

Ending school segregation and moving towards inclusion in education: the work of the Council of Europe Commissioner for Human Rights

“Separate is not equal”.

The Commissioner for Human Rights has often repeated these words.

Tackling school segregation has been among the main priorities since the beginning of his mandate in April 2012. He has described segregation as one of the worst forms of discrimination and a serious violation of the rights of the child.

In his country work, the Commissioner has dealt with educational segregation affecting various groups of children. He has found out that three groups of children were particularly affected by segregation: Roma children, children with disabilities, children with a migrant background.

Until now, he dealt with this topic in 22 of the country visits he carried out since 2012, throughout the continent.

This work indicates that although situations for different groups of children differ, common features can be found between various groups. And all findings point to the need to promote and implement inclusive education strategies as the best way of remedying segregation.

I will present some of the Commissioner’s main findings regarding firstly, the state of segregation in education; secondly, obstacles and difficulties in accessing mainstream education; and, lastly, the way forward: what should be done to implement more widely inclusive education policies.

I. School segregation:

Segregation is still widespread and in some places growing: Creation of new segregated schools/classes; a worrying tendency in some countries is the perpetuation of segregation while using nicer-sounding concepts such as “appropriate education” or even by labeling special schools “inclusive education centres”; re-opening of segregated schools sometimes after refurbishment; opening in some countries of segregated private special schools; segregation within “catch-up classes” where kids never catch-up.

Segregation takes multiple forms: in remedial education (children with disabilities, Roma children and children with a disadvantaged socio-eco background); in private (religious) schools for Roma only; in schools located in settlements where the majority of children are of migrant background; de facto segregation in certain schools, whereas mixed schools/schools opened to all function nearby; segregation within schools (not only separate classes, but also separate recreational areas, dining halls, entry and exit doors, school ceremonies) or even within classes; schooling at home as only option.

Root causes that perpetuate segregated systems: Deeply-rooted rejection of some groups; lack of awareness of society of the right to access mainstream education, especially as regards persons with disabilities; vested interest of segregated systems (resistance of system to change); resistance of majority parents; inadequate testing systems, leading to enrolment of children in remedial education on grounds of minor behavioral problems, linguistic difficulties, socio-economic background or even ethnic origin; biased school enrollment policies; enrollment denials; lack of inclusion from the very beginning of school time (lack of inclusive kindergartens); catch-up or “zero” classes, sometimes perpetuating segregation.

Impact: lower expectations and lower goals, often lower quality of teaching, sometimes worse material conditions and restricted availability of activities; a common feature for remedial education is the fact that pupils do not obtain a recognised diploma; access to remedial education is sometimes difficult (schools located far away from place of residence). Importantly also, separation means a lack of interaction with the outside world, the impossibility to acquire essential life skills in contact with all children. Segregation reinforces and legitimises their marginalisation in later stages of their lives.

Legislative changes (prohibition of segregation; changes in testing systems), domestic court decisions ordering desegregation and recommendations of ombudspersons and other independent bodies have in many cases not been implemented.

II. Lack of equal access to mainstream education

Where policies to move towards integration and more inclusiveness have been decided, implementation has often been slow and incomplete due to a series of obstacles, which are often similar across countries, irrespective of the groups of children concerned.

They involve:

Financial reasons: lack of financial incentives for desegregation; inappropriate arrangements for funding of education, which limits support available in mainstream education (amounts but also choices as to where funds are allocated to implement desegregation: special education or mainstream; also problems linked to funding for education when it is the responsibility of local/regional authorities, which often reinforces the weight of vested interests); Impact of austerity measures on policies of support to most disadvantaged groups and inclusive education: cutting down of budgets for inclusive education and equality of opportunities resulting in less inclusion.

Lack of coordination and exchanges of information between schools/teachers in desegregation/inclusion processes; **lack of specialists** to support the transition to mainstream education. **Lack of support** for teachers and other staff in mainstream education.

Reasonable accommodation (necessary adjustments to ensure to persons with disabilities the enjoyment or exercise of their rights on an equal basis with others, not imposing a disproportionate or undue burden) is often not enshrined in law and thus not compulsory on schools, which can argue a disproportionate burden for them.

Complexity of processes enabling reintegration into mainstream education.

Lack of information to parents on support available for inclusion

Lack of integrated extra-curricular activities (for children with disabilities); many children have to leave mainstream education due to lack of support outside the classroom.

Lack of access to mainstream **pre-school** education.

III. Solution: towards inclusive education

Although the overall picture does not appear to be very positive, good policies and good practices exist throughout Europe.

The Commissioner believes that the best way of overcoming segregation is through inclusive education, not just policies of integration into mainstream education. He could see during country visits that individual support for integration in mainstream education, while necessary, is often insufficient if not sustained throughout the educational process and if not accompanied by other measures.

In order for inclusive education to become the fundamental principle of education, there is a need for a mentality shift at state level, from seeing children as a problem to identifying the existing barriers and improving the education systems so that all children can take part.

There is a need to raise awareness about what inclusion really means, about the fact that it is a right for all children that should be enforced, and about the fact that inclusion is good for everyone, not only for the children currently excluded.

Let me now finish with some of the Commissioner's key recommendations regarding desegregation and the move towards inclusion.

Enshrine in law and enforce prohibition of segregated education; implement strong anti-discrimination policies. Adopt desegregation strategies with clear targets and adequate budgets; appropriate financial arrangements are important to overcome the problem of vested interests. In general, funding should follow children, not remain in remedial system.

Raise awareness of the fact that running parallel systems has a high cost for states.

Pending desegregation, close the gap between specialised and mainstream education. Inter-institutional cooperation must also be strengthened in particular between education, health and social protection bodies.

Collect data on children excluded from mainstream education: lack of data is a major impediment to improving the situation, it also make transfers to mainstream education difficult.

Make reasonable accommodation an enforceable right, not just a recommendation for schools.

Improve accessibility of mainstream school settings.

Provide universal access to inclusive pre-school education.

Sanction and prevent enrollment denials (outright or hidden); design flexible and inclusive enrolment policies.

Provide better information and support to parents on support available for inclusion.

Recruit school mediators (Roma).

Monitoring and evaluation of school inclusiveness also need to be developed.

Rely on existing good practices.