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Publisher: Routledge  
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## Intercultural Education

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/ceji20>

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Published online: 07 Apr 2010.

To cite this article: Helen O’Nions (2010) Different and unequal: the educational segregation of Roma pupils in Europe, *Intercultural Education*, 21:1, 1-13, DOI: [10.1080/14675980903491833](https://doi.org/10.1080/14675980903491833)

To link to this article: <http://dx.doi.org/10.1080/14675980903491833>

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## **Different and unequal: the educational segregation of Roma pupils in Europe**

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This article analyses and welcomes the decision of the Grand Chamber of the European Court of Human Rights which held that the use of special schools for Roma pupils was contrary to the right to an education coupled with the prohibition on discrimination. The decision has wide ramifications for the education of minority, particularly Roma, pupils who are often sent to remedial schools or special classes as an alternative to mainstream, integrated education. It is argued that such segregation, whilst it may arise from a legitimate intention to address educational disadvantage, cannot achieve such a goal in a climate of separation and intolerance which permeates the wider society. The Grand Chamber’s willingness to scrutinise the wider societal context and to allow statistical evidence to suggest a *prima facie* case of indirect discrimination, will be welcomed by those seeking a more pro-active non-discrimination platform from the European Court of Human Rights (ECHR).

**Keywords:** Roma; education; segregation; discrimination

### **Introduction**

In a landmark ruling, the European Court of Human Rights’ highest judicial body recently held (2007) that the policy of segregating Roma pupils in the Czech Republic was contrary to the human right to enjoy an education characterized by non-discrimination. Segregated schooling is a simple solution to the demands of effective intercultural teaching – remove those perceived as different from the classroom and eradicate the need to teach and otherwise engage with difference. Segregation thus marks the one of the greatest challenges to intercultural education.

Czech authorities also acknowledged in 2007 that the statistical data showed that Roma in Ostrava were 27 times more likely to be educated in special schools for pupils with mental disabilities, but they contended that any discrimination could be objectively justified. The objective of the special school was to target particular educational disadvantage with a view to enabling children to progress into mainstream schooling. This argument is flawed from both an educational perspective and a human rights perspective – it adopts a narrow view of education by assessing the success of educational initiatives only in terms of academic performance. It fails to consider the broader function of education in a pluralist society identified by UNESCO under four pillars: learning to know, learning to do, learning to live together and learning to be (Delors 1996, 18). A key element of this education strategy must be to promote liberal values of tolerance and anti-discriminatory attitudes and behaviour (Coulby and Jones 1995, 13).

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In terms of human rights, it is difficult to justify imposed segregation. Rather than improving the educational achievement of disadvantaged groups, it tends to perpetuate discriminatory attitudes and intolerance. It undermines equality of opportunity, and it emphasizes inferiority.

### The European context

In 1996, the European Commission published its report following the resolution *On school provision for Gypsy and Traveller children*, revealing illiteracy rates as high as 90% in some regions (European Commission 1996). In the UK, almost half of all Roma/Gypsy children were not enrolled at secondary school. The report recognized that the low literacy level was a major problem and that most states had failed to construct a national policy on Roma/Gypsy education. Yet Roma, Gypsies and Travellers remain uniquely marginalized in the education systems of both old and new European states (Luciak 2006, 76; Járóka 2007, 81–6). Many Roma activists have expressed criticism at the lack of a definitive European Union (EU) response to the numerous reports on Roma education. Nicolae observes:

While reliable ethnic data may be missing, it is indisputable that the reality is bleak for Roma adults – the highest illiteracy rate of all ethnic groups and the lowest spending per person on education. At the level of the European Commission, a discourse on their situation is barely audible. (Nicolae 2007, 58)

Unfortunately, this invisibility extends to much of the academic educational debate as well. For example, the comprehensive *Handbook of research on multicultural education* (Banks and Banks 2004) makes no reference to the Roma or any other traveller population when discussing the experience of minorities in the education process.

