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**Educating Roma Women & Girls. Bringing European Standards  
to the City  
- Experiences from Suceava & Malmö -**

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## ABBREVIATIONS

**ACFC** Advisory Committee on the Framework Convention for the Protection of National Minorities

*a.t.* author's translation

**Beijing PfA** Beijing Declaration and Platform for Action

**CAHROM** Council of Europe Ad Hoc Committee of Experts on Roma Issues

**CEDAW** Convention on the Elimination of All Forms of Discrimination Against Women

**CESCR** The Committee on Economic, Social and Cultural Rights

**CoE** Council of Europe

**CoM** Committee of Ministers of the Council of Europe

**CPR** civil and political right(s)

**CRC** Convention on the Rights of the Child

**EC** European Commission

**ECHR** European Convention for the Protection of Human Rights and Fundamental Freedoms

**ECtHR** European Court of Human Rights

**ERIO** European Roma Information Office

**ERPC** European Roma Policy Centre

**ERRC** European Roma Rights Centre

**ESCR** economic, social, and cultural right(s)

**EU** European Union

**EU Framework** EU Framework for National Roma Integration Strategies up to 2020

**FCNM** Framework Convention for the Protection of National Minorities

**FRA** European Union Fundamental Rights Agency

**HRC** Human Rights Council

**ICESCR** International Covenant on Economic, Social and Cultural Rights

**NGO** non-governmental organisation

**NRIS** National Roma Integration Strategy(-es)

**OJ** Official Journal

**OSCE** Organisation for Security and Co-operation in Europe

**OSF** Open Society Foundations

**OSI** Open Society Initiative

**PACE** Parliamentary Assembly of the Council of Europe

**Romani CRISS** Centrul Romilor pentru Intervenție Socială și Studii (Roma Centre for Social Intervention and Studies)

**RWI** Raoul Wallenberg Institute for Human Rights and Humanitarian Law

**SIDA/Sida** Swedish International Development Cooperation Agency

**SRSR** CoE Special Representative of the Secretary General for Roma Issues

**TFEU** Treaty on the Functioning of the European Union

**UNDP** United Nations Development Programme

**UNHCR** United Nations High Commissioner for Refugees

**UNICEF** United Nations International Children's Emergency Fund

**USSC** United States Supreme Court

**WB** World Bank

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## INTRODUCTION

### 1. Justification of research & research questions

Since the expansion of the EU eastwards to incorporate former Communist countries, one particular minority surfaced as the most discriminated against and marginalised throughout Europe: the Roma.<sup>1</sup> This transnational community, spreading across the European continent with ever more diverse cultural practices, traditions, languages and modes of life, quickly became the continent's biggest shame. Solving the so-called "Roma issue" spurred an unprecedented array of policies, interventions and measures at national and transnational level. The expected outcome was more than deceiving. Positive changes failed to take place; on the contrary, discrimination and poverty worsened. What with the current migration waves, economic crisis, and the surge of far-right nationalism, anti-Roma sentiment grew stronger, together with reinforced racism and overall rejection of difference and otherness.

In this bleak picture, one group lives an even harsher reality. Experiencing life at the intersection of their gender and of their belonging to a marginalised ethnic group, and sometimes of their young age as well, Roma women and girls face multiple discriminations which go unacknowledged and uncared for. Intersectional discrimination heavily informs their lack of participation in decision-making on matters relevant to them. Absent this participation in articulating their needs, coupled with the lack of research and sex-disaggregated data, policies and projects continue to be designed in a piecemeal fashion, thus highly inadequate and irrelevant. The need for a more integrated, coordinated, and holistic approach calls for a shift of perspective.

Marginalisation and exclusion operate primarily in areas such as education, employment, health and housing, all interrelated to such a point that no successful intervention can be envisaged without due consideration of their inherent linkages. However, the context is crucial and realities on the ground may justify prioritization of one area or another. The much sought-after positive change is unlikely to occur without women's participation. Since literacy is crucial to involvement in decision-making and illiteracy is at its highest among them, education stood out as a particularly important focus area which could enable alternative and empowered ways of living.

In this context, the thesis will focus on the EU Strategy for Roma Inclusion ("the EU Framework") to see how efficient it is in terms of facilitating access to education of Roma women and girls. It will

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<sup>1</sup> According to EC's and CoE's definitions, the term "Roma" refers to a number of groups without denying varieties of lifestyles and situations. Despite debates over the use of an "umbrella" definition for ethnically and linguistically diverse as the Roma are, the term will be used throughout the paper for convenience. For details on terminology, see Jean-Pierre Liégeois, *Roms en Europe* (CoE 2007).

critically assess the Romanian and Swedish national strategies to implement the EU Framework and the measures and policies adopted at the real level of implementation, i.e. the municipality. Through semi-structured interviews conducted in Malmö and Suceava with, on the one side, local policy-makers, and on the other side, Roma- and pro-Roma NGOs and women from the respective communities, it will seek to assess the effectiveness of strategies as transposed at ground level. How do policies in education deal with the special needs of Roma women? Do they support their empowerment by way of inclusion in decision-making? Who decides their needs? Is there enough input from Roma women and girls? The empirical findings are expected to shed some light on the gap between policies and their effective implementation and inform the manner in which the issue should be further addressed to foster real inclusion and lasting social change.

**Part I** is dedicated to the European regional standards in education. **Chapter A** provides a background of the sources of disempowerment in Roma women and girls' lives and the importance of education *lato sensu*<sup>2</sup> (**section 1**) followed by brief theoretical clarifications of the concepts of intersectionality and empowerment, to the extent needed for the subsequent analysis (**section 2**). **Chapter B** covers the regional standards on education of Roma women and girls. First, the concept of the human right to education is considered with an emphasis on its relevance for women and girls as a tool for empowerment and for the benefit of the entire community (**section 1**). Second, the translation of this right into the EU Strategy for Roma Inclusion is overviewed and critically assessed (**section 2**). Third, parallel standards developed by other European actors are mapped out with a special focus on the relevant Roma case law of the ECtHR (**Section 3**). Conclusions will be drawn on how much emphasis European standards put on education and the need for inclusion and participation, on their gender sensitivity, on the adequacy of the EU Framework in light of other actors' standards, and on the synergies and overlaps or complementarity of these regional efforts.

**Part II** covers the national and local implementation of the EU Roma inclusion strategy. **Chapter A** focuses on the national level. It includes a short presentation of the strategies adopted at national level in Romania (**section 1**) and Sweden (**section 2**) to implement the EU Framework with a critical assessment of the provisions on education and inclusion of Roma women and girls. **Chapter B** focuses on the local level of implementation. It starts with an introduction into the concept of "human rights cities" to support the contention that real change starts at grassroots level (**section 1**). Next, it looks into how anchored local policies are in the institutional mechanisms at regional level for designing educational policies for Roma women and girls (**section 2**). Policies designed and implemented in Suceava (*sub-section a*) and Malmö (*sub-section b*) are critically assessed in terms of adequacy, effective inclusion and participation, with an account of highlights from the interviews with local

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<sup>2</sup> This implies a broad view on education, comprising a full range of actors such as present teachers, future educators, and implying also the education of the majority population on Roma history and culture; see s I/B/1.

stakeholders. Based on these findings – how interaction takes place between Roma women and authorities, how their needs are assessed, how adequate policies are, what importance education has for them, and whether the reality on the ground points to new approaches for effective implementation – the final conclusions will draw on the lessons learned and advance some suggestions on the way forward in terms of prioritising education of Roma women and girls, and approaching it in an adequate and inclusive manner to become a vehicle for positive social change.

## **2. Methodological approach**

### *a. Method & material*

The multidisciplinary approach used for the present paper is based on legal and policy analysis punctuated at times by slight sociological, anthropological, and political threads. The research encompassed both qualitative and quantitative analysis.

Quantitative data was used sparingly when laying out the countries' background and stemmed from primary sources (census reports, where available) and secondary ones (mainly reports issued by NGOs and other organisations active in the Roma field).

Qualitative content analysis had the Roma inclusion strategies at national and local level in focus to gain increased understanding of the research issue. The primary sources used were mainly laws (relevant European regional conventions, frameworks, and treaties<sup>3</sup>), case law of the ECtHR and official documents emanating from Romanian and Swedish governments. As secondary sources, the research used documents issued by several Roma and pro-Roma NGOs and organisations, legal doctrine, press articles, and other internet-based resources to support the assessment process.

A brief theoretical discussion on concepts of intersectionality and empowerment, focusing on specific features selected for their relevance to the analysis of national strategies and local policies, and/or measures with respect to their goals and aims in the education of Roma women and girls, was used to provide deeper insights. Thus informed, the author's perspective goes beyond existing research and theories in the field. To this end, the present research draws substantially on empirical findings which challenged initial expectations and lead to slightly different conclusions in the analysis. At this point,

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<sup>3</sup> The choice for other European actors developing parallel standards of Roma education was motivated by their relevance and synergies with the EU's work in the field. It is by no means an exhaustive list of actors.

the potential limitation of bias must be raised;<sup>4</sup> the methods employed with respect to interviews reflect such concerns but also the value of this type of approach for the current analysis.

i. Interviews with local stakeholders: means and method

The Romanian and Swedish national strategies and their localised implementations were assessed not only through their respective education and gender provisions but also through external analysis stemming from academic scholarship and interviews. Each strategy was briefly analysed, due consideration being given to implementation reports which allowed for comparisons and conclusions to be drawn. Qualitative assessments of local measures and/or policies of implementation were based on data collected from semi-structured interviews. This method was considered to best fit the research and offered potential to capture the subject of research in more depth. However, as will be shown below, the impact of realities on the ground and the constant concern with the researcher's bias<sup>5</sup> resulted in significant difficulties in achieving the overall research goal.

From a practical point of view, the interviewees were organised in three focus groups, created along the lines of the three main stakeholders in the implementation of the national strategies for integration, that is, policy makers, Roma and/or pro-Roma civil society, and women and girls from the community. The interview of policy makers responsible for designing and implementing the NRIS was used to understand the political text in terms of rationale, choices behind the documents that led to the local strategy plans, and also to gain insights into how the national policy is understood by local actors. The civil society interviews were used to understand criticism from Roma groups on the work prior to the elaboration of the strategies and on the strategies themselves. Roma women from the community were inquired to see the level of awareness and participation to all stages of implementation. The author is however aware that given the heterogeneity of Roma groups, the findings do not reflect the views of the whole minority. Differences pertaining to local administrative organisation and cultural and societal dynamics reflected in the number and positions of the actual respondents, which will be specified in the sections detailing and analysing the empirical findings.<sup>6</sup>

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<sup>4</sup> Hsiu-Fang Hsieh and Sarah E Shannon, 'Three approaches to qualitative content analysis' (2005) 15(9) *Qual Health Res* 1277, 1283 and 1285 (on the researcher's "blindness").

<sup>5</sup> As with any research involving people and thus asymmetrical power relations, the researcher's own background and perspectives inform to a large extent the selection and interpretation of the material and information at hand; see Brigitte Suter, *N/A 72-76* cited in Susanne Johansson, *Projects for Roma inclusion – a content analysis exploring empowerment and intersectionality within five projects* (Malmö University 2014) 18-19. However, potential disadvantages to the subjects of research were reduced by virtue of the chosen approach which relied on interactions with respondents from diverse backgrounds exposed to the same set of questions.

<sup>6</sup> See sub-ss II/B/2/a and b.

Each target group responded to a set of questions which served to focus the discussion along the intended lines, giving however freedom to the respondents to express themselves. This served to encourage a natural flow of discussion and spontaneity in answers which ultimately allowed for deeper insights to come across. Depending on the general flow of communication, additional sub-questions were put at times to make certain issues more manifest (see **Annex I** for the questionnaire).<sup>7</sup>

The substance of the questionnaire was informed by the relevant provisions in the national and local strategies and the rights and responsibilities pertaining to each stakeholder. Account was taken of the administrative organisation in each municipality, the cultural background of every target group as well as of the intra- and inter-group dynamics which influence their general awareness, the willingness to respond, and the overall scope of communication. Policy makers responded to 14 standard questions, Roma civil society to five, and Roma women and/or girls from the community to ten.

In this context, a great challenge was contacting representatives from all three focus groups, which played out differently in each implementation location due to various local specificities.<sup>8</sup>

The challenges encountered and their impact on the research's findings, however limiting, did not render the assessment results inoperative. On the contrary, informed by the intersectional lens and the broad view on education, the semi-structured interviews and the flexible approach ultimately generated fruitful dynamics with the respondents. It allowed for interactions with various Roma and non-Roma stakeholders, thus bringing in views and perceptions at various levels of involvement and providing insights into implementation gaps which a mere overview of policies, however deep, would have never allowed for.

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<sup>7</sup> The answers are not reproduced in the paper, but are available for consultation from the author's own records. The interviewees were anonymised but the author has their permission to use quotations, where need be. See full questionnaire at Annex I.

<sup>8</sup> For ease of analysis and to provide a clearer picture of the level of interaction with local stakeholders, further details are provided in the sections discussing implementation in the two local examples; see sub-ss II/B/2/a and b.

# **I. ROMA WOMEN & GIRLS. EUROPEAN REGIONAL STANDARDS**

The first part of the present paper is dedicated to an overview of the educational standards developed at European level upon the design of Roma integration strategies and their level of gender (and age) awareness. After a brief account of the sources of disempowerment in Roma women and girls' lives coupled with theoretical insights into notions of intersectionality and empowerment, attention will turn to the concept of the human right to education and its relevance for women and girls. Subsequently, the EU Framework and other relevant European actors' measures will be in focus for a critical approach to their understanding of efficient Roma integration through the lens of education provisions for women and girls.

## **A. ROMA WOMEN & GIRLS. INTERSECTING IDENTITIES IN EUROPE**

This chapter will start with a brief overview of the current situation of Roma across the European continent focusing on its female sub-group and draw a general picture of the intersectional discrimination they face in their daily lives. Laying out the interplay of multiple discrimination and lack of education, which engenders a self-reinforcing cycle of oppression, it will end with some reflections on the potential and limits of using education as a tool to unlock this pattern. Theoretical framing interwoven with the lived experience will be used as a basis to see to what extent the EU's Roma strategy took these perspectives on board or opted for a different approach when pressuring states to improve the situation of Roma and with it that of women and girls.

### **1. Intersectionality as lived experience**

Modern times have seen an upsurge in anti-Roma sentiment throughout Europe amidst waves of racial violence and inflated nationalism. Deeply rooted in Europe<sup>9</sup> due to constructions of space and place constantly assigning them to a lower social status and subjecting them to enduring persecution and exclusion,<sup>10</sup> anti-Gypsyism<sup>11</sup> is on the rise in all public discourses. With Roma-oriented policies focusing on dominant group features, further compounded experiences of marginalisation go unacknowledged.

Roma women and girls remain largely invisible as the “internal outsiders”,<sup>12</sup> facing multiple disadvantages by virtue of gender and of membership in the Roma minority, tripled when young age intervenes as an additional burden.<sup>13</sup> Highly intertwined, these undistinguishable grounds<sup>14</sup> create

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<sup>9</sup> The Roma history in Europe is one of constant subjection to severe racism, social and economic disadvantages, and forced population displacement. Perceived as devaluing space and transgressing the meaning of place as understood by settled populations, they have been the object of State policies to “re-make” them ranging from elimination to containment to assimilation, both after the World War I and presently by the EU as a supranational body. See Angus Bancroft, *Roma and Gypsy-Travellers in Europe: Modernity, Race, Space, and Exclusion* (Ashgate 2005) 1-2, 27-33; and Zoltan D Barany, *The East European Gypsies. Regime Change, Marginality, and Ethnopolitics* (CUP 2002) 133-156 (during non-democratic regimes) and 157-201 (the 1990s).

<sup>10</sup> Bancroft (n 9) 33, and 34-50 (on narratives of race and racialisation from Roma’s perspective).

<sup>11</sup> Defined as “the specific expression of biases, prejudices and stereotypes that motivate the everyday behaviour of many members of majority groups towards the members of Roma and Traveller communities”; see Thomas Hammarberg, *Human Rights of Roma and Travellers in Europe* (CoE 2012) 39, 39-62 (on the various uses of anti-Gypsyism in public discourse). Concerns are reflected also in the adoption of the CAHROM, Draft Declaration of the Committee of Ministers on the Rise of Anti-Gypsyism and Racist Violence Against Roma in Europe of 1 February 2012 CM/Del/Dec(2012)1132/6.2.

<sup>12</sup> Bancroft (n 9) 33.

<sup>13</sup> A fourth layer of disadvantage would occur in migration, see PACE Committee on Migration, Refugees and Displaced Persons, Report ‘The Situation of Roma in Europe: Movement and Migration’ (provisional version, 1 June 2012) 5-7.

<sup>14</sup> Sia Spiliopoulou Åkermark, *Human Rights of Minority Women. A Manual of International Law* (The Ålands Islands Peace Institute 2000) 13 (on examples of discriminatory cultural patterns of Roma women in Sweden). Discriminatory grounds cannot be distinguished due to faulty data collection; lack of documentation, statistics and comprehensive research is compounded by issues of identity construction. A striking example from Romania is evocative of the construction of Roma identity through imperialist structures which place Roma at the bottom of society; in developing the national minority strategy for 2008-2013, the government defined the Roma as the “citizen, co-citizen who is considered as Roma by the majority population”; this ascription of identity through the perception of others leads to estimations being different from census-collected data. See Barbare Tiefenbacher, ‘Identifying “Roma” of Constructing “the Other”? Slovak Men and Women in Processes of Identification’ (2011) 10 EYMI 249, 249-68 <http://booksandjournals.brillonline.com/content/journals/10.1163/22116117-01001011> accessed 23 May 2017.

patterns of discrimination by occurring simultaneously, impacting on different rights, and being perpetuated by different actors.<sup>15</sup> This is reflected in Roma women's inferior status in all environments they inhabit, family, society, and minority group. Increased marginalisation of the group impacts on the women's role in family and society, manifested through their participation in education and employment. With low educational achievement, high rates of irregular attendance and school dropouts, high unemployment rates and poor employment opportunities, their integration and full participation in society are not a realistic possibility.<sup>16</sup> Gender inequalities are perpetuated by gender division of work in family and society, influenced by factors like educational level, involvement of spouses in work and community influence on the individual.<sup>17</sup> Traditional family roles<sup>18</sup> create additional mechanisms of exclusion, with early and child marriages as the most evocative expression of the "subjugated position of women".<sup>19</sup> Where such practices prevail, the lack of information and education is rife and contributes

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<sup>15</sup> Sia Spiliopoulou Åkermark, 'Multiple Discrimination – The Case of Minority Women' in The Ålands Islands Peace Institute, *Minorities and Women. A Report from the Åland Minority Days in October 1997* (1998) 8-12, 12-13 (Ålands Islands Peace Institute Report).

<sup>16</sup> CoE, *Strategy on the Advancement of Romani Women and Girls (2014-2020)* [2014] (Women Advancement Strategy). Several studies tackled these experiences of exclusion; see Călin Zamfir and Elena Zamfir (eds), *Țigăniile – între ignorare și îngrijorare* (Gypsies – Between Ignorance and Concern, *a.t.*) (Alternative 1993); Marian Preda and Cătălin Zamfir (eds), *Romii din România* (Romania's Roma, *a.t.*) (Expert 2002); Diana Maria Hulea, 'Rolul femeilor Roma în viața publică și familială. O perspectivă de gen' (The Role of Roma Women in Public and Private Life. A Gender Perspective, *a.t.*) (2013) 2 Polis <http://revistapolis.ro/rolul-femeilor-roma-in-viata-publica-si-familiala-o-perspectiva-de-gen-the-role-of-roma-women-in-public-and-in-private-life-a-gender-perspective/> accessed 23 May 2017.

<sup>17</sup> Mălina Voicu and Raluca Popescu, *Viața de familie și poziția femeii în comunitățile de romi – Raport de cercetare* (Family Life and Women's Place in Roma Communities – Research Report, *a.t.*), (Soros Foundation 2009) 3 (on the three types of communities, traditional, on-traditional rural and non-traditional urban) [http://www.fundatia.ro/sites/default/files/ro\\_103\\_Femeile%20roma\\_Ce%20stim%20si%20ce%20nu%20stim%20despre%20ele.pdf](http://www.fundatia.ro/sites/default/files/ro_103_Femeile%20roma_Ce%20stim%20si%20ce%20nu%20stim%20despre%20ele.pdf) accessed 23 May 2017.

<sup>18</sup> Gender roles are complementary in the patriarchal Roma culture, where women do not have an inferior status but different roles, the women being the "ministry of interior" and the man the "ministry of external relations"; see Letiția Mark, „Fetele se lovesc de mai multe obstacole” ('Girls Face More Obstacles', *a.t.*) *Revista 22 online* (Bucharest, 9 June 2006) <http://revista22online.ro/2793/.html> accessed 23 May 2017. For extensive information on social roles in Roma communities see Voicu and Popescu (n 17) 5-9, 27-33 (on gender roles); and EC, *Ethnic Minority and Roma Women in Europe: A Case for Gender Equality?* (Publications Office of the EU 2010) 107 (on social roles and early pregnancies as direct causes of high drop-out rates).

<sup>19</sup> Hammarberg (n 11) 105. On the practice and meaning, see Eugen Crai, *Early and Forced Marriages in Roma Communities in Romania* (April 2015) in CoE, *Thematic Report on Child/Early and Forced Marriages Within Roma Communities in the Context of Promotion of Gender Equality* CAHROM(2015)8 Addendum 12-14 <https://rm.coe.int/1680651475> accessed 23 May 2017 (CAHROM Report 2015).

to their perpetuation.<sup>20</sup> This further results in a general lack of autonomy, limited decision-making power, high risks of health problems, insecurity, and other abuses against women.<sup>21</sup>

The severe human rights impact of customary marriages and early pregnancies is an outright denial of their right to education. The importance accorded to virginity and inter-community unions sees girls of 13 or 14 years old taken out of secondary schools, with no family interest for further investment in their education also due to their low family status.<sup>22</sup> School dropout and absenteeism are at their highest when generated by such customary practices across Europe.<sup>23</sup> Girls' brief presence in school features numerous instances of discrimination through inadequate and gender-biased teaching and educational materials, lack of adequate or accessible school facilities, and early-age domestic work.<sup>24</sup> Pitted against the background of rampant school segregation (in separate classes or special schools), they experience compounded forms of deprivation. For example, statistics generally point to significantly higher

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<sup>20</sup> Anne Bouvier, 'The Experience of Women Belonging to Minorities and NGOs' in The Ålands Islands Peace Institute Report (n 15) 51-52. Similarly, factors like social status, isolation, urban or rural area, parents' level of education and family models were influencing factors in early marriages; see Nicoleta Bitu and Crina Morteau, *Are the Rights of the Child Negotiable? The Case of Early Marriages Within Roma Communities in Romania* (Răzvan Gheorghe tr., Alpha MDN 2010) 32.

<sup>21</sup> CAHROM Report 2015 (n 19) 52.

<sup>22</sup> ERRC, Submission to the Joint CEDAW-CRC General Recommendation/Comment on Harmful Practices: Child Marriages among Roma, 9 September 2011, 4-6 <http://www.errc.org/article/errc-submission-to-the-joint-cedaw-crc-general-recommendationcomment-on-harmful-practices-september-2011/3929> accessed 23 May 2017; and Cristina Mocanu (ed), *Discriminarea multiplă în România* (Multiple Discrimination in Romania, a.t.), (Societatea de Analize Feministe and INCSDMPS 2008) 13; Mălina Voicu and Raluca Popescu, „Nașterea și căsătoria la populația de romi” (Birth and Marriage Within Roma Population, a.t.) (2007) XVII (3-4) *Revista Calitatea Vieții* (Quality of Life Magazine, a.t.) 253; CAHROM Report 2015 (n 19) 12. Reports show that 2% of Roma girls aged between 10 and 15 years were “traditionally married” or living with a partner, with a high percentage of 16% for those in the 16-17-year age group. While 36% of the 16-17-year-old Roma women are in education, the percentage shrinks to 6% for those married or living with a partner compared to 45% of those still single at that age; see ERIO, *The Charter of the Fundamental Rights of the EU and the Roma* [2013] 18 [http://www.erionet.eu/doc-paper-charter-of-fundamental-rights-and-the-roma\\_erio\\_2013](http://www.erionet.eu/doc-paper-charter-of-fundamental-rights-and-the-roma_erio_2013) accessed 23 May 2017 (ERIO Paper); and FRA, *Discrimination Against and Living Conditions of Roma Women in 11 EU Member States. Roma Survey – Data in Focus* (Publications Office of the EU 2016) 4, 41 (FRA survey Roma women).

<sup>23</sup> CoE CAHROM, *Thematic Report on School Drop-out/Absenteeism of Roma Children*, CAHROM (2012)6 <https://rm.coe.int/16800890d4> accessed 23 May 2017; and CoE CAHROM, *Thematic Report on School Attendance of Roma Children, in Particular Roma Girls*, CAHROM (2013)5 <https://rm.coe.int/16800890d3> accessed 23 May 2017; these reports cover countries like Sweden to show similar trends of this widespread phenomenon within Roma communities.

<sup>24</sup> Åkermark (n 14) 87; and Beijing PfA, para 71.

illiteracy rates among Roma women as opposed to non-Roma.<sup>25</sup> Lagging behind their male counterparts in all educational parameters, like self-perceived literacy, school attendance rate and the highest level of education reached, girls are especially vulnerable to educational exclusion.<sup>26</sup> Further challenges add up in their adult lives negatively impacting their chances in future life, mainly in relation to access to employment.

Illiteracy reinforces socio-economic exclusion, as choices outside stereotyped gender roles cannot be made without knowledge and autonomy. Roma women and girls do not participate in decision-making processes even on policies and measures relevant to their situation. Without a clear and full perspective on them, inclusionary policies remain deficient, ineffective and further replicate obstacles to their equal access to resources and full participation in public and private life,<sup>27</sup> locking them in a cycle of oppression. Roma women play an important role in society as element of stability but also of change.<sup>28</sup> Self-worth, once acquired, is transmitted to future generations. But lacking the means to react to the multiple disadvantages they face and without role models, they are bound to replicate their group's social and cultural values. Their empowerment through the creation of "critical consciousness"<sup>29</sup> cannot be envisaged without education, which offers the support needed to question traditional values and practices and pave the way for meaningful participation.

However, their visibility is yet to be achieved even within Roma mobilisation, essentially plagued by paternalism, disunity, and ill-defined objectives.<sup>30</sup> This failure further extends to efforts undertaken by

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<sup>25</sup> For example, only 64% of girls are enrolled in primary school compared to 96% non-Roma coming from a similar socio-economic background; see UNICEF, *The Right of Roma Children to Education: Position Paper* [2011] 8. A FRA survey showed only 16% Roma women to be illiterate compared to 1% non-Roma; see FRA Survey Data Explorer – Results from the 2011 Roma Survey <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-results-2011-roma-survey> accessed 23 May 2017.

<sup>26</sup> FRA survey Roma women (n 22) 11-16. The survey lists a slight improvement in school attendance and a trend of gender gap closing at younger age groups; see *ibid* 11, 13.

<sup>27</sup> Women Advancement Strategy (n 16).

<sup>28</sup> Stability is ensured through the passing the culture to children, while change results from her active role in their education and active participation in intercultural dialogue; see Jean-Pierre Liégeois, *Romii în Europa* (CoE 2008) 64. Her role in mediating the relations between households and the outside world, characterised by efforts to be up to date in domestic practices, is proof of the desire to belong, to participate in worldwide processes. See Andreea Racleş, 'Belonging, Houses and Roma Women from Southern Romania – An Anthropological Approach' (2013) 68 ECMI Working Paper 5, 20, 21 [https://www.files.ethz.ch/isn/165857/Working\\_Paper\\_68.pdf](https://www.files.ethz.ch/isn/165857/Working_Paper_68.pdf) accessed 23 May 2017.

<sup>29</sup> Katarina Tomaševski, *Women and Human Rights* (Zed 1993) 28; and Åkermark (n 14) 24.

