# Mandate of the Special Rapporteur on the right to education

# QUESTIONNAIRE ON THE CULTURAL DIMENSION OF THE RIGHT TO

# EDUCATION

# Special Rapporteur on the right to education

# CALL FOR CONTRIBUTIONS

Background: The Special Rapporteur on the right to education, Ms. Koumbou Boly Barry, has decided to devote her next thematic report, to be presented to the Human Rights Council in June 2020, to the issue of the cultural dimension of the right to education.

The report will address how education systems can provide inclusive and quality education while reflecting and enabling the flourishing of cultural diversity and the cultural rights of each person. This entails looking not only at the teaching of languages, but also at the teaching of arts, heritage, science, history, values and religions, worldviews and lifestyles. It also means taking into consideration the various pedagogical approaches that resonate with the cultural environments in which they operate.

The aim of the study is not to take a group approach (detailing the rights of minorities, migrants, indigenous peoples, persons with disabilities, women, children, etc.), but to set out the main principles and lines of action that will enable this "diversity of diversities" to be more clearly understood.

There is also a need to better understand how public and private schools, as well as all other actors concerned, can work in synergy in this regard, and to propose concrete actions, particularly with regard to consultation and participation of stakeholders, including the populations concerned, for a better understanding and effectiveness of the right to lifelong education.

Q1. Please provide information on how, in your country, the issue of respect for cultural diversity and the cultural rights of each person is reflected in school curricula (legislative, institutional and policy framework, and implementation);

The question is very relevant with the recent release of a report from a joint research project between Roma Education Fund, Council of Europe, and Georg Eckert Institute for International Textbook Research. The research reviewed and analysed the upper primary and secondary school curricula, as well as mainstream textbooks. The following countries where included in the research: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Finland, France, Germany, Hungary, Italy, the Republic of Moldova, Montenegro, Poland, Romania, Serbia, the Slovak Republic, Spain, North Macedonia, the United Kingdom, and from Kosovo\*[[1]](#footnote-1). The research focused on mentions of Roma and “National Minorities” in the curricula and textbooks for geography, history, and civics discipline. The analysis included an evaluation of the mentions of “Roma: and other terms referring to the Romani people, as well as the term “national minorities”, which in participating countries legal frameworks on national minorities include Roma.

In almost all the countries analysed, they curricula presents short content for a certain subject with little to no elaboration or explanation on the approach or direction an event, topic, issues, or any particular minority should be expressed within school lessons or textbooks. With this design, the curricula is a broad guideline to inform textbook publishers and authors of what to include in textbooks and inform the topics of lessons within the classroom. The curricula being vague and general provides the opportunities for publishing houses, authors, teachers, and other school staff to present the importance of cultural diversity and rights of minorities and especially of the Roma minority through their personal biased lens or ignoring lessons= Further the curriculum design presenting a lack of teaching and instilling values of respect for cultural diversity through not providing lessons or limiting lessons to short statements and passages in textbooks without the use of pedagogical tools needed for learning these values.

Most of the countries had at least one mention of “national minority” within at least one of the disciplines reviewed, with exceptions from Albania, Austria, Italy, and United Kingdom where there were no mentions of “Roma” or “National Minority”. The term “National Minority” is mostly expressed in History curricula and to a lesser extent within Civics curricula. Out of the 22 states included in the research, only 8 mention Roma in the curricula for history, social science, or geography.

In conclusion, the national curricula, especially in those countries with relatively high populations of Roma, their national curricula do not mention Roma in any context. The counties which do mention Roma within their national curriculum, both Roma have an extremely small population and are only mentioned within the context of past traumatic events such as World War Two and/or genocide. This can lead to predominantly representation of Roma a victim and without agency in relation to past trauma. While many of the Western Balkan countries, as well as central and eastern European countries have legal frameworks in their constitutions on the protection and rights of national minorities, the is no expression of those ideas and values within the national curricula which are promoted to the dominate population.