### International condemnation of segregation

The Council of Europe’s Recommendation ‘on the legal situation of Roma in Europe’ called upon all member states to eradicate practices of segregated schooling, in particular the routing of Romany children to schools or classes for students with mental disabilities (Council of Europe 2002, para. 15). In 2005, the European Parliament called on member states to implement desegregation programmes within a predetermined period of time to enable access to quality education and to prevent the rise of anti-Romani sentiment among school children (European Parliament 2005).

While the International Convention on the Elimination of All Forms of Discrimination recognizes the need for special measures in order to ensure equality, Article 5 prohibits segregation in education, and Article 3 imposes a positive obligation on states to end such practices. The United Nations Committee on the Elimination of Racial Discrimination (CERD) recommendation on Discrimination Against Roma requires states to avoid segregation, to raise the quality of education and attainment in schools and to improve retention. States are requested to take urgent measures to train educators, assistants and teachers from among the Roma community and to include Roma culture and history in teaching materials (CERD 2000, paras 23, 25). This is a clear endorsement of an intercultural approach. In 2001, the Committee criticized the Czech practice and expressed concern that segregation of the Roma continued and that it could amount to a violation of Article 3 of the aforementioned convention (CERD 2001).

In the first legal action of its kind, a group of 14 Hungarian Roma challenged discriminatory practices in Ferenc Pethe primary school in 1997. Around half of the 531 pupils at the school were Roma; 207 were assigned to completely separate classes, 38 to classes for pupils with mental disabilities, and only five to integrated classes. For 10 years the Roma pupils were not permitted to enter the cafeteria or gymnasium in the main building, and attended separate graduation ceremonies. This exclusion had reportedly been requested by non-Roma parents (Magyar Narancs 2007). The plaintiffs were successful at each stage of the legal process, culminating in a decision by the Supreme Court in 2002 which found violations of the Constitution, Civil Code and The Public Education Law 79/1993, and the Law on the Rights of National and Ethnic Minorities 77/1993 (ERRC 1998). More recently, the Debrecen Appeal Court found that attempts to integrate seven primary schools by the Miskolc local council without redrawing the catchment areas had led to de facto segregation, contrary to the EU's Equal Treatment Directive 2000/43/EC (European Union 2000; Public Interest Law Initiative 2006).

Separate schooling for Roma pupils usually means lower educational standards and a reduced curriculum, which in turn reinforces the view that Roma pupils are educationally inferior.

The typical reasons provided for segregation are lack of competence in the majority language, inadequate preparation for primary school or non-attendance in pre-school classes (ERRC 2004, 22). Yet the statistical evidence indicates that, in some states, the majority of Roma pupils will be directed to these special schools, suggesting that the aforementioned 'reasons' may be a mask for institutional discrimination. For example, research undertaken in 46 Bulgarian special schools in 2004 found that 80–90% of pupils were Roma. This is notwithstanding the abolition of legal segregated schooling for Romani children in 1992 (Maurushiakova and Popov 1994, 5). Linguistic and socio-economic disadvantage combine to prevent Roma pupils from attending ordinary schools, with the result that many are thereafter unemployable.

Culturally insensitive IQ tests are often used to designate Roma pupils as having particular educational needs and, in some cases, financial incentives are offered to attract Roma pupils away from mainstream schools (Cahn 1998; Danova 2005, 5; Rostas and Nicoara 2005, 115–16). In the Czech Republic, one study revealed 12 different psychological tests in operation at 63 testing centres (Jiri and Palatova 1998).

In Slovakia, the 'Osobitna Skola' has been used in a similar way to designate a disproportionate number of Roma pupils as having learning difficulties. The Roma Participation Program found that many of these children come from out-of-town ghettos and that such segregation serves to reinforce prejudice and disadvantage experienced by the Roma pupil (Zubak and Lagryn 2002; Glazer 1997, 136). Recently, Amnesty International reported that 80% of Roma pupils in some Slovak towns attend these schools on the basis of assessed mental disabilities (Amnesty International 2008). In one school in Pavlovce nad Uhom, some 99.5% of the pupils are of Roma origin.

In addition to the *DH* case, an application to the European Court of Human Rights has also been filed by 15 Roma children forced to attend racially segregated classes within mainstream Croatian schools after the Croatian courts rejected the argument of discriminatory treatment.

