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Ending discrimination against Roma children

Report¹

Committee on Equality and Non-Discrimination

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Summary

Discrimination against Roma in Europe starts even before they are born, due to lack of adequate prenatal and maternal health care. All too often, it will accompany them right through their lives.

It is estimated that half of the Roma population in Europe – some 5 or 6 million people – is under 18 years of age. This figure highlights the urgency of breaking the vicious circle of discrimination as early as possible: Roma children should be given an equal start in life, with a view to their full inclusion in society, as a precondition for their future inclusion as adults.

To this end, it is crucial to address the material living conditions of Roma families, introduce policies and affirmative measures to ensure non-discriminatory access to health care and education, while promoting knowledge and respect for Roma identity, culture and language, also through political discourse. To be successful, policies must be developed and implemented with the involvement of Roma communities themselves.

1. Reference to committee: [Doc. 12913](#), Reference 3867 of 25 May 2012.

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A. Draft resolution²

1. Discrimination against Roma in Europe is widespread and affects members of this community already at a very young age. It takes a variety of forms, including lack of adequate prenatal and infant health care, statelessness, child poverty, inadequate housing conditions, unequal access to education and increased risk of being subjected to bullying, violence and trafficking.
2. Efforts aimed at addressing this state of affairs are all the more urgent when one considers that around 50% of the Roma population in Europe, which corresponds to about 5 to 6 million people, is under 18 years of age. These efforts should be aimed at improving the material living conditions of Roma families through investment in housing, sanitation and job creation, and at changing stereotyped and discriminatory attitudes towards Roma. The ultimate objective should be ensuring that Roma children are given the same opportunities as any other children, and supporting their ability to make decisions freely about their future.
3. If Roma are given equal opportunities during their childhood, as adults they will be in a position to contribute to the workforce and economic activity in Europe as professionals in various fields. Being more integrated in society, they will act as bridges to promote tolerance and diversity on the continent. They will engage in political and social activism, playing a leading role in improving the situation of the Roma and other disadvantaged communities in Europe.
4. The Parliamentary Assembly underlines that discrimination is a two-way process. To eradicate it, it is necessary to address both sides of the equation. Those who are discriminated against should be provided with opportunities and their self-confidence should be improved by encouraging rhetoric and targeted policies. At the same time, awareness-raising activities and opportunities to engage with “others” should be put in place in order to develop mutual understanding and tolerance.
5. Empowering Roma children and their families implies not only working and supporting the Roma, but working with them and creating the conditions for community organisation and active participation in the development of policies, including in the decision-making process. Many non-governmental organisations (NGOs), both at international and national level, work effectively on Roma issues and it is essential that national governments co-operate with them to devise relevant policies.
6. The Assembly refers to its [Recommendation 2003 \(2012\)](#) on Roma migrants in Europe and [Resolution 1740 \(2010\)](#) on the situation of Roma in Europe and relevant activities of the Council of Europe, and reiterates its call to all Council of Europe member States to face up to their responsibilities and tackle the issue of the situation of Roma in a serious and sustainable manner.
7. The Assembly urges its member States to take concrete measures to end discrimination against Roma children, and in particular to:
 - 7.1. expand access to integrated early childhood services by:
 - 7.1.1. enabling easier registration of births and issuing of birth certificates;
 - 7.1.2. strengthening outreach services for young children and families from isolated communities, addressing maternal health, food security, child-rearing and the family environment, health protection, responsibility for and care of new-born infants, sending mobile health-care units to visit Roma neighbourhoods and communities for screening on dental care, childcare and reproductive health, sending officials to inform Roma women about their rights, health-care services, and educational opportunities for their children;
 - 7.1.3. helping poor Roma families to promote the growth and development of their young children at home in a safe and stimulating physical and psycho-social environment;
 - 7.1.4. regularly informing the Roma communities about public services such as health provision and educational opportunities, by using the media, and especially television, for awareness raising;
 - 7.1.5. training Roma mothers on childcare, health care and education directly within their own communities or providing free transportation to training centres where such training sessions can be organised;

2. Draft resolution adopted unanimously by the committee on 18 March 2013.

- 7.2. make school more accessible by:
 - 7.2.1. providing at least two years of inclusive, mandatory and affordable high-quality preschool education;
 - 7.2.2. providing all teachers and staff with anti-bias training, information and materials;
 - 7.2.3. preparing schools at all levels to welcome Roma children and promote their development on an equal basis with other children, by including intercultural values and diversity in the curriculum, training the teachers to deal with a diverse group of children, providing individual instruction adapted to children's development level, creating a democratic learning environment in which every child feels the right to participate, and establishing a physically and emotionally secure environment free from violence;
 - 7.2.4. paying special attention to confidence building at an early age by ensuring that Roma children are included in class work and in extracurricular activities, are provided with classroom materials if they do not have the means to purchase them, rewarding them for positive behaviour and successful achievements, and encouraging them and their parents to work on improving their talents;
 - 7.2.5. adapting curricula to embrace inclusion as a core goal of education, free of gender stereotypes;
 - 7.2.6. including, where appropriate, the teaching of Roma culture and history and, when requested, providing support for Romani to be taught as a second language;
 - 7.2.7. introducing appropriately trained and paid Roma assistants and mediators in classrooms and encouraging greater numbers of Roma to become teachers;
 - 7.2.8. ensuring that Roma children are taught the core curriculum on an equal basis with other children;
 - 7.2.9. investing in promoting parental literacy, especially of the mother, to strengthen support for children's education, and conducting training programmes such as vocational or language training for mothers to better equip them to become active members of society;
 - 7.2.10. introducing measures to ensure that Roma girls are given the same opportunities to receive formal education as Roma boys;
 - 7.2.11. if necessary, providing transportation, clothing, food and other basic necessities in order to facilitate integration and acceptance of Roma children in classrooms;
 - 7.2.12. providing after-school activities of interest to Roma children and encouraging the students and their families to take advantage of these activities to improve their talents, and providing children with the necessary tools and training so that they can participate in these activities;
- 7.3. end school segregation and promote inclusion by:
 - 7.3.1. ensuring that all students start learning about equality, respect and teamwork in their early years at school and that the curriculum, as well as extracurricular activities, reinforce these values, thus encouraging the students to learn from and appreciate each other in order not to develop prejudices in the future;
 - 7.3.2. executing, where appropriate, judgments of the European Court of Human Rights relating to discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools;
 - 7.3.3. setting up comprehensive policies to implement a long-term commitment to inclusive education that include national and local action plans to promote inclusion, supported by financial, legal and administrative measures and requiring local municipalities to produce desegregation plans;
 - 7.3.4. setting up awareness-raising campaigns to inform Roma about their rights and responsibilities and introducing complaints mechanisms for Roma families to challenge breaches of their right to inclusion;