<sup>30</sup> Barany (n 9) 218-40.

the civil society and policy makers creating a “Gypsy industry”<sup>31</sup> with no tangible effect on Roma, let alone on women and girls, the group’s minority. Educational policies are considered to have bettered throughout the last decades especially under EU pressure.<sup>32</sup> Before considering the latest strategy devised for Roma inclusion to see if the increased awareness of Roma women’s multiple discriminations resulted in a focus on education and consequently in an adequate design of policies, some conceptual clarifications are needed.

## 2. Intersectionality as theoretical concept

As seen above, the daily-lived multiple discrimination and social exclusion, compounded by persistent poverty and low educational levels, locate Roma women at the intersection of their identities both as women and ethnic Roma, with the sometimes-added layer of young age. Any inclusionary effort must incorporate an intersectional lens if it seeks to deliver real and effective solutions. For the purposes of the present research, which will use an intersectional frame for its assessment goals, a brief theoretical presentation of the concept of intersectionality is included. Additionally, since women and girls’ marginalisation and the participatory aims of integration strategies are deeply related to structures of power and agency, a short framing of the concept of empowerment is also provided. Its usefulness will be especially relevant when the discussion turns to the requirements of rights-based education in the following section.

### *a. Intersectionality*

Intersectionality emerged in late 1980s feminism as a reaction to the identification of women as a homogenous group with the cost of obliterating women’s particular experiences.<sup>33</sup> As coined by Crenshaw, the concepts of multiple and intersectional discrimination illustrate situations where several

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<sup>31</sup> The “Gypsy industry” refers to the surge of NGOs and international bureaucracies which only enrich participants with no effect on Roma and to the international meetings which only “regurgitate the same familiar Gypsy plight elements for the umpteenth time without doing something”; so far, results have been simple awareness-raising about violations, with little coordination between researchers engaged in pointless, repetitive studies, with activists pursuing their own interests and with decision-makers looking for “a prescription without diagnosis, a treatment without analysis” – citing to Jean-Pierre Liégeois, *Roma, Gypsies, Travellers* (CoE 1994) 311) *ibid* 279-80.

<sup>32</sup> Barany (n 9) 322-24.

<sup>33</sup> Siobhan Curran, ‘Intersectionality and Human Rights Law: An Examination of the Coercive Sterilisations of Romani Women’ (2016) 16 *The Equal Rights Review* 132, 134.

grounds of discrimination intersect to the disadvantage of those groups caught in the middle,<sup>34</sup> creating systems of power and oppression. For this reason, intersectionality is regarded as a useful analytical tool that can denounce and dismantle such systems<sup>35</sup> as it allows for a more complete and nuanced analysis.<sup>36</sup> Enhanced visibility of such multi-dimensional experiences of discrimination needs to be coupled with an effective implementation by policy makers and other relevant stakeholders to unlock the liberating potential for Roma women. To this end, further conceptual insights are needed.

As social constructs, the categories which interact in the shaping of identities – such as ethnicity, gender, religion, age, culture, ability, etc. – are considered natural, which raises the expectation that groups are homogenous, with members sharing the same attributes and experiences; inclusionary and exclusionary practices become an obvious consequence.<sup>37</sup> The usefulness of intersectionality resides in its rejection of sameness to give visibility to the differences which make experiences of discrimination so diverse. Intra-group commonalities are however important when attempts are made to work toward goals for the entire group.<sup>38</sup> By bringing context into perspective and enabling the use of different means adapted to different individual experiences (like women's and girls') within designing measures and policies aimed at a whole group (like the Roma), intersectionality reveals its importance to bring change for Roma women and girls.

Of the many categories that shape identities within the Roma community, ethnicity, gender, and young age interrelate to create unique social groups and hierarchies. As argued by scholars, women defined by ethnicity encounter most problems which place them at the bottom of the hierarchy.<sup>39</sup> This is of

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<sup>34</sup> Kimberly Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color' (1991) 43(6) *Stan L Rev* 1241, 1244.

<sup>35</sup> Curran (n 33) 134. The various categories and descriptions of women constantly interact to construct identities thus enabling a more in-depth analysis that captures hidden patterns of oppression. See Gail Lewis, *Race, Gender, Social Welfare: Encounters in a Postcolonial Society* (Cambridge Polity Press 2000) 167.

<sup>36</sup> Johanna E Bond, 'Intersecting Identities and Human Rights: The Example of Romani Women's Reproductive Rights' (2004) 5 *Geo J Gender & L* 897, 908. Critiques of the numerous and seemingly never-complete categories that would limit the use of intersectionality as analytical tool, are rejected by the possibility to choose the categories to use based on context and relevance. See Joan Acker, 'Revisiting Class: Thinking from Gender, Race, and Organisations' (2000) 7(2) *Soc Polit* 192, 205.

<sup>37</sup> Nira Yuval-Davis, 'Intersectionality and Feminist Politics' (2006) 13(3) *Eur J Women's Studies* 193, 199-200.

<sup>38</sup> Chandra Talpade Mohanty, "'Under Western Eyes" Revisited: Feminist Solidarity Through Anticapitalist Struggles' (2003) 28(2) *Signs: Journal of Women in Culture and Society* 499, 505.

<sup>39</sup> David F Warner and Tyson H Brown, 'Understanding How Race/Ethnicity and Gender Define Age-Trajectories of Disability: An Intersectional Approach' (2011) 72(8) *Social Science and Medicine* 1236, 1237. For further discussions on the concepts of race/ethnicity, see Johansson (n 5) 15-16, fns 58, 61 and the references therein.

utmost importance for women within Roma groups, defined among others by unique cultural values and customs, shared transnationally despite differences across other categories within the minority.

An additional note should be made of relations within the Roma community which inform to a large extent women's experiences. Long-perpetuated stereotypes and cultural norms that confine them to group boundaries could contribute to reducing their visibility outside the community. Interventions from the outside to change their situation could be perceived as an attack, undermining the protection conferred to the entire group, which does not face the same level of vulnerability and subordination.<sup>40</sup>

Lastly, intersectionality is categorised as structural, political and representational.<sup>41</sup> *Structural intersectionality* represents the convergence of several subordinating structures to cause a multifaceted disadvantage to the person in cause. Education, for example, is but one area where examples of gender and ethnicity combining to cause multiple discrimination of Roma women and girls abound,<sup>42</sup> along with social services, employment, and health care.<sup>43</sup> Intersectional discrimination, occurs at institutional levels – intentional or unintentional<sup>44</sup> – as well as within the larger society, where disempowerment is reflected in marginalising attitudes of all sorts, as seen above.<sup>45</sup> *Political intersectionality* represents the situation of being caught between two or more separate agendas, that of movements for women's and for Roma's rights, placing Roma women before the moral dilemma of choice – pledging allegiance to either one.<sup>46</sup> Lastly, *representational intersectionality* reflects the little influence Roma women actually have in matters of interest to them. Long-term marginalisation of Roma women's issues in both Roma and women's human rights discourses have perpetuated the invisibility of their experiences. Increased attention to their needs and concerns can happen only if they are given the opportunity to represent their

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<sup>40</sup> However, scholars argue that group rights should not be abandoned as they represent an important basic protection for such intra-group forms of vulnerability. See Sarah Moller Okin, *Is Multiculturalism Bad for Women?* (Princeton University Press 1999) 23, 33-34.

<sup>41</sup> Crenshaw (n 34) 1244.

<sup>42</sup> See s I/A/1.

<sup>43</sup> Notoriously, coercive sterilisation of Roma women is another prominent example of multiple discrimination, compounded by lack of access to justice (where convergence of gender and ethnicity renders redress mechanisms unavailable); for details, see sub-s I/B/3/d; and Fareda Banda and Christine Chinkin, Report *Gender, Minorities and Indigenous Peoples* (Minority Rights Group International 2004) 12-13.

<sup>44</sup> Policies or laws with detrimental effects on individuals or groups located at the intersection of gender and ethnicity are instances of unintentional or indirect discrimination. Education for Roma women and girls serves again as the best reflection; see sub-s I/B/3/d.

<sup>45</sup> For a detailed account, see Camilla Ida Ravnbøl, 'The Human Rights of Minority Women: Romani Women's Rights from a Perspective on International Human Rights Law and Politics' (2010) 17 IJMGR 1, 39-40.

<sup>46</sup> Crenshaw (n 34) 1252; this further influences political and legal practices to the detriment of Roma women; see Ravnbøl (n 45) 40.

own interests.<sup>47</sup> Consequently, policies and strategies informed by the unique forms of multiple discriminations in Roma women's lives can result in deep understanding of marginalisation patterns which in turn leads to adequate solutions that acknowledge and enforce their human rights. This way intersectionality can become a tool for realising human rights.<sup>48</sup>

### *b. Empowerment*

Discussions around the need to enhance disadvantaged women's influence in setting policy-makers' agendas inevitably turn to the issue of empowerment. As a process of change, empowerment enables people who have been denied the ability to make choices (disempowered) to acquire such an ability (empowered) by removing certain social, legal, and political barriers.<sup>49</sup> Strategic life choices (crucial to women's desired lives) are defined by three inter-related and interdependent dimensions: resources, agency, and achievements.<sup>50</sup> These dimensions turn empowerment into both a goal, relating to the individual's control over his/her life, being responsible for decisions that affect his/her situation, and as a means, to shift the responsibility for defining problems and finding solutions from professionals to individuals or groups like minorities.<sup>51</sup> Empowerment entails a change in the terms on which resources are acquired (as shaped by rules and practices in different domains like family and public sector which give authority to certain actors in determining resource distribution) along with an increase in the access to resources so that it results in dignity and self-worth.<sup>52</sup>

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<sup>47</sup> *ibid* 12-27 (on how representational intersectionality is an issue to Roma women).

<sup>48</sup> Yolande Tomlison, 'Intersectionality: A Tool for Realising Human Rights' (*New Tactics in Human Rights* blog, 11 February 2015) <https://www.newtactics.org/blog/intersectionality-tool-realizing-human-rights> accessed 23 May 2017.

<sup>49</sup> Naila Kabeer, 'Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment', in Naila Kabeer and others, *Discussing Women's Empowerment – Theory and Practice*, Sida Studies no 3 [2002] 19; Solava Ibrahim and Sabina Alkire, 'Agency and Empowerment: A Proposal for Internationally Comparable Indicators' (2007) 35(4) *Oxford Development Studies* 379, 385, and Jay Drydyk, 'Empowerment, Agency and Power' (2013) 9(3) *Journal of Global Ethics* 249, 250 (on the evolution of the concept and its meaning).

<sup>50</sup> *Resources* are economic, human (individual's skills and knowledge), and social (claims, obligations pertaining to different spheres of life and enabling people to improve their situation beyond what their efforts would allow them to) conditions. *Agency* is the ability for collective and individual reflection and action, to define one's own life choices and pursue them; at times, social norms can lead to outcomes in the absence of any exercise of agency, such as in the case of early marriages. Resources and agency result in capabilities to *achieve*. See *ibid* 20-22.

<sup>51</sup> Per Anders Tengland, 'Empowerment: A Conceptual Discussion' (2008) 16(2) *Health Care Anal* 77, 80-81, 89, 91.

<sup>52</sup> Kabeer (n 49) 20.

Change happens at individual level, in people's sense of identity and capacity to act, and at structural level, where the distribution of resources and power occurs and is constantly reproduced. Sustainable and meaningful change must be reflected at both levels. If hidden structures of inequality and discrimination persist, increased resources like rights provided in legal framework will not impact the individual's societal choices, which would ultimately reflect these inequalities.<sup>53</sup> Such choices are incompatible with empowerment. They reflect the imbalances in power relations and show how the ability to gain control and make choices must be complemented by the effective exercise of that control,<sup>54</sup> in a lasting and sustainable manner.<sup>55</sup> Durability as an indicator of the degree of empowerment is relevant in the situation of Roma women, whose choices have long been related to alternatives depending on the whims of the different national, regional, and local governments in power.

Finding solutions for women's disempowerment thus commands a look beyond poverty to other social restrictions which define their inability to make strategic life choices. This reflects when empowerment is measured in areas which require control over resources, like education. Its empowering value is shaped by relations of power and dominance which determine actual achievements. The degree to which women internalise their inferior social status to the point that it appears just, who educates and how, all contribute to the reproduction of patterns of subordination/marginal behaviours in crucial areas like education, through silent consent, by choosing "not to choose".<sup>56</sup> These contextual aspects are of utmost relevance for the critical assessment of the adequacy of strategies and implementation measures for the enhanced inclusion and empowerment of Roma women in education, put against the background of the relationship between the majority and Roma. Are educational policies devised so that they provide and/or increase the knowledge needed for changes in thinking in both societal camps, Roma and non-Roma? Given the potential education holds for women and girls and their educational experience largely informed by intersectional discrimination, the next chapter will analyse to what extent this understanding permeated regional inclusion strategies, circulating down to local measures of implementation to ultimately reach the final beneficiaries, Roma women and girls.

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<sup>53</sup> *ibid* 26, 27.

<sup>54</sup> Scholars termed it as the *power of*; see Yuval-Davis (n 37) 18, and Ibrahim and Alkire (n 49) 384.

<sup>55</sup> If notions of power and agency are important to the understanding of empowerment, they will not be examined in depth as out of the scope of the present paper's theoretical framework. They were explained only within the limit needed to portray the intricacies behind empowerment goals for minorities like Roma women. For further developments, see *ibid* 379, 383, 384; and Drydyk (n 49) 250-53.

<sup>56</sup> Kabeer (n 49) 19-20, 24.

## **B. EUROPEAN REGIONAL STANDARDS ON THE EDUCATION OF ROMA WOMEN & GIRLS**

This chapter will first turn to the concept and nature of the right to education, highlighting its essential characteristics to show how education, framed as a human right, provides essential principles enabling the development of alternative visions of Roma women's and girls' lives from their intersectional experience of life. It will then look at the standards developed by both EU and other European actors to see how salient education is throughout the designed measures and policies as well as the degree of gender sensitivity permeating them.

### **1. The right to education: concept, potential and limitations**

From Thomas Jefferson's "crusade against ignorance" through the "diffusion of knowledge among people" as the surest foundation "for the preservation of freedom and happiness"<sup>57</sup> to the US Supreme Court viewing education as "a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment",<sup>58</sup> the importance of education cannot be overestimated. Before even being recognised as a fundamental human right, education was first compulsory as it created a sense of collective identity,<sup>59</sup> and later acknowledged as a requirement of human dignity, a vehicle for individual development and access to other welfare rights.<sup>60</sup>

The increased visibility in international and regional instruments such as CRC (Article 28), CEDAW (Article 10), ICESCR (Article 13), FCNM (Articles 12 and 14) and ECHR (Article 2 Protocol No. 1 to

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<sup>57</sup> Thomas Jefferson in a letter to George Wythe in Paris on 13 August 1786 as quoted in Douglas Hodgson, *The Human Right to Education* (Ashgate Dartmouth 1998) 7.

<sup>58</sup> *Brown v Board of Education* [1954] 347 USSC 483 in Klaus Dieter Beiter, *The Protection of the Right to Education by International Law: Including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights* (Martinus Nijhoff Publishers 2006) 18-21.

<sup>59</sup> This occurred at the time when the nation-state was formed, when a sense of shared identity was instilled in future generations through teaching of a common language; see Katarina Tomaševski, *Human Rights Obligations in Education: the 4-A Scheme* (Wolf Legal Publishers 2006) 7.

<sup>60</sup> Education was considered as the only way to realise the individual's potential and acquire full membership in society, self-respect, and as a means to employment, accommodation, nutritional requirements, etc. See Hodgson (n 57) 19-20; Beiter (n 58) 26-28 (on the philosophical basis of the right to education).

the ECHR) helped define the concept of a *right to education* (RTE). If the ECtHR views education in a wider sense as “the whole process whereby, in society, adults endeavour to transmit their beliefs, culture and other values to the young”, other international instruments protect it within a narrower meaning, that is, teaching or instruction in specialised institutions understood as “transmission of knowledge and intellectual development”.<sup>61</sup>

If the content of the RTE is not specified anywhere, the gap is filled by the various requirements on the aims of education – such as full development of personality, talents and abilities, enhanced respect for other human rights and fundamental freedoms, effective and responsible participation on society, promotion of tolerance among diverse ethnic groups, ability to communicate, etc.<sup>62</sup> – which inform to a large extent the skills and knowledge to be gained through it. Qualified as an *empowerment right* because it empowers one to take charge of his/her life, the RTE becomes a fundamental means to exercise other human rights.<sup>63</sup> Its cross-cutting nature made its classification as a human right complicated. While mainly considered an ESCR (States having to invest resources to set up and maintain an educational system), other authors view it as overriding such boundaries;<sup>64</sup> its freedom aspect makes it a CPR (the freedom and pluralism to be attained in education place negative obligations on the State, like refraining from discrimination and respecting the freedom of choice), while the cultural aspect (as a promoter of cultural identity, its violation becomes a transgression of humans’

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<sup>61</sup> *Campbell and Cosans v UK* Apps nos 7511/76 and 7743/76 (ECtHR, 25 February 1982) para 33. The right to education thus became the only internationally recognised social right explicitly protected under Article 14 ECHR (non-discrimination); see Hammarberg (n 11) 121. For several other attempts to define the concept and its historical development, see Beiter (n 58) 18-21, 21-25.

<sup>62</sup> Hodgson (n 57) 74-82. The CESCR also highlighted education’s vital role of promoting human rights and democracy, being an essential tool for marginalised adults and children to lift themselves out of poverty and participate meaningfully in their communities. See CESCR, General Comment no 13, ‘The Right to Education’ E/C.12/1999/10 [1999] paras 1, 6(b) (CESCR GC 13).

<sup>63</sup> Beiter (n 58) 28-30. Beiter relies on four main reasons for this qualification; the right to education has a liberating potential, enables political empowerment, is key to socio-economic development and increases participatory opportunities in cultural life. He categorises rights as survival rights, membership rights, protection rights and empowerment rights (along with the right to education, freedom of press and of association too). This is further highlighted in the promotion of human rights education under the UN Declaration on Human Rights Education and Training, whereby accessible, available, acceptable and adaptable human rights education promotes empowerment and human development and contributes to the elimination of causes of exclusion and marginalisation (Article 5(2)); see UN General Assembly, Resolution 66/137 adopted on 19 December 2011, UN Declaration on Human Rights Education and Training, A/RES/66/137.

<sup>64</sup> Naturally, human rights are divided as CPR, ESCR and solidarity rights. For details on this distinction and concepts, see Theo van Boven, ‘Categories of Rights’ in Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran, *International Human Rights Law* (2<sup>nd</sup> edn, OUP 2014) 144-47.

integrity which hinders the effective exercise of other rights) links it with solidarity rights.<sup>65</sup> The CESCR qualified it as a “mixed right”, serving CPR but falling within the logic of ESCR.<sup>66</sup> What is clear is that two of its principles, free and compulsory education and the right to enjoyment without discrimination have become part of customary law.<sup>67</sup>

a. *“The four-A scheme”*: standards of the human right to education

Informed by these aims and qualifications, the standards of education as a human right were grouped under “the four-A scheme”: availability, accessibility, acceptability, and adaptability.<sup>68</sup>

*Availability.* Although defined by international human rights law<sup>69</sup> as a right for children and adults alike, the RTE is usually age-based and prioritises primary education. As a freedom of and in education,<sup>70</sup> it involves a variety of actors with specific rights and duties: the government to ensure enjoyment of RTE as free and compulsory education for all children,<sup>71</sup> the child as a privileged right holder and bearer of the duty to comply with compulsory education requirements, the parent as “first educator”, and teachers and other professional educators.<sup>72</sup>

*Accessibility (and affordability).* Even if States fulfil their obligation to make education available, costs may render access unequal. Because human rights safeguards ignored economic power abuses, exclusion is now a reality both where education is a traded service and a free public service. This conflict

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<sup>65</sup> Beiter (n 58) 38-39, 42, 43; he observes that too much focus on the social aspect leads to decreased protection of the freedom aspect.

<sup>66</sup> CESCR, General Comment no 11, ‘Plans of Action for Primary Education’ E/C.12/1999/4 [1999] para 2.

<sup>67</sup> Beiter (n 58) 44-46.

<sup>68</sup> Tomaševski (n 59) 15-108.

<sup>69</sup> For a description and analysis of treaties assembling obligations in education, see Katarina Tomaševski, *Manual on Rights-Based Education: Global HR Requirements Made Simple* (UNESCO 2004) <http://www.gsdr.org/document-library/manual-on-rights-based-education-global-human-rights-requirements-made-simple/> accessed 23 May 2017.

<sup>70</sup> Tomaševski (n 59) 9, 17, 20-23.

<sup>71</sup> This requirement, an obligation of result since the right to education is not a commodity, entails an obligation to finance education. However, this is not the case everywhere; the EU Charter of Fundamental Rights provides for a possibility of receiving education. Conceived not as an individual entitlement, free compulsory education must be possible, but not all compulsory education has to be free; see Tomaševski (n 59) 24-25, 28. Also, compulsory education is in apparent conflict with education as a right, because it involves an idea of coercion and risks brainwashing children’s vulnerable minds; see *ibid* 10. For an opposing view, see Beiter (n 58) 31 (a reconciliation of the two facets is possible due to the principle of equal opportunities and the protection of children from their own immaturity and from being prevented to attend school).

<sup>72</sup> Tomaševski (n 59) 18.

inevitably leads to the exclusion of the poor, unable to purchase the service.<sup>73</sup> Their subsequent lack of accomplishments in formal education is translated into proof of inferiority, based on average statistics ignoring gender, race, and ethnicity. Discrimination thus hidden is perpetuated and strategies based on such faulty statistics can lead nowhere. Equal access requires exposure of those excluded, victims of multi-faceted forms of discrimination, such as women and girls.<sup>74</sup>

*Acceptability.* Beyond quality, education must also be acceptable to everyone. Human rights requirements extend to the language of instruction, the content of education, the commitment and competence of teachers.<sup>75</sup> The uniform government-established model of schooling (curriculum, language, syllabus and teacher training<sup>76</sup>) is not suited to accommodate and enhance diversity.<sup>77</sup> Mother-tongue instruction is the “basis for non-discrimination of minority children”<sup>78</sup>, as it makes them bilingual, and thus empowered, preserves identity and transmission of culture, and ensures substantive equality.<sup>79</sup> The curriculum is also crucial; acceptable education in a diverse society must be multicultural and antiracial, challenging the “hidden curriculum” of institutionalised attitudes rooted in long-standing societal traditions.<sup>80</sup>

*Adaptability.* Since diversity denial leads to abuses, human rights require an educational content adapted to the child, thus affirming “the right of each child to be regarded as different”.<sup>81</sup> This requires considering children’s best interests and accommodating their wishes; however, children do not have a

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<sup>73</sup> *ibid* 11, and 56-57 (deploring that the WB became the key global actor in education, and that consumers of education have replaced bearers of human rights).

<sup>74</sup> *ibid* 11, 41, 42.

<sup>75</sup> *ibid* 69, 79.

<sup>76</sup> Ranjit Arora, *Monitoring Change in Education. Race and Ethnicity in Education* (Ashgate 2005) 1-4, 93-95, 96-101 (suggesting how to monitor, recruit and challenge racist practices while training for teaching in multicultural societies).

<sup>77</sup> Tomaševski (n 59) 11-12 (government as “educator, violator and regulator”) and 69-100.

<sup>78</sup> György Szépe, ‘Some Remarks on the Education Rights of National Minorities in CEE’ (1997) 4 IJMGR 105, 105-113.

<sup>79</sup> Kristin Henrard, *Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights and the Right to Self-Determination* (Kluwer Law International 2000) 257-61. For minority children, education aims to ensure equality of opportunity, enabling them to use their potential and become full members of society, coupled with pluralism, through celebration of cultural diversity; see Hodgson (n 57) 86.

<sup>80</sup> Henrard (n 79) 262-65.

<sup>81</sup> Tomaševski (n 59) 12.

voice in their own education.<sup>82</sup> Striving to include children in disregard of their diversity leads to imposition of uniformity,<sup>83</sup> to segregation (access is irrelevant when given to inferior, low quality, separate schools) and to assimilation (teaching girls according to boys' curricula, teaching mainstream language only).<sup>84</sup> Adaptability can be further ramified in two strands with particular relevance for the empowerment of Roma women and girls through education. The intersection of ethnicity and gender is reflected in the requirement for education to adapt first to Roma culture and then to gender.

a) Adaptability to culture

Century-old policies ranging from exclusion to containment to assimilation created a coercive environment, characterised by stereotypes, conflict and mistrust between Roma and the society. The high rates of educational underachievement may be explained by a rejection of school as an institution of others, imposed and threatening to their culture.<sup>85</sup> School achievements not resulting in socio-economic success make education ill-suited to Roma needs and thus unattractive. Segregated education reinforces community conflicts and runs counter inclusionary goals. Teaching needs to adapt to Roma culture by accepting and respecting it, accommodating their life experience, and striving to meet Roma and the society halfway. Such flexibility in schooling is based on "interculturalism as a living social practice".<sup>86</sup> This requires consultation, coordination, flexibility, study and reflection, best realised at local level, where prejudiced attitudes first need to be tackled. The direct responsibility of local authorities requires the adoption of educational measures founded on Roma culture dynamics.<sup>87</sup>

b) Adaptability to gender

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<sup>82</sup> Only the CRC provides the right to participate in society based on the child's "evolving capacity", which has to be read in conjunction with CEDAW for girls' best interests to be considered adequately too. See Articles 28 and 29 CRC.

<sup>83</sup> Once again, statistics based on uniform criteria for evaluation of learning reduce them to average and hide barriers to learning. See Tomaševski (n 59) 12.

<sup>84</sup> *ibid* 102.

<sup>85</sup> Jean-Pierre Liégeois, *School Provision for Ethnic Minorities: The Gypsy Paradigm* (University of Hertfordshire Press 1998) 16, 36-45, 177.

<sup>86</sup> *ibid* 179-91, 195-98, 217-25.

<sup>87</sup> *ibid* 230-34. These standards would be meaningless without proper monitoring. Here, another benefit of rights-based education is that commitments to the progressive realisation of the right to education (as an ESCR) require the existence of human rights indicators to measure capacity to implement and performance in implementation. For this, the four-A scheme is particularly useful for evaluation within a common framework and is crucial for achieving progress; see Tomaševski (n 59) 126-29, 134.

For education to have “a vital role in empowering women”,<sup>88</sup> it has to adapt to girls’ school rights. Formal education provided for all girls is attractive only if its content and quality reflect the potential held for them, the rights they can gain through education. A human rights approach calls for strategies to consider all human rights and fundamental freedoms relevant for girls. Strategies mainstreaming human rights could make a difference for a group trapped in a vicious circle of denied rights due to several (hidden) grounds of discrimination.<sup>89</sup> The aim is to enhance girls’ ability to make informed choices, to distance themselves from the pressure of societal norms conflicting with primary education,<sup>90</sup> confining them to the home and perpetuating inequalities, such as childbearing and early marriages. Focusing on the gendered dimension of education, by rejecting “ideals” of motherhood and wifehood that inform girls’ schooling, can alter gender roles and open women to other prospects of living their lives and enable them to exercise their rights.<sup>91</sup>

*b. Education’s potential for women and girls*

Girls’ fundamental right to education, crucial to achieving equality, development and peace, and indispensable for the exercise of other goals,<sup>92</sup> was recognised primarily as a development strategy to alleviate poverty and solve many health and social problems, far-reaching beyond the individual level.<sup>93</sup> But it is most of all a matter of social justice, a tool for personal empowerment, key to their participation in decision-making, earning them community respect which further builds confidence and encourages

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<sup>88</sup> CESCR GC 13 (n 62) para 1.

<sup>89</sup> Tomaševski (n 59) 63.

<sup>90</sup> The need to mainstream human rights in girls’ education is evidenced in cases where formal schooling is detrimental on girls’ prospects of getting married, like Nepal, Nigeria; see Katarina Tomaševski, *Education Denied. Costs and Remedies* (Zed 2003) 160.

