



**Building a Europe  
for and with children**

**Construire une Europe  
pour et avec les enfants**



07 September 2016

## **ENSURING EQUAL OPPORTUNITIES IN EDUCATION FOR ALL CHILDREN**

### **Background Information**

**Prepared by the Council of Europe Secretariat, Children's Rights Division**

#### **INTRODUCTION**

- *“Education is not the filling of a pail, but the lighting of a fire”* – William Butler Yeats

#### **The importance of education**

- Every child is entitled to education: Article 2 of Protocol No. 1 [European Convention on Human Rights](#); Article 17 [European Charter Social Rights](#).
- “Access to quality education is an issue of social justice and of equal opportunities. It is also in the interest of our societies to make the best possible use of each person’s talents, and to avoid social costs linked to unemployment and dependency, which may be much higher than investment in education.” ([Summary: Report – Access to school and education for all children](#))
- CoE Committee of Ministers Recommendations “[Ensuring Quality Education for all](#)” - the idea that an education system is one of quality if the needs of *all* children are ensured
- Education benefits the child: it inspires, provides vital life skills, can elevate one out of poverty, and empower all children, especially girls.
- [Education benefits society and Europe](#): it reduces poverty, boosts economic growth, and increases health through reduction of child marriage, maternal deaths, etc.
- Finally, it plays an essential role in the promotion of core values of democracy, human rights and the rule of law. Increasingly, education is seen as a defence against rise in violence, racism, extremism, discrimination and intolerance.<sup>1</sup>

#### **And yet...**

- In Europe, access to education is not always effectively guaranteed to all children by law and in practice.
- The European Committee of Social Rights 2015 Conclusions found that access to an the quality and quantity of social services and benefits targeted at children, such as education,

<sup>1</sup> Taken from <http://www.coe.int/en/web/edc/charter-on-education-for-democratic-citizenship-and-human-rights-education>

are [far from satisfactory in many countries](#) (page 4). In 2015, they found overall [25 cases of non-conformity](#) for Article 17 (page 4).

- “Evidence shows that in many European states, the dropout rate of children coming from migrant families or minority groups, such as Roma, is at least twice as high as that of native or ethnic majority students....Poverty, persistent discrimination and social marginalisation are the main underlying reasons for this inclusive education deficit”. (Human Rights Commissioner, [Human Rights Comment on Inclusive Education](#))
- At the same time, “Our societies continue to face growing pressure due to the long-term impact of austerity measures, the emergence of radicalisation and the mass arrival of migrants and refugees....The last three decades have [also] witnessed a remarkable rise in xenophobic, deeply conservative, and even extreme right-wing parties across much of Europe and the world.” ([Report by the Secretary General of the Council of Europe](#), page 83). Education has an important role to play in confronting all of these current challenges.

### **ACTION AT THE COUNCIL OF EUROPE**

- There are three steps for redress: First – ensure that national legislation guarantees access to quality education for all. Second – ensure that legislation is duly implemented and that appropriate measures of redress are in place to meet the specific needs of children from vulnerable groups. Third – rethink and reform education systems to prevent school dropout and ensure that no child is left behind. Targeted measures must be directed towards vulnerable groups. ([Summary: Report – Access to school and education for all children](#))

### **The Sofia Strategy and inclusive education**

- The [Council of Europe Strategy for the Rights of the Child 2016-2021](#) (Sofia Strategy) has as a key objective the ensuring of equal Opportunities for all children, and is mainstreamed across the work of the Council of Europe.
- The Human Rights Commissioner’s [keynote address](#) during the launching conference of the CoE Strategy for the Rights of the Child spoke of a continuing need to end school segregation and work towards inclusive education for all groups of children. He Also talked of the effects that austerity have upon children, including its effect upon their educational attainments and life chances overall. Inclusive education was the topic of the Human Rights’ Commissioner’s [Human Rights comment](#), and has been a theme during his monitoring work.<sup>2</sup>
- The [Action Plan on Building Inclusive Societies \(2016-2019\)](#) has been launched, and aims to assist member States in managing Europe’s diversity by fostering mutual understanding and respect. It is organised around activities in the field of education, among others: “Few fields of action are as important as education in our mission to build more inclusive societies. It is the means by which we teach our young people respect for other ways of life, while simultaneously instilling in all young citizens our shared and universal values. Moreover, education is a way to empower those were are most likely to be marginalised. Also, access to education is important to ensure that people participate as active and engaged members of a society.”