- 7.3.5. engaging Roma families in parental activities in schools, for example as chaperones or members of parents' associations;
- 7.3.6. designing teachers' training so that they are given information on Roma children, their culture and identity, in addition to teaching methods that prevent discrimination and promote diversity; ensuring that teachers are trained to overcome personal biases and prejudices;
- 7.4. remove the socio-economic barriers to education by:
 - 7.4.1. introducing preparatory programmes and additional academic support for Roma children to facilitate readiness for school, to support the transitions from one educational level to the next and to re-engage those who drop out of school;
 - 7.4.2. providing scholarships and financial support for Roma students to attend school; designing incentives and engaging the private sector to offer scholarships to Roma children;
 - 7.4.3. encouraging the promotion of role models for the Roma communities including successful Roma students, businessmen, artists; creating opportunities and designing events for them to engage with the Roma communities to share experiences and serve as a source of inspiration;
 - 7.4.4. supporting internship programs for Roma in government offices, and in the private sector during the summer, which will facilitate their entry into the job market and inclusion in the business world;
 - 7.4.5. encouraging Roma students to take part in school trips, in order to expose them to the outside world, by covering their expenses if necessary;
- 7.5. protect Roma children's right to respect for their personal and physical integrity by:
 - 7.5.1. ensuring that legal prohibition of all forms of violence and manifestations of racism and anti-Gypsyism in schools is effectively enforced;
 - 7.5.2. promoting in Roma communities awareness of values and standards relating to gender equality, non-discrimination and human rights.

8. The Assembly also believes that governmental measures to promote good governance form the minimum backbone on which such specific measures must be based to achieve maximum results. Member States should therefore encourage initiatives to improve the accountability and transparency of different levels of government and actors, to enhance access to justice and the rule of law, to empower human rights institutions, such as ombudspersons, and to better monitor and address claims from Roma children.

9. In order to address the root cause of discrimination, politicians and public opinion leaders must act responsibly. They have an important role to play in reversing stereotyping and discriminatory attitudes towards Roma and in promoting a culture of diversity and respect between different groups.

B. Explanatory memorandum by Ms Memecan, rapporteur

1. Introduction

1. Discrimination against Roma³ is a widespread phenomenon which does not spare any Council of Europe member State. Often, when we think about discrimination against Roma children, our mind goes to the issue of school segregation. But in reality this is only one specific problem. Discrimination against Roma children takes a great variety of forms and starts even before they are born. It includes lack of appropriate prenatal and infant health care, statelessness, poverty, poor housing, poor formal education and the risk of being subjected to bullying, violence and trafficking.

2. Considering that around 50% of the Roma population in Europe, which corresponds to about 5 to 6 million people, is under 18, it is easy to understand the urgency of intensifying efforts to improve Roma inclusion, starting with children. Discriminatory treatment leads to the further isolation of Roma children and adults in the making, increase stigmatisation of the Roma community and reduce the chances of Roma becoming fully integrated into society at large.

3. The aim of this report is to cast light on the most blatant forms of discrimination faced by Roma children and the challenges and drivers of exclusion and discrimination which need to be addressed. I will also present a few successful projects which highlight positive and efficient measures to address discrimination against Roma children in the long run.

4. This report has been prepared in close co-operation with the UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS), which I warmly thank for its thorough expertise and analysis.

5. Furthermore, for the preparation of this report, I have relied on the information provided during two hearings: one with the participation of Mr Rudko Kawczynski, President of the European Roma and Travellers Forum, Ms Elena Gaia, Policy Analysis Specialist from UNICEF's CEE/CIS Regional Office, and Mr Dominique Steinberger, Director of ARPOMT, a non-governmental organisation (NGO);⁴ and another with Ms Isabela Mihalache, independent expert for Roma affairs and consultant with the Council of Europe.⁵

2. Challenges and drivers of exclusion and discrimination

6. Anti-Gypsyism is a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination. It affects Roma children from a very young age. Meeting their basic needs is essential to give children a good start in life. Unfortunately, Roma children do not have this opportunity.

2.1. Prenatal and infant health care

7. Lack of contact with health services can be disastrous for the health of infants, particular in situations where proper nutrition and the care of either mother or child cannot be assumed by families.

8. The access of Roma mothers to basic health services, including prenatal and infant health services, is far lower than among mainstream populations.⁶ A significant proportion of Roma mothers do not receive appropriate prenatal care and some give birth unattended by a health professional. Frequently, Roma mothers lack a balanced nutritional intake during pregnancy and because many are very young, do not have sufficient information about reproductive health and healthy pregnancies, such as good eating habits, avoidance of stress, as well as the need to eliminate smoking and alcohol during pregnancy.

3. In the present report, I shall use the term "Roma" to include Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom). This term covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies.

4. This hearing was jointly organised by the Sub-Committee on Racism and Xenophobia and the Sub-Committee on the Rights of Minorities of the Committee on Equality and Non-Discrimination on 28 June 2012.