Educational segregation is a catch-22 situation. It is apparent that discriminatory attitudes prevent many Roma from completing the most basic level of schooling, yet these attitudes cannot be effectively addressed or, more specifically, challenged in a climate of separation and division. UNESCO's four pillars of quality education

necessitate an intercultural educative approach, where children can learn about each other from each other (Delors 1996, 18). Separate and ethnically homogenous schools are only compatible with human rights standards if they are based on free, informed parental choice, and if the education is of a high standard. However, as Petrova observes, ‘With respect to the Roma ... it is very unlikely that somewhere in Central and Eastern Europe such a primary school exists’ (Petrova 2005, 27).

### ***DH v Czech Republic***

In 2007, the Grand Chamber of the European Court of Human Rights (ECHR) issued its judgment in the case of a group of 18 Czech Roma from Ostrava who had been educated in special schools. Their decision has ramifications for the continued use of segregated schooling in all its forms.

The applicants contended that the practice amounted to racial segregation contrary to Article 14 of the ECHR in conjunction with Article 2 of Protocol 1:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. (Council of Europe 1952, Protocol 1, Article 2)

The 18 children had been sent to special schools for children with learning difficulties and mental disabilities following advice from the head teacher based on the results of intelligence tests undertaken at a local educational psychology centre. Parental consent was sought and obtained in each case. The statistics revealed that, despite comprising only 2.26% of the school pupils in the region, 56% of pupils in the Ostrava special schools were of Roma origin (European Court of Human Rights, 2007, para. 18). In theory, these pupils could subsequently be transferred to a regular primary school and could then continue in vocational or mainstream secondary education, but the reduced curriculum in the special school made this right largely illusory.

In their initial decision, a chamber of the European Court had determined that indirect discrimination could result from testing criteria if they had a disproportionately prejudicial effect on that minority. However, they deferred to the views of local educational psychologists on the matter of suitability of these pupils for mainstream schooling, and seemingly accepted the legitimacy of special schools for these Roma pupils. The initial chamber also felt confined to the facts and did not consider the situation of Roma in Czech society as a whole. They attached significant weight to the signed parental consent forms without any consideration for the possibility of misinformation, financial incentives to attend special schools and the extent of parental illiteracy.

### ***The decision of the Grand Chamber***

Following the applicants’ appeal against the decision of the chamber, the Grand Chamber held by 13 votes to 4 that there had been a violation of Article 14, read in conjunction with Article 2 of Protocol 1. The applicants had been victims of indirect discrimination in the provision of education which was not objectively justified by the respondent state.

The Grand Chamber took account of verifiable statistics which demonstrated the prevalence of segregated education for Roma pupils in Ostrava in order to conclude

that there was a *prime facie* case of indirect discrimination which would then need to be rebutted by the state (European Court of Human Rights 2007, para. 195).

The state's principle defence of parental consent was rejected by the court for two principle reasons. First, the consent could not be shown to have been free and informed; and secondly, perhaps more significantly, that the right not to be discriminated against in access to education was so important that any parental waiver of this right was impermissible (European Court of Human Rights 2007, para. 204).

The state also argued that they had an objective justification for the difference in treatment based on the results of psychological testing. Yet the dangers of such assessments in the absence of cultural considerations have been well documented by educationalists (Conway 1996; Gundara 2000; Amnesty International 2007, 21) and several central and east European states have now revised discriminatory testing criteria. Testing must be done in a way that is sensitive to cultural, social and economic disadvantage (Lowden 1994). The Grand Chamber held that the pupils in the Ostrava special school had:

received an education which compounded their difficulties and compromised their subsequent personal development instead of tackling their real problems or helping them integrate into the ordinary schools and develop the skills that would facilitate life among the majority population (European Court of Human Rights 2007, para. 207).