<sup>91</sup> Jane Martin, ‘Gender, Education and the New Millennium’ in Mike Cole (ed), *Education, Equality, and Human Rights: Issues of Gender, ‘Race’, Sexuality, Disability, and Social Class* (2<sup>nd</sup> edn, Routledge 2006) 21-38 (for ample historical perspectives on gender and education to show that formal equality in education obscures the root causes of inequalities in the choice of subjects and careers for women and girls); and Katarina Tomaševski, *Right to Education Primers I: Removing Obstacles in the way of the right to education* (RWI and SIDA 2001) 33, 34.

<sup>92</sup> Education is a goal in and of itself, a precondition for the full enjoyment of many other rights; see ACFC Commentary on Education (n 174) 7-8.

<sup>93</sup> This cost-effective approach is believed to help reduce child mortality, increase willingness to seek medical care and improve sanitation practices, reduce fertility and maternal mortality, to the point that the question becomes “whether countries can afford *not* to educate girls” (author’s highlight); Lawrence Summers, WB chief economist in 1992, quoted in Anne Firth Murray, *From Outrage to Courage. Women Taking Action for Health and Justice* (Common Courage Press 2008) 1, 38-39.

participation.<sup>94</sup> This is evident when one considers how discrepancies in literacy which manifest from early childhood reflect later in adolescence, when lack of education results in limited choices and opportunities and turns girls to marriage and childbearing; conversely, being well-equipped through education to identify injustices and confront them and having alternatives enables women to stop perpetuating harmful cultural values and passing them on to their children.

The right to literacy becomes a fundamental dimension of the right to education, “part of the path to liberation”<sup>95</sup> and a prerequisite to gender equality. Repercussions extend well into adulthood, when legal literacy, for example, is more than a question of knowledge, but a matter of understanding their rights, the functioning of the system so they can enjoy rights and defend them, and spread the knowledge in the community.<sup>96</sup> There is a universal acceptance that beyond spreading the knowledge of human rights, education builds the skills to promote, defend, and apply human rights in daily life with overspill effects across the entire society.<sup>97</sup>

Educating girls thus requires States to primarily ensure access to education, promote literacy and equal opportunities in education. On a deeper level, education must be provided for *girls’ needs*, with educational structures flexible enough to extend to all those constantly excluded due to previously ill-addressed schooling. Gaps or inadequacies in the effective exercise of the RTE result in the multiple disadvantages as experienced daily by women and girls. That is why States should promote education

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<sup>94</sup> *ibid* 42. As pointed out by CEDAW Committee, who urged States to eliminate gender stereotypes through education programmes, women in subordinate roles will have low educational levels, preventing social equality for women from ever becoming fully operational; see CEDAW Committee, General Recommendations no 3 [1987] and 19 ‘Violence against women’ [1992] para 24(f).

<sup>95</sup> Murray (n 93) 46. Literacy is a powerful tool to enjoy human rights, to the quality of life for both sexes and benefitting all in terms of access to social, economic and politic opportunities, starting mainly with the perpetuation of knowledge occurring when educated mothers send their girls to school. See Silvia Pimentel, ‘Education and Legal Literacy’ in Hanna Beate Schöpp-Schilling and Cees Flinterman (eds), *The Circle of Empowerment. Twenty-Five Years of the UN Committee on the Elimination of Discrimination Against Women* (The Feminist Press 2007) 96. Recognising the far-reaching impact of education, the UNESCO established the 2003-2012 decade as the “Literacy Decade” under the slogan “Literacy as Freedom”; see <http://www.unesco.org/new/en/education/themes/education-building-blocks/literacy/un-literacy-decade/> accessed 23 May 2017.

<sup>96</sup> Pimentel (n 95) 97-101 (on programs to promote legal literacy). A practical example is that of coerced sterilisation cases, which were brought to light due to informed victims, who learned about legal remedies and sought justice in courts; see sub-s I/B/3/d.

<sup>97</sup> This understanding is laid down in the UN World Programme for Human Rights Education - Second Phase - Plan of Action which integrates the 4-A scheme requirements as essential standards for any effective educational effort; see HRC resolution 15/11 of 30 September 2010, adopting the plan for action for the second phase of the World Programme for Human Rights Education [2010] 9.

as a tool for advancing equality, break down discriminatory practices, and advance a positive image of women and girls.<sup>98</sup>

The case for education leading to changes in thinking and opening the door to other human rights is nowhere more visible than where women and girls are its beneficiaries. RTE acts as a multiplier, enhancing rights and freedoms when effectively guaranteed and threatening them all when violated.<sup>99</sup>

Bearing in mind the disadvantageous effects on women and girls of inadequate educational policies, the next section will consider how they were addressed in Roma inclusion strategies. The standards developed at European regional level, first by the EU and then by other relevant instruments, institutions and mechanisms will be explored to see how prominent a role education is afforded, whether it integrates a rights-based approach and a gender perspective to advance Roma women and girls' inclusion and overcome intersectional discrimination (along the 4-A scheme), and how the interplay with other interconnected areas is dealt with in these integration strategies.

## **2. The EU Framework for National Roma Integration Strategies by 2020 - “Time to change good intentions into more concrete actions”<sup>100</sup>**

Roma integration strategies are a matter of social policy, where the EU does not have competence to adopt legally binding acts requiring States to harmonise domestic laws. However, the concern with improved effectiveness and consistency of such EU-wide policies is ensured through the provision of arrangements within which Member States must coordinate their respective policies.<sup>101</sup> Frameworks are one such arrangement which the EU uses as a tool to set out principles, objectives and priorities for a unified collective effort such as Roma inclusion. Responsibility for education and training systems<sup>102</sup> lies with national governments but the EU helps them set common goals and share good practices, with EU funding to support and complement national efforts. However, the good intentions of developing a common approach for Roma inclusion have not necessarily led to concrete actions, as this section will show.

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<sup>98</sup> Julie A Mertus and Nancy Flowers, *Local Action/Global Change. A Handbook on Women's Human Rights* (Paradigm Publishers 2008) 241, 242, 248.

<sup>99</sup> Tomaševski (n 59) 7.

<sup>100</sup> EC, 'An EU Framework for National Roma Integration Strategies up to 2020' (5 April 2011) COM(2011) 173 final 14 (EU Framework).

<sup>101</sup> Art 5 TFEU; generally, for competencies of the EU, see Arts 2-6 TFEU.

<sup>102</sup> According to Article 6 TFEU, education is one area where the EU is competent to support, coordinate or supplement actions of the Member States.

Keeping in mind how intersectional discrimination informs the delivery of education for women and girls and the need for a rights-based approach, this section will look at how the right to education was addressed in Roma inclusion strategies in relation to the female group. Due to the lack of any specific targeted policy, the analysis must necessarily look at the general level of action. After a brief overview of past EU initiatives for Roma integration with an emphasis on the education and gender component, the EU Framework will be broadly considered, followed by a final critical assessment in light of the Roma women and girls' educational needs, as highlighted in the previous chapter.

*a. "Good intentions"*

If the past has seen a rather passive EU in relation to the protection of minorities, mainly endorsing standards elaborated by other regional actors such as the CoE and the OSCE in the pre-accession negotiations, the last decade has brought some innovative actions to complement already existing regional standards.<sup>103</sup> Most notably, the issue of Roma inclusion first appeared on the political agenda in Europe in the 1990s and was framed as an issue of inequality and discrimination<sup>104</sup> that Member and acceding States had to tackle. However, the pervasive discrimination, social exclusion and segregation of Roma surfaced as rather complex and deep rooted, at the interplay of cultural specificities, socioeconomic status and discriminatory attitudes.<sup>105</sup> In the face of criticisms for its rather unengaged and multi-faceted "hotchpotch"<sup>106</sup> of minority-protection policies, the EU stepped up to develop a common approach to increase Roma inclusion and improve their socioeconomic status.

This commitment was and is still mainly motivated by the economic and financial benefits of integrating the Roma which would profit not only this group, but also the larger community. A recent World Bank research shows that greater Roma participation in the labour market would improve economic productivity, reduce government payments for social assistance and increase revenue from income taxes.<sup>107</sup> This would pave the way to social benefits, since such important economic consequences could

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<sup>103</sup> Bruno de Witte and Enikő Horváth, 'The many faces of minority policy in the EU' in Kristin Henrard and Robert Dunbar (eds), *Synergies in Minority Protection. European and Int'l Law Perspectives* (CUP 2008) 365.

<sup>104</sup> For an overview of how the issue was framed in the context of EU enlargement conditionalities, see Yana Kavrakova, 'The Roma Issue in the European Multilevel System: Ideas, Interests and Institutions behind the Failure of Inclusion Policies' (2011) 10 EYMI 359, 361-78.

<sup>105</sup> *ibid* 380.

<sup>106</sup> de Witte and Horváth (n 103) 382-84.

<sup>107</sup> For example, full Roma integration in the labour market could bring around € 0.5 billion economic benefits annually, while the tax benefits would be around € 175 million annually per country; see World Bank, *Roma Inclusion: An Economic Opportunity for Bulgaria, the Czech Republic, Romania and Serbia* [2010] <http://documents.worldbank.org/curated/en/196921468261335364/Roma-inclusion-An-economic-opportunity-for-Bulgaria-Czech-Republic-Romania-and-Serbia> accessed 23 May 2017 (WB Roma Inclusion Report); and

enhance the openness of the majority society to the Roma and thus ensure a “smooth integration”.<sup>108</sup> Not only countries with shrinking populations will benefit from this potential workforce, but any progress achieved will represent a step forward in the integration of all ethnic minorities.<sup>109</sup> However, as seen above, working-age Roma lack the education needed to successfully enter the labour market which makes investments in the education of Roma children of crucial importance for these benefits to materialise.<sup>110</sup> In fact, access to non-segregated quality education is listed as a core socio-economic issue (along with access to the labour market and self-employment, housing and health services), critical to ensure inclusion. But given the multiple and mutually reinforcing problems, a sustainable response must tackle all the core aspects concurrently, through an integrated approach. As Roma integration became a fully-fledged issue of EU policy-making, several coordination tools were put in place for legislative, financial and policy measures.<sup>111</sup> Since the EU Framework largely builds on these efforts<sup>112</sup>, it is worthwhile to mention them briefly.

In April 2009 the *European Platform for Roma Inclusion* was launched as a forum of cooperation bringing together all relevant stakeholders for Roma integration in Europe to exchange good practices and stimulate cooperation through annual meetings.<sup>113</sup> Under this process, the *Common Basic*

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World Bank, ‘Economic costs of Roma exclusion’ (April 2010) [http://siteresources.worldbank.org/EXTROMA/Resources/Economic\\_Costs\\_Roma\\_Exclusion\\_Note\\_Final.pdf](http://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final.pdf) accessed 23 May 2017.

<sup>108</sup> EU Framework (n 100) 2-3.

<sup>109</sup> EC, ‘The social and economic integration of Roma in Europe’ [2010] COM(2010) 133 final.

<sup>110</sup> In Member States with significant Roma populations, the economic impact is already felt. According to estimates, in Bulgaria, about 23% of new labour entrants are Roma, with around 21% in Romania; see WB Roma Inclusion Report (n 107), EU Framework (n 100) 2.

<sup>111</sup> For an overview of the EU instruments and policies developed since 2008, see EC, Commission Staff Working Document of 2 July 2008 accompanying the Communication ‘Non-discrimination and Equal Opportunities: A Renewed Commitment’ {COM(2008) 420 final}: ‘Community Instruments and Policies for Roma Inclusion’, SEC(2008) 2172, and EC, ‘Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010’ [2010] Commission Staff Working Document, SEC(2010)400.

<sup>112</sup> Member States are already under an obligation to give Roma (like any other EU citizens) non-discriminatory access to education, employment, vocational training, healthcare, social protection and housing through Directive 2000/43/EC; see Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19 July 2009) (European Race Directive). However, non-discrimination alone was considered insufficient to foster real social inclusion given the specific Roma needs; see EU Framework (n 100) 3.

<sup>113</sup> Stakeholders include the EU, national governments, international organisations and Roma civil society representatives [http://ec.europa.eu/justice/discrimination/roma/roma-platform/index\\_en.htm](http://ec.europa.eu/justice/discrimination/roma/roma-platform/index_en.htm) accessed 23 May 2017.

*Principles for Roma Inclusion* were drawn up to provide a practical framework for all public policy makers on the successful design and implementation of actions.<sup>114</sup> “Awareness of the gender dimension” features as Principle no. 5. The importance of education was again highlighted in the conclusion/recommendation that “the fight against the increasing level of intolerance against Roma should start early in education and requires inclusive reform of mainstream education systems”.<sup>115</sup> Education is viewed in its broad meaning, comprising present teachers, future educators, and education of the majority population on Roma history and culture. Nevertheless, this requires a structured dialogue at EU level, involvement of Roma civil society and Roma themselves as key actors, as well as building trust among stakeholders of Roma integration at national and local levels (despite the uncertainties on how to effectively ensure the inclusive open participation of all stakeholders)<sup>116</sup>.

However, the potential to create synergies of all the parallel policy processes does not appear to have materialised since no meaningful, concrete outcomes have come out of the meetings. Due to poor participation from authorities, a clear sign of little interest, if any, in the promised dialogue with Roma communities, basic and vital consultations on segregation in education, for example, are virtually absent.<sup>117</sup> Romani voices are silenced and there is a pervasive lack of awareness of Roma of their own rights.<sup>118</sup> An alternative may be the *European Network on Social Inclusion and Roma under the Structural Funds* (“EURoma”), which aims at helping Member States mainstream Roma issues and use mutual learning and peer reviews to explore how to improve their initiatives.<sup>119</sup>

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<sup>114</sup> These principles comprise: 1) constructive, pragmatic and non-discriminatory policies; 2) explicit but not exclusive targeting; 3) inter-cultural approach; 4) aiming for the mainstream; 5) awareness of the gender dimension; 6) transfer of evidence-based policies; 7) use of EU instruments; 8) involvement of regional and local authorities; 9) involvement of civil society; and 10) active participation of Roma. See Council of the EU, ‘Council Conclusions on Inclusion of the Roma’ (8 June 2009) Doc. 10394/09 annex 4-6.

<sup>115</sup> See the Conclusions of the 9<sup>th</sup> meeting of the Platform [http://ec.europa.eu/justice/events/roma-platform-2015/platformconclusions\\_en.htm#v](http://ec.europa.eu/justice/events/roma-platform-2015/platformconclusions_en.htm#v) accessed 23 May 2017.

<sup>116</sup> *ibid.*

<sup>117</sup> Atanas Zahariiev, ‘Ten EU Roma Platforms Later and Still No Results’ (*ERRC blog*, 5 December 2016) <http://www.errc.org/blog/ten-eu-roma-platforms-later-and-still-no-results/145> accessed 23 May 2017.

<sup>118</sup> This testifies for the lack of progress and explains the shocking results brought out by the EU MIDIS II survey on Roma inclusion, in that 80% of the Roma in the 9 selected countries now live below the poverty line, one in three has no access to water or sanitation, and when questioned only 40% of Roma had the perception that they had experienced discrimination; see FRA, *Second European Union Minorities and Discrimination Survey (EU-MIDIS II). Roma – Selected Findings* [2016] <http://fra.europa.eu/en/project/2015/eu-midis-ii-european-union-minorities-and-discrimination-survey/publications> accessed 23 May 2017.

<sup>119</sup> <http://www.euromanet.eu/> accessed 23 May 2017.

Despite these intentions, challenges remained: improved cooperation between all stakeholders, improved local ownership (including strengthened capacities of local actors to initiate themselves programmes and policies), shifts in the mind-sets of both Roma and the majority population, explicit desegregation in education and housing, and better dissemination of good practices and successful project models were still needed.<sup>120</sup> Aware that single-strand approaches are not a sustainable response and making the mainstreaming of Roma issues into all relevant European and national policies a priority, the EC designed *Europe 2020 Strategy*,<sup>121</sup> its wider growth agenda and to which it has linked monitoring progress in the implementation of the EU Framework. Education features again as a core issue in that the initiative set common European targets to reduce the number of people at risk of poverty and social exclusion, to reduce the rate of early school leaving, and to increase school attainment and employment levels. Moreover, mindful of the inherent diversity among Roma populations throughout Europe, the EC developed a set of *integrated but differentiated model approaches* to suggest the best public-policy interventions in Member States with different cultural, legal, social and geographical contexts. Each model is complemented by a list of initiatives for gender mainstreaming and special protection for particularly vulnerable groups, such as women and children.<sup>122</sup>

*b. “More concrete actions”*

Despite all their good intentions, past initiatives failed to redress the low educational attainment, employment barriers and segregation which deprive Roma of dignified lives. The EU Framework was designed to fill in these gaps, starting from the understanding that EU Member States have the main responsibility for the achievement of any improvements, and building on the lessons learned from the past, i.e. that the promotion of Roma integration requires an enhanced political commitment, the allocation of appropriate resources under the national budgets, a better coordination with all relevant donors, and a systematic evaluation and reinforced monitoring.<sup>123</sup>

According to the EC, an effective policy adopted by Member States – either through development of NRIS or adaptation of existing ones (integrated policy measures) – rests on three pillars: targeted actions to meet the EU Roma integration goals, sufficient funding, and a robust monitoring mechanism.<sup>124</sup>

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<sup>120</sup> EC, ‘The social...’ 2010 (n 109) 4-5.

<sup>121</sup> EC, Communication ‘Europe 2020. A strategy for smart, sustainable and inclusive growth’ (3 March 2010) COM(2010) 2020 final.

<sup>122</sup> Public policy interventions also have to take into account the features of the urban or rural environments the Roma communities live in; see EC, ‘The social...’ (n 109) 9-10.

<sup>123</sup> EU Framework (n 100) 11.

<sup>124</sup> *ibid* 4.

First, the integration goals cover the four key areas – education, employment, housing and health, directly linked with the Europe 2020 Strategy goals to be attained by Member States.<sup>125</sup>

For what is of education, given the pervasive lagging educational levels within the Roma population compared to the majority<sup>126</sup> the EC recommends Member States to deploy efforts towards the Roma in ensuring completion of at least primary school, increasing access to high-quality non-segregated early childhood, widening access to secondary education and encouraging enrolment in secondary and tertiary education.<sup>127</sup> Policies directed at such aims should focus on the need to strengthen links with communities through cultural or school mediators,<sup>128</sup> active participation of Roma parents, improvement of intercultural competencies of teachers, reduced segregation, and compliance with the duty to primary school attendance. Since education is viewed in its wider meaning, outside the official school frameworks, the EC lays particular emphasis on the importance of literacy in the attainment of the overall integration goals.<sup>129</sup> School leaving or later entrance into the system leads to illiteracy, social exclusion and inadequacy, making it all the more difficult to get into superior education and later employment. Second-chance programmes for drop-out young adults and programmes with explicit focus on Roma children are encouraged, along with reforms of the teachers' training curricula and the elaboration of innovative teaching methods.<sup>130</sup>

Whatever the policies chosen, success can be envisaged only as long as they are designed, implemented and monitored “in **close cooperation and continuous dialogue with Roma civil society, regional and local authorities**”.<sup>131</sup> The EU Framework dedicates an entire section to the empowerment of the Roma civil society and refers to the European Platform for Roma Inclusion as the main tool to achieve this

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<sup>125</sup> Three out of five Europe 2020 headline targets are directly linked to the EU Framework targets for Roma inclusion: the fight against poverty and social exclusion, raising employment levels, and reducing school drop-out while increasing attendance in tertiary education. See Ist EU Framework Implementation Report (n 135) 3.

<sup>126</sup> See s I/A/1.

<sup>127</sup> EU Framework (n 100) 5-6.

<sup>128</sup> The EC emphasises the essential role of mediators, who can inform and advise parents on the local educational system and help ease the transitioning of children between each school stage. In its first implementation report, examples of programmes developed in Spain and Slovenia using mediators were provided as best practices with encouraging results; see Ist EU Framework Implementation Report (n 135) 6. Also, a joint action with the CoE aims to train around 1000 mediators over two years; see EU Framework (n 100) 5.

<sup>129</sup> The High-Level Group on Literacy and the Literacy Campaign the Commission is launching as a contribution to the Europe 2020 flagship "New Skills and Jobs" will stress the importance of combating illiteracy among Roma children and adults; see *ibid.*

<sup>130</sup> *ibid.*

<sup>131</sup> *ibid.* 9.

goal.<sup>132</sup> Unfortunately, as seen above, these high-level meetings failed to engage the promised dialogue, the silencing of Romani voices casting “doubts on the sincerity of the convictions of decision-makers in furthering Roma inclusion.”<sup>133</sup>

Second, **funding** is a crucial pillar to the implementation and success of NRIS. The EC recommends several ongoing frameworks (EU Structural Funds) and innovation-based approaches that could help States allocate sufficient national resources in a more effective manner.<sup>134</sup>

Third, a **strong monitoring mechanism** is deemed of crucial importance for the effectiveness of NRIS. According to the monitoring mechanism put in place by the EU Framework, the EC submits to the Parliament and the Council yearly reports which assess the progress made in the key areas, with a focus on the structural preconditions needed for effective integration in each Member State. As identified in the first implementation report of 2012,<sup>135</sup> there are four structural requirements: mobilisation of the regional or local level and the civil society, effective monitoring and evaluation of policy implementation, equal access to fundamental rights according to the EU Charter and non-discrimination, and establishment of a national contact point for Roma (“NCP”). Due to the pervasive lack of reliable, accurate or complete data on the Roma situation or the effectiveness of the policies, the EC has to rely on trans-national cooperation initiatives, in-depth monitoring by States themselves and other stakeholders such as FRA and relevant NGOs.<sup>136</sup>

Until 2015, reports went along the same lines of welcoming national efforts to develop comprehensive Roma integration approaches and recommending the prioritisation of two measures: involvement of regional and local authorities, indispensable for delivering change, in the review and implementation of strategies (which should be coherent with regional and local plans), and close work with an active civil society, in particular Roma organisations (which should not be considered passive recipients of change but engaged in the review, implementation and monitoring of their NRIS), in order to build trust between the majorities and minorities.<sup>137</sup> Such measures appear crucial especially in education, where the focus is to be placed on eliminating school segregation and misuse of special-needs education; enforcing full compulsory education and promoting vocational training; increasing enrolment in early

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<sup>132</sup> *ibid* 12-13.

<sup>133</sup> Zahariev (n 117).

<sup>134</sup> EU Framework (n 100) 10.

<sup>135</sup> EC, ‘National Roma Integration Strategies: a first step in the implementation of the EU Framework’ (21 May 2012) COM(2012) 226 final 10-14 (Ist EU Framework Implementation Report).

<sup>136</sup> For a detailed list, see EU Framework (n 100) 13.

<sup>137</sup> Ist EU Framework Implementation Report (n 135) 15; and EC, ‘Report on the implementation of the EU Framework for NRIS 2015’ (17 June 2015) COM(2015)299 final 14-15 (2015 EU Framework Implementation Report).

childhood education and care; improving teacher training and school mediation; and raising parents' awareness of the importance of education.<sup>138</sup>

i. Any place for Roma women and girls?

Despite the difficulties encountered by Roma women and especially girls which constantly intersect to inform their daily experiences of discrimination, as seen above, and the right-based requirements which should shape their education, gender awareness features only as the fifth common basic principle of Roma inclusion, with which NRIS must be in line.

The lack of a clear and articulate gender perspective is a lost opportunity, which the 2013 European Council Recommendations<sup>139</sup> sought to overcome. Most notably, recommendations on effective access to education give for the first time a place to girls too, with effective measures taken to ensure equal treatment and full access for “Roma boys and girls” to quality and mainstream education.<sup>140</sup> Protection of Roma children and women is included in the horizontal policy measures, whereby States are called to combat “all forms of discrimination, including **multiple discrimination**, faced by Roma children and women, and fight violence, including domestic violence, **against women and girls (...) underage and forced marriages (...)** in particular through the enforcement of legislation.”<sup>141</sup> Also, anti-discrimination measures are more substantial; they recommend that policies should be informed by ECtHR case-law to avoid resulting in indirect discrimination, and insist on the implementation of measures to combat anti-Gypsyism in all areas of society by general public educational initiatives such as raising awareness on benefits of Roma integration, on diversity in society, sensitizing public opinion on Roma issues, and addressing hate speech.<sup>142</sup> As of 2016, these recommendations have been rightfully included for review in the yearly implementation reports of the EC.<sup>143</sup> Since it was only this recently that a gender perspective appeared to be given some attention in education, the latest report warrants a brief consideration.<sup>144</sup>

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<sup>138</sup> 1st EU Framework Implementation Report (n 135) 6.

<sup>139</sup> Council of the EU, ‘Recommendation on effective Roma integration measures in Member States’ [2013] (OJ C 378, 24 December 2013) 1.

<sup>140</sup> *ibid* 4.

<sup>141</sup> *ibid* 5-6.

<sup>142</sup> *ibid* points 2.1 to 2.4, 5-6.

<sup>143</sup> EC, Communication ‘Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendations on effective Roma integration measures in the Member States – 2016’ (27 June 2016) COM(2016)424 (2016 EU Framework Implementation Report).

<sup>144</sup> The conclusions and recommendations issued by the EC with respect to Sweden and Romania are presented in chapter II/A dealing with the NRIS devised by the two Member States.

Generally, the EC found that education received the most attention from Member States and acknowledged a positive shift in the growing focus on ensuring early childhood education for Roma pupils. It also emphasized the importance of fighting against Roma discrimination by educating children and putting education in this wider perspective.<sup>145</sup> However, pro-inclusive legislation did not result in any real improvements on the ground, with the rise of anti-Gypsyism, closely related to stereotypes and stigmatization of Roma, the continued segregation and exclusion in education, and the high drop-out rates and low participation in early childhood schooling.<sup>146</sup> Also, Roma women are only addressed under mainstream measures, when they should be the focus of more targeted measures as part of a “gender specific and child sensitive strategic approach”; no action was undertaken in these areas.<sup>147</sup>

In conclusion, educational segregation remained a challenge, along with sustainable local commitment and implementation. According to the EC, the way forward rests first and foremost on the elimination of segregation in education, a strong political commitment and local capacity building and networking (inclusive involvement of all stakeholders), the development of data collection, monitoring and reporting and on the inclusive involvement of all stakeholders.<sup>148</sup> If women and girls still do not appear to be targeted by specific policies, applying a gender perspective to the main pillars of integration could make inclusionary goals more realistic and inform new ways of action. With intersectional discrimination made visible, the gendered needs in Roma education could be addressed more adequately. The following sub-section will provide such brief insights.

c. *“On the way to failure”<sup>149</sup> in 2020?*

“The Roma issue” was put on the EU policy agenda and recently integration efforts were visibly intensified in light of the intra-EU migration, the rising anti-Roma sentiment and behaviour. Despite the seriousness of this unprecedented commitment and EU’s power to shape national and local policies, the expected positive social change failed to materialise. In education for example, discrimination, segregation, high drop-out rates and low participation in early childhood are on the rise.<sup>150</sup> This might

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<sup>145</sup> Measures encouraged by the EC comprised training activities aimed at sensitising civil servants and service providers to foster a proper intercultural understanding when working with Roma and campaigns against hate crime; see *ibid* 8.

<sup>146</sup> *ibid*.

<sup>147</sup> *ibid* 9.

<sup>148</sup> *ibid* 16-17.

<sup>149</sup> Zahariev (n 117).

<sup>150</sup> 2016 EU Framework Implementation Report (n 143) 8. For example, a survey identified at least 10% of Roma children aged 7 to 15 in Greece, Romania, Bulgaria, Italy and France as not attending school: they were either still in preschool, not yet in education, skipped the year, stopped school completely, or were already working; see FRA, World Bank, UNDP, EC, *The situation of Roma in 11 EU Member States: Survey results at a glance* (2012).

come as a surprise since, as results from the commitments, measures and initiatives highlighted above, education is indeed one of the fundamental components of the EU Framework. On top of that, gender equality and mainstreaming were side-lined and addressed so inconsistently that it reflected into NRIS either ignored it or mentioned it incidentally.<sup>151</sup> The lack of gender impact assessments or of consultations with women's organisations and Roma women NGOs are indicative of one of the main reasons why policies still lag in showing results: lack of data.<sup>152</sup> Absent any adequate data on the target groups' needs and interests, a situation cannot be addressed accurately, let alone lead to the design of effective policies. If at international level Romani women and girls are recognised as one of the most vulnerable groups to multiple discrimination, social marginalisation and poverty, the EU has thus failed to mainstream their issues appropriately.

