Non-discrimination in Education

An analysis of the current situation from a non-discrimination perspective in multiple sectors of the Romanian educational system

Coordinator: Cezara David

Authors:
Simona Barbu, Chapter 3
Alexandra Columban, Chapter 2
Cezara David, Chapters 1, 5 and 6
Dani Prisacariu, Chapter 4

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Introduction

A human rights approach is a conceptual framework for human development based on international human rights standards and acts directly for the promotion and protection of human rights. Such an approach will analyse the inequalities that hinder this development, will redress any discriminatory practices and unfair power distribution. The basic principles of the human rights approach are: a legal framework that ensures these rights, transparency, participation, empowerment, non-discrimination, inclusion and accountability[1].

Education and access to education started being approached, in the last decades, more and more from the perspective of human rights, a perspective of respect for human dignity. Human rights in education involve three dimensions that are interconnected and only through the concomitant addressing of all three can be achieved: 1) the right to access to education - the right of every child to education on equal opportunities and without discrimination. For this purpose, education must be available, accessible and inclusive for all children; 2) the right to quality education - which allows the child to develop and access his or her full potential, to be prepared for the labour market and to develop life skills. For this purpose, the education should be child-centred, with a relevant curriculum, with adequate resources and monitoring; 3) the right to respect within the school environment - the right of every child to respect their dignity and human rights in the educational system. For achieving this goal, education must be carried out in a manner that is in accordance with human rights, which includes respect for each child, opportunities for real participation, elimination of any form of violence and disrespect for language, culture and religion[2].

In the past existed, and still exists nowadays, a failure to raise awareness of the complexity of barriers that prevent children's access to education. There is a need to listen to the concerns and needs expressed by children themselves regarding their education, to build a culture in which all children are respected and equally valued and to involve parents and the local community in supporting education and to look at the rights of the child in the educational context[3].

The right to non-discrimination and the right to benefit and access education in fair conditions for all children are not yet implemented in Romania. Independent

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[1] Office of the United Nations High Commissioner for Human Rights, Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, http://www.ohchr.org/documents/publications/faqen.pdf (pg 22)

[2] A Human Rights-Based Approach to EDUCATION FOR ALL, United Nations Children's Fund/ United Nations Educational, Scientific and Cultural Organization, 2007, available at https://www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_All.pdf

[3] A Human Rights-Based Approach to EDUCATION FOR ALL, United Nations Children's Fund/ United Nations Educational, Scientific and Cultural Organization, 2007, available at https://www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_All.pdf

monitoring[4] shows that there are still deep concerns about Roma children, children with disabilities, asylum seekers and refugees, LGBTI (lesbian, gay, bisexual, trans-gender, intersex), children living in rural areas and which are still subject to discrimination in terms of access to education, as well as access to health care and standard of living. Also, girls continue to face multiple discrimination and are more exposed to violence and exclusion.

The main recommendations for Romania from the United Nations are for the state to ensure full implementation of existing laws prohibiting discrimination, including by establishing adequate monitoring and reporting mechanisms. UN also recommends strengthening public education campaigns to address the issue of stigmatization and discrimination against Roma children, children with disabilities, girls, children seeking asylum and refugees, LGBTI, as well as ensuring their equal access to education, medical care, employment and standard of living. The Committee also recommends that, in the process of addressing the stigma and discrimination of Roma children, the State party should ensure that it is conducted carefully, to avoid aggravation of segregation.

The European Commission[5] has recommendations in the same direction, emphasizing the issue of respect for human dignity, as one of the core values of the European Union and protecting the rights of the child, combating social exclusion and discrimination and promoting justice and social protection. As mentioned above, non-discrimination is the cornerstone of the actions that Member States must take, respectively "Promoting gender equality, integrating gender equality and equal opportunities in policies, and combating discrimination faced by children and their families, regardless of the reasons behind this (in particular of discrimination on the basis of sex, race or ethnic origin, religion or belief, disability, age or sexual orientation), it should be the basis of all efforts to combat poverty and social exclusion of children ".