### **An intercultural alternative to compensatory education**

Desegregation is an essential prerequisite to the intercultural approach. Yet Roma experience disadvantage in the education system for a variety of other well-documented reasons (OECD 1983, 11). Poverty and residential isolation are key practical obstacles, but there are also significant problems which arise from the school system itself and the absence of both intercultural and learner centred approaches to education. Roma and traveller pupils rarely learn anything of their culture, language or values in a classroom. As a result, they may suffer from low self-esteem and have to make a choice between, on the one hand, denying their identity and perhaps consequently suffering rejection at home and, on the other hand, withdrawing from the educational system altogether. Liégeois observes that informal education, through the family unit, is often ignored by educators (Liégeois 1998, 177; Advisory Council for The Education of Romany and Other Travellers 1993). The education provided at home, he contends, has the same objectives as normal education, namely autonomy, responsibility and a sense of community. However, he observed that often the school acts to destabilize minority identity:

it can easily and effectively participate in assimilating the minority groups subjected to it, all the more so as attendance is often compulsory. Yes, school can 'form' a child – but its role may be conforming, reforming or deforming. (Liégeois 1998, 175)

Thus the school system in a pluralist society needs to be both integrative and intercultural. In the past, international human rights provisions have focused on the availability of education, particularly at primary level, but they have avoided the issue of content and quality of such education. This has allowed states a wide margin of appreciation. However, the recent recommendation by the CERD *On discrimination against Roma* recognizes these failings and specifically advocates the need for an intercultural pedagogy (CERD 2000, para. 18). Other international institutions also emphasize the



intercultural approach. Article 29(1)c of the Convention on the Rights of the Child (United Nations 1989) provides that the education of the child shall be directed towards:

the development of respect for the child's parents, his or her own culture, identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own.

On the European stage there has similarly been considerable support for intercultural education. The Council of Europe's Framework Convention on the Protection of National Minorities endorses an intercultural approach. Article 12 of the Convention requires states to actively promote awareness of different historical, cultural, linguistic and religious perspectives in the classroom. Intercultural dialogue is also referred to in Article 6 of the Convention. To this end, the article requires opportunities for teacher training and access to text books shall be developed to enable a policy of equal opportunities for all.

Advocates of intercultural education cannot fail to be dismayed by segregated schooling in all its forms. The barriers of intolerance and suspicion cannot be dismantled in a climate of separation. In many countries, Roma live in geographically isolated settlements which can mean that Roma and non-Roma communities are effectively separated; there is very little understanding of the other. The classroom provides an opportunity to address some of these difficulties.

The special school system adopts a compensatory model of education based on deficit theory, which regards cultural difference as something to be rectified rather than supported (Igarashi 2005, 446).

Yet this model is found throughout Europe in the form of separate classrooms and separate teaching areas. An intercultural approach is impossible in such an environment, as the recent report by the EU Monitoring Centre on Racism and Xenophobia recognizes:

Such 'benevolent' segregation is not preferable to the provision of additional support to the school in the form of specially trained teachers, appropriate teaching material and intercultural mediators. Support measures should be functionally linked to normal school activities facilitating the full integration of pupils into the normal educational process. (EU 2006, 13)

An intercultural approach recognizes that this model is obsolete. Improvement in educational access and attainment requires better pre-school provision, recognition of values and culture and indigenous language, parental involvement and abolition of segregation in all its forms (Alexandre and Costel 2007, 76). Specific positive measures which have been demonstrated in many projects include Roma teaching assistants and mediators, and free pre-school education.

Even when Roma pupils are educated in an integrated classroom, they will seldom have exposure to an intercultural pedagogy. This was recognized by the Council of Europe's Recommendation R (2000) 4 on the education of Roma/Gypsy children in Europe (Council of Europe 2000), which supported the need for modified teaching materials for all pupils, which would incorporate the Roma/Gypsy culture and history. A recent Save The Children report examining state education practices across Europe concludes: 'There are still almost no references in mainstream curricula to the history of the Roma peoples in Europe and their participation in key historical processes, despite a presence that dates back some 600 years' (Save The Children 2001, 33).

Jimenez Gonzalez, a Spanish Gitano representative, reports that there is no account taken of the different values of the Gypsy students, and few teachers have any familiarity with their culture, interests and language: 'All this prepares for and conditions methodological, pedagogical and didactic assumptions which place Gypsy students in an inferior position, denigrate them and show contempt for them' (Gypsy Council for Education, Culture, Welfare and Civil Rights 1994).

