

STRATEGIES TO COMBAT SEGREGATION OF ROMANI CHILDREN IN SCHOOLS

*Case studies in Bulgaria, Croatia, the Czech Republic,
Greece, Hungary, and Romania*

Research Report Digest



FRANÇOIS-XAVIER BAGNOUD CENTER FOR HEALTH AND HUMAN RIGHTS

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About the FXB Center at Harvard

The FXB Center for Health and Human Rights at Harvard University is an interdisciplinary center that works to protect and promote the rights and wellbeing of children, adolescents, youth and their families trapped in extreme circumstances throughout the world. The Center pursues this goal by conducting and supporting research, advocacy, and targeted action.

About the report

The *Strategies to combat segregation of Romani children in schools* report was commissioned to the FXB Center by the Roma Center for Social Intervention and Studies (Romani CRISS) as part of the DARE-Net project (Desegregation and Action for Roma in Education Network).

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Glossary/Abbreviations

CEE	Central and Eastern Europe
CFCF	Chance for Children Foundation
CHC	Croatian Helsinki Committee for Human Rights
DARE-Net	Desegregation and Action for Roma in Education Network
EC	European Commission
EU	European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ERRC	European Roma Rights Centre
ETA	The Hungarian Act on Equal Treatment and the Promotion of Equal Opportunities
EUMAP	European Union Monitoring and Advocacy Program of the Open Society Institute
FRA	Fundamental Rights Agency
FXB Center	François-Xavier Bagnoud Center for Health and Human Rights
GHM	Greek Helsinki Monitor
Harvard Chan School	Harvard T.H. Chan School of Public Health
IDEKE	Institute of Adult Continuing Education, Greece
MEP	Member of the European Parliament
MSES	The Ministry of Science, Education and Sports, Croatia
NCCD	National Council for Combating Discrimination, Romania
NERC	National Expert and Rehabilitation Committee, Hungary
NGO	Non-governmental organization
NPR	National Program for the Roma
OEDC	Organization for Economic Development and Cooperation
OSCE	Organization for Security and Cooperation in Europe
ODIHR	Office for Democratic Institution and Human Rights
PEA	Hungarian Public Education Act
RED	Racial Equality Directive
REF	Roma Education Fund
Romani CRISS	Roma Center for Social Interventions and Studies
UNDP	United Nations Development Program
SEN	Special Educational Needs

I. Introduction

In *Strategies to combat segregation of Romani children in schools*, the François-Xavier Bagnoud (FXB) Center for Health and Human Rights analyzes the interventions employed by civil society organizations active in six EU countries to push and/or support the state institutions in developing and implementing measures to prevent and stop segregation of Romani children in schools.¹

The report presents six case studies summarizing findings based on an in-depth literature review and from conversations with communities, experts, and stakeholders in Bulgaria, Croatia, Czech Republic, Greece, Hungary and Romania. This report reviewed and synthesized the work of Integro in Bulgaria, the European Roma Rights Centre (ERRC) and the Croatian Helsinki Committee in Croatia, the ERRC and the Chance for Children Foundation (CFCF) in Hungary, Life Together in the Czech Republic, and the Roma Center for Social Intervention and Studies (Romani CRISS) in Romania. In Greece, in particular, we focused our analyses on the work conducted by four academic centers. The scope of the report was to focus primarily on the project partners' work. Therefore, one limitation of this report is its omission of other desegregation initiatives that exist in the region.

Our partners' work included development of an institutional framework that includes anti-segregation laws, bills, and policy measures; teacher training on human rights and diversity; implementation of social interventions at local level with the participation of the communities; and strategic litigation.

From a policy perspective, alone, each solution proposed by these organizations has limitations, unless it is backed up with measures suggested by the other case studies. Nevertheless, put together, the approaches highlighted in the report are pieces of the same mosaic of an effective desegregation effort, are interconnected and essential to achieve desegregation and better quality of education. In addition, effective social development measures and stronger political will should be considered as preventive tools for segregation and for moving towards a more a holistic and substantial Roma inclusion agenda.

Each case study follows a particular initiative to combat or prevent segregation used by an NGO or university, based on the organization's profile and experience. Using an array of developmental and human rights approaches, the organizations we worked with succeeded to advance significant desegregation changes. The case studies describe the work that has been conducted to push for changes in policy, legislation, curricula, and/or practice in political and societal environments that have been resistant to change.

In the report, we look at achievements and shortfalls, but we also propose ways forward to make desegregation a reality in the Central and Eastern Europe (CEE) region. In addition, we bring evidence-based data regarding the outcomes that segregation imposes on young Romani children.

¹ In the case study report, we differentiate between *segregation of Romani children in special schools*, *Roma-only schools*, and *Roma-only classes*.

II. Desegregation: Challenges and Obstacles

Segregation of Romani children in education persists and alters preschool, primary, and lower secondary education continent wide. Amongst the factors that push different forms of segregation, we underline in the report, the role of school representatives, parents, law and policy gaps and errors. Complex, and often interlinked, obstacles obstruct the implementation of recent laws and policies targeting desegregation.