The report „Non-discrimination in education" aimed at elaborating an analysis of the educational situation at the moment of 2019, from a perspective of non-discrimination and equal chances within the Romanian educational system. This implied an analysis of the school curricula and the textbooks, of the process of training – both initial and continuous – for the teaching staff, regarding specifically gender equality, LGBTQI+ youth and Roma children and youth. The report starts with an introduction, a section on methodology and a short legislative introduction (chapter 1). The following chapters of the report approach individually each of the three main themes (Chapter 2 - gender equality, Chapter 3 - Roma children and youth and Chapter 4 - LGBTQI+ youth), presenting the specific legislation, methodological considerations and an analysis of the

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[4] Comitetul pentru Drepturile Copilului Observații finale privind cel de-al cincilea raport periodic al României – iunie 2015, citat de Salvati Copiii- https://www.salvaticopiii.ro/sci-ro/files/0a/0ab4c7cb-1ff8-458c-a53a-053f5d189015.pdf. Raportul Comitetului este disponibil   la https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fROU%2f5&Lang=en
[5] Recommendation of the European Commission "Investing in children: disrupting the vicious circle of disadvantage" (2013/112 / EU) available at https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:32013H0112&from=EN

way inclusion takes place within the school establishments in Romania. The report finally presents the conclusions of the analysis together with recommendations for the authorities and specialists in the field. In the following pages we present a short overview of the chapters translated into English.

Methodology

The working methodology for analysing the integrative approach of equal opportunities and non-discrimination in education that provided the basis for the report "Non-discrimination in education" was based on a desktop research of the data from the field and the direct collection of information from the field. The documentation process was carried out between June and September 2019 and focused on collecting information on the three topics of interest of the report (equal chances, inclusion of Roma children and young people and of the LGBTI youth), specifically in the areas: curricula and textbooks, initial and continuous training of teachers and school segregation/exclusion of Roma children.

The research of secondary sources included, among others, the consultation of international and national standards, the consultation of national strategies and plans of action, and the reports on education and non-discrimination regarding Romania (sources: National Council for Combating Discrimination, Ministry of National Education, Romanian Agency for Quality Assurance in Pre-university Education, Institute of Education Sciences, Commissioner for Human Rights of the Council of Europe, UN Special Rapporteur on extreme poverty and human rights, the EU Agency for Fundamental Rights, etc.).

Information requests were transmitted based on the law 544/2001 regarding access to information of public interest to institutions at central level, as well as to institutions from the education system in Bucharest and 10 counties. Thus, 37 institutions were contacted, of which 28 answered[6]. The methodology included qualitative research, respectively 24 semi-structured interviews with representatives of the authorities and organizations active in the field of education[7]. The research includes conclusions and

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[6] The Ministry of National Education, the Institute of Educational Sciences, the National Agency for Roma, the National Centre for Evaluation and Examination, the National Council for Combating Discrimination, the Departments for the Training of Teaching Staff from Universities, Teachers Associations "Casa Corpului Didactic" and School Inspectorates in Bucharest and selected counties.

[7] The 24 interviews were held with the following specialists: Carmen Tomescu, History teacher at Costache Negruzzi National College Iași; Liviu Gaja, psychologist and researcher at the Association for Liberty and Equality of Gender (A.L.E.G.), Sibiu; Ioana Tămâian, Lecturer, PhD, at the Faculty of Psychology and Educational Sciences, Babeș-Bolyai University Cluj-Napoca; Laura Grünberg, Associate Professor, PhD, at the Faculty of Sociology and Social Work, University of Bucharest; Adriana Ciorcilă, English teacher and educational counsellor at Anghel Saligny Technological High School, Bacău; Monica Halaszi, Romanian Language and Literature teacher at Liviu Rebreanu National College in Bistrița; Gabriel Bădescu, Professor, PhD, at the Faculty of Political, Administrative and Communication Sciences, Babeș-Bolyai University Cluj-Napoca; Ioana Nanu, Romanian Language and Literature teacher at the American International School in Bucharest and PhD in Educational Sciences; Roxana Paraschiv, lawyer and coordinator of the Centre for Information, Documentation and Research on Children's Rights of Save the Children, Bucharest, Luminița Chicinaș, Physics teacher and school insperctor, Cluj County School Inspectorate. Costache Adrian, Lecturer, Babeș Bolyai University, Cluj-Napoca; Palas Alexandru, member of MozaiQ LGBT organization, Bucharest; Marin Roxana, teacher at Coșbuc High School Bucharest; Roseti Ion Rotariu Teodora, executive director ACCEPT Association, Bucharest; Viski Vlad, executive director of MozaiQ LGBT organization, Bucharest; Marius Caldararu, Inspector of the Romani language, the General Directorate for Education in Minority Languages and

recommendations that resulted from public consultations with specialists and practitioners in the field, organized in 5 cities[8] in the country between September and October 2019.

Chapter 1 – Short legislative overview

Every child has the right to education without discrimination, as specified by the UN Convention on the Rights of the Child, to which Romania has been a party since 1990[9]. Non-discrimination is a fundamental principle, being closely linked to the respect and promotion of the best interests of the child, the development of the child to its maximum capacity and the basis for a democratic society.