Below are two tables presenting the quantitative results of the curricula analysis:



Overall “the representation of Roma mostly falls within a limited number of thematic contexts and can still be seen as largely insufficient, often stereotypical and in some cases inaccurate.” In rare cases, there are lessons within textbook that “explicitly address issues of “diversity”, “interculturalism”, or “multiculturalism” and human rights when they mention Roma communities or individuals and the obstacles that they are facing in contemporary European societies.” Overall Roma are not portrayed as a separate group and not as an integral part of the larger national society.

Following ratification of the European Charter for Regional or Minority Languages (ECRML) and the Framework Convention for the Protection of National Minorities (FCNM) Western Balkans countries have committed to incorporate the international standards in their respective national legislations ensuring the right to express, preserve and develop their ethnic, cultural, religious and linguistic identity, to study and to be thought in their mother tongue, as well as unite in organizations and societies for the protection of their interest and identity is reflected in legislation. The cultural rights of national minorities to education in their respective mother tongue is provided by the Constitution, laws regulating the position of national minorities in respective countries of the Western Balkans, as well as by laws and regulations proscribing the educational activities at different levels of schooling (e.g. law on preschool education, law on textbooks and other teaching materials, law on higher education, etc.). In most of the Western Balkan countries, line ministries adopted action plans requesting the identification of facts related to education, as well as the subsequent drafting of an action plan for improvement of the education of Roma at all levels. As regards Turkey, the Constitution (article 42) illustrates that no other language other than Turkish shall be though as a mother tongue to Turkish citizens at any institutions of training or education. Foreign languages (*Romani language considered as foreign language)* to be taught in institutions of training and education and the rules to be followed by schools conducting training and education in a foreign language shall be determined by law. Western Balkans countries commenced efforts to improve the use of minority languages and design textbooks in Romani language in the educational system, however its impact is limited so far, school curricula portray Roma as vulnerable groups rather than distinguished identities, which creates further stigmatization and discriminatory attitudes.

**Q2. Please provide information on how, in your country, the issue of respect for cultural diversity and the cultural rights of each person is taken into account in the organization of the school system and schools (legislative, institutional and policy framework, and implementation);**

From REF’s experience in the field and involvement in the European Commission Roma Civil Monitoring provides and understanding that teachers hold low expectations for Roma students. These low expectations can create carriers for Roma to aspire to and complete secondary and higher education. Additionally, teachers and schools are less likely to address peer bullying of Roma students. Apart from segregation, the most frequently and impactful form of antigypsyism is bias and prejudice by teachers and other school staff, ranging from ignorance and unequal treatment to racist statements. One aspect of respect for cultural diversity and rights within the school and educational system is teacher education on cultural diversity and anti-bias. Countries were Roma Education Fund operates, compulsory courses on teaching in multicultural, mixed and socially disadvantaged classrooms, let alone specially working with students of Roma origin are highly uncommon. In the EU Member States the National Roma Inclusion Strategies and the associated initiatives do not place a strong emphasis on teachers’ knowledge of and skills in the area of inclusive, multicultural and non-discriminatory education.

In many instances, teachers have the responsibility to finance additional training in these subjects. Upon completion, many of these training modules do not provide teachers with official diplomas or certificates that can be used to boost their professional profile and future career. Predominately, the training modules are developed and implemented by civil society organizations or independently within the curriculum of specific universities’ pedagogy programmes.

Although the legal framework in Western Balkans allows for the widespread use of the languages of all national minorities, society remains divided along linguistic lines, creating a gap between multilingual laws and a monolingual population. The modest steps taken in enforcing language rights are the consequences of three key factors: The first is a general lack of state funding, infrastructure and qualified staff to achieve the overriding goal of adjusting for Romani language and schooling differences (e.g. Bosnia and Herzegovina, Serbia, Albania, Montenegro). The second concerns the lack of political will on the part of government officials as a result of confrontational relations (e.g. Serbia over Kosovo's independence status); and third is declining the number of schools opting to introduce the subject of Romani language with elements of culture and history where children have a right to full education in mother tongue.

