (1996)

The spirit of international instruments

- 1) The right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language.
- 2) In applying international instruments which may benefit persons belonging to national minorities, States should consistently adhere to the fundamental principles of equality and non-discrimination.
- 3) It should be borne in mind that the relevant international obligations and commitments constitute international minimum standards. It would be contrary to their spirit and intent to interpret these obligations and commitments in a restrictive manner.

Measures and resources

- 4) States should approach minority education rights in a proactive manner. Where required, special measures should be adopted by States to actively implement minority language education rights to the maximum of their available resources, individually and through international assistance and cooperation, especially economic and technical.

Decentralization and participation

- 5) States should create conditions enabling institutions which are representative of members of the national minorities in question to participate, in a meaningful way, in the development and implementation of policies and programmes related to minority education.
- 6) States should endow regional and local authorities with appropriate competences concerning minority education thereby also facilitating the participation of minorities in the process of policy formulation at a regional and/or local level.
- 7) States should adopt measures to encourage parental involvement and choice in the educational system at a local level, including in the field of minority language education.

Public and private institutions

- 8) In accordance with international law, persons belonging to national minorities, like others, have the right to establish and manage their own private educational institutions in conformity with domestic law. These institutions may include schools teaching in the minority language.
- 9) Given the right of persons belonging to national minorities to establish and manage their own educational institutions, States may not hinder the enjoyment of this right by imposing unduly burdensome legal and administrative requirements regulating the establishment and management of these institutions.

10) Private minority language educational institutions are entitled to seek their own sources of funding without any hindrance or discrimination from the State budget, international sources and the private sector.

Minority education at primary and secondary levels

11) The first years of education are of pivotal importance in a child's development. Educational research suggests that the medium of teaching at pre-school and kindergarten levels should ideally be the child's language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.

12) Research also indicates that in primary school, the curriculum should ideally be taught in the minority language. The minority language should be taught as a subject on a regular basis. The official State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Towards the end of this period, a few practical or non-theoretical subjects should be taught through the medium of the State language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.

13) In secondary school, a substantial part of the curriculum should be taught through the medium of the minority language. The minority language should be taught as a subject on a regular basis. The State language should also be taught as a subject on a regular basis, preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Throughout this period, the number of subjects taught in the State language, should gradually be increased. Research findings suggest that the more gradual the increase, the better for the child.

14) The maintenance of the primary and secondary levels of minority language education depends a great deal on the availability of teachers trained in all disciplines in the mother tongue. Therefore, ensuing from their obligation to provide adequate opportunities for minority language education, States should provide adequate facilities for the appropriate training of teachers and should facilitate access to such training.

Minority education in vocational schools

15) Vocational training in the minority language should be made accessible in specific subjects when persons belonging to the national minority in question have expressed a desire for it, when they have demonstrated the need for it and when their numerical strength justifies it.

16) The curriculum of vocational schools providing training in the mother tongue should be devised in a way which ensures that, upon completion of these programmes, students are able to practice their occupation both in the minority and the State language.

Minority education at tertiary level

17) Persons belonging to national minorities should have access to tertiary education in their own language when they have demonstrated the need for it and when their numerical strength justifies it. Minority language tertiary education can legitimately be made available to national minorities by establishing the required facilities within existing educational structures provided these can adequately serve the needs of the national minority in question. Persons belonging to national minorities may also seek ways and means to establish their own educational institutions at the tertiary level.

18) In situations where a national minority has, in recent history, maintained and controlled its own institutions of higher learning, this fact should be recognised in determining future patterns of provision.

Curriculum development

19) In view of the importance and value that international instruments attach to intercultural education and the highlighting of minority histories, cultures and traditions, State educational authorities should ensure that the general compulsory curriculum includes the teaching of the histories, cultures and traditions of their respective national minorities. Encouraging members of the majority to learn the languages of the national minorities living within the State would contribute to the strengthening of tolerance and multiculturalism within the State.