The intercultural ideology requires that the curriculum respects the diversity of each child and that teachers are skilled and sensitive to the needs of minority cultures. An intercultural strategy would also facilitate the dialogue needed to address negative stereotypes and suspicion in the classroom (Noorderhaven and Halman 2003).

Specialist staff from the British Traveller Education service have expressed dismay at the lack of cultural awareness and interest exhibited by many teachers. The absence of intercultural teacher-training can be seen in the responses of several British teachers in research by Derrington and Kendall:

one senior teacher expressed the view that traveller children may be better off having their own segregated provision, with specialist teachers, until they were ready to be assimilated into mainstream education. Another was adamant that 'They will behave and act like any other pupil in the school!' (Derrington and Kendall 2004, 64)

The same research also found that many traveller students did not want aspects of their culture to be discussed in class, rather they wished to be treated equally (without regard to their difference). The denial of personal identity may be an understandable coping strategy for many Gypsy/Roma pupils (Hancock 1997) but it represents a considerable problem when trying to redress prejudice and develop respect for difference. Any intercultural approach can only be successful if it is applied with sensitivity and the full participation of both minority and majority communities. It is submitted that the denial of identity can be redressed through the demonstration of tolerance and support by teachers and pupils from the earliest stage of the educational journey.

### **Towards integrated schooling**

International criticism of segregation has led to some significant changes in this area in the last five years. In the Czech Republic, Slovakia and Bulgaria, efforts have been made to promote integration. However they have often faced obstacles from non-Roma, and they are seldom adequately funded. In October 2004, the Bulgarian parliament rejected that Draft Law for Education of Minority Children which explicitly included a special fund for the desegregation of Roma children (Human Rights Project 2004). In the Basque region of Spain, policies have recently been announced recognizing the need for an intercultural approach which rejects remedial provision, but again, implementation of these policies is fraught with difficulties (Etxeberria 2002, 296). The recently adopted Czech School Act 561/2004 sees a departure from the language of the special school but it remains permissible for schools to establish separate classes which are adapted to pupils' specific needs. In fact, the act goes even further by allowing the creation of separate schools for pupils with particular educational needs. Thus it appears more a change of form than substance and is far from an abolition of segregated education.

In exceptional circumstances, it may be possible for segregated schools to present excellent standards of education for their Roma pupils. One such example is the Ghandi Gymnasium, a residential school in Pecs, Hungary, which was established at



the initiative of local Roma organizations. The school’s first director, János Derdák, himself of Romany origin, defined the aim of the school as to create an elite among Romanies who will work in the interest of their country (Katz 2005). The syllabus incorporates Romani culture alongside Hungarian culture through the traditional curriculum and the expectations of the students are high. This school is certainly nothing like the special schools for students with learning difficulties. However, the Ghandi school is not without its critics, even among the Roma community. Indeed, some former pupils felt that they had been ‘cocooned’ from the real world and that a separate education had not prepared them for life in the discriminatory, competitive environment that awaited them (Katz 2005). As Luciak recognizes, separate schooling may have beneficial short-term effects for the student, but there may be longer-term problems in the absence of intercultural dialogue and understanding (Luciak 2006, 78).

The Alternative Foundation Trade school in Szolnok (Csillei 1998) is another initiative supported by the National Minority Self-Government of the Gypsy population, aimed at enabling disadvantaged school pupils to gain the necessary skills for specific trades. The trade school was established in 1996 and is open to both Roma and non-Roma; the success of the project led to its adoption in other Hungarian regions (Csillei 1998, 11).

Such schools are exceptional, and it is arguable that they would not be needed in a society which focuses on equality in education. It is important to emphasize here that an intercultural strategy is not at odds with an integrated classroom, although it must be conceded that there will be situations where interculturalism allows minority communities to request a degree of separation (Coulby and Jones 1995, 86). The headmaster of a Gypsy secondary school in Budapest argues:

We learn in a different way and require teachers to teach in a different style, but we also need to develop a real knowledge of our own culture, our own language and our own history. These things are not taught in normal Hungarian schools. (Evans 1996)

If such things were taught in Hungarian schools, the perceived demand from minorities for separate education would be likely to diminish.

