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Children's rights in European education. Dilemmas, challenges and implementation regarding Roma children in selected European countries – An introduction

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THEMATIC ARTICLE

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ABSTRACT

The UN Convention on the Rights of the Child (UNCRC) recently had its 30th anniversary. Emerging from the United Nations General Assembly in 1989, it has since become the most ratified international human rights treaty ever. Most European countries ratified it and are thus obliged to ensure the implementation of children's rights in practice. Operationalizing the UNCRC raises practical, conceptual and ethical issues. For example, questions arise concerning children and young people's competence to make autonomous decisions in different social domains, especially in education. There are also debates about children's involvement in dispute resolution and the extent to which rights must always be associated with redress in order to make them meaningful. Clearly, the relationship between the rights of children and young people on the one hand and those of parents and teachers on the other are particularly salient. In addition, challenges may arise in relation to children from the Roma-minority in educational institutions. Article 28 (1) of the UNCRC stresses that "States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity". Nonetheless, Roma students frequently experience multiple forms of discrimination in educational institutions which amplify their

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existing disadvantage. Across Europe, there have been different rates of progress in terms of incorporating aspects of the UNCRC into domestic law and put them into practice in schools and other education institutions, and in many cases Roma children have yet to experience the benefits of enhanced children's rights.

KEYWORDS

Children's rights, Roma children, European education

CHILDREN'S RIGHTS IN EUROPE

The UN Convention on the Rights of the Child (UNCRC) recently had its 30th anniversary. Emerging from the United Nations General Assembly in 1989, it has since become the most ratified international human rights treaty ever. Most European countries ratified it and are thus obliged to ensure the implementation of children's rights in practice.

Operationalizing the UNCRC raises practical, conceptual and ethical issues. For example, questions arise concerning children and young people's competence to make autonomous decisions in different social domains, especially in education. There are also debates about children's involvement in dispute resolution and the extent to which rights must always be associated with redress in order to make them meaningful. Clearly, the relationship between the rights of children and young people on the one hand and those of parents and teachers on the other are particularly salient. Across Europe, there have been different rates of progress in terms of incorporating aspects of the UNCRC into domestic law and put them into practice in schools and other education institutions. This introduction to the special issue provides a brief overview of some of the challenges in ensuring that the rights of Roma children are respected in school, highlighting diverse practices in different nations.

ROMA CHILDREN IN THE EUROPEAN EDUCATION SYSTEM

Additional challenges may arise in relation to children from the Roma-minority in educational institutions. Although Article 28(1) of the UNCRC (1989) stresses that "[s]tates Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity", Roma students usually suffer in education institutions from multiple deprivations (EU-FRA, 2014b; Óhidy & Forray, 2019, 2020).

Roma people are on the one hand the biggest and on the other hand the most disadvantaged minority in Europe (European Union Agency for Fundamental Rights (EU-FRA), 2012, European Union Agency for Fundamental Rights (EU-FRA), 2014a). Although most of them have been living for more than a hundred years in European countries, their situation still differs from that the non-Roma population. They frequently suffer from poverty and social exclusion, which is both a cause and effect of their low level of participation and success in education (EU-FRA, 2014b). According to empirical data, Roma children are less likely to participate in education and have the worst outcomes compared with other minority ethnic groups. The lack of formal qualification impedes their employment and income prospects, but also impacts



negatively on their housing conditions and health, which in turn makes it more likely that they will be excluded from education. This “vicious circle of poverty and marginalization” (Rosinský, 2019, p. 195) negatively affects the lives of Roma children both inside and outside school.

Hence improving educational participation and achievement is a central element of policies to ameliorate the situation of Roma children and their families. To change their disadvantaged situation in education, some European countries have taken determined steps. Natascha Hofmann speaks about the current situation as a “dawn of learning”, because there are more and more policies and programmes to develop attainment and success of Roma in European education (Hofmann, 2020, p. 27). She emphasizes that Roma people have to learn to participate more in education and society, but also members of the major society, non-Roma people, need to learn how to overcome stereotypical thinking, prejudice and anti-gypsyism: “(…) the call for a dawn of learning refers to a general change on structural, institutional and individual levels which forms the basis of reciprocal learning processes of Roma people and other people living in our society” (ibid).