Parents and advocates we met with described segregation itself as a key obstacle to ensuring that Roma complete mainstream quality education. Indeed, according to FRA, segregation affects 33 percent to 58 percent of Romani children in the Czech Republic, Hungary, Slovakia, and Greece. The European Court of Human Rights (ECtHR) jurisprudence also confirmed the phenomenon in Croatia and Greece, and national courts acknowledged it in Romania.

1. Schools have manipulated legal arguments to justify segregation.

- For instance, schools have often used the minority rights framework as a pretext to form segregated classes.
- In addition, segregation in special schools, particularly, has been driven by powerful financial school incentives in some of the countries included in the report.
- Moreover, gaps in policy formulation, have led to misdiagnoses and placement of Romani children in special schools and classes; discriminatory psychological and pedagogical arguments, flawed and culturally/racially biased testing methods, and poor oversight of the relevant professional bodies have fueled this practice in the countries we visited.

2. Romani parents have often felt powerless to claim their children's rights to an education.

- As learned from the ECtHR jurisprudence, few parents have been accurately informed about segregation and its consequences for their children. The landmark ECtHR desegregation cases have not shown a large participation of the Romani families affected by the phenomenon.
- When the judgments were made, the families who did not benefit from the remedies rightfully claimed that prior to the case they possessed little information and understanding in order to join the complaint.
- Therefore, a key element in addressing segregation is the community and parents' empowerment and involvement.

3. Segregation in education has been motivated by non-Roma prejudice and the desire to exclude.

- For example, people we met with during the field trips expressed the difficulty in addressing the non-Romani parents' attitudes towards Roma, which push segregation in classes and white flight.
- Such practices reduce the interactions between Romani families and their non-Romani neighbors, as well as interactions between their children; in this way, the social networks Romani families can build and rely on become very limited.

4. The ECtHR jurisprudence has not dramatically changed community attitudes towards claiming their rights when discriminated against.

- For instance, families we met in Croatia who were involved in an ECtHR case have become more aware about their rights due to the litigation.
- However, when they were subsequently discriminated against while accessing a public place in their locality, they took no actions against it.

5. At the grassroots level, there does not seem to be full recognition and value of desegregation.

- The absence of a permanent NGO presence at the local level alienates potential plaintiffs.
- Often, in the face of pressure, potential plaintiffs feel they can get no immediate support, which sometimes leads to more violations of rights and additional institutional pressure on the community members, especially the ones who question their measures and actions.
- Currently, only isolated organizations work with community members for better community mobilization and empowerment through campaigns for rights awareness.
- At the national level, only a few human rights organizations, which focus, in part or fully, on Roma rights exist.
- Therefore, the advocacy strength is almost nonexistent and the level of institution accountability is low. At regional level, mostly short-term partnerships have been developed to advocate for desegregation before the European institutions.

6. Civil society organizations have also had various challenges in tackling segregation.

- First, the available finance and the donor goals have narrowed NGOs objectives and activities.
- Second, NGOs interviewed detected their gaps in liaisons between legal action interventions and mobilization and empowerment of communities.
- Third, they have struggled to convince the public that segregation is not a result of apparent neutral policies (indirect discrimination), as underlined in some court decisions, but rather a result of teacher, parent, and peer rejection of Romani children.
- In addition, NGOs noted a lack of leadership around desegregation advocacy and monitoring at the local, national and regional level.

7. NGOs have fought segregation, but with different, sometimes contradictory, tools and approaches.

- These organizations have been involved in ongoing debates not only about desegregation but about strategies to improve the quality of education as well.
- For instance, on the NGOs agenda there has been a debate about the conflict between cultural and human rights. Roma organizations focusing on cultural rights have been arguing more in favor of maintaining a homogenous Roma environment that allows for introduction of Romani elements (e.g. language, history) into the school curriculum. Roma rights organizations have been more supportive of mainstream education, but are concerned with the quality of education in segregated environments and with the discriminatory intentions behind decisions to separate Roma.

- To some extent, in practice, the two options conflict, but both sides agree that in segregated environments the quality of education, the teacher qualifications, and the infrastructure in the Roma schools are lower than in other schools, and they make joint efforts to tackle these issues.
- Moreover, residential segregation has also opened relevant debates amongst NGOs concerning the best methods to offer quality education and remedy discrimination. Some opt for maintaining an ethnically homogenous environment that allows for introduction of Romani elements to the school curriculum. Others are more in favor of combating segregation as a more predictable indicator of better education.
- These debates still continue amongst Romani advocates throughout the region.

In the end, however, despite the intense oppositions and inertia of different stakeholders, organizations and institutions have advanced a lot in creating preventive tools and combating segregation.