5. This second hearing was organised by the Committee on Equality and Non-Discrimination on 28 June 2012.

6. Open Society Foundations (OSF), Roma Education Fund (REF) and UNICEF, 2012.

9. In Turkey, since 2008, the “Host Mother” programme has accommodated 13 000 pregnant mothers in disadvantaged regions and at risk in health centres for one month before they gave birth. In addition, access to a health professional within two months of childbirth has increased dramatically to 85% of women all around the country through outreach services. Many Roma women benefited from the policy, which targeted largely disadvantaged areas

10. Twice as many Roma children are hospitalised for pneumonia and respiratory illnesses as children from mainstream backgrounds; ear and skin infections are rife.⁷ Although it is true that the learning difficulties ascribed to Roma children at the age of entry into primary school are a result of inappropriate assessment techniques, there is also the reality that Roma children suffer from the effects of low birth weight, poor health and nutrition, stunting, vulnerability to respiratory and other avoidable illnesses, all of which can affect their learning abilities.

11. In addition, there is strong family and community pressure on young Roma women to marry young (sometimes well below the legal age) which adds to the probability of difficult pregnancies, low birth weight of babies and other infancy health risks.

12. Roma children from very poor families are at risk of being taken away from their parents and placed in institutions. In a number of member States (particularly in central and eastern Europe), Roma children appear to be over-represented in institutional care and, in some cases, they represent the main group in institutions. Poverty appears to be the main reason for placement in institutional care. Where there is a lack of family- and community-based services, social workers often lack the capacity to support poor families and tend to recommend institutional placements of children from very poor families because they see no alternative.

2.2. Statelessness

13. After birth, Roma children are not systematically issued birth certificates. The lack of official identity papers renders them invisible in many municipalities, and denies them access to a range of services vital for their development. Some children find themselves stateless because their parents neglect to register them or were prevented from doing so for legal and/or financial reasons. Others have no identity documents due to forced displacement or State succession or restoration and ensuing conflicting nationality laws.

14. Nationality is a right enshrined in the United Nations Convention on the Rights of the Child, which has been ratified by all Council of Europe member States. Stateless children are an easy target for trafficking, forced labour, sexual exploitation and illegal adoption, as underlined by the Council of Europe Commissioner for Human Rights in a recent publication.⁸

2.3. Poverty and poor housing

15. Roma children live in environments that often function at basic survival levels, with negative effects on infant health and development prospects. Many Roma children are born into desperately poor households where, in many cases, no adult has regular employment. According to the 2012 United Nations Development Fund/World Bank/Fundamental Rights Agency (hereafter UNDP/WB/FRA) regional Roma survey, between 70% and 90% of the Roma surveyed report living in conditions of severe material deprivation. The proportion of non-Roma in such conditions is significantly lower, with substantive differences between countries.

16. Housing and community infrastructure are often unhealthy, without sewage, running water or heating. In Romania, Bulgaria and the Slovak Republic, the majority of the Roma surveyed by the UNDP/FRA/WB live in households that do not have at least one basic amenity, such as an indoor kitchen, an indoor toilet, an indoor shower or bath and electricity, in contrast to the non-Roma households surveyed. Differences in household amenities between Roma and non-Roma households are found to be most pronounced in Italy and Greece. In Turkey, TOKİ (the Housing Administration of Turkey) has launched an ambitious programme of building low-cost housing facilities specifically for Roma. So far, 10 000 units of housing have been constructed and handed over to Roma families, significantly improving their living conditions.

7. See the expert paper prepared by UNICEF on “Ending discrimination against Roma children”, AS/Ega/Inf (2013) 03: <http://assembly.coe.int/Main.asp?link=/CommitteeDocs/ComDocMenuEgaEN.htm>.

8. Human Rights of Travellers and Roma in Europe, Council of Europe Commissioner for Human Rights, February 2012.

17. An October 2009 FRA report found that “segregation is still evident in many European Union Member States, such as Bulgaria, the Czech Republic, Greece, Spain, France, Cyprus, Hungary, Italy, Lithuania, Poland, Portugal, Romania, Slovenia and the Slovak Republic, sometimes as a result of deliberate government policy.” According to this same report, evictions of Roma have been carried out in Albania, Bulgaria, France, Italy, “the former Yugoslav Republic of Macedonia”, Romania, Serbia, the Slovak Republic and the United Kingdom. Italy has been particularly active in conducting hundreds of evictions in Milan and Rome in recent years, affecting thousands of Roma families with children. Between April and December 2011 the European Roma Rights Centre (ERRC) monitored 131 evictions in Italy.⁹

18. Children often witness evictions, which they see as brutal attacks against their parents and their community. Since April 2011, forced evictions of Roma have continued in the Slovak Republic: in July 2011, the homes of 80 Roma persons, including women, children and the elderly, were demolished in a Roma settlement on the outskirts of Kosice without an offer of alternative accommodation. From April to October 2011, ERRC recorded 46 forced evictions in France involving 5 753 people.¹⁰ In Lyon, where Roma face evictions from their camps, children have been refused access to local schools and therefore have to attend classes in a makeshift classroom in a police station.¹¹ In Milan, in April 2008, 400 Roma were rendered homeless for two weeks without any social assistance from the municipality or other organisation. In Cluj (Romania), in December 2010, approximately 250 Roma were evicted from their homes in the centre of the city by the municipality and relocated to the site of a former dump on the edge of the city.

– *Proposals*

19. The first step to tackle discrimination against Roma children is improving their material living conditions and access to basic services. To this end, Council of Europe member States should expand access to integrated early childhood services by:

- enabling easier registration of births and issuing of birth certificates;
- strengthening outreach services for young children and families from isolated communities, addressing maternal health, food security, child rearing and the family environment; health protection, responsibility for and care of new-born infants;
- supporting the well-being of mothers and young children;
- helping poor Roma families to promote the growth and development of their young children at home by providing a safe and stimulating physical and psycho-social environment.