EDUCATION POLICIES FOR ROMA INCLUSION IN EUROPE

The European Union has developed a common strategy to promote the social inclusion of Roma people, and there are a host of policies and projects across diverse European countries. The policy measures of the **Decade of Roma Inclusion** (2005–2015) focused on the following priority areas: health, education, employment and housing. Twelve countries participated in the initiative – Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain –and Slovenia, the USA, Norway and Moldova had an observer status.

The **Roma Education Fund**¹ was financed by the World Bank and George Soros, “to contribute to closing the gap in educational outcomes between Roma and non-Roma, including the desegregation of educational systems in Central and Eastern Europe, especially the countries that have formally joined the Decade of Roma Inclusion” (Surdu & Friedmann, 2013, p. 36).

In 2010, the European Commission’s Roma Task Force emphasized the need for more effective measures for Roma inclusion (European Commission, 2010a). Therefore in 2011 the European Union developed a specific Roma inclusion strategy to improve Roma inclusion and asked its member states to develop national programs to achieve its goals. The **EU Framework for National Roma Integration Strategies up to 2020** (European Commission, 2011) raised the topic of Roma inclusion to the EU level and linked it with the **Europe 2020 strategy** for smart, sustainable and inclusive growth (European Commission, 2010b). The following goals were formulated:

- ensuring that all Roma children complete at least primary school,
- cutting the employment gap between Roma and the rest of the population,
- reducing the gap in health status between the Roma and the rest of the population,
- closing the gap between the share of Roma with access to housing and to public utilities (such as water, electricity and gas) and that of the rest of the population (European Commission, 2014).

¹<http://www.romaeducationfund.org/>.



Despite the great number and diversity of activities designed to increase the attainment of Roma children in European education and to challenge their segregation, results so far are not encouraging (Óhidy, 2020, p. 197). Assessing the impact of the actions taken to date, the EU confirmed an increasing recognition in member states of the need for a tight policy focus on the needs of Roma children. In the document titled *Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on Effective Roma integration measures in the Member States*, it is noted that: “[e]ducation continues to receive the most attention by member states in their integration measures” (European Commission, 2016, p. 10) and confirmed in its *Midterm review of the EU framework for national Roma integration* “the added value of the EU framework, the relevance of EU Roma integration goals” (European Commission, 2017, p. 16). A public consultation on the *EU Framework for National Roma Integration Strategies up to 2020* found that since 2011, there has been no major change regarding the situation of Roma in employment, healthcare, housing and discrimination, but, on the positive side, *there has been improvement in the education situation*. In its survey on the education of Roma children in 11 EU Member States, the European Union Agency for Fundamental Rights (EU-FRA) stated that although the situation has improved for younger age groups, there are still considerable differences in school performance, number of early school leavers, access to school, etc. between Roma and non-Roma students at all levels of the education system (EU-FRA, 2014b). On the negative side the European Commission stressed “the continued need for a combination of targeted and mainstream approaches, whereby targeted measures can help to eliminate barriers to effective equal access for Roma to rights and services in mainstream public policies” (ibid).

The reason for hitherto unsatisfactory results may be attributed to the inconsistent implementation of pro-Roma policies in the member states (O’Nions, 2015; Open Society European Policy Institute, 2017; Ram, 2015). The Evaluation of the *EU Framework for National Roma Integration Strategies (NRIS)*, which analysed the implementation of the National Roma Integration Strategies in Bulgaria, France, Hungary, Italy, Romania, Slovakia and Spain, stated: “the dearth of political will at all levels of national and sub-national government in Member States is hampering the implementation of the objectives laid out in the NRIS and accompanying policy documents” (European Parliament, 2015, p. 9). The European Commission’s report *Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on Effective Roma integration measures in the Member States* 2016 summarized which issues are still current in European education systems. These reports suggested: “[m]ore attention must be paid to offering second chance education and adult learning, facilitating the transition between education levels, including tertiary education. Pursuing active desegregation measures to provide good quality education to Roma children in a mainstream setting should be a priority. Training programmes should correspond to real labour market needs to effectively improve employment prospects” (European Commission, 2016, p. 10).

As a result of these assessments and critical evaluations, the European Commission identified two priority goals for the future: To reinforce and distinguish the anti-discrimination and antigypsyism focus both under the EU Framework and in the national strategies, and to promote Roma participation and especially the empowerment of Roma children, youth and women (European Commission, 2017).