According to the UN Convention, „States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."[10]. Furthermore, "States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members."[11]

In Romania, children, as a vulnerable group to discrimination and to the effects of discrimination, benefit from a recognition of special protection, according to the Constitution of Romania from November 1991. The Constitution guarantees the protection of children and youth, which should "(...) enjoy a special regime of protection and assistance for realizing their rights"[12]. Furthermore, Law no. 272/2004 on the protection and promotion of the rights of the child (republished) reiterates the principle of respecting and promoting with priority the best interests of the child, as well as that of ensuring equal opportunities and non-discrimination, while introducing the principle of respecting the dignity of the child and listening to the child's opinion and taking it into consideration, depending on the age and the degree of maturity of the child.

The right to non-discrimination is mentioned in the Romanian Constitution, as well as in several other legislative documents. ORDER no. 137 from 31st of August 2000 (republished), regarding the prevention and sanctioning of all forms of discrimination

Relations with the Parliament, Ministry of Education; Gheorghe Sarau, University professor, University of Bucharest; Violeta Dascalu, School Director, Ferdinand Gymnasium School, Bucharest; Kovacs Irina, Secretary of State for Education in the Languages of Minorities, President of the National Commission for Educational Disaggregation and Inclusion; Luminita Costache, UNICEF Social Policy Specialist; Marian Mandache, Executive Director, Roma Centre for Social Intervention and Studies, Bucharest; Cristina Tanase, Coordinator of educational programs for Roma children, Save the Children, Bucharest; Csaba Ferencs Asztalos, President, Secretary of State, National Council for Combating Discrimination; Șerban Iosifescu, President, ARACIP, Bucharest.

[8] Timișoara, Cluj-Napoca, Iași, Bucharest and Craiova

[9] Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49.

[10] Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49, Article 2.

[11] Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49.

[12] The Romanian Constitution from 21st of November 1991 – Republished, Article 49, section 1.

has special provisions regarding discrimination in different areas of life. This legal framework is applicable to both natural and legal persons in the public or private domain. Institutions are explicitly mentioned as the recipient of this law, including those in the educational field. Other legislation that regulates the right to non-discrimination for vulnerable groups, specifically, includes: Law no. 202 of April 19, 2002 on equal opportunities and treatment between women and men; LAW no. 448 of December 6, 2006 on the protection and promotion of the rights of persons with disabilities; ORDER no. 1540 of July 19, 2007 on the prohibition of school segregation of Roma children; ORDER no. 6134 of December 21, 2016 on the prohibition of school segregation in pre-university education units.

Chapter 2 - Gender Equality in the Romanian Educational System

Introduction

The present chapter analyses the degree to which the Romanian educational system prepares students to practice and respect gender equality during school years, as well as later on in life, as adults. Given that an individual's educational foundations and core principles are shaped at early stages in life, the author of the study focuses on primary and secondary education, with an emphasis on the latter, when students have the capacity to understand social, cultural and ethical issues, and notions of citizens' rights and obligations.

The information in this chapter is based on document analysis: legislation, national strategies and action plans, reports of national and international organisations, etc., official replies of public institutions to requests of public information, but also on qualitative research carried out between June and September 2019 in the form of 10 semi-structured interviews with specialists and practitioners.

It is important to note that the interviews were used to provide examples, to consolidate or further explain conclusions which transpired from the analysis of relevant documents, and not to draw generalisable conclusions. In addition, the report contains conclusions and recommendations which stem from 5 public consultations with specialists and practitioners (organised in Timişoara, Cluj-Napoca, Iaşi, Bucharest, and Craiova) in September-October 2019.

The first section of this chapter begins by defining the key terms *gender equality*, and *equality of opportunities and treatment of men and women*, and then presents data on gender equality in the Romanian educational system. An overview of the main public policies regarding education is followed by information provided by the National Council for Combatting Discrimination and by County School Inspectorates/ Bucharest School Inspectorate on gender-based discrimination in education. The second section of the chapter analyses primary, middle and high school curricula (with some examples from school textbooks) for Romanian Language and Literature, History, and Social

Education, and provides an overview of the optional subject Health Education. The section regarding gender equality in schools ends with a presentation of extracurricular activities related to the topic of gender equality which students are encouraged to attend. Subsequently, the third section analyses, from a gender equality perspective, the initial and continuous training of teachers: the teacher training module (level I and II, offered in university to future teachers) and the training courses for teachers. The chapter concludes with a series of specific recommendations aimed at including gender equality and complementary topics in school curricula and textbooks, as well as at developing teachers' knowledge and abilities to tackles this subject in class.

Conclusions and Recommendations

The chapter aimed to answer the question "To what extent does primary and secondary education in Romania prepare students to practice and respect gender equality?". What our research indicates is **the systematic absence of a gender balanced and gender equality approach in primary and secondary education**.