2.4. Education

20. Preschool coverage for Roma children in the 3 to 6 age group is extremely low. According to World Bank data (2012), while more than 75% of all children aged 3 to 6 are in preschool in five surveyed countries, in Bulgaria only 45%, in Romania 37%, in the Czech Republic 32%, and in the Slovak Republic 28% of Roma children aged 3 to 6 are in preschool. In Hungary, where preschool is compulsory, and where the government supports poor families for out-of-pocket expenses and school lunches, and gives them subsidies for regular preschool attendance, enrolment is considerably better: 76% of Roma children are in preschool.

21. The above-mentioned UNDP/WB/FRA survey found that only one in two Roma children attend preschool or kindergarten. The precise causes of low enrolment in preschool are multiple, but among them, enrolment criteria that effectively give priority to the children of working parents figure prominently. Such criteria can effectively bar access to children coming from households where no adult is in formal employment.

22. Frequently, formal kindergartens and preschools do not offer specific support for children from disadvantaged backgrounds. Programmes for these children should not only incorporate rigorous quality standards, but they also need to provide – to both children and families – a comprehensive range of services to ensure development and learning. Many Roma children live in conditions of poverty that create barriers to accessing education. With very low incomes, many families cannot afford the associated costs of attending school.

9. See the expert paper prepared by UNICEF on Ending discrimination against Roma children, op. cit.

10. Information available at: www.errc.org/cms/upload/file/m00000428.pdf.

11. www.france24.com/en/20130129-roma-children-schooled-french-police-station.

23. As a result of the high drop-out rate among Roma children, their attendance beyond primary school is dramatically lower than that of the majority population. In south-eastern Europe, for example, only 18% of Roma attend secondary school, compared with 75% of the population, and less than 1% of Roma attend university.¹²

24. Many Roma (especially girls) do not complete primary education; only a small group completes secondary studies and an insignificant minority holds a university degree.¹³ At least 10% of Roma children aged 7 to 15 in Greece, Romania, Bulgaria, France and Italy are identified in the UNDP/WB/FRA survey as not attending school, meaning that they are either still in preschool, not yet in education, skipped the year, stopped school completely or are already working. This proportion is highest in Greece, with more than 35% of Roma children not attending school. Roma education gaps also have an important gender dimension.

25. Roma girls face several barriers in the access to and actual enjoyment of fundamental rights, due to the precarious conditions they live in, the lack of basic necessities and persistent racism and social exclusion they face. They are victims of multiple discrimination on grounds of their age, ethnicity and gender, within and outside their own communities. Often, acute poverty and the daily struggle for survival forces many of them to leave school in order to help their families with household responsibilities.

26. The primary school enrolment rate for Roma girls is just 64%, compared to 96% for girls in non-Roma communities who live in similar socio-economic conditions.¹⁴ Many Roma girls fail to complete primary education and the inadmissibly enormous gap in completing secondary school amounts to 60% in some regions of the European Union. The practice of child marriage still occurs among some Roma communities in Europe. This results in lack of qualifications and skills and renders most Roma girls powerless to compete in the labour market when they grow up. This will leave many of them dependent on men for the household income, often leading to lack of access to decent education, employment and health care and increased vulnerability to domestic violence and trafficking.

27. Furthermore, although disaggregated statistics are only beginning to be collected, evidence from recent UNICEF Multiple Indicator Cluster Surveys (MICS) confirms that literacy and other indicators tend to be poorer for Roma girls than boys. The illiteracy rate in south-east Europe is 32% for Roma women, compared with 22% for Roma men, and 5% and 2% respectively among women and men in the majority community.¹⁵ In Albania, one quarter of Roma women are illiterate – more than twice the rate for men. Roma women in Albania spend an average of 5.5 years in school, as compared with 8 years for men, and almost one third of primary-school-age girls from those communities do not take part in education, as against 19% of boys.¹⁶

28. It should be recalled that under Article 2 of the Protocol to the European Convention on Human Rights, education is the only internationally recognised social right explicitly included under the protection of the Convention's Article 14 on "prohibition of discrimination". Furthermore, the European Commission against Racism and Intolerance's (ECRI) General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education¹⁷ from 2006 lists measures such as training the entire teaching staff to work in a multicultural environment, combating racism and racial discrimination at school and ensuring that all these policies receive the necessary financial resources and are regularly monitored to assess impact.

– *Proposals*

29. It is essential that Council of Europe member States make school accessible also for Roma children by:

- providing at least two years of inclusive, mandatory and affordable high quality preschool education. In these services, provide the care and comprehensive services that extremely poor children need, such as nutrition (a warm meal and snacks at the centre each day), health screening (sight, hearing, medical and dental care) and support to parents and families;

12. See the expert paper prepared by UNICEF on Ending discrimination against Roma children, op. cit.

13. UNICEF Position Paper, The Right of Roma Children to Education, Geneva, 2011.

14. O'Higgins N. and Ivanov A., "Education and Employment Opportunities for the Roma", Comparative Economic Studies, 2006, 48:6–19, www.palgrave-journals.com/ces.

15. See the expert paper prepared by UNICEF on Ending discrimination against Roma children, op. cit.

16. UNICEF, Breaking the cycle of exclusion.

17. www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n10/eng-recommendation%20nr%2010.pdf.