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<sup>2</sup> See e.g. Human Rights Commissioner, [Visit to Andorra](#) (12/05/2016)

- In 2016, the Parliamentary Assembly of the Council of Europe passed a [Resolution on Access to School and Education for all Children](#) (plus the report) which, in addition to the [Youth Sector's Enter! Project](#), supports access to social rights of young people through, among other things, capacity-building activities.

## Roma children

- In 2007, the Grand Chamber Court Judgment of [D.H. and others v. the Czech Republic](#) declared that segregated education of Roma children was discriminatory. Since then, there have been [several more judgments](#) on Roma access to education.
- Yet “[t]he low school attendance rate of Roma continues to be an issue, as access to quality education by this population group in general remains fragmentary” ([Report by the Secretary General](#), page 11). Moreover, “Evidence shows that in many European states, the dropout rate of children coming from migrant families or minority groups, such as Roma, is at least twice as high as that of native or ethnic majority students” (Human Rights Commissioner, [Human Rights Comment on Inclusive Education](#))
- Article 12 of the [Framework Convention for the Protection of National Minorities](#) obligates states to take measures in fields of education to foster knowledge of the culture etc. of national minorities; and to promote equal opportunities for access to education at all levels for persons belonging to national minorities. Yet the [Advisory Committee](#)'s monitoring work consistently finds states to be lacking in upholding these promises, especially with regard to Roma children.<sup>3</sup>
- The Human Rights Commissioner has issued country reports<sup>4</sup> focussing on the need to ensure access to mainstream education of Roma children. He has also published Human Rights Comment “[Travellers – Time to counter deep-rooted hostility](#)” which calls for more support for initiatives aimed at improving access to education for Traveller Children.
- The [Thematic Action Plan on the Inclusion of Roma and Travellers \(2016-19\)](#) has been adopted.–  
It highlights the role of education in tackling prejudice and discrimination, as well as the need for better access to inclusive education, and entailing appropriate training of educators. Priority topics will be school attendance, early school-leaving, absenteeism, particularly of girls, early and forced marriage, and street children.
- Recent [CAHROM](#) thematic visits and reports include [child/early and forced marriages](#), acknowledging the severe effect this can have upon, inter alia, access to education;<sup>5</sup> reports on [vocational education](#) and inclusive pre-school education<sup>6</sup> for Roma.
- The joint programme [ROMACT](#) aims to facilitate capacities and resources for local development in areas with majority Roma, including good governance processes in education.<sup>7</sup>

<sup>3</sup> See Compilation of Advisory Committee public Opinions from the Fourth Cycle: Article 12 (2016). Available at: <http://www.coe.int/en/web/minorities/compilation-of-opinions>

<sup>4</sup> See Human Rights Commissioner, 1<sup>st</sup> Quarterly Activity Report 2016, <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2920132&SecMode=1&DocId=2376052&Usage=2>, page 3

<sup>5</sup> See page 52 of the hyperlinked report.

<sup>6</sup> Available via <http://www.coe.int/en/web/portal/cahrom>

<sup>7</sup> See [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805c5a1d](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c5a1d)

- Finally, the Human Rights Commissioner has jointly published an [opinion editorial on Roma evictions](#), highlighting that access to housing is a precondition for the enjoyment of many other human rights, in particular the right to education. The publication calls for seriously implementing international human rights standards and case-law, using available resources and in close-co-operation with Roma to promote adequate and long-term housing, and stopping initiatives such as development of segregated housing. The piece demonstrates the inter-dependency of education access with other social rights.