ROMA CHILDREN IN EDUCATION: SOCIAL INJUSTICE AND MULTIPLE DEPRIVATION

Despite of the great number of policy measures to increase their participation, Roma children often suffer from multiple levels of disadvantage in education. They are impeded by discriminatory practices in education, as well as wider social marginalisation. Amnesty International warned: “[i]n countries across Europe [...] Roma are too often treated as second-class citizens. Enduring systematic social exclusion, extremely poor living conditions, racially motivated attacks and forced evictions, Romani children rarely have a fighting chance of progressing in life. They are trapped in a vicious cycle of poverty and marginalization” (Amnesty International 2015, p.1).

One of the biggest problems in most European countries is segregation, not only in education. According to the European Roma Rights Centre segregation of Roma children in education takes different forms, including:

- Segregation in schools or classes for the mentally handicapped;
- Segregation in substandard schools or classes in the mainstream educational system;
- School segregation resulting from residential segregation “Gypsy ghetto schools”;
- Exclusion from the school system;
- Abuse in schools, including racially-motivated physical abuse” (ERRC n. d., p. 2).

The most serious form of segregation in the education system is that Roma children are sent to schools for the mentally disadvantaged, often not because of any intellectual shortcomings, but owing to cultural prejudices among the decision-makers (Amnesty International & ERRC 2017).

Helen O’Nions differentiates between discriminatory and benevolent segregation. While discriminatory segregation is based on ethnic stereotypes, benevolent segregation tries to better address the needs of Roma pupils through separate schooling (O’Nions, 2015, p. 7). O’Nions emphasized that “[e]ducational authorities do not necessarily act with discriminatory intent”, but sometimes refer to the wishes of the Roma parents to justify segregated schooling. Parents may express a wish for separate schooling because of their negative education experience, depressed level of literacy and concern that school education may challenge aspects of Romani culture and family life. In other cases, there are protests from non-Roma parents at attempts to desegregate education. (ibid). Panagiota Gkofa differentiates between “active” and “passive” exclusion of Roma children at schools. Active exclusion is when Roma’s enrolment is actively refused, and passive exclusion is when their physical presence in class is tolerated but the Roma students do not participate in the educational process. As the data shows, some Roma children still attend separate classes and separate types of schools (Gkofa, 2020, p. 53). Roma children often find themselves in the category of social emotional and behavioural difficulties, which is frequently associated with social stigma and increased risk of school exclusion (Riddell & Weedon, 2016).

Because of these multiple forms of discrimination and segregation we can speak about a tension between morality and rationality: On the one hand there is no European country which would decline their right to education, on the other hand there is still racism and discrimination in educational practice regarding Roma children across Europe.



TENSION BETWEEN MORALITY AND RATIONALITY: THE RIGHT TO EDUCATION VERSUS RACISM AND DISCRIMINATION

The right to education is a very important part of human rights. But despite repeated proclamations of equal rights in education and other social domains, there are also still large inequalities in practice. The opportunity to exercise their right to education is for Roma children very limited. The articles in this thematic issue look at these tensions in different European countries, building on their own research.

While all the countries represented in this thematic issue are strongly committed to strengthening children's rights by implementing new education policies, common problems like disadvantage, discrimination, lack of education opportunities, low education attainment, poverty and high school absenteeism and dropout are still faced. However, as Sheila Riddell stresses in her article, "parents' right to withdraw children from school as a legitimate expression of cultural identity" is detrimental to children's right and their right to education. The unequal power relation between adults and children also needs to be addressed and scrutinized. Markéta Levínská and Dana Bittnerová point out in their article that racial bias coupled with lack of education opportunities still hinder the proper development of Roma children in the Czech Republic. Gaëtan Cognard, on the other hand, also stresses the importance of a competency-based curriculum for children of Gypsy, Roma and Traveller (GRT) and Irish Traveller, and the inclusion of these children in the school system through the restoration of trust. Sheila Riddell and Alina Boutiuc-Kaiser highlight the fact that in both Scotland and Germany, the COVID-19 pandemic and its related emergency measures have increased educational disparity and economic and social inequality. Overall, in spite of educational policies in place and commitment to children's rights to education structural, institutional and individual disadvantages still need to be addressed.