To use the EC's own formulation, the "good intentions" of gender equality and mainstreaming have failed to turn into the desired "concrete actions". The EU Council's 2013 Recommendations are welcomed simply for having brought to attention this serious default in the design of the EU Framework. How can the approach claim to be integrative when the concerns and priorities of one of the most representative groups are simply left out?

If education, participation and monitoring are the three fundamental areas where substantial efforts are still needed,<sup>153</sup> a gender perspective should be imperatively applied for any progress to concretise. Goals need to be more ambitious, integrated and flexible. Despite the good set of strategies recommended for a more inclusive education, the goal should have rather reflected the real causes of exclusion and called for the elimination of all segregation and placement of Roma pupils in special schools with an adequate gender perspective included. This means tackling anti-Roma sentiments reflected in anti-Gypsyism and discriminatory tendencies across EU Member States. Commentators agree that a shift of focus from projects in key areas to changing the mind-sets (in the sense of eliminating anti-Gypsyism and bridging

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<sup>151</sup> European Parliament Committee on Gender Equality and Women's Rights, 'Report on the Gender Aspects of the European Framework of National Roma Inclusion Strategies' (25 October 2015) 2013/2066(INI) paras 23-65 (formulates several specific policy proposals and measures addressing, among other issues, children's poverty, school dropout and early marriage).

<sup>152</sup> Christina McDonald and Katy Negrin, *No Data – No Progress. Data Collection in Countries Participating in the Decade of Roma Inclusion 2005-2015* (Open Society Institute, 2010) <https://www.opensocietyfoundations.org/reports/no-data-no-progress-country-findings> accessed 23 May 2017.

<sup>153</sup> Martin Demirovski, Open Society Institute Brussels 'Policy Assessment. EU Policies for Roma Inclusion' (Open Society Foundations, July 2011) 4 <https://www.opensocietyfoundations.org/publications/eu-policies-roma-inclusion> accessed 23 May 2017.

Roma and non-Roma communities on the long term) has better chances of bringing palpable social change.<sup>154</sup>

Participation is also crucial for inclusion<sup>155</sup>; measures to educate Romani women and girls must involve them as beneficiaries and inculcate a sense of ownership and responsibility into them. A positive feature of the EU Framework is its great emphasis on the responsibility of national and local stakeholders as the main actors responsible for bringing about social changes. Thus, local involvement is the key for effective change. Nevertheless, this rests on a genuine and institutionalised political will on the part of local authorities to address Roma marginalisation. Statements at EU level calling for enhanced local participation could hardly turn into reality when an unprivileged group such as the Roma or, worse, Roma women and girls, often has very little power to influence and negotiate policies at local level.<sup>156</sup>

A positive note is the design of the EU Framework by laying emphasis on the economic and financial benefits of Roma integration. The existing funding schemes (Structural Funds) have been adjusted to better serve the purpose of Roma inclusion.<sup>157</sup> In this way, national and local policy-makers will not be able to advance the excuse of overbearing financial costs that prevent them from designing and implementing education policies for Roma, for example.

Another important note should be made on the beneficiaries that the policies envisaged focus on: the Roma. If their integration rests primarily on national and local efforts, this desiderate will never be attained in disregard of the whole community they should integrate. It was even argued that policies envisaged so far were “lose-lose” – the fact that resources for Roma did not bring significant changes was experienced as a loss both by the Roma and the majority population, the latter feeling deprived of funding which could have otherwise been better directed. Also, the lack of transparent funding and accountability only feeds anti-Roma sentiment and cannot possibly entice communities to engage

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<sup>154</sup> ERPC, *Analysis of the NRIS* (March 2012) 57 (several measures and possible instruments recommended) [http://www.ergonetnetwork.org/media/userfiles/media/Final%20ERPC%20Analysis%2021%2003%2012\\_FINAL.pdf](http://www.ergonetnetwork.org/media/userfiles/media/Final%20ERPC%20Analysis%2021%2003%2012_FINAL.pdf) accessed 23 May 2017 (ERPC analysis); and Peter Vermeersch, ‘The EU and the Roma: An Analysis of Recent Institutional and Policy Developments’ (2011) 10 EYMI 341, 355-56 (for example, a local NGO improved housing conditions and reduced poverty in a village in the Czech Republic by placing responsibility in the hands of the poorest residents).

<sup>155</sup> Demirovski (n 153) 4 (deploring that participation was not made into a separate integration goal).

<sup>156</sup> ‘The so-called “Roma issue” is not merely a question of poverty’. Interview with dr. Rita Izsák UN Special Rapporteur on minority issues (ERRC blog, 19 June 2015) <http://www.errc.org/blog/the-so-called-roma-issue-is-not-merely-a-poverty-question/64> accessed 23 May 2017.

<sup>157</sup> Vermeersch (n 154) 353-34; and Kavrakova (n 104) 380.

meaningfully.<sup>158</sup> To this effect, education stands as the most adequate vehicle for fighting rampant discrimination, linking Roma and non-Roma communities by way of promoting mutual learning at grassroots level, ensuring that all voices are heard, especially those of the most disadvantaged members, and ultimately empowering them. It is only then that Roma participation truly becomes inclusive. For example, as long as Roma women's NGOs and activists are under-represented and under-equipped, Roma women cannot possibly affirm and enjoy their rights in order to fully participate in society.

One last note should be made on the monitoring system put in place under the EU Framework. One author suggests that the EC should promote good practices, learn from other monitoring instruments such as the one developed under the Roma Decade, "the Decade Watch",<sup>159</sup> and take a firmer stance when commitments under NRIS are not met. For example, by shaming Member States who fail to live up to their commitments or by establishing an independent commission to deal with evaluation only, since under the current system of NCPs, it is the same body which develops, implements, and monitors policies.<sup>160</sup>

If the current design of the EU Framework does not appear to be sustainable in the long run, it is worth remembering that the EU does not work in a vacuum. Recently, the EU has started leaning towards action through joint programmes and networks of transnational cooperation with regional actors devising parallel policies. The next section will give a brief overview of selected regional instruments, actors and mechanisms, chosen for their relevance to the goal of Roma integration. The focus is placed on the visibility given to Roma women and girls' intersectional experiences of discrimination and their special needs and requirements pertaining to education as a human right. The analysis is important as it will show if these parallel efforts creates synergies or, on the contrary, represent an ineffective institutional overlap.

### 3. Parallel European standards on Roma education<sup>161</sup>

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<sup>158</sup> Vermeersch (n 154) 358. For the importance of the active role of non-Roma in the design and implementation of Roma inclusion policies, see Will Guy, Andre Liebich and Elena Marushiakova, 'Improving the Tools for the Social Inclusion and Non-Discrimination of the Roma in the EU, European Commission' 36 [http://ec.europa.eu/justice/discrimination/files/roma\\_report2010\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_report2010_en.pdf) accessed 23 May 2017.

<sup>159</sup> Demirovski (n 153) 4-5 (this helped track progress and highlight the countries' achievements and struggles).

<sup>160</sup> *ibid.*

<sup>161</sup> For an extensive account of the contribution of CSCE/OSCE to the European minority policy, see Kirsten Shoraka, *Human Rights and Minority Rights in the EU* (Routledge 2010) 157-64. For a good overview of all EU instruments for minority protection see Beiter (n 58) 184-203.

As evidenced in the previous section, the EU does not act alone in its commitment and efforts to Roma inclusion. In fact, a series of regional actors have been active in the field and developing strategies long before Roma integration even became an EU policy. Several questions beg to be asked at this point. Are these parallel policy processes coherent and effective? Do they mainstream gender in Roma educational measures more than the EU Framework does? Is there any policy overlap and does it create fruitful synergies or further barriers to the attainment of Roma women and girls' integration goals? To find the answers, this chapter will provide a brief overview of the relevant provisions, measures and policies as envisaged by regional instruments, mechanisms and institutions around Roma education, with an assessment of the application of a gender perspective (if that is the case in the first place) for every actor discussed. Finally, pitted against these standards, conclusions will be drawn on the adequacy of the EU Framework in addressing Roma women and girls' specific needs in education to identify gaps and make suggestions on the better channelling of efforts in the future.

a. *The Charter of Fundamental Rights of the EU ("The EU Charter")<sup>162</sup> and the FRA*

Generally, the EU Charter prohibits any discrimination based on sex, race, colour, ethnic or social origin (Article 21) and guarantees the respect for cultural, religious and linguistic diversity. The right to education is protected under Article 14 as follows: "*1. Everyone has the right to education and to have access to vocational and continuing training. 2. This right includes the possibility to receive free compulsory education. (...)*" Therefore, segregated schooling and unequal dispersion of educational resources denies Roma pupils the same standard for education as that received by non-Roma. Furthermore, the placement in special-needs schools (due to the appeal of free meals and educational materials) and the significant gender dimension in terms of school dropouts are just additional proof of the denied opportunity to the full exercise of this right.<sup>163</sup> Such violations are compounded by breaches of the prohibition of discrimination, leading to the low levels of literacy and educational attainment, disadvantages which further challenges in employment, health status and living conditions.<sup>164</sup>

Another relevant provision is that under Article 24(1) which guarantees that "*Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with*

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<sup>162</sup> Proclaimed in 2000, it became legally binding on both EU institutions and Member States with the entry into force of the Lisbon Treaty in December 2009. The rights under its 54 articles, pertaining to the areas of Dignity, Freedoms, Equality, Solidarity, Citizens' Rights, and Justice, should be guaranteed to all Roma as citizens or residents of the EU. For further details, see ERIO Paper (n 22).

<sup>163</sup> Hammarberg (n 11) 132.

<sup>164</sup> ERIO Paper (n 22) 14-15.

*their age and maturity.*” In clear violation of this provision, child marriages affecting Roma girls additionally result in a denial of the right to education, as seen in the previous chapter.

As the specialist agency which provides evidence-based advice on the rights of the Charter, FRA has helped develop these standards in its Opinions, read against the Europe 2020 targets and the EU Council’s 2013 Recommendations. Its emphasis on Roma education, deemed crucial in addressing their multiple deprivations as it largely determines their future life chances, as well as its role in the monitoring of the EU Framework<sup>165</sup> warrant a brief consideration.

FRA’s 2016 Report<sup>166</sup> calls for the elimination of any school segregation by States through ensuring equal participation of Roma children in integrated schools and classes. To this end, national authorities should work closely with Roma civil society and local authorities to resolve community conflicts and/or phenomena of anti-Gypsyism that prevent Roma parents from enrolling their children in integrated schools and classes. Local authorities should take into account the overall living conditions and barriers Roma children face in regard to education. Policy measures should offer incentives, and social and learning support at schools to offset the multiple challenges Roma children face and boost their opportunities for an equal start. Also, it highlights the importance of education for empowerment, to make Roma aware of their rights and report on any discrimination they face.<sup>167</sup>

FRA has also developed standards regarding Roma women by relating to Europe 2020’s ambitious goals of growth and social cohesion; since Roma women are a group at particular risk, they have to be targeted and consequently empowered, socially included and have their opportunities expanded. Measures should target the (still) large gender gap in terms of educational parameters of Roma (self-perceived literacy, school attendance rate and the highest level of education reached) and early-marriage practices multiplying girls’ disadvantages.<sup>168</sup> Improving Roma women’s educational attainment and tackling the multiple discrimination they face is a key test to EU’s ability to “create a more inclusive environment for all extremely marginalised groups.”<sup>169</sup>

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<sup>165</sup> FRA will develop Roma integration indicators to help gather information from all relevant stakeholders, since more efforts are needed to assess targeted and mainstream measures, especially the impact of segregation trend and Roma school attainment; see 2016 EU Framework Implementation Report (n 143) 14.

<sup>166</sup> FRA, ‘Fundamental Rights Report 2016 – FRA Opinions’ <http://fra.europa.eu/en/publication/2016/fundamental-rights-report-2016> accessed 23 May 2017 (FRA 2016 Report).

<sup>167</sup> *ibid* 99-110.

<sup>168</sup> *ibid* 11-16, 42.

<sup>169</sup> FRA survey Roma women (n 22) 7.

Aware of the importance placed on local action within the EU Framework, FRA responded by developing the *Local Engagement for Roma Inclusion (LERI)*, a qualitative action research project under the Multi-Annual Roma Programme. It brings together local authorities and residents, especially Roma, to decipher how to best involve them in integration activities and decide on the best course of action.<sup>170</sup>

#### b. *The FCNM and ACFC*

The most comprehensive legal instrument for the protection of persons belonging to national minorities, the FCNM is the only pan-European supranational mechanism which requires Member States to give an account of their policies on minorities.<sup>171</sup> Aimed at fostering dialogue between government agencies and national minorities and prompting the adoption of or improvement of laws, its provisions are of a programmatic nature. States are thus afforded discretion upon implementation, so that national circumstances are taken into account.<sup>172</sup> If the number of recommendations and comments stemming from its monitoring organs, the ACFC and the CoM,<sup>173</sup> speaks for the importance afforded to Roma, the fact that out of 16 operative provisions of the FCNM, three are dedicated to education, places it as a goal in its own right, a “tool to transmit knowledge, attitudes and values”.<sup>174</sup>

The core State obligations are to be found in Articles 4 (principle of equality and non-discrimination),<sup>175</sup> 5 (principle of creating conditions to develop the minority culture and preserve its identity) and 6

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<sup>170</sup> Started in 2013, the ongoing project brought together 21 municipalities from 11 Member States; see <http://fra.europa.eu/en/project/2013/multi-annual-roma-programme/local-engagement> accessed 23 May 2017.

<sup>171</sup> The first legally binding minority-protection instrument worldwide, the FCNM was adopted on 10 November 1994 by the CoE Committee of Ministers and entered into force on 1 February 1998. See also Roberta Medda-Winsischer, ‘The Roma: A ‘Socially Disadvantaged Group’ or a ‘National Minority’? Unravelling the Dichotomy through the FCNM’ (2011) 10 EYMI 317, 334.

<sup>172</sup> CoE, FCNM and Explanatory Report (February 1995) H(95)10 para 11. This feature is also the downside of the FCNM protection system which does not ultimately create justiciable rights; programmatic duties are unlikely to be realised where States are “encouraged” to “take effective measures”; see Geoff Gilbert, ‘Article 6’ in Mark Weller (ed), *The Rights of Minorities in Europe. A Commentary on the European Framework Convention for the Protection of National Minorities* (OUP 2006) 177.

<sup>173</sup> Responsible for monitoring the FCNM are the CoM and the ACFC; the latter was set up in 1998 and assigned a key role in overseeing State implementation and ensuring ensure that standards are applied by all countries (its 18 independent experts are appointed by the CoM). Its Opinions are referenced in the work of the FRA and other bodies involved in minority protection. For an overview of the monitoring system, see Rainer Hofmann, ‘The FCNM: An Introduction’ in Weller (n 172) 6-16.

<sup>174</sup> Commentary (No. 1) on Education under the FCNM (2 March 2006) ACFC/25DOC(2006)002 (ACFC Commentary on Education) 5.

<sup>175</sup> For a detailed commentary on Article 4, see Gudmundur Alfredsson, ‘Article 4’ in Weller (n 172) 141-52.

(principle of tolerance and intercultural dialogue).<sup>176</sup> Applied in education, they can be understood as protection of the right *to* education, i.e. the right to good quality free primary education and general and equal access to secondary, but also rights *in* education, i.e. standards on the content and form of education. In harmony with the broad view on education, it includes among the stakeholders not only the pupils, but also their educators, parents, minority groups, local, regional and central authorities.<sup>177</sup> The need for active and coherent educational policies is doubled by the importance of basic data. This is especially relevant for groups within minority groups, such as women, for which gender-disaggregated data is absent from State reports and consequently from ACFC's Opinions.<sup>178</sup>

More specific provisions on education are to be found in Articles 12 and 14. According to the FCNM Explanatory Report, Article 12 emphasises the importance of *adult education*; the *promotion of multicultural and intercultural elements* in education; the *collection of gender sensitive data* on the number, needs, demands, expectations and preferences of minority pupils and teachers; the quality of education indicators; *equal opportunities for access to education*; as well as the supervision and enforcement of legal educational provisions.<sup>179</sup> Article 14 stresses the importance of Romani language as a necessary element to ensure access to education for the Roma.<sup>180</sup> Most notably, the ACFC recommends that the UN "four-A-scheme"<sup>181</sup> be integrated in the evaluation and monitoring of implementation, with due consideration given to the respective countries' needs, regions and minority groups.

Lastly, the importance of the right to education is further reinforced by it being a precondition for the enjoyment of the right to effective participation, laid down in Article 15 – effective participation in social life includes the access to education. This provision was also dedicated a separate commentary, which emphasised that participation meant not only removing barriers but also involving the

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<sup>176</sup> For a detailed commentary on Article 6, see Gilbert (n 172) 177-91.

<sup>177</sup> ACFC Commentary on Education (n 174), 4-5, and 9.

<sup>178</sup> *ibid* 9-10.

<sup>179</sup> Its Opinions call on States to tackle persistent barriers on access of Roma to education such as segregated education, bullying, inappropriate and culturally biased tests in educational systems, lack of income, of school meals, and gender differences; see *Compilation of Opinions* of the Advisory Committee relating to Article 12 of the FCNM (3rd cycle), 13 May 2016, 61-64 and 81 (on recommendation to develop teaching assistant initiatives such as the mediators, "bridge-builders" linking Roma children and families with the educational system) <https://rm.coe.int/16805a9a3f> accessed 23 May 2017 (ACFC Opinions Art 12). See also ACFC Commentary on Education (n 174) 14-22.

<sup>180</sup> *ibid* 25.

<sup>181</sup> *ibid* 27-28 (the basic quality criteria from a human rights perspective: availability, accessibility, acceptability and adaptability); see s I/B/1.

beneficiaries in the delivery of benefits and outcomes. Its standards on effective consultation mechanisms (the ability to influence decision-making processes and foster a shared ownership of decisions taken) require provision of both consultation and representation of the national minorities. Women's participation is again highlighted due to their manifest disadvantages exposing them to poverty and social exclusion.<sup>182</sup>

Ultimately, FCNM's standards for Roma's education have been developed from a twofold perspective: that of a socially disadvantaged group (pushing for the fight against multiple discrimination) but also that of a national minority entitled to enjoy the rights provided therein (pushing for the preservation of their identity as an important instrument to fight anti-Gypsyism).<sup>183</sup> Under these standards, Roma inclusion translates in integration in diversity in conditions of equality. This type of social cohesion can only be achieved by way of intercultural education and adaptation – while Roma recognise the common values essential for social cohesion, the majority adapts itself by recognising its multicultural make-up.<sup>184</sup> Mutual learning protects from assimilationist tendencies and empowers the Roma to develop a cultural self-confidence through cultural and linguistic self-knowledge. Without access to education, Roma's culture is inevitably “infantilised and stunted into growth”.<sup>185</sup> ACFC's Thematic Commentaries and Opinions provide insights into the ways which could ensure this multicultural integration with due recognition given to minorities within minorities, such as Roma women.

Regrettably, the lack of an implementation mechanism and a system of sanctions, coupled with the long monitoring procedure,<sup>186</sup> reduce FCNM's impact on raising awareness and pressuring authorities to monitor and assess effectively relevant projects.<sup>187</sup> In the long run, the adequate solution might be

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<sup>182</sup> ACFC, ‘Commentary (No. 2) on The Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs. Article 15’ (27 February 2008) ACFC/31DOC(2008)001, 4-8, 12-13, and 18. For further implications, see Asbjørn Eide, ‘The CoE's FCNM’ in Henrard and Dunbar (n 103) 141-45.

<sup>183</sup> Medda-Winsischer (n 171) 317, 319-22 – what the author calls “the binary approach”. This is in line with other instruments issued by CoE bodies; see, for example, PACE Resolution 1740(2010) of 22 June 2010 ‘The Situation of Roma in Europe and Relevant Activities of the CoE’ [2010] para 15.1, and ECRI, General Policy Recommendation 13 on Combating Anti-Gypsyism and Discrimination against Roma (24 June 2011).

<sup>184</sup> Eide (n 182) 136-38.

<sup>185</sup> Patrick Thornberry, ‘Article 12’ in Mark Weller (ed), *The Rights of Minorities in Europe. A Commentary on the European Framework Convention for the Protection of National Minorities* (OUP 2006) 365, 386-93.

<sup>186</sup> One note has to be made, however, on the inclusiveness and involvement of the minorities themselves in FCNM's monitoring procedure, facilitated by country visits to engage in dialogue with parties prior to the assessment of State reports in ACFC's Opinions. See Eide (n 182) 149-50.

<sup>187</sup> Medda-Winsischer (n 171) 335.

finally achieved through the synergies developed between all actors involved in Roma protection across the continent.

*c. The CoE SRSG for Roma Issues*

Genuine and effective participation is, according to the CoE, the best tool to ensure the inclusion of Roma. If the 2010 Declaration on Roma<sup>188</sup> boosted this political commitment, the ensuing actions, measures and initiatives served to deepen and take forward these clear-cut priorities.

The most representative project is the 2016-2019 Thematic Action Plan for Roma Inclusion,<sup>189</sup> which sets several standards under the three major priorities: tackling anti-Gypsyism, demonstrating innovative models for inclusive policies for the most vulnerable, and promoting innovative models for local-level solutions.

First, the CoE's view is that anti-Gypsyism should be tackled through the promotion of educational and awareness-raising initiatives, together with legal responses (effective primary legal aid on a wide scale), and capacity building of professionals through common initiatives involving the EC and OSCE.<sup>190</sup>

Second, identifying women, children and the young as victims of various forms of multiple discriminations but also as essential for bringing about the socioeconomic change in their communities, the CoE promotes several models of empowerment and inclusive policies all centred around education:<sup>191</sup>

- The strengthening of self-organization of young Roma and Traveller and their participation in society can be achieved through the “Roma and Traveller Youth Academy” programme to support youth leaders, workers and human rights educators for the emergence of Roma youth leaders and training on inclusive education;<sup>192</sup>

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<sup>188</sup> CoE, ‘Strasbourg Declaration on Roma’ CM(2010)133 (20 October 2010). On the top of its list of priorities are adoption and effective implementation of anti-discrimination legislation (para 19), women’s rights and gender equality (para 22), children’s rights (para 24), empowerment through participation in decision-making (para 25), and education (effective and equal access of Roma children to mainstream education, including pre-school education, and use of mediators as method to secure attendance (para 33).

<sup>189</sup> Thematic Action Plan For The Inclusion of Roma And Travellers in Europe 2016-2019 SG/Inf(2015)38 final (2 March 2016) (CoE Thematic Action Plan).

<sup>190</sup> *ibid* 2-3 (on several campaigns to be undertaken).

<sup>191</sup> For details, see *ibid* 5-6.

<sup>192</sup> See also Congress of Local and Regional Authorities of the CoE, Recommendation 354(2014) ‘Empowering Roma youth through participation: effective policy design at local and regional levels’ CG(26)8Final (26 March 2014) stating that Roma youth are not perceived as priority stakeholders in programmes to implement the EU Framework and the National Action Plans of the Decade of Roma Inclusion (para 6).

- The rights of Roma and Traveller children can be enhanced by a focus on the access of children, *especially girls*, to inclusive education and addressing the negative consequences of early/child marriage; to this end, school attendance, early school leaving and absenteeism, particularly of girls, early and forced marriage are among the topics to prioritise;<sup>193</sup>
- The empowering of Roma and Traveller women and promotion of gender equality is supported by several initiatives, such as the 2014-2017 Gender Equality Strategy,<sup>194</sup> the CAHROM Thematic report on empowering Roma women and gender mainstreaming in the NRIS,<sup>195</sup> and the 2014-2020 Strategy for the Advancement of Women and Girls;<sup>196</sup>
- the Recommendation on gender mainstreaming in education<sup>197</sup> lays down 59 measures which encompass the legal framework, the initial and in-service education and training for teachers

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<sup>193</sup> Interestingly, beside combating gender discrimination, the CoE developed standards for children's effective participation; children should be heard and participate in decisions affecting them, i.e. in the development, implementation and evaluation of child-related laws, policies and actions (the CoE has even developed Child Participation Assessment Tools); see CoE, *Strategy for The Rights of The Child. Children's Human Rights* (2016-2021) [2016].

<sup>194</sup> CoE, *Gender Equality Strategy 2014-2017* [2014] 6 (The dual-track approach to gender equality includes the promotion, monitoring, co-ordination and evaluation of the process of gender mainstreaming in all policies and programmes along with specific policies and actions, including positive action where appropriate, in critical areas for the advancement of women and for gender equality).

<sup>195</sup> CoE CAHROM *Thematic Report on Roma Women Empowerment and Gender Dimension of Roma Inclusion Strategies/Policies* [2014] CAHROM(2014)11 <https://rm.coe.int/16801e8e4a> accessed 23 May 2017; see also CAHROM Report 2015 (n 19).

<sup>196</sup> The result of transnational consultations with all relevant stakeholders working on Roma, gender equality, social inclusion and human rights protection, the implementation of this Strategy is supported by Phenjalipe ("Sisterhood" in Romanes), the Informal Platform of Roma Women. Observing that NRIS are silent on the specific obstacles faced by Roma women, the Platform prioritises elements of real empowerment through gender mainstreaming approaches which should be valid for all women, Roma and non-Roma alike. The goal of the Strategy is to be achieved through the implementation of six strategic objectives which integrate the issue of multiple discrimination while taking into account the specific needs, challenges and opportunities of Romani women and girls: combating racism, anti-Gypsyism and gender stereotypes against Romani women and girls; preventing and combating various forms of violence against Romani women and girls, guaranteeing equal access of Romani women and girls to public services; ensuring access to justice for Romani women, for which literacy is crucial; achieving adequate and meaningful participation of Romani women in political and public decision-making; and achieving gender and Romani women's mainstreaming in all policies and measures.

<sup>197</sup> CM, Recommendation of the CM to member states on gender mainstreaming in education CM/Rec(2007)13 (10 October 2007). Education is a "factor for social cohesion, mutual understanding, intercultural and inter-religious dialogue, and solidarity, that it contributes to promoting the principle of equality between men and women (...)."

and trainers, teaching materials, methods and practices, career guidance, research on gender and education, monitoring. Authorities are encouraged to implement gender mainstreaming at all educational levels and in teacher education to obtain de facto gender equality and improve the quality of education.

Third, recognising that local policies are decisive for real improvement in terms of Roma inclusion, the CoE designed several local-level programmes, such as ROMED2 and ROMACT.

- ROMED2 “Democratic Governance and Roma Community Participation through Mediation” is a joint programme with EC to bring the Roma closer to local decision-making; this is to be achieved through Community Action Groups (self-organisation of Roma community)<sup>198</sup> and local awareness-raising actions to understand the local governance and power relations. Along the same lines, a joint programme CoE and EC programme, ROMED, helps *inter alia* empowering Roma and Traveller women in defending their rights and accessing public institutions. A majority of mediators is Roma and Traveller women which facilitate communication with Roma and Traveller women and eventually their reporting of forms violence. These initiatives rely heavily on education and are aimed at building trust and promoting cooperation. The following diagrams<sup>199</sup> expose the current situation within local communities and how positive social change would look like:

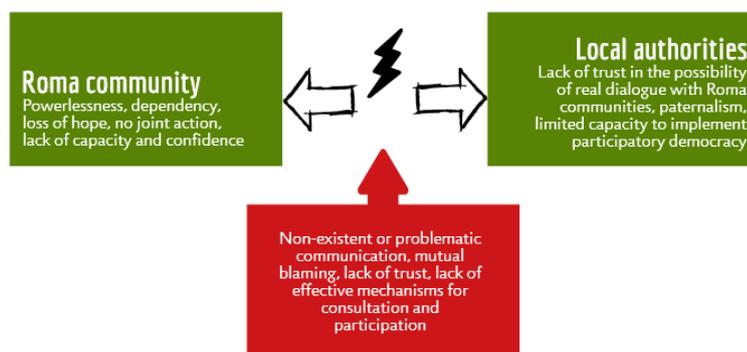


Figure 1. Present situation

<sup>198</sup> These groups got engaged in dialogue and cooperation with local authorities to determine their priorities and suggest initiatives for addressing them; see <http://coe-romed.org/romed2/about> accessed 23 May 2017.