The curriculum for all twelve grades for **Romanian Language and Literature** does not contain explicit elements of gender equality or references to the feminist movement in the country. In addition, the suggested authors in the curriculum clearly disadvantage female authors: for example, of the 168 writers mentioned in the high school curriculum, only 16 are women, in other words less than 10% of the recommended authors are women.

With regard to **History**, the situation is only slightly better: the 7th grade curriculum includes two case studies that address the experience of women in history: "Women in public life" and "Life on the frontline and in the home front". Elements of gender equality may also be addressed in the case study "The Universal Declaration of Human Rights". Nevertheless, the curriculum for middle school excludes female historical personalities: all the 27 personalities mentioned are men. A positive aspect is, however, the inclusion of the feminist movement in the 10th grade curriculum, as well as some notions of human rights, minorities and the role of civil society.

The third analysed subject, **Social Education**, addresses several central topics in promoting tolerance, respect for diversity and non-discrimination. However, the curriculum for middle school does not include explicit elements of gender equality, such as harmonious relationships, the fair division of labour among family members, the prevention of gender-based violence, etc., which leads to an uneven practice in textbooks: some textbooks approach gender equality, while others do not.

Therefore, in general, tackling gender equality and providing a balanced representation of women (writers, historical and cultural personalities, etc.) in the classroom tends to reflect the teacher's personal choice, who must resort to "mental gymnastics" through the curricula and textbooks in order to address this subject, and not requirements during school years. In fact, several of the interviewees indicated that **the Romanian**

educational school system does not prepare students to practice and respect gender equality:

> "I do not think [that education prepares students to practice and respect gender equality]. I think it rather prepares students for a professional relationship of power inequality. I don't think it prepares you for life and healthy relationships, but for a professional life in which you are in a subordinate relationship. The curriculum is not adapted to the needs of children."(Liviu Gaja, psychologist at A.L.E.G, Sibiu)

> "Schools only accidentally prepare [children to practice gender equality], because people may have marginally heard of something called "gender". Little is known about feminism, but in general, among teachers, there is quite some ignorance around policies. [...] So schools accidentally prepare students through teachers who have accidentally encountered the concept of "gender", but not through training, but a personal bet." (Ioana Nanu, Romanian Language and Literature teacher, American International School, Bucharest)

> "I do not think that [tackling gender equality] is a widespread practice. If I look at the people I know, the consultation meetings, pedagogical circles, there is a small category of teachers who prefer to approach these things. Because, I repeat, the exam button is so pressed that many of the teachers prefer to start preparing for the Baccalaureate exam in the 9th grade, forgetting that the 9th grade curriculum is probably the coolest one in high school." (Monica Halaszi, Romanian Language and Literature teacher Liviu Rebreanu National College, Bistrița)

With regard to **teacher training**, research has revealed the same pattern: gender equality is marginalized both in the teacher training module for university students and in the teacher training programmes. There is an uneven practice throughout the country, with the Teaching Training Resource Centres and the Teaching Staff Training Departments of the main university centres in Romania providing different replies related to the presence of gender equality elements in their programmes. Overall, there are few training courses and even fewer university subjects which tackle gender equality, with some counties where the topic is entirely absent from teacher training programmes.

Additionally, **school curricula and teacher training programmes lack intersectionality**, in other words, the Romanian educational system does not take into account the effects on the individual of gender, ethnicity, social origin, disability and sexual orientation or gender identity and of the interaction/ cumulation of two or more of these personal characteristics. This is due not only to personal factors, such as

teachers' relatively low familiarity with these concepts (owing, in part, to insufficient training), but also to structural factors, which concern both curricula and textbooks.

The specialists interviewed for the present report suggested **specific measures that could improve the presence of gender equality topics and activities in schools**:

"We need strategies at the level of the Ministry of Education and the continuous efforts of NGOs that can invest in research. There is a need to reform the textbooks from a gender perspective, to re-professionalize teachers and there is a need for a certain level of social acceptability related to the importance of this topic. Otherwise I think we will go back instead of moving forward. [...] Illustrators [of textbooks] need to be aware that the images they choose are not accidental. We need a kind of political correctness in the good sense of the word - do not use pink everywhere for girls and blue for boys [...], do not make all characters beautiful, blonde, tall and without glasses, because the world is more diverse. The same is true of masculinity." (Laura Grünberg, PhD. Associate Professor at the Faculty of Sociology and Social Work, University of Bucharest)

"If the structure of the Baccalaureate exam were to change so that we no longer need to target only canonical writers, this would be a solution. The pressure comes from the exam. Or we could have an indication in the new curricular that, for example, half of the texts studied must have been authored by women." (Monica Halaszi, Romanian Language and Literature teacher, Liviu Rebreanu National College, Bistrița)