20) The curriculum content related to minorities should be developed with the active participation of bodies representative of the minorities in question.

21) States should facilitate the establishment of centres for minority language education curriculum development and assessment. These centres could be linked to existing institutions providing these can adequately facilitate the achievement of the curriculum related objectives.

Recommendations made at the National Roma Seminars conducted by DG Enlargement in 2011

Cross-cutting issues – general recommendations

Roma should participate in the design, implementation and monitoring of Roma Action Plans and Programmes. Their role in decision-making should be enhanced. The position and the needs of Roma women and girls should be considered.

2. Education

Measures to ensure school attendance, including such as free and simplified registration, awareness campaigns and the effective attendance monitoring should be adopted. Those measures should target children who either enrolled or never did;

The MNE authorities will ensure better recruitment of Roma teachers and Roma teacher assistants in schools (pre-school, primary and secondary education) in the areas with the most important Roma population. Applicable to the region;

Serbia specific: Key policies in place: 175 pedagogical assistants have been trained and employed. About 200 additional Roma assistants would be employed in the coming years. How many were additionally employed in 2012?

fYRoM specific: In line with the national Strategy for Roma the project on mentors and pedagogical assistants should be implemented. A solution to enable their presence inside schools should be found before the 2011-2012 academic year. Has it?

The issue of increasing number of street children must be addressed as a key priority by the relevant ministries. New transit centre, offering day/night care will be created. Was it?

The Government's Strategy (in MNE) for Early Learning and Pre-school Education, will be properly implemented, including as regards the enrolment of Roma children in pre-school system. In the region there is a need to develop further early childhood education;

Pre-school fees waived;

The Roma children will not be segregated in education. Relevant awareness-raising/trainings will be carried out with teachers and non-Roma population;

fYRoM specific: The manual on anti-discrimination in education, published by the MoES should be more extensively used along with the strengthened measures for desegregation in schools;

Kosovo specific:* Municipalities should fight against prejudices and discrimination in schools, notably by organizing workshops for teachers in the schools;

Further efforts will be done to address the drop-out issue, including through actions by NGOs and the Roma Minority Council with the parents who bear also a responsibility in this context (could be one of the criteria for disbursement of economic aid);

Comprehensive measures to decrease the number of Roma students in special needs classes or schools need to be adopted;

Further assistance should be provided to Roma youth who undertake university studies, among others through an effective implementation of the existing quota;

Roma students will be paid scholarships on time and provided textbooks and meals (meals BiH specific). (Relevant throughout the region)

fYRoM specific – but applicable in the region: The budget distribution from the central to the municipal level should be made according to the number of students (principle 'Money follows the child') instead of fixed amounts related to the number of education facilities;

Adult education, "second chance" learning, literacy courses will be further developed for Roma parents and young people;

fYRoM specific: Projects on adult education will be developed and the Centre for Adult Education will start its activities before the end of 2011-2012 academic year. Any new project developed?

Education and literacy courses will be further developed for Roma adults;

BiH specific: Programmes to reinforce linkages between the education sector and the labour market, and to empower young people, will be intensified (vocational training);

Improvement of monitoring and evaluation in the education system for efficiency and quality of services for all children. (Region);

Reports will be sent on time by the Ministry, schools etc, in order to have more data, to monitor attendance, etc. (Region);

Roma successful individuals will be used as role models for better integration of other children (promoting and helping them);

fYRoM specific: The multi-ethnic character and curricula of the new high school in Shuto Orizari under construction shall be ensured. Has it been opened yet? Is it multi-ethnic?

Kosovo specific:* The Ministry for Education, Science and Technology and the municipalities should implement the Romani curricula as of September 2011 and distribute the relevant textbooks. Romani curricula teachers should be adequately trained. Has this happened?

Kosovo specific:* Tailor-made training including language and literacy courses for Roma pupils and adults should be provided. Has this been initiated? Who should do this?