<sup>199</sup> Both diagrams are reproduced from the programme’s own website; see <http://coe-romed.org/> accessed 23 May 2017.

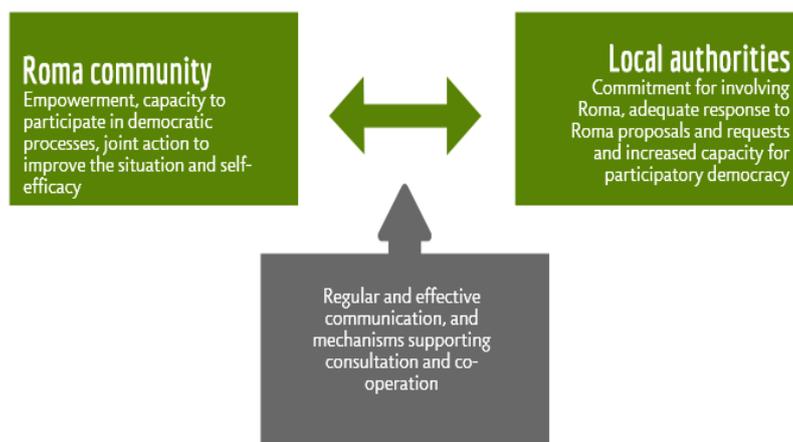


Figure 2. Trust and co-operation within the community

- ROMACT Joint Programme aims to strengthen the capacity of local and regional authorities to develop and implement strategies, plans and services for Roma inclusion and generate long-term sustained political commitment. It promotes good governance processes in education, for example, by assisting mayors in working together with Roma to develop policies in education inclusive of all.<sup>200</sup>

Because local implementation requires courage and consistent efforts, the CoE relies on additional measures to support the aims above. Most notably, active work at municipal level is promoted and coordinated under the European Alliance of Cities and Regions for Roma Inclusion.<sup>201</sup>

<sup>200</sup> The programme is envisioned in four main steps: raising awareness and building local commitment through workshops; agreement on the needs to improve living conditions; turning local development action plans into concrete measures and projects; and finally funding, implementing and monitoring measures and the project. National Support Teams with facilitators assist at every step. In education, school governance is to be achieved through local mediation processes. See, for details, <http://coe-romact.org/> accessed 23 May 2017.

<sup>201</sup> Congress of Local and Regional Authorities, 'European Alliance of Cities and Regions for Roma Inclusion — Strategic Guidelines (2014/2020)' [2014] <http://www.roma-alliance.org/> accessed 23 May 2017. Within this Framework, ROMACT, ROMED and MERI co-ordinate their activities to avoid duplicating efforts in municipalities' action to promote Roma inclusion. MERI is a collaborative project with OSF to provide a platform for local authorities to exchange practices and ideas for Roma inclusion; see Szilvia Szekeres, 'Mayors Making the Most of EU Funds for Roma Inclusion' (*OSF Voices*, 8 November 2012) <https://www.opensocietyfoundations.org/voices/mayors-making-most-eu-funds-roma-inclusion> accessed 23 May 2017.

Finally, in parallel with these institutional efforts, the ECtHR has also developed some standards on Roma protection and integration in relation to the issues brought to its attention over the last decade, that is, education and women's rights.

*d. The ECHR and the relevant case law of the ECtHR*

The ECHR's lack of specific provisions on minority rights was outweighed by the Court's bold jurisprudence, which became gradually impregnated by evolving trends in international regional protection of minority groups.<sup>202</sup> If neither of the non-discrimination provisions, i.e. Article 14 (prohibition of discrimination in the enjoyment of ECHR rights and freedoms) and Article 1 of Protocol 12 (general prohibition of discrimination), mention the principle of equality,<sup>203</sup> the Court engaged in a broader discourse on equality and the accommodation of cultural difference. This dynamic jurisprudence was particularly relevant in the case of Roma, whose particularly vulnerable status was considered upon assessment of violations of the discrimination prohibition. But just how far can the Court go in defining new standards in Roma non-discrimination? What follows is a brief overview the standards set by the Court in its Roma case law on access to education and forced sterilisation.

This jurisprudence reflects the negative consequences of denial of access to education, the deeply entrenched nature of intersectional discrimination and how failure to recognise, expose and condemn it trumps any effort to overcome it. This way, governments are not encouraged to design measures and policies effectively fighting anti-Gypsyism and a vicious circle is thus created and maintained.

In the landmark case of *D.H. and Others*<sup>204</sup> the widespread segregation of Roma children in special public schools was recognised as an instance of de facto, indirect discrimination which violated Article 14. A general policy or measure which disproportionately impacts a certain group in a prejudicial manner, even if not aimed at that group, may be considered discriminatory; moreover, since Roma are a particularly vulnerable group, special consideration should be given to their needs and different lifestyle.<sup>205</sup> This vulnerability also translates into a difficulty or inability to prove the discrimination claim. The Court thus shifted the burden of proof to the government once a *prima facie* case was

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<sup>202</sup> Gaetano Pentassuglia, 'The Strasbourg Court and Minority Groups: Shooting in the Dark or a New Interpretive Ethos?' (2012) 19 IJMGR 1, 5-7, 14.

<sup>203</sup> However, non-discrimination and equality are tightly related; see CoE, Explanatory Report to the Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 2000) CETS 177, para 15. For an overview of the Court's evolutive case law on equality, see Julie Ringelheim, *Diversité culturelle et droits de l'homme. L'émergence de la problématique des minorités dans le droit de la Convention européenne des droits de l'homme* (Bruylant 2006) 267-93, 327-38.

<sup>204</sup> *D.H. and Others v the Czech Republic* (GC) App no 57325/00 (ECtHR, 13 November 2007).

<sup>205</sup> *D.H. and Others* (n 204) paras 175-77, 181.

established, statistics being judged sufficient to that effect.<sup>206</sup> Similar subsequent cases also resulted in findings of instances of indirect discrimination<sup>207</sup> which led to a remarkable shift to a notion of substantive equality.<sup>208</sup> As protected under Article 2 of Protocol No. 1 to the ECHR, the access to education means the right to equal access to existing educational institutions, the State's role being not to impose a mode of life, but to ensure conditions for individuals to become autonomous and decide whether to break with a culture or origin or to assume it critically or not.<sup>209</sup> A strong anti-discrimination jurisprudence was thus built.<sup>210</sup>

However, the increased attention to the needs of Roma and the protection resulting therefrom was less so when other egregious violations gained visibility, such as the forced or coerced sterilisation of Roma women.<sup>211</sup> The expected acknowledgment and redress failed to concretise. Instead of building on its

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<sup>206</sup> This reflected the evolving European anti-discrimination law standards introduced by the European Race Directive. See European Race Directive (n 112) Art 8; Oddný M Arnardóttir, 'Non-Discrimination under Article 14 ECHR: The Burden of Proof' (2007) 51 *Scandinavian Stud L* 13; and Ruth Rubio-Marín and Mathias Möschel 'Anti-Discrimination Exceptionalism: Racist Violence before the ECtHR and the Holocaust Prism' (2015) 26(4) *Eur J Int'l L* 881, 885, and the jurisprudence cited in fn 17.

<sup>207</sup> For example, different registration methods of Romani children and their placements in segregated preparatory classes resulted in discrimination in *Sampanis and others v Greece* App no 32526/05 (ECtHR, 5 June 2008) para 96, with inadequate actions to implement the judgment resulting in a new violation in *Sampanis and others v Greece* App no 59608/09 (ECtHR, 11 December 2012); *Oršuš and others v Croatia* (GC) App no 15766/03 (ECtHR, 16 March 2010) (Roma-only classes in primary school had no objective and reasonable justification and violated Articles 14 ECHR and 2 of Protocol No 1; paras 184-185); *Lavida and others v Greece* App no 7973/10 (ECtHR, 30 May 2013) para 73: failure to take anti-segregation measures in Roma-only primary schools constitutes discrimination and breaches their right to education; and *Horvath and Kiss v Hungary* App no 11146/11 (ECtHR, 29 April 2013): misplacement of Roma in special schools indicates a failure to take into account their special needs as members of a disadvantaged group; such isolation prevented their smooth integration in the majority society. For a detailed examination of these cases, see OSF, Open Society Justice Initiative Report, 'Strategic Litigation Impacts. Roma School Desegregation' [2016] 29-32 (Strategic Litigation Report).

<sup>208</sup> For a distinction between formal and substantive equality and other conceptual insights, see Daniel Moeckli, 'Equality and Non-Discrimination' in Moeckli, Shah and Sivakumaran (n 64) 158-60.

<sup>209</sup> Ringelheim (n 203) 410. For a close examination from the case-law perspective, see Beiter (n 58) 158-72.

<sup>210</sup> For a substantial overview of this evolution, see Oddný M Arnardóttir, *Equality and Non-Discrimination under the European Convention on Human Rights* (Martinus Nijhoff 2003).

<sup>211</sup> A systematic state policy in former Czechoslovakia, cases have been and continue to be reported in countries of the former Soviet Bloc. The widespread practice was brought to light in a report which outlined "patterns of systematic and glaring racial discrimination". See Centre for Reproductive Rights and Centre for Civil and Human Rights, *Body and Soul: Forced Sterilizations and Other Assaults on Roma Reproductive Freedom in Slovakia* [2003] 15, 45-48, 55-93 [https://www.reproductiverights.org/sites/default/files/documents/bo\\_slov\\_part1.pdf](https://www.reproductiverights.org/sites/default/files/documents/bo_slov_part1.pdf) accessed 23 May 2017 (Body and Soul Report).

previous Article 14 non-discrimination jurisprudence in the educational segregation cases, the Court disregarded the intersectional nature of discrimination these women face, thus entertaining the oppressive cycle.

The lived reality behind coercive sterilisations, a truly multidimensional issue, reveals the pivotal role of education from the earliest age in preventing or at least significantly reducing the occurrence of such abuses in the first place. The practice of subjecting Romani women to systematic surgical sterilisation without their full and informed consent, “to control the highly unhealthy Roma population”,<sup>212</sup> was deemed a grave human rights violation for the first time in 2011 in the case of *V.C. v Slovakia*.<sup>213</sup> In all instances, sterilisations were performed during delivery via Caesarean section and consent of questionable authenticity was registered, although obtained through intimidation under conditions where coercion was employed in various forms.<sup>214</sup> Additionally, their ethnic origin was clearly mentioned in the medical records, they were subjected to racial insults by the hospital staff, segregated in “Gypsy” rooms in the maternity wards with no access to sanitation facilities used by non-Roma women, and denied access to their medical files.<sup>215</sup> This amounted to ill-treatment contrary to Article 3 and a failure of the State to ensure adequate safeguards for the applicants’ reproductive health as Roma women, “vulnerable individuals”, contrary to Article 8 (right to private and to family life). A separate examination of the racial and gender discrimination claims under Article 14 was deemed irrelevant

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<sup>212</sup> Czech Public Defender of Rights (Czech Ombudsman), *Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures* [2005] 3 and 78

[http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CZE/INT\\_CERD\\_NGO\\_CZE\\_70\\_8507\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CZE/INT_CERD_NGO_CZE_70_8507_E.pdf) accessed 23 May 2017. For details on the context and emergence of the practice, see Hammarberg (n 11) 11.

<sup>213</sup> *V.C. v Slovakia* App no 18968/07 (ECtHR, 8 November 2011). The case-law grew with cases brought by Romani women who underwent the same procedure under similar circumstances. See, for example, *N.B. v Slovakia* App no 29518/10 (ECtHR, 12 June 2012) and *I.G. and Others v Slovakia* App no 15966/04 (ECtHR, 13 November 2012).

<sup>214</sup> For example, under the last stages of labour or in pain, during the delivery or shortly after, under duress of threats to withdraw social benefits, terminate employment or institutionalise children, or given upon manipulative information on sterilization (no information on its irreversible nature and alternative solutions). See Body and Soul Report (n 211) 100-02; ERRC, *Parallel Report by the European Roma Rights Centre Concerning the Czech Republic. For Consideration by the Committee on the Elimination of all Forms of Discrimination Against Women at the 63th session* (23 February 2016) 3-4 <http://www.errc.org/cms/upload/file/czech-cedaw-submission-22-january-2016.pdf> accessed 23 May 2017 (ERRC Parallel Report 2016); and Written Comments Concerning the Slovak Republic for Considerations by the UN HRC at its 78<sup>th</sup> Session, 24 July-8 August 2003 (11 July 2003) 9-10 (for summaries of illustrative cases) [www.errc.org/cms/upload/media/00/91/m00000091.doc](http://www.errc.org/cms/upload/media/00/91/m00000091.doc) accessed 23 May 2017.

<sup>215</sup> *V.C.* (n 213) paras 43-47 (accounts of sterilisation practices in Slovakia); Body and Soul Report (n 211) 55-93.

especially given the lack of convincing objective evidence. Notwithstanding the recognition of coercive sterilisation as a human rights violation, these cases were ultimately a lost opportunity for the Court to recognise and expose discriminatory structures.

Vulnerable to these practices, women are deemed unworthy of protection against such human rights abuses.<sup>216</sup> What ultimately drives forced sterilisation are both racism and sexism.<sup>217</sup> The stream of discrimination, both past and contemporary, along with the use of the Romani female's body to target the minority group they belong to with a view to eradicate it, creates a picture of entrenched subordination and of an unique form of racist and gendered discrimination.<sup>218</sup> What is more, these violations remain largely extensive and unchecked.<sup>219</sup> When seeking justice in courts – if they are aware that they have a right to human dignity and autonomy in the first place, Romani women are faced with several obstructions. Poor levels of literacy, along with the lack of financial means or the application of draconian proof standards which render access to redress nearly impossible<sup>220</sup> are but one facet of the negative effects of precluding Romani women and girls from accessing quality education or any education at all. Without stretching too far, one might attempt to say that education could act as a life saver in circumstances as such.<sup>221</sup> In fact, adequate literacy, furthered by legal literacy and health awareness, would enable women coming from disadvantaged backgrounds to seek redress in courts, to use the right to free counsel and to make informed choices.

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<sup>216</sup> Bond (n 36) 906 and fn 68.

<sup>217</sup> *ibid*, citing MK Eriksson and noting that “coercive control of their sexuality expresses race discrimination, gender inequality and paternalism”.

<sup>218</sup> For a more detailed account on contemporary issues for Romani women, with the issue of intersectional discrimination being raised more and more by Romani women activists in connection to daily life experiences, see Ravnbøl (n 45) 8-12.

<sup>219</sup> For State responses and the limited justice provided to victims see Elisabeth K Tomasovic, ‘Robbed of Reproductive Justice: The Necessity of a Global Initiative to Provide Redress to Roma Women Sterilised in Europe’ (2010) 41 Colum Hum Rts L Rev 765, 770-85, and ERRC Parallel Report 2016 (n 214) 4.

<sup>220</sup> See, for instance, the lack of access to medical files as reflected in the case of *K.H. v Slovakia* (see section 1). For more examples of cases in Czech courts with evidentiary issues, see Michaela Kopalová, ‘Coercive Sterilisation in Czech Republic: Civil and Criminal Law Aspects’ [2006] Roma Rights Quarterly 27-29 <http://www.errc.org/article/coercive-sterilisation-in-czech-republic-civil-and-criminal-law-aspects/2757> accessed 23 May 2017. One evidentiary aspect is the problem related to the inability to detect tubal ligation with the passage of time; see Tomasovic (n 219) 792-93.

<sup>221</sup> These cases reached the Court and Roma women's plight was exposed internationally thanks to some educated Roma women, who read the Body and Soul Report and grasped the opportunity it offered to claim and advocate for their rights; other victims encouraged by the somewhat favourable judgment in *V.C.* followed suit.

By neglecting the claim under Article 14, “the very essence of the case”,<sup>222</sup> and thus failing to recognize and expose the intersectional discrimination, the Court departed from its evolutive jurisprudence in terms of a more malleable approach to the burden of proof and emerging standards on substantive equality.<sup>223</sup> Reference to the “vulnerable Roma community” did not lead to the assessment of State-sanctioned policies of forced sterilization in face of the numerous materials adduced before it<sup>224</sup> (as was the case in its previous case-law mentioned above), thus missing the opportunity to link the vulnerability to the oppressive policies and unlock a pattern of intersectional discrimination. No mention was made of the self-evident gender discrimination occurring in all the cases before it. What is problematic, is the fact that, in the face of such complex issues raised by women living multiple identities which occasion intersecting and unique forms of discrimination, the Court addressed them as side matters, disconnected from their very context and thus perpetrating rather than dismantling the structures at their basis.<sup>225</sup> Not only gender discrimination was overlooked, but the intersection between race and gender discrimination was not even brought up. Missing their inseparable nature (racial and gender discrimination<sup>226</sup>) in these

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<sup>222</sup> *V.C.* (n 213) Dissenting opinion of Judge Mijović 45.

<sup>223</sup> David J Harris and others, *Law of the European Convention on Human Rights* (2<sup>nd</sup> edn, OUP 2009) 579-85. This worrisome “trend” is further reinforced by the very recent practice of “dismissing” discrimination claims in cases of police brutality against the Roma in Romania (against which a string of judgments has been delivered so far) due to the applicants’ inability to bring proof “beyond reasonable doubt”; put before three-judge committees as “WECL” (well-established case law) cases, which are not given press-release summaries they go unnoticed. This confirms the Court’s “bad jurisprudence and insults Roma by relegating serious police abuse to the back pages record”; see Adam Weiss, ‘Weckles: the New Minority Making a Joke of Roma Rights’ (*ERRC Blog*, 10 April 2017) <http://www.errc.org/blog/weckles-the-new-minority-making-a-joke-of-roma-rights/167> accessed 23 May 2017.

<sup>224</sup> *D.H. and Others* (n 204) 200-01.

<sup>225</sup> Attempts to explain the inadequate acknowledgment of racism and sexism have referred to post-colonial denial and the Holocaust Prism; see Marie-Bénédicte Dembour, ‘Postcolonial Denial: Why the European Court of Human Rights Finds It So Difficult to Acknowledge Racism’, in Kamari M Clarke and Mark Goodale (eds), *Mirrors of Justice: Law and Power in the Post-Cold War Era* (CUP 2009) 45, 51-53 (as cited in Rubio-Marín and Möschel (n 206) fns 64, 65) and Rubio-Marín and Möschel (n 206) 892-94.

<sup>226</sup> Gender and ethnicity intersect to affect the availability and access to mechanisms of redress. The difficulties in obtaining redress for coercive sterilisation practices at domestic level and the ensuing impunity in most cases, together with the heavy (and close to impossible) burden of proof required by the Court are clear reflections of the inadequacy of the current conceptualisation of the problem. By not linking individual abuses with discrimination the victim is ultimately even more marginalised and excluded from accessing justice. Or, the identification of underlying obstacles, the focus on the real causes of problems, efficiency and effectiveness are among the core principles of real access to justice. See Merita Meçe, ‘Accessible Justice System for All: The Case of the Roma Minority in Albania’ (2015) 84 ECMI Working Paper 1, 4 and 3, 5

women's experience of oppression is another way of furthering disadvantage. As observed in the doctrine, these internal contradictions and non-linear developments, the restrictive attitude towards indirect discrimination with a tendency to make high demands on the burden of proof points to an undue weight given to the interest of the State.<sup>227</sup> Since Roma women's lived reality is not fragmented or categorised, neither should be the Court's analysis if it were set on doing justice to the victims; the adoption of an intersectional approach becomes nearly an imperative.

Finally, some reflections on the impact of the Roma case-law could provide insights into the Court's role in generating practical protection for them and for minority groups in general. The ECtHR's ever stronger stance on desegregation of Roma in public schools did not necessarily translate in lasting changes on the ground. Its judgments may have brought amendments to State education policy when it came to the educational placement of Roma pupils and the changes in support for and opposition to Roma school desegregation.<sup>228</sup> However, they failed to impact Roma's lived experiences. If a strong mobilisation occurred in preparation of these cases, Roma were left unrepresented in their aftermath to the extent that opposition to desegregation was a common reaction.<sup>229</sup> On a more general level though, the judgments sparked and sustained change, affecting the "self-understanding of society"<sup>230</sup> and increased Roma's awareness of rights and their sense of autonomy. Nevertheless, these judgments are not implemented in a vacuum, but in societies defined and shaped by several contextual factors. The

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[https://www.files.ethz.ch/isn/189031/ECMI\\_Working\\_Paper\\_84.pdf](https://www.files.ethz.ch/isn/189031/ECMI_Working_Paper_84.pdf) accessed 23 May 2017 (on generalities on the concept and the barriers faces by the socially excluded and minority groups).

<sup>227</sup> Kristin Henrard, 'A Patchwork of "Successful" and "Missed" Synergies in The Jurisprudence of the ECHR' in Henrard and Dunbar (n 103) 315, 316 (overall assessment of the jurisprudence), 322, 327. For the need of greater coherency in the positions adopted with respect to minorities, see Sia Spiliopoulou Åkermark, 'The Limits of Pluralism – Recent Jurisprudence of the European Court of Human Rights with Regard to Minorities: Does the Prohibition of Discrimination Add Anything?' (2002) 3 JEMIE [i], 20-22.

<sup>228</sup> For an overview of policies adopted in the aftermath of ECtHR's judgments see Strategic Litigation Report (n 207) 36-45. The author argues that the judgments fostered a better protection against ethnic discrimination together with the revolutionary and strengthened treatment of indirect discrimination, statistical evidence, countries' positive non-discrimination obligations, and the embracement of substantive notion of equality which protects entire communities; see *ibid* 52-53. However, the latest line of case law on forced sterilization might well have put a halt to these advancements.

<sup>229</sup> These reactions could be explained by the fact that mainstream education with its stereotyping and extra enrolment costs, bullying, and hostile environment is not perceived as beneficial among many Roma. The absence of employment chances adds to the questioning of the benefits of mainstream education. See *ibid* 57-59. Also, ten years on from *D.H. and Others* implementation is still awaited.

<sup>230</sup> *ibid* 71 fn 361 (quoting a judge from the ECtHR).

ability to bring lasting social changes depends on this understanding and a holistic, integrative approach, combining executions with several directed actions, is imperative.

No matter how much protection these judgments offer, implementation through different stakeholders' experiences is essential. But given the lack of recognition of the structural dimension of the racial and gender discrimination, public authorities are not encouraged to adopt programs and measures to fight the problem. To what extent this is or not the case will be seen in Part II, which deals exactly with the thorny issue of implementation where it most counts, that is, at local level. Before turning to that point, one last section is dedicated to an initiative run in parallel with the development of the Court's Roma jurisprudence, the "Roma Decade", to see whether its actions reinforced changes sparked by the Court's case law or trumped any efforts in the first place.

*e. The Decade of Roma Inclusion*<sup>231</sup> ("Roma Decade")

The EU Framework entered the stage as a continuation of the Roma Decade (in terms of aims, goals, monitoring and assessment of achievements and Roma participation) which was started in 2005 and formally closed in September 2015. As EU standards on education and gender in relation to Roma integration build largely on this initiative, its features and outcomes warrant some consideration so that past errors are not duplicated and effective social change has potential to be achieved for Roma.

Promises to close the gap between the mainstream society and the Roma and ensure the latter's full participation took a decade to turn from hope into disillusionment and despair.<sup>232</sup> If an adequate measuring of its outcomes is difficult due to the absence of transparent and quantifiable data from governments,<sup>233</sup> monitoring was an important feature of the Decade. Roma representatives and civil society organisations were involved in every stage of the annual assessment of the implementation and

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<sup>231</sup> This international initiative that brought together governments, international partner organisations and civil society, to accelerate progress towards Roma inclusion and review such progress in a transparent and quantifiable way. The international partner organisations were the World Bank, OSI, UNDP, CoE, CoE Development Bank, OSCE, ERIO, ERTF, ERRC, UN-HABITAT, UNHCR, and UNICEF. It focused on the priority areas of education, employment, health, and housing, and committed governments to consider core issues of poverty, discrimination, and gender mainstreaming; to be continued under "Roma Integration 2020" project, implemented by the Regional Cooperation Council with funding from EU and OSF. See <http://www.rcc.int/romaintegration2020/pages/1/overview> accessed 23 May 2017.

<sup>232</sup> Margareta Matache, 'Nothing About Us Without Us: Roma Participation, Gender Equity and the Decade of Roma Inclusion' in *A Lost Decade? Reflections on Roma Inclusion 2005-2015* [2015] 28-43 <http://www.mladiromi.me/eng/aktivnostii/333-a-lost-decade-reflections-on-roma-inclusion-2005-2015> accessed 23 May 2017 (Lost Decade); Bernard Rorke, 'Somewhere between Hope and Despair: Whatever Happened to Roma Inclusion between 2005 and 2015?' in *ibid* 44-61.

<sup>233</sup> Eben Friedman, 'Assessing Progress under the Decade' in *Lost Decade* (n 232) 16.

progress. The Decade Watch and the Civil Society Monitoring Reports examined data from National Action Plans and NRIS, thus channelling local knowledge into national and EU policy processes.<sup>234</sup> Beside the positive experience of monitoring, participation never reached the communities. The formal dialogue and negotiations engaged only young Roma elites, lacking knowledge and negotiation skills and thus having no power to influence policy-makers and bring change.<sup>235</sup> Typical of top-down approaches to policies regarding Roma, grassroots organisations were not involved, thus giving them no chance to use their direct knowledge and experience and foster a sense of empowerment.<sup>236</sup> Moreover, long-term change was impossible to conceive given the low level of awareness of the existence of the Decade. Most strikingly, only 2% of the Romanian Roma population was aware of the Decade.<sup>237</sup>

Defined as a cross-cutting issue and not a priority, gender equality was “the last, last issue of the Decade (...) weakest point or the greatest failure (...) in terms of ambitions, dialogue and results”.<sup>238</sup> Without precise targets, indicators and allocated budgets, there was no tangible involvement in designing measures aimed at Roma women or of particular concern to them<sup>239</sup>. Even in monitoring, where participation was extensive, the gender dimension was obscured.<sup>240</sup>

Education, on the other hand, was considered a successful area, although the only real progress was that segregation no longer went accepted without questioning.<sup>241</sup> Otherwise, crucial areas like adult education, desegregation, employment of Roma in education and inclusion of Roma identity, language, culture and history in the curriculum were less of a success.<sup>242</sup> Gender equality received a scant attention

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<sup>234</sup> Assessments were conducted by coalitions of Roma NGOs and activists from all participating countries, trained and mentored by OSF and the World Bank. The data gap was countered with the help of FRA, which worked to develop Roma Inclusion Indicators; see Report *Roma Inclusion Index 2015*, 9 <http://www.mladiromi.me/eng/aktivnostii/332-roma-inclusion-index-2015> accessed 23 May 2017.

<sup>235</sup> The wrong focus on the young uneducated elites, ignoring the more established figures, further created imbalances within the community itself; see Matache (n 232) 29-31, 34.

<sup>236</sup> *ibid* 35.

<sup>237</sup> Of these, 44% heard about the Decade on TV; see Romani CRISS, *Stereotypes, Prejudice and Discrimination: The Roma perspective* [2011].

<sup>238</sup> Matache (n 232) 42. The issue was misunderstood or simply neglected in National Action Plans, Roma women activists were not leading to promote gender discourse, and their participation was inadequate.

<sup>239</sup> Friedman (n 233) 25.

<sup>240</sup> Matache (n 232) 40.

<sup>241</sup> Rorke (n 232) 48-50.