"There should be a school for parents, and change will soon follow, because most of the students spend their time at home, and if there is no convergence between the things learned in school and in the family, one cannot expect a change in mentality, boys and girls alike." (Adriana Ciorcilă, English teacher and educational counsellor, Anghel Saligny Technological High School in Bacău)

"We have on the one hand the transmission of information, and on the other hand the formation of behaviour, the espousing of values. The role of the school is important but limited by what happens in the family and society. For example, without wishing to trivialize the subject, road education is studied in schools, starting from kindergarten, but in no way are children taught in school how to cross the street, if they jaywalk with their mother. One is the transmission of information and the other is the formation of values, and here an effort is needed at a societal level. Schools could do more, certainly, but there is a need for a concerted effort." (Roxana Paraschiv, coordinator of the Centre for Information, Documentation and Research on the Rights of the Child, Save the Children, Bucharest)

In order to tackle the abovementioned issues, the author makes the following **recommendations** to public institutions with responsibilities in the field of education and gender equality:

I. REGARDING THE CONTENT, THE TIME ALLOCATED TO AND THE STATUS OF SUBJECTS IN PRIMARY AND SECONDARY EDUCATION:

1. Elaborate a Ministerial Order for the compulsory inclusion in the school curricula for primary and secondary education of elements of gender equality: egalitarian relationships, combatting gender stereotypes and violence against girls and women, a balanced representation of female characters/ personalities, fair division of domestic work, as well as topics that would encourage girls towards STEM professions (science, technology, engineering, and mathematics);

2. Adopt an intersectional and integrated lens when elaborating curricula and textbooks, which are to include the gender dimensions of the targeted content and competences, and encourage the transfer of knowledge between subjects;

3. Eliminate gender stereotypes in textbooks and teaching aids, especially in primary school, such as those related to professions practiced by men and women, the role of the mother/ grandmother and father/ grandfather in the family life, and replace them with gender balanced examples and portrayals of characters;

4. Adapt the curricula and create reference plans for the elaboration of textbooks in order to ensure the presence of gender equality elements and the balanced representation of female personalities:

Romanian Language and Literature:

o Balance the absence of female authors from the literary canon by increasing the number of women writers (Romanian and foreign) studied in school;

o Introduce "gender quotas" which would recommend that at least 30% of the studied texts in a school year were authored by women;

o Include, in the curriculum and in textbooks, female and feminist personalities and texts from the end of the 19th century and the beginning of the 20th century, in the form of case studies (for example: the magazines *Family Friend*, *The Mother and the Child*, *The Romanian Woman*, *Dochia*, etc.; Sofia Nădejde - including her dispute with Titu Maiorescu, Constanta Duncă-Schiau, Adela Xenopol, Calypso Botez, etc.);

o Include case studies of biographies on women's experience during the communist period (for example, Monica Lovinescu, Elisabeta Rizea).

History:

o Increase the number of female historical personalities studied in class;

o Include mandatory case studies on at least the following topics: the position of women in the Middle Ages; the history of women's rights in the world and in

Romania (the right to property and paid work, the right to vote, the right to divorce, the right to child custody, sexual and reproductive rights, the right to enlist in the Army, etc.); the pro-natalist politics of the Ceaușescu era and its effects on women; the effects of war on women (from the perspective of violence and contribution to the war economy/ labour market); the feminist movement in Romania (civic groups, publications, feminist personalities, waves of feminism);

Social education:

o Include explicit elements of gender equality in the school curriculum, adapted to the level of understanding of children: sex-gender dichotomy, gender roles, sexual orientation, gender identity, direct discrimination, indirect discrimination, affirmative action, specific forms of discrimination/ prejudice (introducing the term "sexism"/ "misogyny" in the list of forms of intolerance studied in 6th grade, together with the terms "homophobia", "xenophobia", "racism", and clarifying the differences between them), hate speech; exemplify the areas where women have been historically disadvantaged/ continue to be disadvantaged (access to the labour market, pay gap, double work day, etc.); introduce notions of gender-based violence, sexual harassment, relationships based on respect, etc .;

o Extend the subject Intercultural Education (6th grade) to encompass elements of inclusion, non-discrimination and gender equality. The new subject could be called Anti-discrimination Education;

5. Extend the number of weekly hours allocated to Romanian Language and Literature as a core subject in high school to 4 hours (instead of 3);

6. Extend the number of weekly hours allocated to History as a core subject in high school to 2 hours (instead of 1);

7. Include a human rights specialist and a psychopedagogist in the committees that elaborate school curricula and in the committees that evaluate textbooks;

8. Create a list of suggestions for optional courses (drafted by the Ministry of Education), as part of the optional curriculum of secondary education, which would include specific gender equality topics;

9. Introduce Health Education as a mandatory subject, update its content, and adequately train professionals who teach the subject.