III. Practices That Work

Ongoing segregation in schools and classes reveals an institutional failure that may be able to provide some level of literacy, but, almost always, ends up taking away any chance of higher education from the Romani children. During the past decade, NGOs have struggled to identify effective measures that can stop this phenomenon. Their persistent efforts to fight segregation have led to policy and legal changes, as well as greater awareness of the issue. There are some desegregation tactics that have proved effective.

The desegregation efforts of the civil society in the countries we analyzed have been built on several pillars: legal actions, research, pilot projects and community interventions to prevent or combat segregation, and advocacy for policy and legislation changes. The following are the most effective tactics and practices we encountered across the region.

1. Strategic litigation

NGOs have extensively and explicitly used strategic litigation to advance the desegregation agenda and bring about policy and legislative changes. Some of these organizations, such as the ERRC, have been leading forces in the creation of jurisprudence on segregation at the ECtHR level.

In *D.H. and others v. Czech Republic* statistics were accepted as evidence by the ECtHR to prove indirect discrimination and show the discrepancies in treatment of two groups in similar situations.

- *Horvath and Kiss v. Hungary* led to a change of the diagnostic testing system for placement of children in remedial schools and to a decrease of the children diagnosed with special needs.
- *Orsus and Others v. Croatia* led to supportive legislation for integrated schooling, including free access of Romani children to pre-school facilities.
- *Romani CRISS v. Cehei School* led to the adoption of the 2004 Ministerial Notification on Desegregation and led to the approval of the 2007 Desegregation Order.

- In Hungary, through CFCF efforts, the Public Education Act was amended to require towns and villages to prepare equal opportunity action plans and to ensure a balanced distribution of socially disadvantaged children; the per capita financing was introduced and translated into more funds for desegregation.

However, the lack of attorneys interested in taking over Roma cases and/or having enough expertise on human rights or segregation has been a limiting factor for litigation. In addition, a modest number of plaintiffs have been assisted before national courts. A next strategy to be considered by NGOs should be to increase their presence in the communities, partner and raise awareness amongst attorneys and, subsequently, initiate more complaints.

2. Local human rights monitors

- In Romania, the network of human rights monitors formed by young Roma has greatly contributed to the identification and documentation of human rights abuses in order to proceed with litigation and juridical assistance actions. The network has played a key role in identifying cases of segregation and contributing to the whole advocacy effort at a national level on this particular issue. Developing and empowering this network for over a decade has been a great asset of Romani CRISS. The monitors have been working at the local level and have been able to have direct interactions with plaintiffs and institutions, thus allowing them to closely monitor the cases.

In Romani CRISS's case, they may consider transforming this small group of monitors and local organizations into a large and strong network of community monitors involved in case identification and community support during court proceedings.

3. Community strengthening

- For example, Integro works in Bulgaria from the bottom up, focusing on Romani community development and social innovation at the local level to strengthen “the voice of Roma.” Its programs are inclusive – the empowerment of teachers, students, and parents carry equal weight – as well as holistic, recognizing Romani students' needs for both social and material support (e.g. Integro partnered with secondary schools to bolster material support in the classroom, foster parental engagement, and encourage mentoring and peer-networking among Romani and non-Romani students).
- Integro's model of promoting multicultural tolerance derives from a powerful participation model. Peer mentorship networks, for example, are led by students themselves, and students have the autonomy to propose their own agenda.
- Integro's model of civic journalism and debate clubs in secondary education in Razgrad contributed to improvement of Romani adolescents' grades and finishing high schools with better grades and enrollment at university.

This approach has become more and more popular in Roma related work recently; it's one of the indispensable strategies to be considered by advocates, organizations and policymakers, as, clearly follows the policy and law making struggles and achievements.

4. Parental participation

School officials and NGOs, alike, recognize that parents and family are critical for achieving desegregation and better quality of education. Unfortunately, due, in large part, to decades of exclusion from the education system, many Romani parents are not engaged in their child's schooling.

Roma NGOs have taken steps to address this gap:

- For example, in Czech Republic, Life Together works with the Roma community of Ostrava and the surrounding area to promote greater community empowerment, skills development, and counseling for Romani families. The organization runs community centers that offer an extensive set of services, such as professional counseling, financial counseling, legal counseling, and community organizing.
- Life Together also hosts weekly meetings to support participation of both mothers and their children. Led by respected mothers and grandmothers from the community, with the assistance of an external pedagogical expert, the Mother's Clubs help parents share information on the education system and practical schools, as well as learn good practices in caregiving.

5. Local Public sector engagement

- In Bulgaria, the local municipality support in waiving and subsidizing preschool fees resulted in increased enrollment in Tundzha from 69 percent between 2009 and 2010 to 85 percent between 2010 and 2011. The lunch and afterschool program increased the participation at school from 38 percent in 2008 to 85 percent in 2012.
- In addition, the initiative taken by the Sofia Municipality in Bulgaria is a model of participatory community building. The municipality communicated with school directors and headmasters and trained pedagogical teams on creating a supportive educational environment for Romani children. School mediators, consisting of Roma youth educated at the secondary school level, were trained to facilitate communication between teachers and administrators and Romani families, particularly when students missed school. Extracurricular activities for all students, including sports, art and traditional Roma dancing, were made free for Romani students. In addition, Sofia Municipality established "Schools of Inclusion," financed from the municipal budget. Through this sub-program, the municipality funded the transportation of Romani students from Fakulteta into mainstream schools throughout Sofia's five districts.