- providing anti-bias training, information and materials to all teachers and staff. Prepare the preschools to welcome Roma children and promote their development on an equal basis with other children – this includes the elimination of all financial, logistical and infrastructure barriers;
- adapting curricula to embrace inclusion as a core goal of education, free of gender stereotypes and including the teaching of Roma culture and history;
- ensuring that Roma children are taught the core curriculum on an equal basis with other children and not marginalised by a remedial curriculum;
- introducing appropriately trained and paid Roma assistants and mediators in classrooms;
- investing in promoting parental literacy to strengthen support for children’s education and in measures to encourage greater numbers of Roma to become teachers;
- establishing basic health and safety standards for children to ensure that both girls and boys have equal access to facilities and can participate fully in school life without fear of violence, taking into account location of schools, safe travel to and from school, appropriate facilities for girls, safe spaces for play and physical standards of school buildings.

2.5. Segregation in schools

30. A tradition of high-level testing has become established in central and south-eastern European countries to assess whether children can follow a mainstream primary school curriculum. The result has sometimes been the segregation of Roma children into “special” classes and schools, despite the clear stance of the European Court of Human Rights (“the Court”) against such practices.

31. Assessment methods do not take into account the situation of Roma children, such as poor health and home use of a Roma language with little knowledge of the national language. As a result, a disproportionate number of Roma children are assigned to special education institutions, special schools or special classes, thus effectively excluding them from the mainstream education system. In some countries, between 50% and 80% of Roma children enrolled in school are systematically routed into all-Roma schools (“black” schools) or into “special schools” or “special classes” which have been established for children with learning difficulties.

32. In several cases, concerning Croatia, the Czech Republic and Greece, the Court found that Roma children were discriminated against in their right to education.¹⁸ In particular, the authorities had placed the children in special schools or classes without any objective or reasonable justification, or placed them in discriminatory conditions because the tests used were not sufficiently objective and did not take into account the specific background of Roma children and their needs.

33. Croatia has recently forwarded an action plan to the Committee of Ministers concerning the measures envisaged or taken in response to the Court’s judgment. The supervision of this case is still being carried out by the Committee of Ministers under the standard procedure, with a view to assessing the impact of the measures that are being taken by the Croatian authorities, including the concrete results obtained in abolishing “Roma-only” classes at a later stage.

34. In the Czech Republic, legislation has been modified and now provides that children with special educational needs, including socially disadvantaged children, are to be educated in ordinary primary schools. School programmes have been reformed and a specific programme aimed at improving integration of Roma through education has been set up. However, according to the statistics presented in the consolidated action plan, the overall percentage of Roma pupils educated in programmes for pupils with a “slight mental disability” remains disproportionately high even if a slight decrease in this percentage is recorded. Therefore, concrete results are still needed in the implementation of the action plan and the concrete situation on the ground.

35. The most recent decision of the Court, on 29 January 2013, in the case of *Horváth and Kiss v. Hungary*, can be considered a landmark case on discrimination against Roma children. Mr Horváth and Mr Kiss were both diagnosed with a “mild mental disability” by assessment tests and placed in a school with mentally disabled children. They claimed “that their education in a remedial school had amounted to direct and/or indirect discrimination in the enjoyment of their right to education, on the basis of their Roma origin, in that their schooling assessments had been paper-based and culturally biased, their parents could not exercise their

18. See *Orsus v. Croatia*, judgment of 10 March 2010; *D.H. and Others v. the Czech Republic*, judgment of 13 November 2007; *Sampani and Others v. Greece*, judgment of 11 December 2012.

participatory rights, they had been placed in schools designed for the mentally disabled whose curriculum had been limited, and they had been stigmatized in consequence". The Court decided in favour of Mr Horváth and Mr Kiss and agreed with them that the procedure of diagnosing children as mentally disabled is discriminating Roma children.¹⁹

36. Special classes are in fact often presented as a bridge to mainstream education, but in almost all cases are much poorer in infrastructure, pedagogical materials, qualified teachers, etc. Although segregation is almost always synonymous with poor quality education, some Roma parents opt for special schools as, being better financed, they are able to offer their children food, clothes and books – critical incentives for parents who are very poor, but have perverse consequences in the longer term for Roma children and society at large. In addition, the predominantly Roma environment in these schools offers their children some security against bullying or rejection by classmates. Unfortunately, the level of curriculum and learning is low in these schools and classes and certificates from such schools are often worthless for employment purposes.

37. Teaching methods which are undifferentiated and ill adapted to the needs of children are common across the region. Such teaching glosses over variations in abilities and skills that stem from differing cultural backgrounds, making it impossible to accommodate the needs and socialisation of most Roma children. Most national curricula remain monocultural and non-inclusive, with limited mention of Roma history and culture. Many Roma children face huge challenges in school because the language of instruction is not in their first language.

38. Ultimately, once enrolled in primary and secondary education, Roma children may often be subject to discrimination, bullying and prejudices leading to low expectations: European surveys show that many Europeans, including teachers, have very negative opinions of Roma, which are often based on stereotypes, prejudice and lack of understanding of Roma history and their present living conditions. Sadly, these attitudes can be reflected in public education. Even when Roma children are included in mainstream education, teachers will have lower expectations for them. Because of this, and by reason of extremely poor quality of segregated Roma-only schools or classes, many Roma children reaching 4th or even 8th grade (9-13 years old) are functionally illiterate. In addition, according to research conducted by Save the Children, they are often subject to violence in school, both physical and verbal, from their non-Roma peers.

39. Even when Roma children gain access to mainstream primary schools, drop-out rates are far higher than for any other European minority group. According to the latest data published by FRA, participation in education drops considerably after compulsory school: only 15% of young Roma adults surveyed had completed upper-secondary general or vocational education.

– *Proposals*

40. Council of Europe member States should end school segregation and promote inclusion by:

- executing, where appropriate, the judgment of the European Court of Human Rights relating to discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools;
- setting up comprehensive policies to implement a long-term commitment to inclusive education that include: national and local action plans to promote inclusion, supported by financial, legal and administrative measures and requiring local municipalities to produce desegregation plans;
- introducing complaints mechanisms for Roma families to challenge breaches of their right to inclusion.