## Refugee and migrant children

- The SRSG on Migration and Refugees [reports](#) seeing refugee and migrant children who are out of education for considerable periods of time, while significant administrative and other barriers present migrant and refugee children with further difficulties in access to education.
- In 2016, [ECRI](#) issued its General Policy Recommendations on [Safeguarding Irregularly Present Migrants from Discrimination](#), which focuses on ensuring access by all persons within this group to enjoy fundamental human rights and access to services such as education. It highlights the difficulties of this group in accessing education, and recommends specific measures, such as the prohibition of migration operations being carried out in certain locations like schools, as well as ensuring a guarantee of education under the same conditions as member State nationals.
- The European Committee of Social Rights issued a [Statement of Interpretation](#) highlighting that States undertake to provide protection to refugees, taking into account the specific challenges that groups of persons may face, including access to education and barriers to education. These rights should be protected from the moment of entering the country and throughout the whole asylum-seeking process.
- The Human Rights Commissioner recently published an issue paper "[Time for Europe to get Migrant Integration Right](#)", stating that, after being consumed by short-term imperatives, European governments must now focus on the long-term goal of promoting the successful integration of migrants, particularly through language and integration courses, and access to quality education for migrant children. He also participated in a panel-discussion at an [event on immigration and integration](#), focusing on, inter alia, integration through inclusive education. To this end, states should remove all legal or practical obstacles for all migrants to start or complete their education.<sup>8</sup>
- The [Youth Sector](#) has held a study session on the [local participation and inclusion of unaccompanied minor refugees](#). The even identified access to education as a key challenge for young refugees and migrants. They have also organised a study session and report "[Deport Xenophobia from European Classrooms](#)" which explored tools for addressing discrimination within the educational system.
- The [Education Department](#) is making efforts to remove administrative barriers for access to education, including through facilitating better recognition of qualifications held by refugees as part of the implementation of the CoE/UNESCO [Lisbon Recognition Convention](#).

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<sup>8</sup> See Human Rights Commissioner, 1<sup>st</sup> Quarterly Activity Report 2016, <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2920132&SecMode=1&DocId=2376052&Usage=2>, page 16

Although 53 countries have committed to better recognition, currently 70% of state parties have taken no steps towards implementation.<sup>9</sup>

- The [PACE Resolution on Access to school and education for all children](#) advocates support programmes that help children from minority and migrant communities to acquire adequate knowledge of the language of schooling; and to foster access to pedagogical professions for students from minority and migrant families
- The Committee of Ministers ([CDPPE](#)) [abridged report of the 5<sup>th</sup> plenary meeting](#) expressed the wish that good practices in the field of education of refugee children be shared among member States through the Council of Europe website.

### **Children growing up in poverty**

- Children growing up in poverty or social exclusion are less likely than their better-off peers to do well in school, and ultimately, to realise their full potential later in life. Child poverty is also likely to be passed on to future generations. It's not just about lack of money. Poverty is linked to lack of access to services, including high-quality education.<sup>10</sup>
- The Committee of Ministers have issued [CM/Rec\(2015\)3 on the access of young people from disadvantaged neighbourhoods to social rights](#), while the 2016 [Implementation Report on Children's Rights and Social Services](#) identifies good practices and existing difficulties in this area.
- The PACE passed a [Recommendation on Ending child poverty in Europe](#) and, in 2016, a [Resolution on Access to school and education for all children](#). It recommends that States identify priority education zones, and devise measures for urban and rural environments; promote academic resilience and academic success (including success "against all odds" for children from disadvantaged families), for instance by setting up programmes fostering a positive school climate and motivation to learn for socially disadvantaged students; promote the inclusion in high-profile schools of students from disadvantaged families and migrant backgrounds in order to provide an equal opportunity to achieve; and provide adequate financial support for programmes promoting social inclusion and access to education for all.
- The Congress of Local and Regional Authorities [Recommendation on Championing children's rights in times of austerity](#) also highlights the role of education in tackling child poverty and social exclusion

### **Children and disability**

- "In many countries, children with disabilities...continue to be educated separately, though adequate support would permit their full integration into mainstream education" (Human Rights Commissioner, [Inclusive Education Vital for Social Cohesion in Diverse Societies](#)).
- The Human Rights Commissioner [calls for inclusive education](#) in the context of children with disabilities.
- The Council of Europe [Disability Unit](#), following the [2013 Recommendation](#), have issued a publication on [Social inclusion of children and young people with disabilities](#), calling for

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<sup>9</sup> [Report by the Secretary General of the Council of Europe](#), page 11

<sup>10</sup> Taken from <https://www.coe.int/en/web/children/children-and-austerity>

provision of high-quality education in schools for all children and young people, without exception.