However, quality of education has to come in the same package with participation at the educational process in order to ensure long-term impact and develop Roma human capital.

6. Teacher and students training in intercultural learning

- The Greek model of teacher preparation on intercultural learning and bilingual education set a unique example in the region. Teachers benefited from training in various pedagogical issues, including interculturalism. They were provided models of diverse teaching with the help of specialized media and new educational materials with the basic purpose to remove the stereotypes against Romani children that are held by the majority of teachers and

education professionals. Nationwide, more than 10,000 teachers were trained in intercultural learning as well as Roma history and culture.

- In Bulgaria, The civic journalism and debate clubs created a platform through which Romani and non-Romani students could socialize on an equal basis. Roma and non-Roma challenged prejudices, formed new friendships and ideas, and visited each other's cities. Parents were also looped into the activities, allowing them to observe their children's accomplishments. To determine longer-term impact, program coordinators maintained strong relationships with participating teachers to assess changes in teachers' attitudes.

Nevertheless, evaluations of such projects need to be conducted in order to learn from such experiences and develop better measures and programs.

7. NGO partnerships

- As an additional example, through its partnership with the Roma Education Fund (REF) in Hungary in 2005, CFCF was able to use REF data to prove before the ECtHR that Romani children were misdiagnosed and placed in special schools.
- The amicus curiae intervention of organizations, such as Human Rights Watch or International Step by Step Organization, in *D.H and Others v. Czech Republic* provided the ECtHR with strong arguments in favor of the Romani children.
- In addition, the Greek Helsinki Monitor, who led *Sampanis and Others v. Greece*, intervened in *Orsus and Others v. Croatia* and transferred its lessons learned and experience with the Court to the Croatian Helsinki Committee.
- The working group established by a group of NGOs in Romania was also the driving force for the adoption of the Desegregation Order.

Overall, these regional partnerships and actions of support constituted key success strategies for the accomplishments in desegregation. Donors and NGOs alike should put more emphasis on such techniques.

8. Advocacy strategies

- Overall, on both the national and European level, their advocacy efforts of the project partners led to milestone policy and legislative gains.
- Similar to other social movements of excluded groups characterized by powerlessness, the solution of Roma movement to segregation in education involved tactical advocacy actions targeting the governments and the schools.
- So far, the Roma movement response to segregation has focused to a minimal extent on protest tactics, but to a larger scale on advocacy for the development of a solid desegregation institutional framework, strategic litigation, creating intercultural schools, and community empowerment. Generally, negotiations, tactics, and political momentum have labeled desegregation attempts in CE region.

In perspective, a more coordinated, collaborative, and proactive approach towards desegregation of NGOs is necessary.

IV. Additional Insights on Policy and Legislative Changes

Although much is to be done in translating laws and policies into desegregation practices, over the last decade, significant gains in policy and legislative changes have been achieved. Governments, motivated by EU accession and/or pushed by civil society and ECtHR judgments, advanced social development and human rights agendas to prevent and combat segregation.

NOTABLE POLICY AND LEGISLATIVE MEASURES

- The Croatian and the Hungarian governments developed relevant early childhood policy measures and programs targeting Romani children or, more broadly, marginalized children. As a result, Hungary has amongst the highest enrollment rates of Romani children at kindergarten. This method is essentially an effective measure to ensure an equal start and prevent segregation, provided it is followed by non-discriminatory actions during the enrollment process in primary school.
- Between 2002 and 2010, Hungarian institutions advanced significantly in adopting unique desegregation and anti-discrimination measures in the region. The changes included the adoption of a national plan, which added on legislative and policy measures, financial support, and a monitoring system to achieve desegregation. The Ministry of Education approved the Decree 57/2002, aiming to achieve integrated and quality education for Roma and other disadvantaged groups and offering guidance and support to schools willing to commit to desegregation. A per-capita financing system for integrated education was part of the decree.
- Romania made some worth mentioning changes, too. Although Romania's Desegregation Order has some limitations, it's a very progressive and beneficial tool in the anti-segregation struggle; it sets a standard in the European educational environment. Romanian education law clearly bans the abusive placement of Romani children in special school since 2011. This achievement is a success of the NGOs advocacy and a relevant indicator of the Romanian legislative progress.
- All countries involved in this case study research aligned their anti-discrimination legislation with the EU RED and other international equality frameworks and conventions. Some of the governments adopted or improved legislation and policy documents to specifically address segregation.
- In 2014, the EC took a historic step in challenging the continuity of segregation practices in the Czech Republic by starting pre-litigation proceedings against the member state. The EC announcement that it has started infringement proceedings against the Czech Republic and its potential for the European Court of Justice to consider a breach of the country obligations under the anti-discrimination legislation is without precedent. The EC decision to take infringement proceeding action is a result of the efforts and strategies of the organizations involved in desegregation advocacy in the past decades, including those we analyze in this report.