### **The significance of mother-tongue teaching**

Educationalists have consistently identified the importance of mother-tongue instruction in order to bridge the gap of educational inequality (Cummins 2000; Skutnabb-Kangas 1990). But as Hristo Kyuchukov recognizes, the bilingualism of Roma children is hampered because of the low status of the Romani language throughout the world (Kyuchukov 2007, 30–1). This of course reflects the low status of Romani culture and values, as evidenced by their absence in national curricula. The Committee on the Elimination of Racial Discrimination has condemned segregation in education and has also recognized that social integration of the Roma requires education in their mother tongue (CERD 1998, para. 27).

The Hague Recommendations on the education rights of national minorities, presented to the High Commissioner on National Minorities in the OSCE, also note mother-tongue teaching is necessary for minorities to maintain their identity (OSCE 1996, Article 1). Indeed, Article 12 emphasizes that the primary curriculum should, wherever possible, be delivered in the child’s mother tongue, and states are required to improve training and facilities so that qualified teachers are available. The

participation and consultation of minorities at all levels of education policy and delivery is viewed as important for the success of such programmes. Article 19 explicitly links mother-tongue teaching to an intercultural approach which demands that the general curriculum includes information about minority history, culture and traditions.

Kyuchukov further observes the positive benefit that teaching of Romani in some Bulgarian schools enabled teachers to appreciate the significance of native language instruction for the cognitive development of bilingual Roma children (Kyuchukov 2007, 33). Exposure to minority language teaching can thus increase awareness about the specific needs of minority cultures in the classroom, which is essential to the intercultural approach.

### Recent international progress

In recent years, there have been a number of privately funded educational projects aimed at improving the educational experience of the Roma. The Roma Education Initiative is the most comprehensive effort to gather research in this field, and it is expected that the Roma Decade will see more movement in this area.

In 1994, the EU established the SOCRATES education programme to run from January 1995 to December 1999. The Comenius chapter encompassed three action fields, one of which was the education of migrant workers, occupational travellers, Travellers and 'Gypsies' (SOCRATES 1995). The programme allowed for financial assistance to be given to projects which aimed to increase participation of Gypsies and Travellers, to improve their schooling, to meet their specific needs and capacities and to promote intercultural education for all children. Intercultural teaching is an essential part of the SOCRATES programme, with support given to projects incorporating multiculturalism into the curricula and teaching practice. The guidelines also note that, in connection with Gypsy and Traveller children, priority should be afforded to primary and secondary education, the transition from school to work, the training of Gypsy intermediaries and the use of open and distance learning.

In 2002, the Council of Europe began a new project 'The education of Roma Children in Europe' pursuant to Recommendation (2000) 4 which focused on improving access to education through the standardization of teaching materials and the use of Roma mediators or assistants. The data collected by the Project found that Roma mediators or assistants were used in Austria, Bulgaria, Croatia, Czech Republic, Finland, France, Hungary, Italy, Latvia, Lithuania, Poland, Romania, Slovakia, Spain, Sweden and the UK (Council of Europe 2006). The roles of the mediators/assistants and the extent of the scheme varied across the region. There had also been some criticism from the mediators themselves as to the low status and uncertainty of the role. However, the Council of Europe is keen to expand the use of mediators as essential to supporting the educational experience of Roma children. The need for an intercultural approach to minority teaching is now firmly situated on the European agenda, as noted in the recent European Monitoring Centre on Racism and Xenophobia report *Roma and Travellers in public education* (EU 2006).

### Conclusion

The Roma have been the victims of assimilationist educational strategies which promote one national vision for education while applying deficit theory. The focus on deficit has also led to widespread educational segregation. While segregation has now been

prohibited in legislation across Europe, the process of integration remains slow, and the barriers are now so entrenched that educators are resorting to internalized segregation whereby Roma pupils are educated in the same building but not in the same class. The effects of segregation for both Roma and non-Roma cannot be overstated; not only will career prospects be hampered by lower attainment, but segregation has also been shown to reduce access to different social networks, limit student aspirations and create tension when such pupils are confronted with a multi-ethnic environment (Braddock and Eitle 2004, 835). All of which promotes intolerance and suspicion of the other.