<sup>242</sup> However, some successful outcomes emerged. In Slovakia, for example, a Roma national became mayor of a town with 75% of non-Roma population, after he implemented an after-school program for children and their parents, with a turnout of better grades, zero dropout rates, and a transition rate from primary to secondary up to

in education too, with some progress only in the decrease of dropout rates between boys and girls, but none in terms of the literacy gap.<sup>243</sup> Desegregation remained an enormous problem reflecting the deep-seated institutional discrimination and the mistake of setting to promote social inclusion by failing to address simultaneously institutional racism.<sup>244</sup> Distancing itself from this legacy, the EC appears to have understood the need to adequately tackle anti-Gypsism as priority in order to achieve inclusion. To this end, it toughened up by announcing the intention to use the infringement procedures against Slovakia as a tool to fight discrimination.<sup>245</sup> The effectiveness of such initiative is debatable, since Member States fail to comply with EU recommendations or with regional supranational judgments.<sup>246</sup>

In conclusion, what the EU Framework should inherit from the Decade is the understanding that racism and social inclusion are closely intertwined, that multifaceted discrimination affects women first and foremost, and that the reshaping of mentalities, both outside and within the Roma community, should constantly inform public policies. Involvement of Roma women in their communities could liberate them from both culturally assigned gender roles and the stereotyped image of permanently assisted minority. But for that, education is crucial at all levels within the community; women and girls need to have the tools (knowledge of their rights and negotiating skills) to engage meaningfully with local authorities and become part of the solution to their own plight.

#### *f. Concluding remarks*

The awareness that the integration of Roma rests especially on the right to equality appears to permeate the various instruments, institutions and bodies under the umbrella of the CoE. The body of jurisprudence developed in Strasbourg is unequivocal in relation to the hindrances that indirect

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95%. A dynamic community life emerged. Also, the Roma Education Fund was particularly beneficial: stress on partnerships with school principals and mayors and on community empowerment and active engagement of parents. REF's activities were endorsed in the EU Council's 2013 Recommendations. See Judith Szira, 'What the "Roma Decade" Really Achieved' (*OSF Voices*, 16 October 2015) <https://www.opensocietyfoundations.org/voices/what-roma-decade-really-achieved> accessed 23 May 2017.

<sup>243</sup> Ewa Cukrowska and Angéla Kóczé, *Interplay between Gender and Ethnicity: Exposing Structural Disparities of Romani Women* (UNDP Roma Inclusion Working Papers 2013).

<sup>244</sup> Rorke (n 232) 46-48.

<sup>245</sup> 2015 EU Framework Implementation Report (n 137); the two other ongoing procedures are against the Czech Republic and Hungary.

<sup>246</sup> The reaction of the Czech government to the infringement procedures launched in 2014 due to non-implementation of *D.H. and Others* was to say that education was out of EU's purview; see ROMEA, *Czech Government approves response to Brussels denying Roma discrimination in schools* (24 November 2014) <http://www.romea.cz/en/news/czech/czech-govt-approves-response-to-brussels-denying-roma-discrimination-in-schools> accessed 23 May 2017.

discrimination creates for their socioeconomic participation and integration.<sup>247</sup> Every instance of segregation is but another form of disapproval, deepening the gap between non-Roma majority and the Roma and reinforcing discrimination and prejudiced attitudes. Starting from this understanding, the CoE laid special emphasis on developing standards in education.

Bridging the gap requires interaction between and mutual respect of both cultures, which can only be achieved through education. As observed in the literature, the absence of Roma's culture and language, their "own markers" from the school curriculum reflects deep prejudice and invariably discourages effective access to education; thus, substandard or segregated education is the result of mutually-reinforcing socioeconomic and cultural hurdles.<sup>248</sup> As seen in the sections above, education has a capital nature in connection with Roma. But rights have different effects or meaning for different groups with different needs, for which reason the CoE initiated several measures and strategies targeting Roma women, at the intersection of multiple sources of disempowerment.

This brief overview of some of the regional actors who have engaged especially over the past decade in the pan-European efforts of Roma integration shows a thematic overlap, with differences due to the various working methods, mandates and institutional focus. However, the multidimensional nature of the concept of "integration" itself, the pervasive social exclusion and systemic discrimination, and Roma's special needs have reoriented these bodies and institutions to step up their commitment in the form of substantive synergies between themselves.<sup>249</sup> This is visible in the efforts directed at local empowerment in all areas of interest for Roma: EU's initiatives support twinning of local authorities under the "for Roma with Roma" transnational campaign, and joint programmes with the CoE developed for mediation, structured dialogue and capacity building of Roma communities and local authorities.<sup>250</sup> The ambitious goals and innovative models and approaches are hoped to counter the "paradigmatic case of [Roma] failed integration".<sup>251</sup> If the EU lags behind in relation to a big segment of the Roma population it desires to integrate, i.e. women and girls, co-operation efforts may help overcome this unacceptable gap. In this sense, efforts are not duplicated and parallel policies are complementary and not inefficiently overlapping.

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<sup>247</sup> Henrard (n 227) 273, and 277-88 (on the right to equal treatments), 288-96 (on duties of differential treatment).

<sup>248</sup> *ibid* 302.

<sup>249</sup> For a more detailed overview of this institutional variety in terms of substantive coverage and methods, see Kristin Henrard, 'The CoE and the Rescue of Roma as a Paradigmatic Case of Failed Integration? Abstract Principles versus Protection in Concreto' (2011) 10 EYMI 271, 274-75.

<sup>250</sup> See, for example, ROMED2 and ROMACT programmes, the networks of transnational cooperation between authorities at national and local level, as well as (pro) Roma NGOs; see s I/B/2 above and the 2016 EU Framework Implementation Report (n 143).

<sup>251</sup> Henrard (n 227) 272.

The lesson to be learned from the above is that interventions to address specific problems and issues should not be isolated, but integrated at all levels to eliminate root causes. Education is “a valid entry point to change community mentalities”,<sup>252</sup> but to be sustainable there is need for integrated approaches that go beyond mere campaigns, desegregation or curriculum development. Interventions should also be included in a broad community development action, not singled out, and adapted to the diverse cultural make-up of that community. Since it all plays out at the local level, all relevant policy makers should have convergent mandates. For the Roma themselves, the power of personal Roma examples of success should not be underestimated. Finally, participatory mechanisms at community level should encourage child and women perspectives to be expressed and considered.

What came across through the assessment above was the fact that Roma women and girls’ problems and issues in education and the fostering of a rights-based education have not been a main concern of EU policies. Considering the essential role assigned to local implementation, the focus will now turn to the realities on the ground. By looking at two local examples from Romania and Sweden, part II of the paper will attempt to see how the multiple discrimination lived by Roma women and girls is reflected in local educational measures, how adequate these are in light of rights-based standards to lead to empowerment and advancement of their other human rights.

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<sup>252</sup> CAHROM Report 2015 (n 19).

## **II. EDUCATING ROMA WOMEN & GIRLS. NATIONAL AND LOCAL IMPLEMENTATION**

Despite all the criticism that could be brought to the EU Framework and other regional initiatives,<sup>253</sup> their increased focus on and engagement for local empowerment are welcomed. Positive social change could never occur without the crucial input and long-term sustained efforts of national and local authorities, since it is at the community level that real and effective implementation occurs. Part II of this paper will examine how national and local implementation takes place by looking into the experiences of the two EU Member States of choice, Romania and Sweden, and of the chosen municipality seats of Suceava and Malmö.

### **A. NATIONAL IMPLEMENTATION: ROMANIA & SWEDEN**

Romania is inhabited by one of the largest Roma populations across the continent, with a long history of discrimination and abuse and persistent challenges in meeting European standards. Sweden, on the other hand, is considered a champion in terms of promotion and protection of human rights. These contrasting realities have prompted the interest to track down the internal dynamics generated by the EU's vision of a unified framework for Roma inclusion. The choice was driven by the insights into what this collective effort entails when localised and on how considerable differences in terms of resources and development play out when the framework is implemented. Lastly, the author's direct connection with the two sites of implementation has also weighed heavily in picking Romania, home country, and Sweden, country of residence and studies, as case studies for the current research.

#### **1. Romania**

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<sup>253</sup> The main criticisms revolve around the excessive formalism, the lack of adequate funding and of sufficient commitment; see Eva Sobotka and Peter Vermeersch, 'Governing Human Rights and Roma Inclusion: Can the European Union Be a Catalyst for Local Social Change?' (2012) 34(3) HRQ 800-22.

Housing a large number of citizens of Roma ethnicity and being under one of the highest risks of poverty and social exclusion in the EU,<sup>254</sup> Romania had all the interest to elaborate an all-comprehensive national strategy along the lines of the EU Framework. A brief overview of the relevant provisions in relation to education and the interrelated structural requirements will be followed by an assessment informed by the findings in part I of this paper. The analysis looks at the adequacy and effectiveness with which the NRIS is mainstreaming gender and Roma women and girls' particular issues, as required by the EC, and the approach to education to foster empowerment and inclusion.<sup>255</sup>

The Inclusion Strategy for Roma nationals (“the 2012 Strategy”) was first approved in December 2011<sup>256</sup> with an updated version released in January 2015 (“the 2015 Strategy”),<sup>257</sup> informed by recent social realities and challenges, the possibility of accessing EU funds, the Europe 2020 national objectives, and EC assessments of previously implemented measures.<sup>258</sup> Social inclusion of Roma citizens (an official ethnic minority with Parliament representatives) requires a proactive approach, which now rests on four new targets: understanding the economic benefits of Roma inclusion, ensuring a targeted approach having as top priority “*the educational inclusion and equal opportunities for all children*”, keeping a permanent contact with the civil society especially at local level, and *adapting interventions to the minority groups within the Roma minority*.<sup>259</sup>

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<sup>254</sup> EC, Recommendation for a Council Recommendation on the 2016 national reform programme of Romania and delivering a Council opinion on the 2016 convergence programme of Romania (18 May 2016) COM(2016) 343 final 4 (Council Recommendation for Romania 2016).

<sup>255</sup> The same approach will be applied to the analysis of Sweden’s NRIS in the following section.

<sup>256</sup> Hotărârea Guvernului nr. 1221/2011 pentru aprobarea Strategiei Guvernului României de incluziune a cetățenilor români aparținând minorității romilor pentru perioada 2012-2020, 14 December 2011, Monitorul Oficial al României, Partea I, nr. 6bis din 4 ianuarie 2012 (Government Decision no 1221/2011 for the adoption of the Strategy of the Romanian Government on the Inclusion of Romanian Citizens Belonging to the Roma Minority for the period 2012-2020 (14 December 2011) Official Gazette Part I no 6bis of 4 January 2012, *a.t.*).

<sup>257</sup> Hotărârea Guvernului nr. 18/2015 pentru aprobarea Strategiei Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2015–2020, 14 ianuarie 2015, Monitorul Oficial al României, Partea I, nr. 49 din 21 ianuarie 2015 (Government Decision no 18/2015 for the adoption of the Strategy of the Romanian Government on the Inclusion of Romanian Citizens Belonging to the Roma Minority for the period 2015-2020 (14 January 2015) Official Gazette Part I no 49 of 21 January 2015, *a.t.*).

<sup>258</sup> The Strategy is meant to continue the overall national policy framework aimed at the improvement of the Roma situation. See the 2015 Strategy, 5-6, and 11 (on existing policies and legal framework) at [http://ec.europa.eu/justice/discrimination/roma-integration/romania/national-strategy/national\\_en.htm](http://ec.europa.eu/justice/discrimination/roma-integration/romania/national-strategy/national_en.htm) accessed 23 May 2017.

<sup>259</sup> *ibid* 5-6.

Educational development, seen against the background of huge educational achievement gaps between Roma and non-Roma and the high illiteracy rates, appears as crucial to ensuring the sustainability of interventions for the social inclusion of Roma citizens.<sup>260</sup> Such increased attention reflects in the first two objectives (out of eight) which focus on education: boosting levels of educational inclusion by way of affirmative action, fighting social disparities which lead to school dropout and illiteracy, and ensuring free, equal and universal access to quality education for all Roma children (the latter is reiterated as a standalone objective no. 2). Objective no. 7 relates to minorities within the Roma minority, setting out to improve the social conditions of disadvantaged Roma categories in additional fields like child protection, justice and community development.<sup>261</sup>

When it comes to the roadmap for specific programmes and initiatives, seven educational objectives and 22 directions for action focus, *inter alia*, on elimination of desegregation and fighting discrimination, countering early school leaving, promoting access to and quality of early childhood education and care, providing individualised support, inclusive teaching and learning methods, better living conditions, preservation and development of cultural identity, training and employment of mediators, as well as adult education to counter effects of early school drop-outs.<sup>262</sup> Of these, none refers to women and girls, not even implicitly. As a matter of fact, Roma females are mentioned in three instances throughout the text in relation to their belonging to the vulnerable group category that inclusion policies and measures should particularly target, to their low employment rates, and the high maternal mortality rates.<sup>263</sup> Additionally, if at first sight the 2015 Strategy gives due weight to structural requirements such as local capacity building and networking, effective monitoring and evaluation of the implementation, and equality and non-discrimination,<sup>264</sup> at a closer look it appears to be plagued by the same gaps as the 2012 Strategy.<sup>265</sup>

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<sup>260</sup> *ibid* 6, 7-8, and 12 (“the strongest tool in the hands of adults and children from marginalised communities which can raise them out of poverty, both socially and economically”).

<sup>261</sup> 2015 Strategy (ns 257 and 258) 18.

<sup>262</sup> For the detailed list of measures and programmes, see *ibid* 20-22.

<sup>263</sup> *ibid* 15, 25, and 81 (measures should seek to provide them with information and counselling on reproductive health risks associated with early marriages, maternal and child health).

<sup>264</sup> For example, the NCP for Roma, the Ministry of EU Funds, coordinates the process nationally, an inter-ministerial committee was created to facilitate dialogue and cooperation, measures are envisaged to foster a better dialogue with Roma civil society and bilateral cooperation, and the stakeholders’ forum, the National Roma Platform, was reformed to become more participatory; see *ibid* 45-51. These aspects are out of the scope of the present paper and will not be discussed in detail, but only mentioned where relevant for the education of Roma women and girls.

<sup>265</sup> For a detailed overview of the first Strategy, see Ist EU Implementation Report (n 135) 51-53; ERPC analysis (n 154) 4-43, 49-50, 53-54; “Împreună” Agency for Community Development, ‘Romanian Government’s Strategy

A quick review of the implementation reports shows that positive trends – such as the central importance accorded to early education and the promising practice of dedicated places for Roma upon admission to public universities<sup>266</sup> – do not make spatial and educational segregation and sustainable local commitment and implementation less of a challenge.<sup>267</sup> Measures to protect children and women and fight discrimination and anti-Gypsyism are unsustainable; Roma children are not included in mainstreamed actions for child protection, and isolated projects aimed at combating stereotypes against Roma women are inefficient absent a systematic approach to combat forced marriages.<sup>268</sup>

Without a “gender specific and child sensitive strategic approach”<sup>269</sup> to permeate all areas of interest, no action in the form of targeted measures is likely to be taken. This is further compounded by a general lack of consistency and clarity of strategic planning, ineffective monitoring mechanisms (lack of sex disaggregated data and of gender impact assessments), limited institutional capacity, and unclear political commitment of national and local authorities.<sup>270</sup> The lack of emphasis on HRB measures –

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of Inclusion of the Romanian Citizens Belonging to Romani Minority for 2012-2010 - The position of the “Împreună” Agency for Community Development’ [2012] 7-9; and Bernard Rorke, ‘Review of EU Framework NRIS submitted by Bulgaria, the Czech Republic, Hungary, Romania and Slovakia’ (OSF undated) 53-61 <https://www.opensocietyfoundations.org/sites/default/files/roma-integration-strategies-20120221.pdf> accessed 23 May 2017.

<sup>266</sup> 2015 EU Framework Implementation Report (n 137) 2.

<sup>267</sup> 2016 EU Framework Implementation Report (n 143) 10, 16.

<sup>268</sup> The failure to address this specific obstacle for Roma women also characterises the National Gender Equality Strategy 2014-2017. If the Draft National Strategy on Reducing Early School Leaving mentions on page 27 (Romanian language version) that financial hardships are the key reason for school dropout, “(...) and the situation is even more dramatic in the case of Roma girls, due to the precarious living conditions and traditions”, there is no indication of a measure or strategic action (see CAHROM Report 2015 (n 19) 37) and Hotărârea Guvernului nr. 417/2015 pentru aprobarea *Strategiei privind reducerea părăsirii timpurii a școlii în România* din 3 iunie 2015, Monitorul Oficial al României, Partea I, nr. 439, 19 iunie 2015 (Government Decision no 417/2015 for the adoption of the National Strategy on Reducing Early School Leaving in Romania of 3 June 2015, Official Gazette Part I no 439 of 19 June 2015, *a.t.*). If other policies mention early marriages as a form of sexual abuse, locating the problem “especially in the Roma communities” lends it an unfortunate ethnic character and thus reinforces Roma stigmatisation.

<sup>269</sup> 2016 EU Framework Implementation Report (n 143) 9.

<sup>270</sup> EC, Commission Staff Working Document of 27 June 2009 accompanying the document ‘2016 EU Framework Implementation Report’ SWD(2016)209 76-78. Even the antipoverty package which will also tackle measures for Roma inclusion, such as ensuring access of preschool children to education facilities, is insufficient; see Guvernul României, Pachet integrat pentru combaterea sărăciei (Romanian Government, Integrated Package for Fighting Poverty) [http://gov.ro/fisiere/stiri\\_fisiere/Pachet\\_integrat\\_pentru\\_combaterea\\_saraciei.pdf](http://gov.ro/fisiere/stiri_fisiere/Pachet_integrat_pentru_combaterea_saraciei.pdf) accessed 23 May 2017. Moreover, successive policies are uncoordinated and highly deficient; one study called the Roma Decade NAP and the Strategies “mere duplications”; see ECRI Report on Romania (fourth monitoring cycle) adopted 19

resulting from minimalism in combating anti-Gypsyism, promoting gender equality or tackling multiple discrimination, “a residual concept which did not spark much interest”<sup>271</sup> – left Roma women and girls’ educational priorities and concerns marginalised, without any prospect of giving them power and agency for real social cohesion and inclusion.

## 2. Sweden

Leader in terms of respect of human rights, Sweden is known for its efficient social inclusion mechanisms.<sup>272</sup> As an update to its minority policy strategy<sup>273</sup> and based on proposals of the Roma rights report,<sup>274</sup> in February 2012 the Swedish government adopted a 20-year strategy on the inclusion of the Roma people in Sweden aiming for a 20-year ethnic Roma to have in 2032 the same opportunities as a non-Roma.<sup>275</sup>

The option for a mixed, “integrated administrative approach”, did not see the creation of a special governmental structure but the mainstreaming of Roma issues in the activities of relevant actors, with

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March 2014 CRI(2014)19 paras 107-09. Insufficient commitment might have catastrophic results. For example, The Decade NAP might have led to an overall increase in Roma segregation in education, with a worsening also registered in cross-cutting areas such as poverty, discrimination, and gender; see Roma Inclusion Index (n 234) 15-19.

<sup>271</sup> ERPC analysis (n 154) 54.

<sup>272</sup> In 2000, the 42 500 Roma (0,46% of the overall population according to CoE estimates) were recognised as national minority; see Commission Staff Working Document of 21 May 2012 accompanying the document ‘National Roma Integration Strategies: a first step in the implementation of the EU Framework’ [2012] SWD(2012)133 (Commission SWD 2012). While there are no official data about educational attainment of Roma pupils against mainstream population, reports from municipalities and Roma organisations reflect a less than satisfactory situation; see Swedish Strategy (n 275) 24-25.

<sup>273</sup> ‘Från erkännande till egenmakt - regeringens strategi för de nationella minoriteterna’ (From Acknowledgment to Empowerment: The Government’s Strategy for national minorities), Policy Document 2008/09:158 <http://www.regeringen.se/rattsdokument/proposition/2009/03/prop.-200809158/> accessed 23 May 2017.

<sup>274</sup> Report “Roma rights – a strategy for Roma in Sweden”, Delegation for Roma Issues (SOU 2010:50); the report was circulated to municipalities and Roma representatives to get feedback. For a background of the adoption process, see Swedish Strategy (n 270) 4-5, and Nafsika Alexiadou and Anders Norberg, ‘Sweden’s Double Decade of Roma Inclusion: An Examination of Education Policy in Context’ (2017) 49(1) European Education 36-55.

<sup>275</sup> ‘A coordinated long-term strategy for Roma inclusion 2012-2032’ Government communication 2011/12:56 (Swedish Strategy) [http://ec.europa.eu/justice/discrimination/files/roma\\_sweden\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_sweden_strategy_en.pdf) accessed 23 May 2017 (Swedish Strategy). The outstanding choice for a double timeframe than the EC recommended was prompted by the particular commitment to social inclusion policies across all relevant bodies, which should not be bound by government cycles, and the realistic length of time needed to build trust; see interview of minister Erik Ullenhag as quoted in Alexiadou and Norberg (n 274) 47-48.

external evaluators.<sup>276</sup> Full and effective equality between Roma and the general population is defined by the overarching goals of eliminating powerlessness, closing the trust and welfare gaps. Therefore, the entire implementation of the strategy is to be characterised by Roma participation and influence, with their access to human rights at national, regional and local level to be continuously enhanced and monitored for discrimination and marginalisation to be overcome.<sup>277</sup>

Empowerment of the civil society is a standalone goal with various local actors encouraged to become actively involved. Roma's self-perceived security within the mainstream population is prior to any Roma commitment to economic and social integration.<sup>278</sup> To this end, a 2012-2015 pilot project encompassing five municipalities was developed focusing on non-discrimination and equal opportunities and encouraging authorities to improve mutual trust, enhance consultation and involve Roma experts of all ages and backgrounds, not only representatives, value Roma's work in civil society and employ more Roma.<sup>279</sup>

The strategy identifies education, one of the most important factors to improve living conditions and reduce risks of exclusion and social maladjustments, as a priority action area.<sup>280</sup> Measures envisaged include day care and pre-school classes, primary and lower secondary education, upper secondary

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<sup>276</sup> Evaluation and assessment of outcomes are to be carried out by the County Administrative Board in Stockholm; the use of external evaluators guarantees the lack of involvement of national or local government structures and civil society; see FRA 2016 Report (n 166) 109. In respect of Sweden, the NRCP was established as the Division of Discrimination Issues within the Ministry of Employment; see <http://www.regeringen.se/regeringens-politik/demokrati-och-manskliga-rattigheter/nationella-minoriteter/> accessed 23 May 2017.

<sup>277</sup> ACFC Opinion on Sweden adopted 23 May 2012 in *Compilation of Opinions* of the Advisory Committee relating to Article 15 of the FCNM (3rd cycle), 13 May 2016, 106 <https://rm.coe.int/16805a9a42> accessed 23 May 2017 (ACFC Opinions Art 15).

<sup>278</sup> Swedish Strategy (n 275) 5, 9, 10. On the need for holistic and cross-cutting approaches for trust to be built, see ECRI General Policy Recommendation no 13 on combating anti-Gypsyism and discrimination against Roma [2011] CRI(2011)37 paras 110-16.

<sup>279</sup> The project aims to raise awareness among municipal institutions about the national strategy and create implementation support structures in Gothenburg, Helsingborg, Linköping, Luleå, and Malmö; see EC, Commission Staff Working Document of 27 June 2016 accompanying the 2016 EU Framework Implementation Report SWD(2016)209, 29-33 (on how it forged close links between local services and civil society in education). The five new pilot municipalities appointed in spring 2016 are Borås, Gävle, Haninge, Stockholm and Uppsala; see <http://www.regeringen.se/pressmeddelanden/2016/05/fem-kommuner-beviljas-bidrag-for-romsk-inkludering/> accessed 23 May 2017; and Swedish Strategy (n 275) 17, 22-24.

<sup>280</sup> Prioritisation was decided due to records of high truancy and incomplete qualifications, and based on requests from the Roma themselves upon consultations. See Swedish Strategy (n 275) 20-22, 25-35.

education, mother tongue teaching and municipal adult education.<sup>281</sup> Due to the general persisting climate of mistrust between education providers and the Roma<sup>282</sup> the training of teaching assistants – mediators or “bridge builders” – to overcome mistrust and improve school attendance is prioritised.<sup>283</sup>

The risk of double discrimination and the potential of education to restore trust in and expectations of society has targeted women and children as priority groups. However, children are not given a voice despite calls for consideration of their interests in everything of matter to them.<sup>284</sup> If the Strategy is based on human rights and non-discrimination principle,<sup>285</sup> and promotion of gender equality and Roma women’s rights is envisaged, the extent of participation of its main beneficiaries, Roma women, is unclear. Roma women are present only in health policy<sup>286</sup> and they are generally addressed in mainstream measures, not targeted by specific measures or approaches.<sup>287</sup> Their inadequate representation further impacts educational goals and renders insufficient efforts to create an inclusive harassment-free environment and ensure equal access to it.<sup>288</sup>

Moreover, ambitions of positive outcomes in and through the education system, with the inclusion of cultural and linguistic rights to assert a Roma group identity in disregard of individual identity experiences within the group trump inclusionary goals due to perceived essentialisation, victimisation

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<sup>281</sup> The existence of a Roma folk high-school focusing on adult education is laudable, but irrelevant in terms of overcoming discrimination in general due to lack of capacity; see ACFC Opinion on Sweden in ACFC Opinions Art 12 (n 179) 81.

<sup>282</sup> Children are being bullied and harassed by pupils and teachers alike, drop-out rates are high, and prejudice and discrimination continue unabated, leading to high unemployment rates. See ECRI Report on Sweden (fourth monitoring cycle) 19 June 2012 CRI(2012)46 paras 33-35.

<sup>283</sup> The Swedish government committed to allocate 13 million SEK per year in 2016-2019 to educate Roma mediators or “bridge builders” who work to increase knowledge of Roma culture and language in education and social sectors. Emir Salimi, the founder and chairman of “Unga Romni”, the organization for young Roma in Sweden, said that inclusion and integration should be directed towards the mainstream society rather than the Roma. More knowledge increases acceptance; see Emma Löfgren, ‘Sweden invests millions to end Roma racism’ *The Local* (Stockholm, 8 April 2015) <https://www.thelocal.se/20150408/sweden-to-invest-millions-to-end-roma-discrimination> accessed 23 May 2017.

<sup>284</sup> Educational measures target relevant authorities, municipalities and Roma parents only; see Swedish Strategy (n 275) 20-21, 26. Children as a special target group reflect views on childhood as a period of investment for the future. See Norma Montesino and Ida Ohlsson Al Fakir, ‘The Prolonged Inclusion of Roma Groups in Swedish Society’ (2015) 3(5) *Social Inclusion* 126, 133.

<sup>285</sup> Swedish Strategy (n 275) 20.

<sup>286</sup> Commission SWD 2012 (n 272) 62-64.

<sup>287</sup> 2016 EU Framework Implementation Report (n 143) 9.

<sup>288</sup> On suggestions for efforts to be prioritised in education, see [http://ec.europa.eu/justice/discrimination/files/country\\_assessment\\_2014/sweden\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/country_assessment_2014/sweden_en.pdf) accessed 23 May 2017.

and ultimately racialisation.<sup>289</sup> However, the overall design which relies on local actors as “agents in knowing, and acting on, their local situation”<sup>290</sup> enables the development of avenues for communication which are inclusive and enhance mutual trust. Accordingly, a permanent and stable dialogue with Roma women, through a stronger civil society so that Roma women representatives have a real chance to respond to offers to participate in consultations and in monitoring and evaluations of the implementation, can only be tackled at local level.<sup>291</sup>

## B. LOCAL IMPLEMENTATION: SUCEAVA & MALMÖ

In stepping up their efforts towards effective Roma integration, EU policy makers put local actors at the core of design, implementation, and monitoring of relevant policies; from the first and up to the latest implementation report, local capacity building and networking were a constant priority. Roma communities are defined by local context which makes local involvement of all stakeholders crucial for the success of inclusion policies,<sup>292</sup> including educational measures targeting Roma women and girls.

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<sup>289</sup> Tobias Hübinette, ‘Words That Wound: Swedish Whiteness and The Inability to Accommodate Minority Experiences’ in Kristín Loftsdóttir and Lars Jensen (eds), *Whiteness and Postcolonialism in the Nordic Region: Exceptionalism, Migrant Others and National Identities* (Routledge 2016) 43–55 (Roma stakeholders perceived discourses as victimising objectifying, essentialising and the mainstream population resists singling out groups for differential treatment). See also Elena Marushiakova and Vesselin Popov, ‘European Policies for Social Inclusion of Roma: Catch 22’ (2015) 3(5) *Social Inclusion* 19, 20–31, Márton Rövid, ‘One-size-fits-all Roma? On the Normative Dilemmas of the Emerging European Roma Policy’ (2011) 21(1) *Romani Studies* 1, 3-22, and Alexiadou and Norberg (n 274) 51, 52.

