

# **UNIVERSAL RIGHT TO EDUCATION IN EUROPE ?**

With Focus on the Roma in Croatia

**Agnes Eder**

E.MA - European Master's Programme in Human Rights and Democratisation

Supervisor: Univ. Lekt. LL. D. Anna-Sara Lind

Uppsala University, Faculty of Law, Sweden

Academic Year 2011/2012

## **Abstract**

The present thesis explores the situation of the Roma minority and their right to education in Croatia. Since education provides the opportunity to empower oneself and to fully participate in society, it constitutes one of the most fundamental human rights and is of particular importance for the marginalised Roma. International human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights and the International Convention of the Rights of the Child as well as the European Convention on Human Rights are analysed in order to identify the holistic scope of the right to education. In addition, a detailed consideration is given to the principles of non-discrimination and equal access regarding education, given that the already underprivileged Roma also experience disadvantages especially in the area of education.

Croatia, being on the one hand a state in transition and on the other hand about to join the European Union soon, committed itself to the above mentioned human rights treaties and yet failed to fully comply. The analysis of the national legal framework and the actual situation of Roma children in Croatia shows poor school attendance, high drop-out rates and segregated classes with inferior curricula. This alarming situation demands from the state to finally undertake responsibility and take action. Consequently, recommendations are presented in order to address the problem. Positive measures, non-discriminatory strategies and equality policies are needed to ultimately give Roma children the chance to lift themselves out of exclusion.

## Table of Acronyms

CADE	(UNESCO) Convention against Discrimination in Education
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CERD-Committee	United Nations Committee on the Elimination of All Forms of Racial Discrimination
CoE	Council of Europe
Cf.	Confer
CRC	International Convention of the Rights of the Child
CRC-Committee	United Nations Committee on the Rights of the Child
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms/ European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
e.g.	For example
ESCR-Committee	United Nations Committee on Economic, Social and Cultural Rights
EU	European Union
FCNM	European Framework Convention for the Protection of National Minorities
HR-Committee	United Nations Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
i.e.	Id est/ that is
NGO	Non-governmental organisation
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organisation

## Table of Contents

<b>1. Introduction .....</b>	<b>4</b>
<b>2. The Right to Education .....</b>	<b>10</b>
2.1. Scope of the Right to Education .....	10
2.2. International Legal Framework .....	12
2.2.1. Aims and Objectives.....	13
2.2.2. Normative Content .....	16
2.3. Regional Legal Framework: The ECHR .....	22
2.3.1. Aims and Objectives.....	23
2.3.2. Normative Content .....	25
2.4. Concluding Remarks .....	28
<b>3. Separate, but equal? Roma and the Right to Education .....</b>	<b>30</b>
3.1. The Roma .....	30
3.2. Equal Access.....	33
3.2.1. Non-Discrimination Framework .....	33
3.2.2. Equal Enjoyment of Educational Institutions.....	38
3.2.3. Specific Roma Cases before the ECtHR .....	41
3.3. Minority Rights .....	43
3.4. Concluding Remarks .....	45
<b>4. Finding the Roma Right to Education in Croatia .....</b>	<b>47</b>
4.1. Historical Background.....	47
4.2. The Roma in Croatia .....	49
4.3. National Legal Framework.....	52
4.3.1. Croatia and International Human Rights Obligations .....	52
4.3.2. Constitutional Provisions.....	53
4.3.3. Educational Rights.....	56
4.3.4. Minority Rights .....	58
4.3.5. Non-Discrimination Framework .....	60
4.4. Croatia before the ECtHR .....	62

<b>5. Conclusion</b> .....	<b>65</b>
5.1. Inclusion .....	65
5.2. Recommendations .....	70
<b>Bibliography</b> .....	<b>74</b>

2012

# Universal right to education in Europe? With focus on the Roma in Croatia

Eder, Agnes

---

<https://doi.org/20.500.11825/708>

*Downloaded from Open Knowledge Repository, Global Campus' institutional repository*