II. INITIAL TRAINING OF TEACHERS:

10. Introduce elements of gender equality in the teacher training module, Levels I and II, at least in the subjects Class Management (Level I) and Design and Management of Educational Programmes (Level II), and elaborate a reference plan (drafted by the Ministry of Education) for aligning these subjects with the principles of inclusive education;

11. Increase the number of hours allocated to the teacher training module, as well as allocate an adequate budget to the Teaching Staff Training Departments.

III. CONTINUOUS TRAINING OF TEACHERS:

12. Create and accredit courses on gender equality issues and diversify existing ones, including by amending the legislative framework;
13. Simplify the procedures for the accreditation of training courses in the field of non-discrimination offered by other social actors (beside the Teaching Training Resource Centres) and encourage the outsourcing of training courses;
14. Introduce compulsory courses for all teachers on the subject of anti-discrimination (on all criteria), as well as create follow-up tools to evaluate how teachers apply the acquired knowledge/ skills in class.

IV. INVESTIGATION AND SANCTIONING OF ALL FORMS OF DISCRIMINATION:

15. Create an applied methodology and clear formal instruments (evaluation guides, risk assessment forms) for investigating cases of potential discrimination (on all criteria) for the representatives of the County School Inspectorates/ Bucharest School Inspectorate and of the Ministry of Education.

IV. RAISING AWARENESS CONCERNING GENDER DISCRIMINATION AND GENDER EQUALITY:

16. Develop and implement raising awareness campaigns on violence against women, gender stereotypes, gender roles, work-life balance through the collaboration of the Ministry of National Education, Ministry of Labour and Social Justice, Ministry of Health, Ministry of Justice, Ministry of Youth and Sport, etc.;
17. Centralise information and materials on inclusive education and non-discrimination on a public site, an online resource centre, administered by the Ministry of Education, in order to be freely used by teachers and practitioners.

Chapter 3 - Roma children - (non)discrimination and inclusion in the Romanian educational system

Introduction

The chapter „Roma children – (non)discrimination and inclusion in the Romanian educational system" analyses the manner in which the educational system approaches Roma children when it comes to equal chances and non-discrimination. The analysis has been realized through three big lenses: the representation of Roma history, traditions and culture within the school curricula, the professional training of the teaching staff regarding the themes of diversity, inclusion and non-discrimination based on ethnicity and last, but not least, the school segregation and exclusion of Roma children from the educational system.

The situation of the Roma children, in Europe as well as in Romania, is described as being troublesome, first by their belonging to the most discriminated and impoverished European minority[13] and second, considering that poverty especially affects young people, in Romania. Here, 41,7% of the youngsters under 18 years are at-risk of poverty or of social exclusion[14]. Particularly regarding the Roma children from Romania, in 2009, The UN Committee for the Rights of the Child was expressing its preoccupation about a series of violations of rights[15]: hetero-identification of very young children as being Roma[16] which leads to discriminatory practices, such as segregation; insufficient infrastructure of kindergartens and preschool activities addressed to Roma children, mainly offered by the NGOs; a low rate of enrolments to preschool institutions and primary school; the existence of school segregation and enrolling Roma children to special schools, without them presenting a disability, because the family could not cover the costs for education. Ten years later, the reports and studies from the field all point to a similar current situation and show that these situations still describe the reality of the lives of Roma children from Romania. How are these aspects addressed by the Romanian authorities and what type of measures have been implemented to eliminate the factors which impede Roma children to have an equal access to education as the non-Roma, and in the future to the labour market, are the questions that this chapter will try to answer to.

The chapter on the inclusion of Roma children briefly describes their current situation in schools in Romania, presenting data on the enrolment and participation of Roma children in education, the differences between non-Roma and Roma children in

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[13] The Independent, *Roma shown to be Europe's poorest and most reviled people*, Shawn Walker, 2012.
[14] National Institute of Statistics, Dimensions of social inclusion in Romania, in 2017, Publishing of the Institute of Statistics, 2018.
[15] The Committee on the Rights of the Child, *Considerations on the Reports Submitted by the States Parties under Article 44 of the Convention. Recommendations of the UN Committee on the Rights of the Child 2009*, 51st Session, 2009.
[16] The UN Committee shows that a person can be identified as belonging to a minority only by self-declaration, and that often, abandoned or very young children who cannot identify themselves are identified as Roma children by social workers and other workers.