<sup>290</sup> *ibid* 51.

<sup>291</sup> Local efforts could overcome complaints of formal consultations, imposition of official lines and no real chance to voice opinions. See *ibid* 44 (quoting from interviews of Roma activists in 2015). If official accounts relate the extensive participation of Roma organizations in preparing the Strategy (see ACFC Opinion Art 15 (n 277) 106), surveys on the stakeholders’ consultation and participation in the design of the NRIS revealed a different state of affairs. All respondents in Sweden complained of not being consulted, of a non-transparent process, and considered participation in the implementation as “not clear yet” or “not meaningful”, absent adequate structures for them to get involved; see EPRC analysis (n 154) 48-49. For shortcomings in the evaluation of implementation, see Commission SWD 2012 (n 272) 62-64.

<sup>292</sup> Supporting this shift in policies, commentators have argued that local involvement should target the “community as a whole”. With Roma the focus of policies, but input coming from the entire community (majority group as well) effectiveness would increase; see Vermeersch (n 154) 358; see also Guy, Liebich and Marushiakova (n 158).

The next section will shed light on the rationale behind this shift in European policies. Increasing interconnectedness and European integration did not play down the role of local governments in ensuring the exercise of fundamental rights guaranteed by national governments and thus reducing inequalities<sup>293</sup>. Municipalities remained the primary sites of rights implementation.

But what makes the local so important in the promotion and enforcement of human rights? If education is a human right to be safeguarded according to specific requirements which address the various intersecting grounds of discrimination of Roma women and girls, as this research has shown, the focus on the local could offer the promise of reducing inequalities and eliminating their root causes to finally promote empowerment. As contemporary discussions on localised empowerment and promotion and enforcement of human rights from below offer potential to address the issues highlighted in this research, a separate section is dedicated to these emerging trends.

## 1. Municipalities. Pilots for education?

The change in focus at European level comes amid ideas promoting bottom-up approaches which influence human rights and their practice. In fact, “hope has never trickled down” but “always sprung up”,<sup>294</sup> which turns the interrelatedness of human rights and the community as potentially contributing to progressive policies and movements for social change.<sup>295</sup>

The classic human rights top-down discourse no longer appears as suited to deal with difference and diversity characterising communities such as the Roma. Moreover, formal recognition of human rights changes nothing; they need to be exercised, which presupposes an active and participatory community. Dialogue is key to that, building strong communities of rights and responsibilities and significant forms of human rights from below.<sup>296</sup> Practicing human rights from below means an engagement of the entire community, among which the practitioner (NGO worker, advocate) and the community members.<sup>297</sup>

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<sup>293</sup> Márton Rövid, ‘Solidarity, Citizenship, Democracy: The Lessons of Romani Activism’ (2011) 10 EYMI 381.

<sup>294</sup> Studs Terkel, Opening words to *Hope Dies Last* (2004) as quoted in Jim Ife, *Human Rights from Below. Achieving Human Rights through Community Development* (CUP 2009) 121.

<sup>295</sup> *ibid* 123.

<sup>296</sup> Dialogue as form of engaging with participation which empowers both parties is pitted against debate which characterises Western human rights discourse, of adversarial nature; see *ibid* 138. Also, on the seven dimensions of community development and human rights (social, cultural, economic, political, environmental, spiritual, and survival) that need to be considered within a holistic approach, see *ibid* 157-62.

<sup>297</sup> *ibid* 200. On human rights from below as a people-centred approach, bridging differences and focusing on social linkages rather than on differences, see Tarekegn Adebo, ‘Ethnicity and Democratisation: Problems of Diversity and Interconnections in African Societies’ in María Luisa Bartolomei and Håkan Hydén (eds), *The*

For this purpose, international regional instruments become relevant when people acquire a sense of ownership of those rights, contextualising them culturally and politically to define local meaning.<sup>298</sup>

This translation of global human rights conceptions to relevant local ideas underpins the assertion that “local is global, global is local”.<sup>299</sup> Starting with Eleanor Roosevelt’s appeal to consider human rights locally and individually<sup>300</sup> and understanding the city’s potential to deliver where States failed and assume responsibilities in designing and implementing social policies, “human rights cities”<sup>301</sup> have risen. Different concepts were born. Globally, community-based organisations used human rights education for empowerment and social transformation, creating “human rights cities”. At European level, focus on municipalities’ role to implement human rights through local policies prompted talks about “human rights in the city” while in the Global South, “the right to the city” was born out of the fight for urban justice.<sup>302</sup>

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*Implementation of HR in a Global World. Recreating a cross-cultural and multidisciplinary approach* (Lund University 1999) 103-05.

<sup>298</sup> *ibid* 212-13.

<sup>299</sup> Mertus and Flowers (n 98) 4-5.

<sup>300</sup> "Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere." See <http://fra.europa.eu/en/speech/2013/international-human-rights-local-delivery-why-joined-approach-human-rights> accessed 23 May 2017.

<sup>301</sup> An ever-expanding body of scholarship is linking the power and potential of municipal authorities to their international human rights obligations; see Barbara M Oomen, ‘Introduction. The Power and Challenges of Human Rights Cities’ in Barbara M Oomen, Martha F Davis, and Michele Grigolo (eds), *Global Urban Justice. The Rise of Human Rights Cities* (CUP 2016) 1-19; Cynthia Soohoo, ‘Human Rights Cities. Challenges and Possibilities’ *ibid* 257-75; Klaus Starl, ‘Human Rights And The City: Obligations, Commitments And Opportunities’ *ibid* 199-219; Sally Engle Merry and others, ‘Law From Below: Women’s Human Rights and Social Movements in New York’ (2010) 44(1) *Law & Soc’y Rev* 101, 103-28; and Peggy Levitt and Sally Merry, ‘Vernacularization on The Ground: Local Uses of Global Women’s Rights in Peru, China, India And The United States’ (2009) 9(4) *Global Networks* 441-61.

<sup>302</sup> Eva García Chueca, ‘Human Rights in The City and The Right to The City. Two Different Paradigms Confronting Urbanisation’ in Oomen, Davis and Grigolo (n 301) 103, 119-20 (on the political implications of all approaches). The city of Rosario from Argentina became the first “human rights city” in 1997. For an account of the birth of the movement and various civil society and municipality initiatives around the globe leading to it, see Oomen (n 301) 5-8.

According to such concrete, realistic and rights-based views, cities are collective spaces owned by those inhabiting them, enabling the localisation of globally-generated human rights and adaptation to local practices, cultures and beliefs.<sup>303</sup> The dynamic of this process of *vernacularisation*<sup>304</sup> resides in the participation in decision-making of all stakeholders and the creation of ways to monitor human rights compliance, which ultimately gives meaning to local enforcement of human rights.<sup>305</sup> Success depends on several factors pertaining to the beneficiaries, the framing of ideas and the degree of formalism. Rule makers (the majority) who are the potential beneficiaries, such as Roma elites, may not be willing to accept changes in favour of the rule takers (the minority). If the framing of ideas is adequate, it can generate shared beliefs and inspire collective action and appropriate strategies, such as the case of policies targeting Roma women. Lastly, such interventions permeate easier informal contexts rather than rigid, hierarchical structures.<sup>306</sup>

Of all actors, the civil society is key in forging alliances and represents “the sphere in which human rights are claimed, local authorities are held accountable and human rights consciousness is raised.”<sup>307</sup> The moral appeal of human rights resides in the universality of its aspiration, its openness to relatively powerless groups and consequently to grassroots activism within social movements. By using human rights as “an ideology of justice and a practice of claims-making”, less powerful and less knowledgeable people can access an otherwise expensive and complicated system through coalitions with elites.<sup>308</sup> Local grassroots can use human rights as empowering language, which is particularly relevant for Roma women. Local human-rights-based advocacy is based on monitoring and preventing future violations and more open to intersectional analysis combining gender discrimination with discrimination on other grounds.<sup>309</sup>

In response to local advocacy, local governments are making efforts to bring human rights home. The role of mayors is essential; internalising human rights increases their capacity to govern and enables them to enter a network of like-minded actors, helping them face the common local challenges of lack

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<sup>303</sup> *ibid* 3.

<sup>304</sup> Levitt and Merry (n 301) 441-42; 443-45.

<sup>305</sup> *Ibid* 4; Koen de Feyter and others, *The Local Relevance of Human Rights* (CUP 2011) 14 (on the broad range of actors involved in local implementation of global standards).

<sup>306</sup> Levitt and Merry (n 301) 451-54.

<sup>307</sup> Civil society is often considered as a key force in pressuring governments to adopt and live up to human rights norms; see Esther van den Berg, ‘Making Human Rights the Talk of The Town. Civil Society and Human Rights Cities. A Case Study of The Netherlands’ in Oomen, Davis and Grigolo (n 301) 44-63.

<sup>308</sup> Merry and others (n 301) 101-02; and Levitt and Merry (n 301) 460.

<sup>309</sup> Merry and others (n 301) 104, 109.

of awareness of human rights and budget constraints.<sup>310</sup> However, legal obligations are empty without political commitment.<sup>311</sup> At European level, such commitment led to the adoption in 2000 of the European Charter for the Safeguarding of Human Rights in the City, one of the first attempts to localise human rights.<sup>312</sup> Article IV lays down the commitment to protect cities' most vulnerable groups and citizens. The CoE followed suit by creating the Congress of Local and Regional Authorities, the first body of law directly addressed to local authorities aiming to create a local culture of human rights and speaking of a "duty to promote human rights".<sup>313</sup>

The promise of human rights cities finally resides in strengthening awareness, stimulating participation, assessing actual implementation, together with transparency and accountability,<sup>314</sup> which are also the standards put forward by the EU Framework for NRIS. Rights-based policies aim to eliminate root causes of discrimination and inequality. Local implementation becomes concrete through such proactive, adequate and preventive responses.<sup>315</sup> Despite inevitable challenges,<sup>316</sup> the alternative and innovative human rights solutions that can be generated are of utmost relevance for Roma inclusion.

Global ideas about women's rights focus around gender equality, value autonomy in marriage and divorce choices, emphasise women's empowerment and feature a secular concern with political and economic status.<sup>317</sup> Pitted against imperfect NRIS, it is interesting to see how municipalities vernacularized such ideas, how they put these values in line with the needs and concerns expressed at local level, i.e. of Roma women and girls, to create more effective and authentic approaches to the protection of the right to education. The following section is an exploration of the situation on the ground, through local policies and measures and empirical data gathered through interviews for more insight on the role of local leadership in assisting the empowerment in education of Romani women and

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<sup>310</sup> Joann Kamuf Ward, 'From Principles to Practice. The Role of US Mayors in Advancing Human Rights' in Oomen, Davis and Grigolo (n 301) 81-82, 98.

<sup>311</sup> Starl (n 301) 202-04.

<sup>312</sup> The Charter has been endorsed by 400 municipalities so far. For details on the text of the Charter and generally on the European experience with human rights in the city, see García Chueca (n 302) 105-09.

<sup>313</sup> Congress of Local and Regional Authorities, Resolution 296(2010) revised of 19 March 2010 'The role of local and regional authorities in the implementation of human rights' [2011] CG(21)15; Congress of Local and Regional Authorities, Resolution 334(2011) adopted on 20 October 2011 'Developing indicators to raise awareness of human rights at local and regional level' [2011] CG(21)10.

<sup>314</sup> Oomen (n 301) 4, 14, 16.

<sup>315</sup> Kamuf Ward (n 310) 84, 90-98 (on the experience of US mayors in enforcing international human rights standards at local level).

<sup>316</sup> Soohoo (n 301) 258, 264-72 (on the potential of human rights cities, defalcated by approaches to human rights implementation).

<sup>317</sup> Levitt and Merry (n 301) 446.

girls in the two chosen sites of exploration. How were European standards renegotiated at local level to make global regional justice acquire a local meaning? Are they a tangible reality?

## 2. Education from below. Experiences from the ground

This chapter analyses the policies for Roma integration as designed, implemented and monitored at local level in the two municipalities of choice. The cities were selected based on their location at different ends of implementation (in terms of resources) and the author's various levels of familiarity and ease of access to stakeholders interviewed. In Suceava (hometown), the knowledge of local interactions due to familiarity with the environment helped conduct interviews more efficiently. Malmö, on the other hand, is one of the pilot cities for implementation of the Swedish Strategy and the neighbouring town to Lund, where the author is pursuing graduate studies. The two-year immersion into Swedish culture provides a different level of understanding and despite the rather reduced access to information, several local resources enabled the formation of a general picture and offered the necessary tools for the research.

The following analysis looks at local implementation by considering the findings of the present research in terms of Roma women and girls' specific issues and standards in ensuring their right to education. For each municipality, an overview of the NRIS implementation measures and/or plans through this focus lens is provided. An account of highlights from the respective interviews serves to provide insights into real dynamics on the ground. Pitted against official plans of action and policies, it enables the formulation of conclusions on the adequacy with which the gendered perspective is applied in educational measures.

### *a. The municipality of Suceava*

Located in north-eastern Romania, Suceava is the seat of Suceava County. According to the latest 2011 census, the ethnic makeup of the county includes 12 178 Roma citizens (only 585 of which live in the municipality) but estimates point to real number of nearly 25 000; of these, 5 927 are females.<sup>318</sup> When it comes to education, a recent report monitoring educational inclusion/segregation of Roma pupils in the north-eastern region revealed that in Suceava county alone, segregation exists in one form or another in as many as 70,9% of the monitored schools.<sup>319</sup> Unfortunately, the report does not contain any sex

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<sup>318</sup> Institutul Național de Statistică, Rezultate definitive ale recensământului populației și locuințelor 2011 (4 July 2013) (National Institute for Statistics, Final results of the 2011 population and housing census, *a.t.*) <http://www.recensamantromania.ro/rezultate-2/> accessed 23 May 2017 (INS 2011 census).

<sup>319</sup> Educational segregation can take many forms depending on the level where it occurs, either within the educational establishment, classes, last desk rows, etc. See Eugen Crai and others, *Segregare sau incluziune*

disaggregated data, nor does it mention multiple discrimination as a particular obstacle for Roma girls, or gender mainstreaming as a clear-cut recommendation to further educational and ultimately social inclusion.<sup>320</sup>

The local structures envisaged by the 2015 National Strategy feature as main actor the County Office for Roma („Biroul Judeţean pentru Romi”), a functional body organised within the prefecture. Tasked with drawing up the county measure plan to implement the 2015 Strategy and with overseeing its development and monitoring the implementation, in harmony with all relevant stakeholders, its role is of utmost importance.<sup>321</sup> Their activities to discharge this mandate and interactions speak of the manner in which the challenge of sustainable local commitment and implementation has been met or not. According to the website of this body, the only measure taken so far appears to be the adoption in 2015 of an Order to reorganise the Joint Working Group („Grup de lucru mixt” - “JWG”) for the evaluation of the main needs of Roma communities and the implementation of Roma support programmes. The order simply lists the composition of the JWG with representatives from decentralised bodies of the ministries, one ethnic Roma counsellor from the city hall, one NGO member, six local Roma experts, six school mediators, and 19 Roma delegates from the local communities.<sup>322</sup> The county measure plan is not available for consultation online and information on the constitution of other groups (local working group, local initiative group) according to the NRIS is also absent. The County School Inspectorate („Inspectoratul Şcolar Judeţean”), responsible for all measures in the field of education, offers no information on its own website.<sup>323</sup> Methodologies for data collection, monitoring and reporting are not clear, the strength of local authorities to maximise their role in the implementation is arguable,

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*şcolară? Raport de monitorizare privind segregarea sau incluziunea şcolară a elevilor romi în regiunea Nord-Est* (Centrul pentru Advocacy şi Drepturile Omului, August 2016) (Segregation or educational inclusion? Monitoring report on educational segregation/inclusion of Roma pupils in the north-eastern region, The Centre for Advocacy and Human Rights, *a.t.*) 7-8.

<sup>320</sup> Ibid 39-42.

<sup>321</sup> The 2015 Strategy (ns 257 and 258) 47.

<sup>322</sup> Ministerul Afacerilor Interne, Instituţia Prefectului Suceava, Ordinul 189 din 28 mai 2015 privind reorganizarea Grupului de Lucru Mixt în vederea evaluării principalelor nevoi ale comunităţilor de romi şi a aplicării programelor de sprijin a acestora (Ministry of Internal Affairs, Suceava County Prefecture, Order no 189 of 28 May 2015 for the reorganisation of the Joint Working Group to evaluate the main needs of Roma communities and implement support programmes for Roma, *a.t.*).

<sup>323</sup> “Second chance” and “school-after-school” on-going programmes are simply indicated on the main page, without any of the links providing more information; see <http://www.isj.sv.edu.ro/> accessed 23 May 2017. More information can be collected from <http://www.partidaromilor.ro/suceava-institutia-prefectului-sustine-campania-pentru-romi-noi-iti-dam-recomandarea/> accessed 23 May 2017.

as well as the effective coordination and meaningful participation of all relevant stakeholders at all levels of the implementation of the strategy.

If local commitment and implementation are of utmost importance for the advancement of Roma women and girls' rights in education, the situation at the county level is rather discouraging. Quite possibly, the reduced number of Roma population (1,9%) accounts for the lack of actions and initiatives. However, the lack of transparency and accountability especially in relation to funds allocation<sup>324</sup> are proof of the absence of genuine and institutionalised political will to tackle the Roma exclusion and serve to reinforce stereotypes about Roma in connection with policies showing no results.

As a matter of fact, information transpiring from the local media on the impact of Roma integration policies is even more evocative of the failure on the ground.<sup>325</sup> Despite expenses of hundreds of millions of Euros, results lack to be seen. Roma communities continue to be marginalised, rejected by the majority population, and facing rampant school dropout, criminality and poverty. Less than 100 Roma children and youth from Suceava benefitted from the Roma scholarships, under a national budget of five million euros.<sup>326</sup> Of the 20 qualified school mediators, only 5 are active throughout the county. The rest of the programs have shown no tangible results despite generous funding. For example, "Roma women - a chance to a future" aimed to "support ethnic Roma women in professional training, laying emphasis on their personal development too" (*a.t.*). Activities included in the budget of nearly 69 000 EUR were workshops with male and female community members, some training for domestic work and several meetings. Other national projects aimed to develop their skills and competencies in social services and support access to employment, wages for Roma women as a tool to increase social inclusion in employment for vulnerable groups, and empowerment of Roma ethnic women in trade unions benefitted from 4,5 million EUR and included Roma communities from Suceava. Another project "Roma inclusion through evaluation and professional counselling" was also allocated more than 100 000 EUR. The reality on the ground is rather grim or at least far from the ambitious projects. Children

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<sup>324</sup> In education, the decentralisation of public administration makes it so that decisions on the allocation of funding from the Ministry of Education are taken by local authorities, with records pointing to inefficiency and lack of sufficient coordination; see *Compilation of Opinions* of the Advisory Committee relating to Article 4 of the FCNM (3<sup>rd</sup> cycle) 13 May 2016, 89-90 <https://rm.coe.int/16805a99ee> accessed 23 May 2017; and ACFC Opinions Art 12 (n 179) 61-64.

<sup>325</sup> Dana Humoreanu, 'Bani aruncați. Sute de mii de euro alocate integrării romilor tocate pe proiecte fanteziste' (Wasted money. Hundreds of thousands of Euros allocated to Roma integration Fiddled away on Fantasy Projects, *a.t.*) *Monitorul de Suceava* (Suceava, 2 August 2014) at <https://www.monitorulsv.ro/Reportaj/2014-08-02/Sute-de-mii-de-euro-alocate-integrarii-romilor-tocate-pe-proiecte-fanteziste> accessed 23 May 2017.

<sup>326</sup> Some educational projects resulted in scholarships for children in high school (14), in secondary-level education (48) and students (50) for talented children facing school dropout risks; roughly 40 EUR per month for two years conditioned by higher school achievements (Roma Education coordinated the project).

on the scholarship play traditional instruments at wedding to afford school. Lack of qualifications prevents them from accessing the job market. Their problems are the responsibility of the mayor, according to one Roma. The NAR and all the Roma and pro-Roma associations and NGOs are seen only before election times and on TV.<sup>327</sup>

The interviews (attempted to be) conducted at local level provided more insights into the situation on the ground, the highlights of which are the object of the next section.

i. Interactions on the ground. Highlights from interviews

The interviews were conducted on several dates during the week prior to Easter, i.e. 13-14 April 2017. From the policy makers, the special counsellor with the Prefect's Office (AIS) and the school inspector at county level for the educational problems of Roma pupils (PC) responded both to the same set of questions (see **Annex I**) on 13 April 2017 at the seat of the Prefect's Office. From the civil society, attempts to contact any NGO or other active organisation failed.<sup>328</sup> From the Roma community, a group of five women and girls living in Suceava agreed to respond but refused to have their name disclosed; of all, one is non-Roma and was chosen to provide a glimpse of interaction dynamics between Roma and the majority as she is married to a Roma.<sup>329</sup> They all responded to the same questions with the exception of the girls, for whom the questions were tailored to match their experience, perceived awareness level and age.

Policy makers that participated to the interview stated that the interaction with national governmental structures happens only through the bi- and annual submission of reports to the NAR and the Ministry of Internal Affairs which no longer request them as they used to. The JWG which is responsible for the design and implementation of measures has been inactive since 2015<sup>330</sup> and the mayor is generally the

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<sup>327</sup> Humoreanu (n 325).

<sup>328</sup> According to the authorities with the prefecture, the only relevant organisation is the "Party of the Roma Pro Europe – Suceava Branch", the oldest and with representation in parliament (one seat in the Deputies Chamber). None of the author's emails or telephone calls received any response. The Branch has been inactive since the secretary retired and the president fell ill.

<sup>329</sup> Two women (FD, 40, and MN, 36) sell flowers at the main farmers' market and have children in school. Another (RP, 42) is a non-Roma married to a Roma with four children of their own, lives in a community within the county with a large Roma population, Pătrăuți, and earns her living by either working small jobs in the fields or begging. The last two are two ten-year-old girls (XY and YZ) who were accompanying their mothers to sell flowers at the market; their parents agreed to have them interviewed. Discussions took place in the farmers' market on Friday 14 April 2017.

<sup>330</sup> The JWG normally meets every quarter or semester, but since the 2015 reorganisation it stalled; the Roma expert on board passed away and his substitution is uncertain, according to AIS who is responsible for coordination of the JWG.

main reference person and link between authorities and the community. In terms of community participation, interactions involve only the Roma representatives or delegates<sup>331</sup> who signal the existence of any local problem; the local civil society is not active, most projects are undertaken by Bucharest-based NGOs. Evaluation and monitoring of projects also happen through the JWG. Not participating in any consultation, the local Roma population uses the media to obtain information on measures targeting them. According to the interviewees, education is an area to prioritise, but along with employment.<sup>332</sup> They deplore the halving of numbers of Roma pupils completing upper-secondary schooling and think that changes in mentalities should be prioritised.

Recent reports on increased discrimination are considered “not a failure of measures, but a reflection of reality, a sad reality” in AIS’s words, for which she deemed anti-discrimination work essential. However, it does not seem to work so well<sup>333</sup> since segregation is rampant and there is a surge in “pure hatred” against Roma, according to AIS. For what is of women, they are considered to ensure the solidity of the family; while they might have autonomy in strategic life decisions, there is no direct consultation and gender equality is absent from current measures. AIS stated that they show up for trainings only because it gives them a distraction from household chores. Children are not consulted either; however, they are the most eager to engage in activities involving both Roma and non-Roma. The use of mediators proved successful and they need and appreciate positive examples especially from young successful Roma. For the future, they would insist more on enhanced chances in employment and see some positive outcomes of the current shift of focus in policies from Roma to “vulnerable groups” and of the plan to introduce Roma culture courses on the curricula. Ultimately, both interviewees stated that any success depends on the mayor’s and school principals’ will.

For all three Roma women interviewed, education is the only future they can offer to their children, their main concern being the ability to finance studies at upper levels. Participation in education consists mainly of meetings convened by the school staff if any problem involves their child. External decisions are taken by men and they are not much involved either, since they get information from the media and predominantly during electoral periods.<sup>334</sup> They would like to see some improvement in their lives. There is not much interest to learn Romani, since it does not get them far in terms of jobs. Their culture

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<sup>331</sup> They are the same persons on board of the JWG, the election of whom is uncertain. According to AIS from the COR, they are convened by the mayor only to meetings relevant to their community.

<sup>332</sup> That should not be excessive, as cautioned by the county school inspector, since the majority population is quick to complain of too many Roma-oriented measures bearing no fruit.

<sup>333</sup> AIS pointed to awareness-raising programs for teachers which were useless, since people showed up for the opportunity to travel and “tick the box”, with no real interest in changing something.

<sup>334</sup> RP confided that she doesn’t even know the Roma representative but hears her husband talk about him around election times.

rests within home. Education is a chance at “civilisation”, to see something beyond marriage and births, which FD and MN regret having done too early.

Girls are especially enthusiastic about school and look up to role models, such as the school mediator who appears to have some influence on them and their families to pursue studies.<sup>335</sup> They perceive a difference in relation to the free time they have as opposed to boys, who are not involved in household chores and duties. Adult women are unaware of having rights, but see other Roma women leading better lives, which they assume comes with more knowledge.<sup>336</sup> Interactions with the majority population are informed by discrimination and distrust, but not always.<sup>337</sup> The same distrust characterises the relationship with local politicians, seen on television and considered corrupt. They would like to see more respect towards their work and more support. FD and MN particularly stated that they wanted to see their children in universities and with good jobs afterwards, to make a living for themselves.

## ii. Conclusions

The finite data obtained through the interviews, although limiting to the analysis, is nevertheless useful because it provides insights into the distance from policy to practice, highlights the general shortcomings of the NRIS implementation, and suggests how to better tackle educational policies to reflect Roma women and girls’ intersectional experiences of discrimination and dismantle their root causes for effective empowerment.

The distance from policy to practice is best reflected in a national inclusion project developed under the framework of the first NRIS. Targeting Roma women, the first of its kind in Romania, the project was launched in 2010 by the Romanian Association of Roma Women. Its big ambition was to open structures and mechanisms to promote inclusion, such as regional centres for Roma women, the national network of Romanian Roma women, and the practice-exchange community of Roma women experts which was supposed to develop the gender mainstreaming component at all levels. However, information and actions, if any,<sup>338</sup> do not appear to have permeated the lives of those it targeted.

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<sup>335</sup> XY and YZ stated that the school mediator, a young woman with graduate studies involved in work abroad, is very inspiring to them. They want to follow suit and see more of what the world has to offer.

<sup>336</sup> For RP, the concept of rights was unheard of and the possibility of making choices and having alternatives in life was particularly striking for her.

<sup>337</sup> RP spoke highly of the interactions within the community, of the overall positive environment of collaboration and goodwill.

<sup>338</sup> The English version of the project’s website, under the section “Activities and results”, lists details about the project and envisaged strategies, whereas the Romanian version has three links to research reports, a national conference and some training courses for Roma women. There is no information about concrete actions and results

Similarly, the apparently permissive minority participation system and visible advocacy organisations<sup>339</sup> did not result in a visible and meaningful participation and action where it matters most, at grassroots level. Local inquiries have reflected a reality which highlights the shortcomings of NRIS implementation, such as lack of coordination between governmental structures; insufficient commitment at local level; no real and effective participation (even consultation is a box-ticking, formal action); ill-directed or ill-focused policies; lack of interest in Roma women's' concerns, needs and development potential for their communities and for society in general. This leads to a perpetuation of stereotypes and offers no real prospects of lasting and meaningful change. Even targeted initiatives offer no sustainable approaches, as projects seem to be launched in ambitious and declamatory terms and then lost along the way, unfortunately phantomized and labelled as yet another failed attempt to solve "the Roma issue".