As the policy and legal framework has been set up in all six countries studies, the next imperative step of the national and local authorities is to coordinate, plan, budget and implement activities committed through policy measures, laws and ECtHR judgments. In this context, NGOs should interchange their efforts and presence between advocating central institutions and strengthening communities and monitoring schools.

V. Policy Shortfalls

Governments have responded to international pressure, including EU accession, by instituting policies consistent with the human rights frameworks. However, in practice, institutions at both local and central levels have experienced critical shortfalls in implementing these commitments: policies and projects have lacked an interdisciplinary/multifaceted approach; targeted Roma measures have not been reflected in mainstream policies; policies have not always been monitored or evaluated. In addition, the quality of education within the school systems has been poor and non-Roma resistance to desegregation linked to prejudice has also been strong.

1. Institutions at the local level have avoided the implementation of desegregation laws and policies.

- For instance, national language deficiency has been portrayed as a strong weakness among Romani children. As a result Roma-only classes have been formed. Nevertheless, this is an institutional gap, as Romani children speak and understand one language—their own—and school should build more upon linguistic and cultural diversity by presenting it as an asset—an added value in the classroom rather than an obstacle.
- International precedents on the education of minority children within mainstream language schools that are respectful of the importance of bilingualism provide a precedent that should be adhered to more closely.

2. Institutions at the national level often neglect the coordination of mainstream measures and Roma-specific measures.

- Targeted Roma desegregation measures have not always been reflected in national governmental programs. For example, targeted Roma policies and measures, such as the Decade Action Plan in Bulgaria (2005 to 2015) do not match Bulgaria's national program for development of school education and preschool upbringing and preparation (2006 to 2015). As shown in the case study, while the decade plan has a clear focus on desegregation, the general education policy does not include the issues underlined in the decade plan and there is no measure for desegregation.
- Such situations need to be addressed by governments in view of better linking mainstream and target policies.
- In addition, implementation of the desegregation measures adopted by governments, as well as the implementation of the ECtHR, CoE, and EC recommendations on desegregation is very slow.
- There are also financial and technical difficulties to implement desegregation.

3. There is very limited accountability of those responsible for segregation and the outcomes [TT1] are very poor.

- For example, in Hungary, between 2006 and 2008, there was a decrease in ethnic segregation due to the policy measures and political support existing from 2002 to 2010. However, Kertesi and Kezdi have found that overall, from 1980 to 2011, segregation has increased.
- In the Czech Republic, the 2007 ECtHR judgment underlined the adoption of new legislation that abolished special schools and provided for children with special educational needs (including socially

disadvantaged children) to be educated in ordinary schools. However, civil society showed that the change only affected the name of the schools from “special remedial” to “practical schools.”

4. There were limited efforts by institutions to conduct formal monitoring and evaluation of desegregation processes.

However, as can be seen throughout the academic research, civil society reports, and jurisprudence, the progress toward desegregation is very slow.

- In Romania, the Desegregation Order stipulates that segregation should be constantly monitored. In doing so, the schools should provide data on segregation and the Ministry of Education should write reports about progress in desegregating schools and classes on an annual basis. However, data on the ethnic composition of classes and schools, or simply the extent of segregation, is not precise, and often inexistent or publicly unavailable. The educational bodies, including the agency responsible for the assessment of the quality of education did not issue monitoring reports, annual reports, or field assessments on the implementation of the order.

5. Quality of education linked to formal teacher training, as a policy measure target, remains a challenge across the region.

- In Croatia, the national program that supports Romani children to enter preschool by ensuring free preschool (no fees, no transportation costs, and food) lacks quality educational programs, and therefore, has a small impact in terms of performance. During our interviews with representatives of institutions, some looked at the program with skepticism, narrowing the debate to financial investment versus Roma attainment. However, other factors led to poor outcomes such as gaps in formal teacher training, low salaries in the education system, and rampant teacher prejudice against Roma.
- In fact, all across the region, such factors contribute to poor quality of education for all children in mainstream and segregated schools, and prejudice adds on discrimination and bullying against Romani children.

6. Language deficiencies

- There is insufficient formal teacher training on bilingual education and language deficiencies. In addition, using teacher assistant/school mediators as translators in the classroom, lead to a segregated microenvironment and make a clear differentiation between Romani and non-Romani children.
- For example, in Croatia, the educational system is not adequately equipped in terms of human resources, training, or manuals for bilingual education. The measures designed and implemented by the relevant ministry and local institutions do not aim to teach Croatian and thus provide an authentic bilingual education. The method used is simply translation for Romani children in the classroom, where they are placed in a segregated microenvironment to benefit from this service given by a Romani teacher assistant.
- Moreover, in all countries visited, Romani children who enrolled at school without a good knowledge of the official language were often left behind or pushed out of school.