41. They should also step up efforts to remove socio-economic barriers to education through:

- preparatory programmes and additional academic support for Roma children to facilitate readiness for school, to facilitate the transition from one educational level to the next and to re-engage those who have dropped out of school;
- financial incentives to overcome the poverty that impedes access to school.

19. www.romea.cz/en/news/the-european-court-of-human-rights-decided-the-placement-of-roma-children-in-schools-for-mentally-disabled-is-discriminatory.

2.6. Violence against Roma

42. The persistent prejudice against Roma leads to discrimination against them in many areas of social and economic life, and this significantly fuels the process of social exclusion affecting Roma. Anti-Gypsyism is a specific form of racism, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kinds of discrimination mentioned above.

43. Violence against Roma children is manifested in a continuum of multiple, interrelated and sometimes recurring forms. It can involve physical, sexual, psychological/emotional and economic abuse and exploitation, be experienced in a range of settings across both private and public spheres, and can sometimes transcend national boundaries. These forms of violence include (but are not limited to) domestic violence, trafficking and sexual exploitation, child marriage, child labour and harmful practices that constitute or contribute to violence against children.

44. Discrimination against Roma is chiefly founded on their ethnic origin and lifestyle. The threat of racist violence is real and growing, and the incidence of reported violence in some Council of Europe member States is on the rise. Since 2008, at least 48 violent attacks against Roma were registered in Hungary, at least 40 attacks in the Czech Republic and at least 13 attacks in the Slovak Republic resulting in a combined total of at least 11 fatalities. The attacks involved Molotov cocktails, hand grenades and guns, police violence, arson attacks, mob violence and demonstrations.

45. On 23 February 2009, the house of a Roma family in Tatarszentgyörgy in Hungary was set on fire by Molotov cocktails. Then the perpetrator(s) shot and killed two family members, a father (aged 27) and son (aged 5), as they fled their burning home. Two other children were wounded. The on-duty police officer and a forensic expert at the crime scene both failed to recognise the victims' gunshot wounds.

46. Attacks in Europe continued throughout 2011 and 2012. In March 2011, a Roma boy was attacked and insulted on the way to school by three men in Serbia, which also witnessed several cases of police violence against Roma. In "the former Yugoslav Republic of Macedonia", in October 2011, a 17-year-old Roma boy was attacked and stabbed at school by a non-Roma boy because of his Roma ethnicity. Starting in early August 2011, a wave of anti-Roma demonstrations took place in cities across the Czech Republic and Roma settlements were targeted by mobs. In Bulgaria, the death of a young man, who was hit by a vehicle on the night of 23 September 2011, triggered violent anti-Roma protests across the country. For fear of the growing number of attacks and lack of organised patrols, many Roma parents from Bulgarian villages (Burgas, Montana, Sliven, Plovdiv) stopped sending their children to school. Still in Bulgaria, a Roma child from Peshtera missed a surgical operation in Pazardjik because his parents were afraid to travel to the hospital. In Russia, several cases of police violence against Roma have been reported. In January 2012, police carried out an organised raid on one of the Roma settlements in Uzgorod, Ukraine. Roma individuals, including women and children, were beaten, verbally abused and had tear gas used on them.

– *Proposals*

47. Council of Europe member States should take prompt and resolute action to condemn anti-Gypsyism.²⁰ While fighting stereotyping, they should promote the respect for Roma culture and language by:

- recognising the right of Roma children to retain their own language and provide them with an optimal linguistic environment;
- supporting their learning through provision of preschool learning for Roma children in their mother tongue.

48. Council of Europe member States should also protect children's right to respect for their personal and physical integrity, backed up by a strong message that all forms of violence against children are unacceptable, that schools should be rights-based and promote and practise human rights principles. Member States should devise and implement policies with clear enforcement mechanisms, while recognising the particular vulnerability of Roma children to violence as well as its gender dimension.

20. See also ECRI General Policy Recommendation No.13 on combating anti-gypsyism and discrimination against Roma adopted on 24 June 2011: www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n13/e-RPG%2013%20-%20A4.pdf.

3. Successful measures

49. It is easy to understand that young children arriving at school cold, hungry and in ill health will be unable to participate to the best of their ability. Poor levels of participation in the early years of schooling are associated with higher drop-out rates later.

50. At the same time, in order to enjoy basic rights and equal opportunities, Roma children should be supported with additional “extras”: for instance, in Sweden, where Romani is recognised as a national minority language and Roma children are entitled to receive an education in their own language, they are also entitled to receive extra support to be able to fully participate in education in the majority language. Local governments where such children live are mandated to ensure the application of this principle in practice and schools which enrol such students should receive additional funding for this purpose – these may be part of a broader package to service students with special learning needs, whatever they may be.

51. Achieving equity in service provision, beyond a pilot area or the good will of local service providers, may require this type of positive measure to be established by law and accompanied by adequate financial resources. While targeted initiatives may be necessary to create equal opportunities for Roma people, it remains crucial not to develop parallel systems that may be of short-term benefit but cement marginalisation in the long run. Any targeted approach therefore needs to be based on a careful analysis and evaluated.

52. The approach should be well co-ordinated; integrated strategies should mainstream Roma and other children from marginalised groups into general poverty reduction and social inclusion strategies while also taking into account their specificities.

53. Mediation is one of the measures used across Europe to tackle the inequalities Roma face in terms of access to employment, health-care services and quality education. It consists of employing people with a Roma background – either from local Roma communities or with a good knowledge of Roma issues – to act as mediators between the Roma and the public institutions.

54. Furthermore, I believe that the creation of focus groups involving many actors, including parents, extended family members, associations, teachers, religious communities, NGOs or local politicians are to be considered as a relevant tool to contribute to integrated strategies.