- The draft Council of Europe Disability Strategy 2017-2023 is currently at the stage of public consultation.

## LGBTI children

- LGBTI children should be ensured effective enjoyment of the right to education without discrimination. This includes safeguarding the right to education in a safe environment, free from violence, bullying, social exclusion and other forms of discriminatory and degrading treatment related to sexual orientation or gender identity. Appropriate measures should be taken to provide objective information with respect to sexual orientation and gender identity, for instance in school curricula and educational materials, and providing pupils and students with the necessary information, protection and support to enable them to live in accordance with their sexual orientation and gender identity.<sup>11</sup>
- The [PACE Resolution on Access to school and education for all children](#) calls for ensured access by lesbian, gay, bisexual, transgender and intersex children to quality education by promoting respect and inclusion of LGBTI persons and the dissemination of objective information about issues concerning sexual orientation and gender identity, as well as through measures to address homophobic and transphobic bullying; (para 4.18)
- The Council of Europe [SOGI Unit](#), as part of the Sofia Strategy launching conference, prepared a report analysing the gaps on policies for LGBTI children, and an overview of literature and good practices. It is due to be published at the end of the year. It identifies high drop-out rates in school, bullying and perpetuation of stereotypes among the issues affecting LGBTI children, but also emphasises that education has a key role to play in tackling homophobia and transphobia. Similar issues are raised in the Human Rights [Commissioner issue paper on Human Rights and Intersex People](#)
- The SOGI unit, in co-operation with the education department will follow-up regarding the results of the side-event organised by the Council of Europe and UNESCO on Education Sector Responses to Violence Based on Sexual Orientation and Gender Identity/Expression.<sup>12</sup>

## Gender Equality

- “Societies remain strongly gender stereotyped and...the education system, which is a subsystem of the societies they serve, reproduce the values and culture of those societies without challenging their possible limitations on the life opportunities and experiences of their pupils”.<sup>13</sup>
- Combating gender stereotypes and sexism, including through and *in* education, is a key strategic objective of the [Gender Equality Strategy \(2014-2017\)](#). Following [the Committee of Ministers Recommendation on Gender Mainstreaming in Education](#), the Gender Equality

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<sup>11</sup> Taken from <http://www.coe.int/en/web/sogi/education>

<sup>12</sup> See CM(2016)75, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=090000168064b63a](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168064b63a)

<sup>13</sup> Report of the 2<sup>nd</sup> Conference of the Council of Europe National Focal Points on Gender Equality (2015), <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680590fe5>, page 4.

Commission has done work on combating gender stereotypes in and through education, including a [2015 compilation of good practices](#), [factsheet](#), and [conference](#) on the topic which had a national focus.

- The [PACE Resolution on Access to school and education for all children](#) calls on member States to ensure gender equality at all levels of the education system, with a special focus on women and girls from disadvantaged groups, such as Roma, migrants and refugees, and women and girls with disabilities (para 4.17)
- In similar recognition of intersectional discrimination, the Roma Unit have held events focussed on [empowering Roma women and girls](#).

### **Children deprived of liberty**

- The CPT [2015 Revised standards](#): make clear that access to quality education, and qualifications that do not have marks showing the juvenile's affiliation with the institution, are vital. It identified good practice of access to schools outside in the community, which should be encouraged (para.110)
- The Criminal Law Co-Operation Unit has held a [Pilot Project in the Ukraine](#) aimed towards creating more rehabilitative prison regimes. Several of the pilot prisons are prisons for juvenile offenders.
- Of positive note are [ECSR 2015 Conclusions](#) (Page 8) which observed that the majority of States guarantee the statutory right to education for young offenders in detention facilities.
- However, the [CPT](#) still reports of administrative detention of unaccompanied minors, in some cases being detained for longer than adults: among other things, this disrupts integration and access to education. There are calls from several bodies, including the [SRSG on Migration and Refugees](#), and the [PACE Campaign](#), to end immigration detention of children.
- There are Continued calls from the Council of Europe to [deinstitutionalise care of children](#) (paras 30-31), which, among other things, has a negative effect upon educational attainment.