7. There is resistance to desegregation from teachers, non-Romani parents, and regional institutions.

- Prejudice and anti-Roma biases are very strong in all countries visited. Although Roma education has been a priority for most Roma NGOs or state institutions, there have been low investments in targeting prejudice throughout educational contexts—for teachers, Romani and non-Romani children, and parents.
- Until now, little attention has been paid to change perceptions and reduce prejudice against Roma at national level in all countries studied, and this has contributed to the perpetuation of ethnic stigma and, to a great extent, to segregation. Roma history and culture continues to be missing from school materials.
- For instance, in Greece, although the efforts of the Ministry of Education and universities to adopt a more intercultural education must be acknowledged, the majority of Greek educational books still do not include Roma history and culture. This insensitivity to minority representation is not only a challenge for Greek education, but is also understood by many Romani people as a threat to Roma culture and rights.

As shown, there are obvious gaps in law and policy formulation. Nevertheless, most institutions we met with conformed and complied with the international human rights framework. Yet, institutions have not entirely obeyed the human rights framework and much is to be done to decode adopted documents into desegregation practices and court decisions, where required. A stronger drive from the European institutions and the European politicians on desegregation could also make a visible difference. A larger number of empowered advocates, leaders, organizations at local and national level could push more effectively for these basic changes in the communities.

VI. Ways Forward

POLICYMAKERS AT THE NATIONAL LEVEL

A common feature we encountered across the region was the severely deficient implementation of the policies and measures formally adopted. There was a huge gap between governance theory and implemented praxis. Changes are urgently needed to address this serious gap. They include more carefully crafted policies in many cases, but then efficient and consistent monitoring mechanisms, effective social development measures rooted in relevant neighborhoods, well trained and incentivized human resources, and overall educational measures aiming for a more welcoming society.

1. Policymakers can and should take urgent steps to ensure widespread desegregation outcomes.

- First, as most national and European institutions prioritize Roma education as a means for social inclusion, the focus on desegregation should be clearer in the policy papers.
- Secondly, policies should be reconfigured to combine social development and human rights approaches. Human rights approaches focusing on litigation are often reactive and address past injustices. This is important but the strategy needs to be complemented with forward-looking measures that enhance the chances of effective and sustainable desegregation. A range of social inclusion methods should be added to facilitate this sort of “holistic

approach” to the complexities of future Roma desegregation. Roma economic empowerment is obviously a critical starting point. Widespread employment discrimination cannot be ignored when aiming to achieve desegregation and equal opportunities in education.

- Indeed, interlinking formal and non-formal education, to non-discrimination and income generating programs, which could involve entire, extended families, must be part of the solution. Children thrive when their families thrive, children in school are likely to succeed when parents can support and encourage them.
- Economic destitution and pervasive stigma militate against such inclusive aspirations. From a policy perspective, if European and national institutions address education, economic and social inclusion agendas as a concerted plan of action, they are more likely to be successful.
- A necessary condition of this sort of strategic transformation, however, is improved coordination, and budget and accountability lines specifically directed at inter-sectorial interventions.

2. The anti-discrimination framework should be rigorously enforced.

- The policies and legislation in place should not only prohibit Romani segregated classrooms and segregated school buildings, but should also monitor seriously the implementation of desegregation policies at the national level, in each school.
- Equality bodies and other relevant institutions should sanction schools along with the schoolmasters and teachers responsible for such violations. In additions, they can also provide schools with training and support to remedy such practices.
- Parents from all communities of students need to be actively recruited to participate in school monitoring, with special efforts made to make Roma parents welcome and equal players.
- Precedents from countries where school integration across racial or citizen/immigrant divides have been successful should be drawn on.

3. Close the monitoring gaps.

- We recommend that relevant governments conduct and/or commission monitoring and evaluation studies to assess desegregation measures. Again it is critical that Roma themselves participate in the design and implementation of such actions.
- Roma community leaders have a responsibility in this regard to encourage their members to step forward and to make the effort and time for these important civic contributions.

4. Local authorities also play a key role in addressing desegregation.

- Local authorities should be closely involved in planning desegregation initiatives.
- In addition, we recommend local authority support for projects initiated by NGOs and international donors, and efforts by these bodies to ensure sustainability for successful interventions.
- Related to these recommendations, it is clear that better coordination between national and local institutions is required in order to plan activities and budgets in order to fulfill the provisions of the existing regulations concerning desegregation and quality education.

5. Adequate desegregation policy measures should be introduced and backed by specialized human resources in all relevant school districts.