Luciak defines the enlightened intercultural approach:

Intercultural education aims to deepen students’ knowledge and appreciation of different cultures, to reduce prejudices, to pinpoint the interdependence of the world community, and – if it encompasses an anti-racist approach – to facilitate a critical awareness of institutional discrimination and the origins of societal inequalities. (Luciak 2006, 75)

Segregation and separation cannot be sustained. Racism needs to be challenged in the classroom in a climate of intercultural respect, in keeping with the United Nations’ recently elaborated policies on human rights education. In developing the multi-ethnic strategy, consultation and co-operation are essential pre-requisites. As far as possible, Roma should be involved in the development of policy and the delivery of education programmes. This not only serves to demonstrate legitimacy but also provides role models and understanding of particular problems which cannot be learnt from a teacher-training programme. At present the high level of illiteracy means that there is a shortage of Roma in a position to offer teaching. Therefore, it is desirable to develop the role of teaching assistants and mediators. Banks argues that excluded groups must be included in shaping educational policy in order that the necessary reforms become institutionalized in the education system (Banks 1981, 83).

Labelling Roma children as handicapped on account of their lifestyle has been a popular approach in education policy. In keeping with the assimilation strategy, Roma pupils are perceived as belonging to a social group characterized by disadvantage who can be targeted for improvement by social initiatives that fail to appreciate the constitutive elements of collective identity or the effect of entrenched discriminatory attitudes. The cultural aspects of the pupils’ identity are underplayed in a way that will inevitably stifle identity as it denies access to individual rights such as expression and association (Liégeois 1998, 71).

The different learning needs and particular problems arising from a position of economic and social disadvantage characterize the schooling problems of Roma and travellers across Europe. Increasingly it is recognized that this problem can only be remedied through particular group-targeted action programmes such as that offered by the SOCRATES programme. The regions that have noted the greatest problems with educational achievement in these communities are those that have continued to push for a blanket, culturally insensitive education policy. The Council of Europe has recognized the urgent need for more Roma teachers, classroom assistants and mentors (Council of Europe 2000). Successful initiatives have shown the difference that this can make to Roma schooling in terms of educational progress, parental attitudes and support. Yet the recent history of poor quality and segregated schooling means that such developments cannot be realized in a satisfactory manner.

There can be no doubt that the Roma face grave educational disadvantage in both new and old European states (Luciak 2006, 76). While there has been continual interest from the Council of Europe and the EU in addition to numerous ad hoc

initiatives aimed at improving access to education, there has so far been little far-reaching success (European Commission 2005; United Nations 2003; Nicolae 2007, 56). In the new European states, resources are often limited but there has also been a lack of government commitment to successful projects. When funding avenues expire, the initiative is rarely scaled up and typically goes into simultaneous decline. This may all be about to change as the Decade of Roma Inclusion, covering eight CEE states, has established the Roma Education Fund to monitor and scale-up successful pilot projects (World Bank 2003). The EU's Lisbon Summit has similarly addressed the social exclusion of Roma and has established various benchmarks, including a target that 85% of 22-year-olds complete secondary education (EU 2003).

While intercultural education in an integrative environment will not be the solution to the entrenched discrimination that Europe's Roma face, it may provide a significant start. Research has consistently shown that segregation delays integration and progress towards racial equality in society (Braddock and Eitle 2004, 832). The longer the segregation is maintained, the more difficult integration will become. It must also be carefully constructed so that schools do not end up promoting racist attitudes through the presentation of racial stereotypes in the classroom (Foster 1990, 11). This is why the need for Roma educationalists and mediators is so fundamental to the success of the project.

Desegregation is an essential aspect of the human rights and educational agenda (Kyuchukov 2007, 38). As Liégeois has argued, Roma education could act as benchmark for a new intercultural European education (Liégeois 2007, 11). The decision of the Grand Chamber of the European Court of Human Rights has now provided a firm judicial justification for this approach which can and should be used as a catalyst for action across the region.

### Notes on contributor

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