Based on their ethnographic research in the *Czech Republic*, [Markéta Levínská and Dana Bitternová \(2021\)](#) demonstrate that although the education system purports to provide equal opportunities for all, in reality Roma children start from such an impoverished position that they are unable to participate on an equal basis. Racial discrimination perpetrated by members of the dominant group is a fundamental problem. Another significant obstacle is poverty and the costs of higher education, which are beyond the financial capacity of poor families. A third obstacle is inadequate knowledge of how the system operates in excluded localities and poor families, so that families are unable to give students adequate support in understanding the rules of the game.

Based on her recent work on children's rights in education, [Sheila Riddell \(2021\)](#) examines the extent to which the rights of Gypsy Roma children in *Scotland* are respected in practice. The Scottish Government is committed to making Scotland 'the best place to grow up and bring up children'. However, as in many other countries, Gypsy/Roma children are frequently excluded from mainstream education and have worse outcomes compared with other ethnic groups. One of the reasons for this may be the Government's confusion with regard to its fundamental objectives. On the one hand, attempts are made to treat Gypsy/Roma as an entirely separate group, justifying exclusion in reaction to the social and cultural preferences of the oppressed group. On the other hand, it is also recognised that, to achieve equitable educational outcomes, there is a need for much closer social integration between Gypsy/Roma and others. Thinking



through these policy tensions will be necessary to promote a situation in which cultural diversity is respected, but without sacrificing educational achievement.

Gaëtan Cognard (2021) focuses on article 28 (right to education), article 29 (goals of education) and article 30 (children from minority or indigenous groups) of the United Nations Convention on the Rights of the Child (UNCRC) and their implementation in the several national policies of Western Europe, especially the **UK** and **Ireland**, and to a lesser extent, France. The present research looked more particularly into the situation of children from two communities: Gypsy, Roma and Travellers (referred to as GRT) and Irish Travellers. Although they are from different backgrounds, the analysis proved relevant because of the bridges that exist between their cultures and lifestyles, and because of their minority status within larger dominant communities, placing their children in the frontline of the UNCRC battle. The text of the UNCRC itself was a starting point. The research was mainly based on a series of reports from governments, from organizations such as the Traveller Movement, on articles from newspapers, and testimonies from GRT children and Irish Travellers. The results showed that the implementation of articles 28 to 30 of the UNCRC was being by and large slowly carried out by the countries under study. Yet, national disparities were evident. Also, their national policies revealed different contexts. Ireland seemed to be paving the way for the inclusion of minorities within the educational system.

Alina Boutiuc-Kaiser (2021), in her article highlights recent developments to strengthen children's rights in **Germany**, focusing on children in vulnerable positions such as asylum-seeking children, children in migration situations and children belonging to an ethnic minority. In defining vulnerable groups in Germany, Roma children and youth are included due to their historical conditions as well as their multiple disadvantages (EU-FRA, 2014b; Óhidy & Forray, 2019, 2020). Based on document analyses and study comparisons, she emphasises that in Germany, although not yet anchored in the Basic Law, a large number of child rights policies are implemented at federal, Länder and local levels in Germany at a satisfactory level. Despite the small improvements that the Roma community has recently experienced, Roma children with and without migration experiences still suffer from multiple disadvantages, deprivations, poverty, low socio-economic status and low levels of education in Germany. Furthermore, the COVID-19 pandemic has exacerbated their vulnerability and increased their economic and social inequality.

CONCLUSION

As we noted earlier, European states have been very keen to sign up to the broad principles of the UN Convention on the Rights of the Child (UNCRC), but practice tends to lag behind policy. In implementing the fundamental principles of the treaty, problems have emerged in relation to children from the Roma-minority in educational institutions. Despite official commitment to equal opportunities for Roma children, and supporting programmes to increase access and attainment, Roma students still suffer from inequalities in education institutions. Material deprivation and stigmatisation have impeded educational rights in practice. This is not only a problem for humanity but also for democratic societies. As Levínská, Bittnerová, & Doubek state: “[t]he right to education is linked to the right to a life story, which would conform to human rights recognized by democratic society” (see their article in this special issue).



The goal of UNCRC regarding the inclusion of Roma children has not been fulfilled to date and much remains to be done to ensure that rights are realised in practice. The European Roma Rights Centre emphasized that “the problem of the systematic denial to Roma of the right to education cannot be overcome without the implementation of comprehensive desegregation programs” (ERRC n. d., p. 1) and defined “international involvement [...] [as] crucial to ensure the real development and implementation in full” (ibid). Implementing desegregation programmes in a bottom-up rather than top-down manner remains a major challenge for all European states.

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