Q3. Please clarify to what extent the measures described above relate not only to the issue of languages in education (in this regard, please briefly explain the context and provide details on the State language policy), but also to the arts, heritage, science, history, values and religions, or world views and ways of life, in all their diversity.

Within our research we clustered the Roma mentions by themes and subthemes. The main themes are; Roma position and challenged in history, Roma as a demographic minority, Roma culture, Roma in contemporary society. The research provides an answer to these questions directly though providing evidence on how Roma culture, history, and states level of acceptance of Roma as an integral part of the national society. In this response I will provide a sentence or two on the findings for each of the themes, although for detailed information please read the full report which can be found [here](https://repository.gei.de/handle/11428/306).

Within South Eastern European countries Roma are presented in numerical terms as a percentage of the population. There are countries with high population of Roma and with constitutional legal frameworks on the minority protection and rights. While content about history, culture, and Roma within contemporary issues is non-existent or minimal. Further, within these counties, there are references which produce or reinforce stereotypes and prejudice.

Historical challenges and persecution:

Roma are mentioned as a group which were murdered during the Second World War in numerous textbooks. Most books present simple statistics indicating the number and process in which Roma were murdered. Only in a few books include active Roma individual voices, stories, and experiences. Only in select German textbooks are the topics of social justice and building values of equality and anti-prejudice are included in relation to the Roma experiences during the Second World War. Only in Croatia, Germany, Hungary, and Italy is the Romani word for “Holocaust” (Porajmos/Samudaripen) mentioned.

Demographics

Roma are mentioned as part of the ethnic composition, mainly in countries that historically and legally recognise Roma as a national minority. In mainly Western and Northern European countries Roma are mentioned as a “European” or “International” minority.

Roma Culture

Many textbooks present a stereotypical representation of Roma culture and or as an exotic and homogeneous group. This type of representation is presented both in the written and visual content of the textbooks. The main stereotypes presented are Roma being singers or dancers, presenting that Roma dress in certain ways, presenting Roma traditions as strange, and even promoting Roma culture as a culture of poverty and anachronistic/backwards.

Contribution to Society

“in the majority of textbooks and curricula, Roma generally remain unnamed members of a collective, with no contributions to national or European culture explicitly mentioned.” There are two mentions that are exception to this finding.

Current Challenges, Prejudice, and Overall Position in Society

In a small sample of textbooks and passages, Roma are mentioned in the context of the current prejudice and oppression the communities face. These passages present that the past, and very limited the current prejudice against Roma, is against the “National spirit”. In a handful of cases, current Roma persecution was used to promote lessons on anti-discrimination and understanding prejudice. In a few cases of lesson on persecution of Roma, is there a narrative of empowerment. Such as symbols and context related to “international Roma rights movement, like the Roma flag (Austria, Hungary), 8 April as International Roma Day (Finland) and the Roma anthem Gelem Gelem (Croatia, Finland, Hungary).

**Q4. Please specify the specific and particular difficulties encountered in ensuring an inclusive and quality education that allows cultural diversity and the cultural rights of each person to flourish at the same time;**