education (including the determinants of these differences) and on the phenomenon of Roma children's segregation in schools in Romania. The first analysis section presents how the elements of the Roma minority are addressed in school curricula and textbooks, focusing on school curricula for the disciplines History (5th-8th grades), Social education (5th-8th grades) and Romanian language and literature (5th to 8th grades), respectively textbooks for the discipline History for secondary school and high school. The author includes in this section an analysis of the study of the Roma language and history and of the implementation of the school curriculum for the discipline *History and traditions of the Roma minority* with teaching in the 6th-7th grades. The second analytical section of this chapter offers an image on the possibilities of teacher training regarding the history, culture and traditions of the Roma minority. The analysis includes information on both initial and continuous training. Also, the situation of Roma teaching staff in education is analysed. The last section of analysis is dedicated to the topic of segregation and exclusion of Roma children in the educational system, where the concepts and causes of these phenomena are described. At this point, the support measures for the education of Roma children and how they are implemented are reviewed.

The data collection was based on a desktop research, by analysing the relevant documents in the field (national and international reports of organisations and institutions, strategies and legislation in the field); data received from relevant institutions following the request of information submitted under the law for access to public information No. 544/2001 and information from conducting 7 semi-structured interviews with representatives of institutions and organisations activating in the field of education in Romania. Furthermore, 5 consultations were held with specialists in education in 5 cities in Romania, and their recommendations have been included in the final report.

Conclusions and recommendations
This chapter has analysed the way Roma children's inclusion is realised within the Romanian educational system. Following the analysis, the conclusion points to a limited progress and week and partially implemented educational policies. The Romanian state needs to improve the way legislation meant to support the Roma children is implemented and to officially recognize the structural discrimination which affects the children within the Roma communities.

Concerning the representation of the Roma history, traditions and culture within the school curricula, the conclusion is that this information is not sufficiently approached in these documents. Therefore, the school curricula do not contribute sufficiently to developing diversity in schools, to encouraging inter-ethnic dialogue and inter-ethnic relations. These elements are approached through school curricula and disciplines addressed exclusively to Roma children, respectively the classes of Romani language and

the discipline of Roma history and traditions – of course, these classes do not refuse the participation of non-Roma children. However, the manner in which they are organised does not encourage the participation of the majority population, which is otherwise low. Thus, the conclusion formulated is that the classes where elements of Roma history, traditions and culture are addressed are not accessible and promoted enough to the entire school population; they are addressed only to the members of the Roma communities. Likewise, the analysis could not identify a transversal inclusion of these elements in the disciplines that are part of the common core curricula. Consequently, this points out to a lack of implementation of the ministerial Order no. 1529/18.07.2007 regarding the development of diversity within the national curricula concerning the Roma minority. The principle of diversity is not reflected in the textbooks approved by the Ministry of Education, either. The textbooks for the History discipline are outdated and many times they use an old language, having a stereotypic and discriminatory content. The selection criteria for the teachers who evaluate the textbooks do not reflect the principles of diversity, inclusion and non-discrimination. Therefore, textbooks with prejudicial content are approved to be used within schools in Romania.

Regarding teacher training, data collected from the field and the analysis of documents show that the issues of diversity / alterity, non-discrimination and inclusion are not sufficiently addressed in the initial training of teachers. They do not appear sufficiently in the psycho-pedagogical module, and the elements of Roma history and traditions are completely absent from this module. Although the inclusion of the elements about Roma history in the psycho-pedagogical module was a measure established in the national strategy of the Romanian Government for improving the situation of Roma, it remains unimplemented until this moment. There is also no progress in terms of continuous education, given that the possibilities for continuous training of teachers regarding Roma history, traditions and culture continue to be extremely low and are generally offered by civil society. Only 1 of the 8 Teachers Association "Casa Corpului Didactic" (CCD) that responded to the requests for information reported the completion of 1 course for teachers on the topic of the "educational Romanipen"[17]; two other CCD Associations addressed elements about Roma history and traditions in two continuous training courses. The continuous training for teachers on the themes of diversity, inclusion and non-discrimination is unevenly implemented in the counties that have responded to the requests for information, and most of the times they imply financial efforts, teachers having to pay the participation fees, as well as the travel costs. Even in these conditions, very few offers include elements about diversity, inclusion and non-discrimination, and fewer include specific elements about the Roma minority. This situation is explained by a lack of funds and by the fact that there is no budget for organizing continuous training courses for teaching staff at the level of the General Direction for Minorities within the Ministry of Education, but also within the Ministry in

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17 The set of customs and fundamental values of the Roma culture.

general. The financial resources for hiring Roma teaching staff are also low and indicate a lack of investment in this area. Thus, the number of Roma human resources in the Romanian education system has decreased compared to previous years, an example being the number of Romani language teachers which decreased to 296 teachers in the 2018/2019 school year, compared to 640 in 2013. The situation of school mediators is also problematic, with a number of 427 mediators employed, compared to 1900 – the number of school mediators that the Ministry of Education committed to hire within the framework of the strategy for Roma, respectively until 2020. Overall, there is a need for continuous training of the Roma resources with the aim of empowering them. The evaluation of the support programs for Roma students (e.g.: the school mediation program or affirmative measures) and their impact is also required.