- For instance, higher standards and levels of education should be necessary to become a teacher (e.g. In Finland, impacts in education were maximized when children’s education was provided by teachers holding a masters degree).
- In addition, throughout the region, there is a need for more qualitative teacher training on human rights education and for school based campaigns and projects to tackle prejudice and discrimination.
- Following the now well-established consensus about the development of bilingual education, relevant programs should aim to preserve the Romani language and not solely promote foreign language learning among the majority population.
- Additionally, shifting the social school program (e.g. free lunch, subsidized preschool) towards a need-based approach rather than an ethnic approach could be further explored as an approach to non-ethnicization of poverty by diminishing potential prejudice and ethnic-tensions.
- Again precedents from other initiatives along these lines can provide good precedents and learning opportunities for policymakers involved in promoting Roma educational integration.

6. The welcoming and just school environment to which they are entitled should be created for Romani children.

- We recommend that States include anti-bias and anti bullying education in schools as a recognized part of the curriculum. Some governments have already make formal commitments to these curricular innovations but the regulations are yet to be implemented.
- We also recommend that central elements of Romani history, including slavery as well as the Romani Samuradipen (the Holocaust), be included in the teaching of history and should be part of the mainstream curriculum. Every child should be provided with the opportunity to learn about his or her own history, but the majority population should also have access to information about the history and the social and economic situation of their Romani peers.
- Additionally, we recommend that the authors of school manuals avoid stereotyping Roma in textbooks and teaching materials.
- Schools could usefully organize campaigns to raise awareness, and develop projects to tackle segregation as it affects the dignity, education, and employment of Romani children and youth. Models such as “black history month” in the US or dedicated annual anniversaries for drawing attention to gender related issues provide useful precedents in this regard.

In the long-term, we recommend a reorientation of educational policies, vis-à-vis the Romani community, towards higher expectations and goals for non-discrimination and participation in secondary and tertiary education. During the process of modifying existing National Strategies for Roma in the EU countries, governments should include more measures, better financing, and higher output goals for secondary and tertiary education. We also recommend that governments include young people in the creation of policies that concern their futures in education and employment.

INTERGOVERNMENTAL BODIES

There is still a need for international pressure in order to keep the political commitment of local and national institutions to integrate Romani children into mainstream schools. European Commission, European political parties, FRA, as well as CoE and ECtHR should continue to advance a desegregation agenda in their dealings with states.

1. Political pressure on countries in Central, Southern, and Eastern Europe has substantially decreased, now that these states are full members of the EU.

The EC still has some leverage for dialogue, particularly in regard to EU funding and the use of the infringement procedure. So far, however, it has proven rather shy in making use of these political and legal tools.

- The infringement procedure is not a discretionary tool but rather an obligation that must be initiated by the EC when a violation occurs.
- The EC should monitor and take action when European legislation is improperly transposed or is not respected in practice. Failing to do so would mean failing in its role as the guardian of treaties and ultimately undermine the trust European citizens place in the institution.

2. A challenge remains in implementing the Race Equality Directive (RED), adopted by EU governments but not practiced by local institutions and individuals.

- The EU needs to generate new monitoring and sanctioning mechanisms to ensure proper RED implementation.
- The EU should take urgent and concrete steps to foster the adoption of more courageous implementation strategies by the member states to respect the Race Equality Directive.
- In particular, the infringement procedure against the Czech Republic in 2014 is a singular example. The EC should address all similar cases in all member states, with a special focus on the countries discussed in this report.
- FRA and other institutions and organizations taking responsibility for monitoring the EU Roma Framework should develop clear indicators to monitor segregation, discrimination and bullying in schools. They should also conduct more research analyzing the consequences of stigma and discrimination on Romani children.

3. The impact of ECtHR jurisprudence needs to be amplified by other European institutions to ensure legislative and regulatory change.

- Related to this, the Court's history of modest damages, while well established as an indication of the emphasis on policy rather than financial redress, depends on robust economic follow up by other institutions to ensure that the generational impacts of stigma and segregation are progressively addressed and, going forward, reversed.
- We recommend active engagement by EU and national bodies with the judgments of the human rights court to ensure that the transformative spirit of the findings is reflected in policy and economic measures consistent with the aims of the judgments.

COMMUNITY-SCHOOL COOPERATION

1. Schools and communities should intensify their public communication and community engagement work to enhance the impact of their desegregation efforts.

- This entails moving beyond a narrow focus on mixing the Romani and non-Romani children, important though that is.

- Schools should seriously aim to also address the obstacles that prevent inclusion and diminish opportunities for quality education, by reviewing internal school regulations, stimulating teacher mentorship, participation and encouragement, including through salary related incentives.
 - There is a need for a clear and genuine desegregation agenda at the level of local and national public institutions.
- 2. The potential of teaching assistants and school mediators should be leveraged more fully to close the achievement gap and speed up desegregation.**
- A larger proportion of human resources could be directed toward empowering and informing Romani families on child rights and the consequences of segregation. Such measures should come from the ministries and schools, as these mediators are usually the employees of the public institutions, and many would not dare to challenge segregation without a clear mandate.
 - Where this is not yet the case (and following the good practice of Hungary), local authorities should proportionately employ Roma candidates where possible —mediators, facilitators, and social workers—especially in communities exposed to the risk of ethnic tension.
- 3. Teacher training should include tools to manage teacher interaction with communities and parents, especially in the case of children from disadvantaged or minority groups.**
- Encourage teachers to prioritize and prepare activities that support parents to more actively participate in the education of their children. The involvement of Romani parents in their children’s education is critical to strengthening children’s ability to meet with teachers without feeling fear or shame or a lack of confidence.
- 4. Both community- and school-based actions should be organized to inform, raise awareness, and combat segregation.**
- NGOs and schools should organize regular joint activities for the local community that serve as opportunities for families from different ethnic and social groups to meet and communicate directly.
 - Young people and Romani parents should participate in the design and implementation of such actions that should aim at turning Roma from hesitant, resignedly impoverished parents into informed Europeans demanding rightful treatment for their children.