The right of national minorities to education in their mother tongue is provided by the Western Balkans countries Constitution, and laws regulating the position of national minorities. However, the systematic fulfilment of those rights in the institutions implementing educational activities is impeded by lack of alignment between regulations, disorganization in certain areas of education, and other external and internal factors. **Albania:** Albania initiated efforts to improve inclusive and quality education for Roma children, however teaching staff and school principals lack understating and awareness of Roma identities and skills for teaching and managing multicultural environment which undesirably influenced Roma participation in education. **Bosnia and Herzegovina:** Framework Law in Primary and Secondary Education prescribes free primary education for all children. However, there is insufficient systemic support that enable inclusive schools and equal access to quality education for all. Furthermore, there is no systemic monitoring of the participation rates of Roma children in primary schools, no systemic data collection on school enrolment and completion rates. Additionally, systematic approach is missing to address the issue of school-aged children who are out of the school system. **Kosovo:** As per the Strategy for the Inclusion of Roma and Ashkali Communities in Kosovo Society 2017-2021, the number of Roma children in the educational system decreased over the last years by more than 16% dropping from 7260 students in 2012/2013 to 6086 children in 2015/2016. Beside migration and discrimination in schools, low participation and high drop-out rate of Roma children and youth is also caused by low socio-economic conditions; collaboration with schools; lack of infrastructure and in some cases, the changes in the respective institutions. **Montenegro:** Roma remains the most vulnerable and most discriminated community in Montenegro. On the ground many Roma children, although formally included in the school system, Roma children have problems with Montenegrin language and elementary literacy. Only one third of Roma student’s complete compulsory education and just 3% (the lowest in the region) complete secondary education. **North Macedonia:** The Government applied several measures to increase participation of Roma children at all levels in education. Although there are many positive examples, grave economic conditions and migration are influencing enrolment, attendance and competition of all educational level. The major challenge remain access to quality education, school segregation and measure to prevent early drop out assuring timely completion of education, mostly on compulsory education levels. Not enough has been done in raising Roma parents` awareness about the importance of education while the discrimination in the schools remains unchanged. Another concern is the high percentage of Roma children in special primary and secondary schools. Due to language barriers, Roma children are being diagnosed with mild mental disabilities and directed to such institutions. **Serbia:** Serbia undertook efforts to improve the participation of Romani children in the education system, however, still with limited impact. The drop-out rate remains high, especially for Roma girls, and only 67% of Roma youth complete compulsory education, compared with 96% of the non-Roma population. The percentage of those completing tertiary education remains extremely low, namely 1% compared with 16% of the non-Roma population. Various analysis as well as REF partners are reporting poor economic conditions of Roma families, lack of information of Roma parents, language barriers, rejective attitude of kindergarten teachers and the lack of capacity of preschool institutions as hindering factors of enrolment and attendance of children in primary education and pre-school. **Turkey:** Available sources from the ground state that discrimination against Roma is prevailing in schools, often negatively affecting the inclusion of Roma in the public. Moreover, low attendance and high dropouts and consequently learning outcomes are affected by socio-economic deprivation, low trust in the system and organizations as well as awareness for importance of education by Roma parents. Lack of guidance (incl. mentoring, tutoring) and teacher’s unfamiliarity with social inclusion approach, insufficient social service and absence of affirmative measures, and language barriers are also significantly concerning factors when it comes to education.

As regards the position of Roma in European countries where REF is currently operating (Slovakia, Czech Republic, Hungary, Romania, Bulgaria) the situation of Roma in accessing their rights to quality education allowing them to voice their cultural identity, history and heritage remain challenge. The most significant challenges include segregation of Roma children in educational system (e.g. Hungary, Romania, Slovakia and Czech Republic), school dropout and early school leaving, ensuring and developing human capacities which will on long-term programming be able to teach about Roma and diversity in schooling system.

**Q5. Have specific mechanisms been established to consult and ensure the participation of stakeholders, in particular the populations concerned and parents, for a better understanding and effectiveness of the right to education, including its cultural dimension? What place is given in this context to the voice of children?**

Following the adoption of the national strategies for Roma inclusion in Western Balkans countries, budget allocation and as well as institutional setup for the strategy and local action plan implementation is insufficient to achieve its objective. In addition, the lack of expenditure monitoring combined with the poor absorption of existing funds, remains a challenge in Western Balkans region. Although specific measures are launched by the respective governments to strengthen dialogue on inclusive education and promotion of cultural rights of the Roma community in Western Balkans, institutional capacities and implementation of legislation remains weak. State agencies mandated to implement local action plans for Roma inclusion in Western Balkans often fail to address the access to quality education for Roma children and youth in their respective municipalities and dialogue consultations heavily relies on the initiatives given by Roma CSOs and/or international community. As per Strategic Framework 2021-2030, REF will continue its efforts to ensure inclusive and equitable quality education for all children with specific focus on developing programs along three strategic approaches that contribute to the overall goal of supporting individuals beneficiaries, sensitizing education systems though advocacy based on the needs and interest of Roma and responsive to challenges and demands of Roma children, youth and communities are facing.