55. Among the important amount of local and national initiatives taken in all European countries, I have chosen four projects in which one can see positive patterns to be followed, each of them corresponding to a problematic area mentioned in this report: health, education and housing. I have also decided to present one of the Council of Europe’s programmes, ROMED.

3.1. Council of Europe ROMED programme²¹

56. In 2010, the Council of Europe launched the European Training Programme for Roma Mediators – ROMED – in order to consolidate and improve the quality and effectiveness of the work of school/health/employment mediators and existing training programmes, with a view to providing better communication and co-operation between Roma and public institutions (schools, health-care providers, employment offices).

57. The Council of Europe ensures the overall co-ordination of the programme. A training curriculum has been drawn up and a group of trainers has been selected and trained following consultation with experts in the field. The programme is based on the assumption that it can only be successful if a variety of stakeholders contribute. National and local authorities identify the mediators who will be trained and are involved at all stages from selection of mediators, evaluation and possible policy responses. Roma organisations provide support for the implementation of the programme at local level, feedback and suggestions and contribute to the evaluation process and to the identification of suggestions for policy adjustments. Relevant institutions (health, school, employment) at local level support mediators in carrying out practical activities based on the approach promoted by the Council of Europe and provide feedback on co-operation.

21. ROMED leaflet, Mediation for Roma, Intercultural mediation for Roma children, a joint Council of Europe and European Commission action, Council of Europe Support Team of the Special Representative of the Secretary General for Roma Issues

58. This programme relies on mediators with a Roma background who can speak the language of the Roma community they are working with. Their tasks and responsibilities include facilitating communication between Roma and a public institution. A first group of trainers, selected on the basis of an open call for applications, was trained in Strasbourg from 26 to 29 January 2011. A Focal Point has been identified in each country, wherever possible a Roma organisation with experience of working with mediators.

59. For the success of this programme, it is of utmost importance that mediators be given the necessary financial support to carry out their job and that their status should be clearly defined so government authorities integrate them without any problem.

3.2. Primary Health Care for Travellers Project (PHCTP) (Ireland)²²

60. Pavee Point Travellers' Centre has set up a primary health-care initiative aimed at improving the health status of Travellers living in the Finglas and Blanchardstown areas of Dublin. The objectives are to establish a model of Traveller participation in the promotion of health and to develop the skills of Traveller women in providing community-based health services. The project also makes it possible to liaise and assist in creating dialogue between Travellers and health-service providers and to highlight gaps in the access to the health service by Travellers and work towards reducing inequalities that exist in established services.

61. Travellers work as community health workers in Primary Health Care for Traveller projects, allowing primary health care to be developed based on the Traveller community's own values and perceptions to have long-term effects. Travellers and Traveller organisations work in partnership with Health Service Executive personnel through each Traveller Health Unit in the development of Traveller health services and the allocation of resources; a training course concentrates on skills development, capacity building and the empowerment of Travellers. PHCTP workers are employed on a permanent basis (subject to funding); to secure the employment of Travellers in mainstream health services, working with the Royal College of Surgeons in Ireland (RCSI) to increase the number of Travellers students studying in the field and developing a Toolkit and Guidelines for the Employment of Travellers in the Health Service Executive.

62. As a result of this project, accredited training has been provided for 16 Traveller women as community health workers (CHWs), a baseline survey has been carried out by CHWs to identify and articulate Travellers' health needs, and the PHCTP has also demonstrated a model of employment for Travellers in health-care provision.

63. Trained CHWs (usually women) gain confidence and skills to work in the community and to conduct baseline surveys. This was the first time that Travellers had been involved in such a process, as in the past, Traveller needs were largely assumed. Under the PHCTP process, Travellers can actively prioritise their needs and suggest changes to the health services which would facilitate greater access and utilisation. Results are also fed back to the health service providers. In 1998, the PHCTP was awarded the World Health Organization's 50th anniversary commemorative certificate for a national community-based health project that promotes health for all values of equity, solidarity, participation, intersectoral approaches and partnership.

3.3. Housing project Maro Temm (Germany)²³

64. The Association of German Sinti and Roma of Schleswig-Holstein (Germany) has set up a housing project to establish new houses for a group of 13 Sinti families who have been living in barracks. The initiative is to be seen in the context of a school mediator project in Kiel which addressed the difficulties of Sinti children in school and the civil rights organisation there. The aim of the project is to improve the housing conditions for a group of Sinti in Kiel and ensure that the group is able to maintain its traditional values.

65. The established housing co-operative Maro Temm is the first housing co-operative of Sinti and Roma in Germany; it can present an option for other localities as repayment of the credit is covered by the monthly rent and ensures that the houses will become the property of the Maro Temm co-operative, namely the families, which also improves the status of the families. The follow-up project will ensure the further development of the neighbourhood and its integration in the wider suburb.

22. Ibid.

23. Ibid.

66. The strength of the project is again the full participation of the target group, including in the construction process to reduce costs and to ensure ownership of the project. It is not an isolated intervention, but is accompanied by follow-up work and the ongoing school mediator programme, which ensures the schooling of all children in the neighbourhood. Among other activities, the association started music lessons (guitars and bass) on a daily basis, teaching traditional Sinti jazz.

3.4. The Roma “opening” in Turkey

67. In 2009, the Turkish Government initiated a democratic “opening” process towards Turkey’s Roma population. Under the leadership of State Minister Faruk Celik, the government held a workshop in December 2009, bringing together representatives of the Roma community with public officials to discuss issues of employment, housing and education.

68. The workshop was followed by the big “Roma gathering” in March 2010, which was attended by 10 000 Roma citizens from all over Turkey. Prime Minister Erdoğan addressed the crowd, stressing that Roma belonged to Turkey as equal citizens and promising that the government would do all it could to address the community’s problems.

69. In February 2011, the Ministry of Education held a workshop entitled “Enhancing Educational Opportunities for Roma Children”. The workshop brought together ministry officials, education specialists and NGOs and aimed to determine roles and responsibilities for schools, families, public institutions and NGOs to overcome challenges related to access and attendance to primary education caused by Roma living conditions.