NGOS AND DONOR COMMUNITY

Roma organizations have used a range of strategies and tactics to initiate litigation and advocacy for policy and legal changes. However, their efforts have been restricted by limited human and financial resources, as well as little to no long-term regional partnerships.

- 1. Though litigation has been one of the most successful desegregation tactics only a few national NGOs in all countries we visited use this tool.**
- Organizations could benefit more from training and mentoring by experienced organizations imparting expertise on litigation tools.

- NGOs could also benefit from more support from donors, including the EC, which would enable them to document and file more complaints of segregation and other forms of discrimination in education and have a greater presence at community level.

2. Regional cooperation has been a valuable asset for Roma NGOs.

- We recommend that the Fundamental Rights Agency and other bodies monitoring the Roma EU Framework further exploit the common indicators for measuring segregation across countries established by the DARE Net partners. These indicators should also be used by NGOs to write shadow reports on governments' implementation of desegregation measures.
- Joint regional NGO monitoring reports on desegregation could strengthen advocacy efforts.
- More broadly, NGOs should move towards joint advocacy strategies and actions across the region, targeting governments, the EU, and other intergovernmental organizations.

3. Donor support is essential at both the local and national level.

- Organizations willing to support the capacity building of Roma civil society could and should, when possible, aim to invest in human rights and desegregation related activities.
- A consistent level of funding from the donor community for the development of a range of approaches and foci for desegregation activity would strengthen work in this area.
- NGOs would benefit from the ability to file more complaints, human rights trainings and capacity strengthening courses would broaden expertise, and consistent engagement with this approach would create a more regular and robust monitoring and evaluation track record.

4. The *restitutio in integrum* principle (remedies for physical and mental harm, lost opportunities in education or employment) has not yet been raised in Roma civil society debates.

At present preventive mechanisms fall sharply under the institutional and civil society radar, as do punitive remedies where segregation has been established. The vast majority of children who have been or are currently segregated have not been the recipients of any sort of remedies. The quality of education they have received is lower than that received by children learning in mainstream schools. The opportunities for competing on the job market are lower, especially for those who have been misdiagnosed and abusively placed in special schools. The latter group is in fact barred from applying by high school, as a result of the inferior curriculum of the early school years.

- We recommend that NGOs, intergovernmental organizations, and individual governments start the process of discussing reparation programs to remedy the consequences of school segregation.
- We recommend consideration of collective reparations in the form of programs, and other financial, moral and symbolic remedies by countries where segregation has a long history and legacy.

Overall, we recommend the introduction of tactical innovations by NGOs in the region to advance a robust desegregation agenda. These innovations should take careful note of political opportunities across the spectrum, from government responses, to opposition interest to NGO capabilities.

Conclusion

In closing, we propose a more coordinated, collaborative, and proactive approach towards desegregation amongst all of the relevant stakeholders discussed above.

- We envisage a developing political environment in which empowered and economically independent Romani parents would refuse to permit the continuing placement of their children in segregated educational environments. Rather they would confidently advocate for their children's rights; therefore, armed with the vigorous human and social capital needed to engage long established privilege and prejudice.
- Non-Romani parents sensitized to minority needs and rights through formal and informal education tools, would be less likely to display explicit biases.
- Well-trained and well-paid teachers guided by serious anti-segregation regional and national school institutions would actively oppose the segregation of Romani children and, where necessary, disobey regulations that mandated continuing discrimination.
- Better-resourced NGOs would significantly expand the scope of their strategic litigation beyond the current very limited number of cases.
- Equality bodies and other national institutions in charge of education and anti-discrimination would be visibly engaged in monitoring and sanctioning segregation.
- Local authorities would be actively engaged in funding Roma rights related initiatives, including desegregation, fuelled by a more active and politically developed Roma community, armed with competent negotiation and leadership techniques. These aspirations would be supported by measures to enhance community organizing capacity and economic empowerment.
- National education institutions and government entities would more proactively combat segregation, if the European institutions more energetically tracked implementation of the anti-discrimination framework within communities and also sanctioned flagrant abuses.
- All these stakeholders have a critical role in shaping a Europe free of discrimination and stigma for the next generation of students, workers and citizens.