In EU Member States with a high share of Roma pupils, a systematic, complex and long-term approach is needed to fight school and class segregation, which remains a pressing problem that undermines the success of other inclusion measures. Key parts of this approach include: providing early and free access to quality inclusive early-childhood education and care in integrated settings (both to prepare Roma children, and to overcome prejudice between Roma and non-Roma children and parents in order to prevent later segregation); supporting Roma parents in school choice; gradual closing of segregated schools by educational authorities; and distributing Roma children across several schools (through the reorganisation of school catchment areas). These active desegregation measures should be accompanied by additional financial and professional support to promote the social and academic integration of Roma children in mainstream schools such as: covering costs of transportation, school materials, meals, extracurricular activities, supplementary classes; training pre-school staff and teachers in new methods of teaching in integrated school settings (including overcoming stereotypes); facilitating communication between parents and schools; informing parents of the benefits of integrated education; employment of teacher assistants; measures to sensitise the general public on the importance of educational inclusion and intercultural education for community relations via campaigns and media.

**Q6. What recommendations should be provided to States and other stakeholders on these issues?**

Regarding school curricula and textbooks content on cultural diversity and Roma minority representation, we suggest to review the recommendations provided in the research Roma Education Fund, Council of Europe, and Georg Eckert Institute report which can be found [here.](https://repository.gei.de/handle/11428/306) The report presents recommendations for each of the stakeholders; national government, publishing housing, textbook authors, civil society organizations, and academia.

The main strategies to improve the representation of Roma and promote cultural diversity and understanding is as follows;

* increase the amount and quality of sources, as well as the pedagogical tools, in order to reach a more adequate representation of Roma, counter discrimination and stereotypes and promote equality;
* establish or improve processes for approving, evaluating, and screening textbook content to ensure that Roma representation is firstly included and not misrepresented, and secondly will promote anti-discrimination and equality;
* provide teacher training on classroom practices to ensure that textbook representations of Roma promote anti-discrimination and equality in the classroom.
* States should make resolute efforts to eradicate manifestations of Anti-Roma discrimination in schools. To this end, all institutions should ensure that teachers and other education professionals receive adequate training in multicultural education and that national discrimination law includes specific acts to make the law tangible in all levels in the sphere of education.
* States should acknowledge the risk of segregated schools and communities make resolute efforts to prevent actions resulting segregation of Roma children in schools.
* States should take special measures to enhance the quality and effectiveness of education for Roma children and increase representation of Roma people among school teachers.
* States are urged to consider measures to ensure the respect, protection and promotion of Romani language and its teaching as well as include Romani history and culture in educational texts with particular emphasis given to the experience of Roma people during the Holocaust.
* Promote quality, inclusiveness and results in education through incentives (funding and reform of teacher training), attracting the best teachers to disadvantaged schools/regions.
* Combine scholarships, tutoring and extracurricular activities to prevent early-school-leaving and promote transition to the next stage of education.
* Target Roma girls, their parents and teachers to fight gender stereotypes and reduce early school-leaving.

Contributions as a WORD document by 20 February 2020 at the latest to sreducation@ohchr.org, using the following email title: "Contribution: Cultural dimension of the right to education". Please limit your responses to 2,500 words and attach annexes if necessary.

Some of the Reports of the Special Rapporteur on the right to education:

* Contributions of the right to education to the prevention of atrocity crimes and mass or grave violations of human right - <https://undocs.org/A/74/243>
* Report of the Special Rapporteur on the right to education, Koumbou Boly Barry - the implementation of the right to education and Sustainable Development Goal 4 in the context of the growth of private actors in education - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/104/10/PDF/G1910410.pdf?OpenElement>
* Report of the Special Rapporteur on the right to education, Koumbou Boly Barry - Inclusion, equity and the right to education <https://daccess-ods.un.org/TMP/8240168.09463501.html>
1. All references to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full

compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo. [↑](#footnote-ref-1)