Insights from the discussions with various stakeholders, however limited, revealed that it all plays out at local level, that is, on the political will and interests of the mayor holding office. The community appears to be detached from those in power, with virtually no space given for their voices. Women are generally absent from the public sphere with little information on rights and ways to claim them. All forms of intersectional discrimination transpire from the ground, with a consistent reproduction of marginal behaviours. Education is generally perceived as important (in the community especially as a chance to a better quality of life), usually along with general measures to fight rampant anti-Gypsyism. Unfortunately, intersectionality and empowerment are, when considered, simply concepts which appear good on paper and at the level of commitment.

For what is of the coordination and links with the EU Framework, it appears that authorities are quick to adopt policies and to conform to requirements on paper, to score high in statistics, but at the grassroots level there is no meaningful action taken.

#### *b. The municipality of Malmö*

Located in the southwestern tip of Sweden and the country's third largest city, the municipality of Malmö is the capital of Scania county. Studies conducted in Malmö revealed that levels of truancy in the early years of compulsory schooling are generally worse for Roma children than other pupils, with

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achieved, a monitoring and evaluation mechanism; <http://www.incluziuneafemeilorrome.ro/en/activitati-si-rezultate> accessed 23 May 2017.

<sup>339</sup> For a good overview, see Iulian Rostas, 'The Romani Movement in Romania: Institutionalisation and (De)mobilisation' in Nando Sigona and Nidhi Trehan (ed), *Romani Politics in Contemporary Europe. Poverty, Ethnic Mobilisation and the Neoliberal Order* (Palgrave Macmillan 2009).

dramatically fallen attendance on the later years, especially among girls. Very few Roma girls end up with full school-leaving certificates and many drop out completely of compulsory schooling.<sup>340</sup>

Recent times have however placed Malmö municipality among the pioneers in designing strategies for Roma inclusion. Given that the national strategy does not advance special educational goals nor does it provide special funds due to the integratory nature of the policy design,<sup>341</sup> the implementation of the Swedish Strategy translated into the setup of an information centre to increase involvement and influence of Roma in the society – *The Roma Information and Knowledge Centre* (“Romskt informations- och kuskapscenter” - “RIKC”).<sup>342</sup> The centre’s tasks are two-tiered: providing guidance and information to Roma people on social contacts to start their own projects, and raising awareness among the majority population on Roma culture, history and living conditions. The local model (“the Malmö model”) is based on Roma and non-Roma working side by side to promote trust and credibility at both individual and structural level. Of the current six employees, four are Roma and two non-Roma, with three women (only one non-Roma). Active work with Roma people aims to make them feel accepted, involved and knowledgeable (helping them develop skills that school or work had failed to), and instil a sense of responsibility to the community. Working methods involve Roma people, municipality employees and citizens which attests to a holistic and multidisciplinary approach, essential to make Roma actors of their future and not simply recipients of external measures.<sup>343</sup> To further cooperation and better coordination of activities of relevant organisations, all the while increasing Roma’s involvement, a platform was created.<sup>344</sup>

The RIKC focuses on gender equality and considered age in its statistics, but information on how women are considered throughout the work is absent. If women are given space to voice their needs

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<sup>340</sup> Swedish Strategy (n 270) 24. Due to the absence of ethnicity-based numbers in Sweden, accurate and sex-disaggregated data cannot be provided.

<sup>341</sup> Any fund is allocated as a “facilitating” and not a funding process, which allows for great local autonomy. See *ibid* 25-29, and Alexiadou and Norberg (n 274) 50.

<sup>342</sup> Started as a project among other regional ones in the implementation of the Strategy, it became a permanent department within the Central Administration for Social Services in Malmö; see Johansson (n 5) 38-44, and 20-28 (on projects of Malmö museums to spread knowledge as a tool to fight prejudice), 28-30 (on Projects for Roma in Western Sweden, among which one targeting empowerment and participation).

<sup>343</sup> Working methods include internal and external education, a civic office, trainings and meetings, cooperation with schools through resource persons and the creation of strategy to implement rights; for further details, see <http://malmo.se/Kommun--politik/Sa-arbetar-vi-med.../Nationella-minoriteter/Romskt-informations--och-kunskapscenter/In-English/About-us.html> accessed 23 May 2017, and RIKC, *Activity Report 2015*, 6-17 (English version provided by the staff upon visit for interviews).

<sup>344</sup> The Platform provides a good map of all relevant stakeholders at EU, national, regional, and local level; see <http://malmo.se/images/18.5318eb00141e9eff6f59b9/1491300790525/ENG.jpg> accessed 23 May 2017.

and concerns, that happens only within Roma community boundaries. At municipality level, some projects led to Roma group exerting influence by turning needs into action. Educational measures involving the majority and Roma have resulted in mutual exchange and positive results; involvement in projects led to short-term empowerment for women and men alike, but their long-term sustainability depends on the will of the majority, oftentimes resisting measures targeting singled-out groups.<sup>345</sup> The interviews provided more insights into how Roma women and girls are acknowledged as a separate group, and their needs and concerns addressed on the ground.

i. Interactions on the ground. Highlights from interviews

In Malmö, policy makers interviewed on 3 May 2017 were staff at the RIKC, that is, two women employees (JS and RA) of Roma and non-Roma ethnicity, respectively. From the civil society, the interview was conducted via email with one representative (DD) of a prominent and active Roma organisation. The staff at RIKC helped with translation into English. All respondents were put the same questions as those in Suceava. As for the Roma community, attempts to have either women or girls interviewed failed.<sup>346</sup> Conclusions are drawn with these shortcomings in mind.

The interviews with the employees at the RIKC, both Roma and non-Roma, were conducted in a generally open and relaxed atmosphere where no tensions could be perceived. During the time of the interviews, discussions were ongoing on the creation of a Roma Council within the municipality; a permanent structure of 11 representatives (with 11 reserves) nominated by all Roma organisations registered in Malmö, it would give them the opportunity to lobby within governmental structures thus enhancing their influence<sup>347</sup> (something which the employees at RIKC, as civil servants, cannot do). The Swedish Strategy and the Action Plan elaborated for Malmö were disseminated to reference groups and their participation ensured through *samråd* (“joint consultation”). RIKC believes that the open

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<sup>345</sup> Projects are not considered empowering in the long run due to the majority resisting special measures targeting groups, be it majority or minority population. Additionally, the sense of belonging is difficult to measure, being a soft variable, thus rendering empowerment difficult to evaluate. See Ana Ivasiuc, ‘Empowerment – Easier Said Than Measured’ (2013) 3 *Revista de asistență socială* (Social Assistance Review, *a.t.*) 1, 5-7; and Johansson (n 5) 44-53.

<sup>346</sup> Phone calls or emails and reminders to NGOs which had links with the community remained unanswered. Women in the street were rather hesitant to give interviews (as the staff at RIKC explained, this was due to countless previous discussions which were perceived as having had no impact on their situation) and in other instances the author’s minimal knowledge of Swedish were the main obstacles in engaging relevant persons in discussions.

<sup>347</sup> The RIKC works only locally and does not interact with any of the national governmental structures in the implementation of the Swedish Strategy.

concept they promote encourages participation of individuals and organisations alike, without the need to schedule appointments.<sup>348</sup>

If discrimination is still rife and apparent in school staff's responses to Roma pupils' absenteeism (usually generated by problems relating to housing or employment), there has been a general increase in school attendance; adult second-chance education is popular as seen at the *IRIS – Internationella romer i samverkan* ("International Roma in collaboration"), a municipal school catering to Roma adults.

The staff at RIKC believes that education is important due to Roma's history, that it would help instil a sense of pride in Roma ethnics and would lead to the decrease of instances where they hide their identities. This hinders the visibility of role models as well; some Roma organisations try to overcome this gap by bringing children back to schools to serve as mentors. RIKC believes that young Roma who do not otherwise participate in measures of concern to them, should be more in focus. An increased focus on women and girls was not considered optimal, since it would reinforce gender stereotypes. Ultimately, as RA pointed out, Roma-targeted measures are a question of "power games"; she welcomed the shift in policies, which no longer focus on "Roma issues" but acknowledge discrimination and rather try to overcome obstacles and discriminatory structures. In this context, both JS and RA argued that an increased focus on women and girls would reinforce gender stereotypes and rather pointed to the need of targeting the entire population, Roma and non-Roma alike.<sup>349</sup>

Civil society organisations interviewed gave another measure of local reality. As DD pointed out, they are involved only as advisors in the design of local policies; he feels that they have very little influence in decision-making. Contact with authorities is marked by distrust and prejudiced attitudes. He stated that women and children are still bound to home and women are seen only through their childbearing role; according to him, they should be empowered to transmit knowledge about education to their children. Overall, DD characterised advocacy efforts as being still at "square one".

## ii. Conclusions

The ethnicity-neutral approach to minority protection in Sweden and the group members' reticence to identify as Roma ethnics renders accounts of the educational situation unclear, which does not however prevent promising policies to be designed at local level with better administrative coordination, in comparison to Suceava.

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<sup>348</sup> During the interview, the head of one Roma organisation came in with his son to seek advice for an ongoing project; he was welcomed and helped in what came across like a genuinely open discussion.

<sup>349</sup> Discussions revealed that since the opening of the centre, an increased interest in their activities and on Roma alike was noticed especially from the majority population.

Despite the declared focus on gender equality, the open approach to all genders and ages makes women's visibility unclear across the inclusion policies. The option for a focus on the entire community, mainstream population and the Roma alike, and the ensuing collaborative policies could have better chances of fostering a sense of belonging, of inclusion, and encouraging Roma to develop their own initiatives. Local measures do not appear to be informed by intersectionality, since women and girls are not in focus as a separate group with special needs and concerns to be addressed. While this may help avoid the reinforcement of stereotypes of vulnerability, it also does not give them power and agency to act as a special group within an already vulnerable one.<sup>350</sup> Women are still bound by stereotyped social roles with very little influence in decision-making. However, the focus away from the "Roma issue" to the dismantling of underlying oppressive structures might play out in their favour in the long run. Inclusion in decision-making along with the entire community could lay the ground for enhanced input from Roma women, who could bring up their special needs and have the power and agency to change their situation. Although the information on evaluation and monitoring of implementation is not very clear, this type of local commitment already appears successful, as it will be replicated in other sites across Sweden.

The analysis above brought in focus two sites of implementation, wherein differences from culture to approach to minority protection to access to resources informed to a large extent the manner of transposing their respective NRIS to the ground. The different manners of including (or not) Roma women and girls in decision-making concerning them, the larger or narrower space given to voice their special needs attests to the level of acceptance and understanding of their multiple discrimination and to the efficiency of the policies designed at national level.

The selective overview of the European and national educational standards and the reality on the ground has shed light on the importance accorded to this area, its interconnectedness with other important issues for Roma women, and the potential and challenges it carries to dismantle multiple layers of discrimination and create inclusionary policies and ultimately inclusionary societies. Based on the lessons learned from qualitative analysis and empirical findings, the concluding section briefly summarises the research findings and suggests alternative (and possibly) better approaches to fostering real inclusion of Roma women and girls and with it the effective exercise of the human right to education.

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<sup>350</sup> Contrary, Romanian policies now target "vulnerable persons" thus seeking to be more inclusive; see s II/B/2/a.

## CONCLUSIONS

The present paper attempted to explore one of the multiple aspects pertaining to Roma women and girls' marginalisation and exclusion across the European continent. Reflecting on the importance of literacy to their empowerment and the increasing relevance of local action for their effective involvement in matters directly affecting them, like educational measures and policies, the research focused on European standards for inclusion strategies and their vernacularisation<sup>351</sup> in two European municipalities. The lens of intersectionality as reflected in Roma women and girls' lives and the rights-based educational standards which should inform their experience in education, both in and outside formal schooling, were used to assess the two localised examples of implementation. Based on both policies and insights from relevant stakeholders, however limited due to inevitable hurdles inherent to any such empirical research, it nevertheless resulted in findings which provided some explanation for the current faulty approaches and enabled the formation of alternative (and hopefully) better visions. The concluding chapter will first summarise the findings of the research by navigating through the main ideas of the previous chapters. It will then suggest various approaches, informed by the lessons learned, to orient the future design of policies for Roma integration keeping in focus the rights-based education of women and girls.

### 1. Summary of findings

Amidst the upsurge of anti-Gypsyism in public discourse and the countless Roma-targeted policies, Roma women and girls remain largely invisible. Their daily experiences, marked by the intersection of multiple identities (women, Roma, and youngsters), lead to specific forms of discrimination which impact on their role in family and society. Early marriages take them out of the already segregated schooling for Roma with the consequent illiteracy generating a lack of autonomy, limited decision-making power and socio-economic exclusion. Inclusionary efforts must incorporate an intersectional lens which exposes their multi-dimensional marginalisation at structural, political, and representational levels. Changes in thinking and participation rest on access to knowledge and information of both Roma and the mainstream society. Education is the best vehicle and securing that, as a human right, it is available, accessible, acceptable, and adaptable to culture and gender, may turn it into a strong tool for empowerment. Well-equipped through education, Roma women and girls can transcend gender roles, opt for alternative life choices, understand entitlements and obligations, claim rights, gain confidence and place it in their offspring, thus springing change in the entire community.

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<sup>351</sup> For conceptual clarifications, see s II/B/1.

When effectively guaranteed, the right to education enhances rights and freedoms, and the European Framework for NRIS makes it one of the fundamental components, a tool to alleviate poverty and social exclusion. However, the numerous commitments, ambitious measures and initiatives like enforcing full compulsory education and promoting vocational training, increasing enrolment in early childhood education and care, improving teacher training and school mediation, and raising parents' awareness of the importance of education, did not turn out in improvements on the ground, with educational segregation and sustainable local commitment and implementation still a challenge. A common basic principle for Roma inclusion, awareness of the gender dimension did not lead to gender-specific and child-sensitive strategic approaches but to addressing Roma women only under mainstream measures with lack of sex-disaggregated data still marring policies. Relying on bettered funding schemes, the EU Framework lays great emphasis on participation, monitoring and local stakeholder involvement for bringing social changes. With Roma women and girls not given the tools for participation, real and effective involvement cannot be achieved. This unacceptable gap could however be overcome through the increasingly joint programmes and networks of transnational cooperation developed with regional actors devising parallel policies.

The overview of other European standards on Roma education as developed by the EU Charter and FRA's Opinions, the FCNM and its Advisory Committee's Thematic Commentaries, the CoE and ECtHR's case law, together with the lessons learned from the Roma Decade revealed that they appear to be better oriented and propose more innovative models and systemic approaches to educational integration, fostering participation and interaction between local authorities and Roma communities with a strong gender perspective to inform them. This points to the need of integrated efforts at all levels to eliminate the root causes of the specific educational marginalisation which Roma women and girls face.

The examination of the national implementation in Romania and Sweden revealed different levels of gender awareness in educational policies. Romania's 2015 Strategy lacks consistency and clarity of strategic planning, ineffective monitoring mechanisms (lack of sex disaggregated data and of gender impact assessments), limited institutional capacity and unclear political commitment of national and local authorities. The minimalism in combating anti-Gypsyism, promoting gender equality or tackling multiple discrimination, thus the absence of a HRBA, offers no prospect of giving Roma's female group power and agency for real inclusion. Sweden, on the other hand, shows more commitment by doubling the timeframe for implementation to build trust across all stakeholders and opting for an integrated administrative approach of mainstreaming Roma issues. Education is a priority action area and women and children are priority groups due to multiple risks of exclusion and social maladjustments. Contrary to Romania's strategy, the Swedish one is human-rights based and pushes for gender equality. However, women are still subjected to mainstream measures and present only in health policies, their

representation being inadequate. Despite shortcomings at national level, both countries rely heavily on local actors as best suited to devise and implement inclusionary measures and policies.

Roma are defined by local contexts and seeing municipalities as primary sites of implementation holds the promise of their empowerment and social transformation. Rights-based views on the city transfer ownership to inhabitants and enable the localisation of global ideas of human rights. The shift from mere recognition to meaningful exercise resides in the participation in decision-making of all stakeholders and the creation of ways to monitor human rights compliance, which ultimately gives meaning to local enforcement of human rights. Local human-rights-based advocacy is based on monitoring and preventing future violations and is more open to intersectional analysis combining gender discrimination with discrimination on other grounds.

Increased political commitment across Europe to safeguard and protect human rights in the city should lead to the adoption of rights-based policies which aim to eliminate root causes of discrimination and inequality. The local reality, however, does not reflect any visible and meaningful participation and action at community level. The essential role of mayors and their unclear political commitment coupled with the lack of emphasis on human-rights-based measures does not encourage engagement in dialogue which, as seen above, builds strong communities of rights and responsibilities. The lack of success of countless policies appears to be rooted in their lack of consistency and clarity and the lack of involvement of local actors. This detachment of the community from those in power was unfortunately confirmed through the investigation of the reality on the ground in the two municipalities of interest.

With authorities quick to adopt policies to conform to requirements on paper, the human right to education does not appear to have been brought home for Roma women and girls yet. The Suceava County Office for Roma is living proof of the lack of coordination, political commitment, and interest to Roma women and girls' needs and concerns, which results in no real and effective participation. Insights from stakeholders evoke the existence of all forms of intersectional discrimination, with no voice given to grassroots advocacy. Despite views on education as enhancer of future life chances, detachment from those in power (most notably, the mayor) results in reproduction of marginal behaviours in education. On the other hand, "the Malmö model" is based on an integrated, holistic and multidisciplinary approach which relies on Roma and non-Roma, municipality employees and citizens working together to overcome structural discrimination rather than solve "the Roma issue". This open approach does not however encourage women and girls to act as a distinct group with special needs but such collaborative policies, while still in their infancy, might bring societal transformations in the long-run.

## **2. Lessons learned & the way forward**

The highlights from the current analysis reveal some important lessons on prioritising, implementing and fostering inclusion of Roma women and girls that should inspire future work in the field.

*First*, “ambitious and flawed”<sup>352</sup> attempts to define universally valid principles and practices that drive Roma-targeted policies are clearly ill-suited when dealing with changes in communities, inherently contextual. Similarly, identifying the beneficiaries of integration policies as a homogenous group (the powerless Roma victim paradigm) essentialises their multi-faceted experience of life. Instead of effectively including, such visions further alienate from society.<sup>353</sup>

*Second*, no matter what the approach, policies do not appear to work because they are still permeated by discriminatory attitudes and anti-Gypsyism. With no sense of diversity in society groups within groups cannot be rendered visible with their needs and concerns acknowledged. Such views are fostered from early age in school, which replicates the surrounding environment and impacts on the impressionable children. The chance to change discriminatory attitudes thus comes with a more inclusive education which could lead to participation in society, employment and life in the community becoming equally inclusive.

*Third*, education is not a magical solution for women and girls especially when compounded by poverty, but it can improve their lives in ways which limit generally aggravating factors.<sup>354</sup> Putting an end to the self-perpetuating cycle of continuing illiteracy<sup>355</sup> gives them analytical tools to exert influence and be empowered, ultimately to step out of poverty. As argued, where poverty is due to denial of rights, affirming and enforcing them all is the most adequate remedy<sup>356</sup>. Educational efforts using the concept of women’s human rights were shown to offer the chance of creating collaborative strategies and

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<sup>352</sup> Ife (n 294) 131.

<sup>353</sup> Alexiadou and Norberg (n 274) 45-46.

<sup>354</sup> Mertus and Flowers (n 98) 237, 239 (factors such as a lower social status, less access to education, longer working hours inside and outside home, lower income, family and community emphasis on education of sons and discrimination against girls in the family, cultural restrictions confining young women to the home, gender-biased curriculum and teaching methods, lack of child care, and lack of teachers lead to unemployment, poverty, teenage pregnancy and child marriages, prostitution, poor health, perpetuation of family and community discrimination against girls in education). More generally, for limitations on Roma inclusion, see Nicolae Gheorghe, ‘Choices to Be Made and Prices to Be Paid: Potential Roles and Consequences in Roma Activism and Policy-Making’ in Will Guy (ed), *From Victimhood to Citizenship: The Path of Roma Integration. A Debate* (Central European University Press 2013).

<sup>355</sup> Especially the “functional illiteracy”, i.e. having some degree of literacy but insufficient to function in society; see Mertus and Flowers (n 98) 237.

<sup>356</sup> Tomaševski (n 59) 11, 41, 42.

international networks. Considering education alone as a human right has its limitations mainly due to its ESCR nature, but this could be overcome by turning to community-based, bottom-up approaches.

*Fourth*, as it was shown that local endeavours ultimately hold the promise of meaningful societal changes, based on the research findings it can be argued that policies should still focus on the Roma, but involve the whole community. In the same vein, policies focusing on Roma women and girls can be effective only with the whole group's input. Awareness-raising, stimulating participation, assessing actual implementation, together with transparency and accountability should be a common undertaking, involving all stakeholders as a team.<sup>357</sup> As revealed by the empirical findings, inclusion of Roma in work with and within the majority society has the potential to create role models, currently absent due to their denial of identification as Roma.

Moreover, sustainable integration requires more than campaigns, desegregation and development of the curriculum. Interventions should also be adapted to the diverse cultural make-up of the community at stake, with mechanisms so developed that children and women's perspectives can be truly expressed and considered.<sup>358</sup> Through an intersectional lens, routine fighting-poverty-and-vulnerability policies can be replaced by integrated approaches, flexible and adapted to all experiences.<sup>359</sup> The decentralisation of education (as is the case in both sites of empirical research) helps with its adaptation for and by local communities. This depends however on local financial support, which can also deepen

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<sup>357</sup> As argued by Vermeersch, “win-win policies” would entice local Roma elites and the majority and would be conducive to lasting policy results; see Vermeersch (n 154) 358.

<sup>358</sup> Liégeois (n 85) 14. The Malmö model could, for example, be one step in that direction as it holds the promise of real and effective participation. However, the fact that the civil society still feels a sense of little involvement (as shown by the interviews in sub-sub-s II/B/2/b/i) points to the need of providing for special procedural guarantees to ensure the effective exercise of the right to participation in matters of concern to or direct impact on them. The importance of such guarantees was observed in the case of Latin-American indigenous communities' rights to lands, participation and consultation. By way of judicial interpretation, the Inter-American Court of Human Rights held that States have a positive obligation to enable participation by means of guaranteeing the right to effective and culturally adequate consultations. See Alejandro Fuentes, ‘Judicial Interpretation and Indigenous Peoples’ Rights to Lands, Participation and Consultation. The Inter-American Court of Human Rights’ Approach’ (2015) 23 IJMGR 39, 42-49, 57.

<sup>359</sup> For example, focus should be placed on teaching assistants or specialists (mediators) who could serve as role models too (as was evidenced by the interviews in Malmö); on developing an inclusive curriculum, locally contextualized with input from marginalized groups; on the flexibility to learning styles of children; and on involvement of parents beyond formal meeting with school staff when problems occur. Such integrated approaches would never come to fruition absent the multidisciplinary and multicultural makeup of the teams engaged in these processes.

inequalities; if contact between national and local authorities is maintained the risks inherent to local-only solutions can be avoided.<sup>360</sup>

*Fifth*, the content of education is also essential. To serve its empowerment purposes, education should be about human rights (providing information), for human rights (fostering values, attitudes, a feel of their importance, and empowering Roma with skills for action, giving, and a sense of responsibility), and in human rights (with example being the best practice, the environment and process of teaching must be human rights informed as well).<sup>361</sup>

*Lastly*, the importance of striving for optimal and sustainable solutions in the field of research results from the fact that the Roma experience can further inform measures targeting minorities with their respective gender and school-related issues.

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<sup>360</sup> Municipalities add layers of protection by impacting beyond borders and offering more chances of participation in identification of needs, priorities and solutions (see Soohoo (n 301) 275), but can also put rights of the marginalised at risk – empirical findings revealed the impact of the whims and political commitment of one sole leader, the mayor, on local enforcement of human rights. It was thus argued that the solution is to prioritise and equalise funding from local and global levels, so that gaps do not become wider and educational deficits for those lacking resources are institutionalised; see Tomaševski (n 59)10-15.

<sup>361</sup> *ibid* 5-7.

## ANNEX I. Questionnaire

### POLICY MAKERS:

1. Are you aware of the existence of a National Strategy for Roma Inclusion? If yes, how did it come to your knowledge? Is there any relation between the strategy and EU norms and regulations?
2. How does interaction with national (central) authorities translate in practice? How much freedom to you have when designing the policies? How do you interact with local authorities and coordinate your activities?
3. The 2015 NRIS insists on community participation in the design, implementation and monitoring of measures aimed at Roma inclusion: how does that take shape? Who is engaged in the process and to what extent? How are Roma communities reached? Is the mayor involved in identifying the Roma delegates? Is Roma civil society an active partner?
4. How are the NRIS and local measures disseminated within Roma communities?
5. Are you aware of any incentives to encourage and support school attendance? If yes, do you consider them as a useful tool to reduce absenteeism and high drop-out rates?
6. Are there any regular consultations held to monitor and evaluate policies and increase rights awareness? If yes, who is consulted?
7. What is your view on Roma integration? (after views are expressed:) Do you see education as an important tool to enhance Roma integration?
8. Do you consider the policies/measures taken so far to have reached their goal? Is the 2016 CADO monitoring report proof of a failure or a wake-up sign?
9. Is discrimination rife in the communities you work with? Is anti-Gypsyism tackled efficiently?
10. What is the place of Roma women and girls in the picture? Do you think they play a special role in their communities? What about in the inclusion measures?
11. What about autonomy in decisions about their life choices? Were or are they consulted in decisions which matter to them, in the design and implementation of the county measures plan? If yes, who is?
12. Decentralisation of public administration turns local authorities into the final decisions factors in relation to expenditures. Do you think accessing funds requires additional training?
13. How do you appreciate the acceptability of Roma-targeted measures? Do you feel encouraged to push for more initiatives? Any interest from the Roma themselves?
14. What would sustainable local commitment look like to you?

### ROMA CIVIL SOCIETY:

1. Are you aware of the existence of measures/policies at national level to integrate the Roma? If yes, how did you come to know about them?

2. How do you assess your level of involvement in the design, implementation, and monitoring of Roma integration policies? What does your interaction with local authorities consist of? Reports mention the opportunities given to ethnic Roma to participate in public institutions and their increased involvement at all levels in those. Is that a reality? Do consultation mechanisms provide opportunities for you to have enough influence in decision-making?
3. How do you evaluate the impact of the existing measures on the target groups? Do you feel that they adequately address the community's needs? More specifically, how much emphasis is being put on women and girls? Do you think that policies and initiatives adequately address their needs and concerns? Is their voice being given enough space (if any) in community participation mechanisms?
4. Have you seen any significant improvement in their situation over the past decade, for example? If yes, in what area? Do you think that the current standards have enough muscle to bring real change on the ground? Are they efficient?
5. How do you appreciate the level of interaction with the majority non-Roma population? What are the barriers to interaction? What could be done to promote cultural understanding? What do you personally feel about the overall situation?

#### WOMEN FROM THE ROMA COMMUNITY:

1. What is education for you? Is there anything that prevents you from enrolling your children into mainstream education? Are you satisfied with the quality of their education? Has anyone asked you to give an opinion on the content of their education or have you been involved in any process/meeting where you had to voice out your needs and/or desires to a certain extent? Do you know if any other parent that has had the chance to participate like this?
2. Would you like to learn more about Romani language, history and culture?
3. (for adult women lacking education) Do you think that your current status and situation would have been any different had you had access to education?
4. (for girls) What do you think about education? Do you like going to school? How do you think this will impact your future? Do you want to pursue education at higher levels? Do you have any role models?
5. What do you know about policies/measures aimed at improving the conditions of your education? Can you name any? If yes, how did you hear about them? Do you have any contact with local authorities? What about Roma or pro-Roma organisations? Have you heard about them, do you have regular contact with them? If yes, how does that happen?
6. Do you know that you have rights and obligations? If yes, how did you become aware of them? How often do you interact with the non-Roma population? Would you like to interact more? In what manner?

7. Are you generally satisfied with what authorities and civil society are doing for you? Do you trust any of these bodies and/or organisations? Have you ever been consulted by the mayor, the delegate from your community or anyone from the school board? Would you like to have more/any influence in decisions concerning you?
8. What do you think would give you more power and influence to bring change? And what is change for you? How would you see it?
9. Have you seen any significant improvement in your situation over the past decade, for example? If yes, in what area?
10. How do you see your future and that of your children?

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