70. UNICEF was one of the parties at the conference, which was divided into four thematic areas on access to quality education, teaching and learning processes, the importance of family in education and external factors affecting education. Collecting proposals and recommendations from all working groups, the ministry came up with a unique and detailed action plan to detect and monitor irregular school attendance, prevent dropping out of school and strengthen preschool education. The initiative was welcomed by the European Union and was noted in Turkey’s progress report.

71. The Turkish Employment Agency, under the Ministry of Labour and Social Policy, held a two-day workshop in September 2011 entitled “Participation of Roma in the Labour Market”. Following the workshop, the Agency launched a mediators programme which aims to select Roma and non-Roma mediators who will be trained to facilitate access of the Roma population to the job market. The Agency also runs the “Work for Public Benefit” programme, which provides six-month temporary jobs for unemployed people in order to facilitate their entry into the job market, teach them skills and provide them with consistent income. Fifty-nine governorates where large Roma populations live have been ordered to prioritise this group when selecting beneficiaries. The Agency expects 1 500 Roma to benefit from this program. Furthermore, 537 Roma citizens benefited from certificate programmes on vocational education, conducted by the Turkish Employment Agency.

72. A Prime Ministerial Circular was sent to all governorates in Turkey instructing them to issue identity cards without any fees to all Roma citizens in their jurisdiction.

73. All discriminatory and degrading references to Roma in legislation have been deleted, the last of them being Article 21 of the Law regarding the Residence and Travel of Foreigners in Turkey.

74. The Housing Administration of Turkey (TOKİ) has constructed 10 000 units of housing in various parts of the country for Roma who lived in poor conditions.

75. In addition, Roma, as vulnerable persons, are part of the target group of the European Union Instrument for Pre-Accession Assistance (IPA) funds in Turkey. On 15 June 2012, the Ministry of Labour and Social Policy launched the “Improving Social Inclusion and Access to the Labour Market for Disadvantaged Groups” which aims to promote the inclusion of disadvantaged persons into the labour market and eliminate discrimination towards them when seeking jobs. Among all disadvantaged groups, the Roma will specifically be targeted under the programme and 30% of the project budget will be used in areas with a heavy Roma population.

76. Since its establishment in 2011, the Ministry of Family and Social Policy has taken over the co-ordination role for all Roma initiatives of the government, making the process more efficient.

77. The Roma “opening” process has been carried out in a participatory manner, making sure that the Roma themselves have a say in policies and programmes that are targeting them. In almost all meetings and events, the government has been represented at the highest level, indicating the good-will, sincerity and solution-oriented approach adopted towards the issue. An indirect result of the process has been a much-improved sense of self-respect and belonging on the part of the Roma community, in addition to the growing number of Roma NGOs due to the community’s heightened awareness of civic participation.

4. Conclusions

78. This report looks at the wide scope of discriminations faced by Roma children from a very early age. The grounds for discrimination are diverse and touch upon several aspect of their daily life, such as prenatal and infant health care, statelessness, poverty, poor housing, limited access to formal education, segregation in schools, violence and trafficking.

79. The deprivation and marginalisation of Roma children summarised in this report are symptoms of the failure of social systems for all children. The right to the highest possible level of development and the right to education on the basis of equal opportunities impose obligations on States to establish the legislative and policy framework, together with sufficient resources, to ensure access for every child. Initiatives towards Roma communities that do not deal with the broader underlying issues of discrimination are not likely to make a difference in the medium or long term.

80. It appears clearly that integrated and comprehensive strategies for early childhood development and education are key contributors to overcoming social exclusion and discrimination. It will equip the next generation of Roma children with skills and resources and give them equal opportunities.

81. This global approach comprises quality health care, parenting support, kindergarten and preschool education, and social protection support, and insists on access to and completion of quality basic education.

82. Improving the situation of Roma children in Europe means developing policies that identify and tackle all aspects of their marginalisation through an integrated approach, together with the protection of fundamental rights, the fight against discrimination and the promotion of Roma culture and respect for Roma identity. While protecting Roma children’s rights and improving their living conditions, the ultimate aim must be to give them the opportunities and support their ability to make decisions freely about their future.

83. Mediation is one of the measures used across Europe to tackle the inequalities Roma face in terms of access to employment, health-care services and quality education. It consists of employing people with a Roma background, from local Roma communities, or with a good knowledge of Roma issues, to act as mediators between the Roma and the public institutions.

84. Furthermore, I believe that the creation of focus groups involving many actors, including parents, extended family members, associations, teachers, religious communities, NGOs or local politicians are to be considered as a relevant tool to contribute to integrated strategies.

85. I propose a draft resolution setting out a wide range of measures to be taken by Council of Europe member States in order to tackle discrimination against Roma children.

86. I also believe that government-wide measures to promote good governance form the minimum backbone on which such specific measures should be based to achieve maximum results. Member States should therefore encourage initiatives to improve accountability and transparency of different levels of government and actors, to enhance access to justice and the rule of law, to empower human rights institutions, such as ombudspersons, to better monitor and address claims from Roma children.

87. In order to address the root cause of discrimination, politicians and public opinion leaders must act responsibly. Here, the example provided by the Prime Minister of Turkey, Mr Recep Tayyip Erdoğan, deserves attention. At the big “Roma gathering” which was attended by 10 000 Roma citizens from all around Turkey in March 2010, Prime Minister Erdoğan addressed the crowd, calling out to the community as his brothers and sisters, beloved citizens, stressing that Roma belonged to Turkey as equal citizens and promising that the government would do all it could to address the community’s problems.

88. European leaders can play an important role in reversing stereotyping and discriminatory attitudes towards Roma and in promoting a culture of diversity and respect between different groups.