### **Quality of education**

- Of importance is not just access to an education, but also the quality of that education: is it equipping children and young people with the necessary skills for living in an increasingly complex and fast-moving world? Is this education going to be of wider benefit to society? This is pointed out in the [PACE Resolution 2097\(2016\) on Access to school and education for all children](#) (paras 1-4).
- The [Council of Europe Charter on Citizenship and Human Rights Education](#) was adopted in 2010. This year (after intensive work over a two-year period) the [Reference Framework of Competences for Democratic Citizenship](#) was published. It is a new conceptual model of the competences which citizens require to participate in democratic culture and live peacefully together with others in culturally diverse societies. It Provides foundation for development of curricula, pedagogies and assessments in education. It aims to prepare students for life as

engaged and tolerant democratic citizens. Further, there are calls to turn the current Charter into a binding legal instrument.<sup>14</sup>

- The [PACE Resolution on Access to school and education for all children](#) also for inclusion in curricula of more teaching on human rights, democracy, social justice, multicultural society, tolerance, peaceful conflict and mutual respect
- The Congress [Resolution on Promoting diversity through intercultural education and communication strategies](#) adds a local dimension to inclusive education efforts.
- [COMPASS](#) is a practical tool and manual for human rights education with young people, and has been fully revised in 2015.
- The Pestalozzi Programme has developed courses to train teachers and educational professionals on Violence Reduction, on teaching tolerance and peace-fostering subjects, such as a [Programme on the Remembrance of the Holocaust and the prevention of radicalisation](#). The Council of Europe has developed a project on the education of Roma Children, which, among other things, promotes [teaching of Romani history](#).<sup>15</sup> Moreover, the [Education Department](#) – plans to develop an in-class module on the role of migrants in (European) history.

### **Tackling violence**

- [PACE Resolution on Access to school and education for all children](#) asks member States to step up measures to prevent violence among pupils, in school and outside of it.
- The [PACE Resolution on Preventing the radicalisation of children and young people by fighting the root causes](#) highlights a worrying trend in an increasing number of children and young people being drawn into extremist movements in their search for identity and a meaningful place in society. Profound feelings of injustice and frustration about their social exclusion are amongst the main root causes contributing to young people's vulnerability and increasing their willingness to adhere to extremist, sometimes violence groups, which offer an apparent social purpose. This Resolution calls on member States to do their utmost to ensure the social inclusion of children and young people at risk through education and training. The issue was also a key theme at the [25<sup>th</sup> Session of the Council of Europe Standing Conference of Ministers of Education](#) conference entitled "Securing Democracy through Education".

### **Digital education**

- "The internet and social media platforms certainly involve risks and trigger a need for protection, but also promote education, democratic participation, and critical thinking, including by providing basic access to information and services through digital media"<sup>16</sup>
- [CM/Rec\(2016\)2 on the internet of citizens](#) recommends that particular efforts be made through the education system to increase the literacy skills of children who have little or no access to digital technology for socio-economic reasons, or due to placement in residences

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<sup>14</sup> [Report by the Secretary General of the Council of Europe](#), page 12.

<sup>15</sup> NB however, that this project began in 2000.

<sup>16</sup> FRA, Fundamental Rights Report 2016, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-fundamental-rights-report-2016-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-fundamental-rights-report-2016-2_en.pdf), page 145.



- A new edition of the [Internet Literacy Handbook](#) will be launched at the end of the year, as well as an ipad app which updates the digital right-s-based game [Through the Wild Web Woods](#). Both can provide children with an opportunity to learn digital-literacy skills to optimise their use of the internet, and while knowing how to stay safe online.

### **General**

- [PACE Resolution on Access to school and education for all children](#): calls on states to promote networking exchanges and mutual learning on inclusive education, strengthen co-operation between public authorities and families to ensure children get access to school and attend classes regularly; and invest in programmes that support parental engagement in children's early literacy activities. Concerted efforts with UNESCO, UNICEF and the European Commission should assist governments and national parliaments to fulfil their duty to offer every child an appropriate education, prepare children for future challenges and give them the chance to live in dignity. Finally, the Assembly notes that education expenses are an investment for a better future for individuals, their surroundings and humanity worldwide. It therefore calls on governments of member States to consider adhering to the international benchmarks of 4% to 6% of gross domestic product (GDP) and/or 15% to 20% of total public expenditure for domestic investment in education.