Discrimination of Roma children in the Romanian educational system remains an important topic to be addressed, given that this phenomenon is present in schools, among students, as well as teachers. The present analysis reveals that discriminatory attitudes towards Roma students in the education system persist and are reiterated including by practicing their segregation, by separating them from the non-Roma students in classes or schools. Although these situations are identified in schools in Romania both by international organizations and those working at national level, from the documentation made for this report we conclude that there still is a tendency to deny / not recognize the reality regarding discrimination at the level of the authorities. Thus, all the authorities invited to respond to these issues reported that they had no registered cases of discrimination by teachers or that they did not have cases of segregation in the schools / counties for which they are responsible. Moreover, the United Nations Special Rapporteur on Romania underlined this as an issue in 2016, when they stated that authorities need to recognize officially the continuous dimension of the existing discrimination against Roma. However, the Ministry of Education answered in an official address submitted for the purpose of the present report that *"Within the Romanian educational system there are no school units made up only of students belonging to a certain ethnicity (...)".* The authorities are still working on a new monitoring methodology, for the implementation of the Order on desegregation adopted in 2016, and consider that the existence of segregation in Romania at national level cannot be declared yet. At the same time, however, according to the decisions from the National Council for Combating Discrimination and to international reports, discrimination or segregation of Roma children is still present in schools and practiced by the teaching staff in Romania. The pressure that non-Roma parents exert for schools where there are no Roma children is another issue that the system does not officially address. Regarding segregation, although in Romania work has been done for more than 10 years to develop a legislation and methodology on combating and preventing segregation, we can conclude that both schools and authorities in the field are still unprepared to act in this regard. The existing information on this phenomenon is contradictory and incomplete and shows us that, at least for the moment, there are no

viable solutions in Romania to eliminate segregation in educational establishments, but on the contrary, the authorities are delayed with the implementation of the actions assumed. There are still uncertainties and sometimes resistance regarding the collection of data on the distribution of students on ethnic criteria in classes and schools. For this reason, there are inconsistencies in the way of collecting data on ethnicity, at the level of the authorities: we can see from the responses received from 9 School Inspectorates (ISJ) that some collect data and have sent them in response to our requests. Others, however, say that it does not fall under their responsibility or that they simply do not collect this type of information. The measures adopted by the Ministry of Education to support Roma students are also partially implemented and fragmented, without having an assessment of their impact. There is a need for more involvement from the main actors (educational units, teachers, responsible authorities) and of course, a stronger and consistent financing of the programs that aim to support Roma students.

The analysis from the perspective of the three themes addressed in this chapter, namely a) representation of Roma history, traditions and culture in school curricula and textbooks, b) teacher training regarding diversity, inclusion and non-discrimination and c) segregation and exclusion of Roma children confirms that the Romanian state must strengthen its commitment to improving the education of Roma children and move from politics to action, as soon as possible.

Recommendations:

- Increasing the access for all students on information about Roma history, traditions and culture (for example: introducing these elements in school curricula for the disciplines of Romanian Language and Literature, History and civic education; addressing the elements about diversity, inclusion and non-discrimination in the homeroom hour (dirigenție) or in the Curriculum at the Decision of the Schools, which could then be included as modules in the school curricula).

- Inclusion of a human rights / inclusion specialist in the committees that elaborate the school curricula.

- Introduce a selection criterion for teachers evaluating school textbooks on experience in working with diverse and / or vulnerable communities, or on experience in the areas of diversity, inclusion and non-discrimination.

- Inclusion of information / chapters in textbooks that address the issues of diversity, inclusion and non-discrimination (including in the case of Roma children), starting from primary school, to ensure the representation of these elements in a bigger percentage than 25%.

- Introducing the Intercultural Education module as a compulsory subject in the initial training of the future teachers and including in this module elements related to the history, traditions and culture of the Roma.

- Realization of the educational Romanipen course at the level of each county by the Teachers' Associations CCD, at least once per year for as many teachers as possible.
- Facilitating the access of teachers to training courses on diversity, inclusion and non-discrimination (with emphasis on the elements of Roma culture, history and traditions) by accrediting courses offered in the field by other social actors, besides the CCD (for example, the NGOs, by simplifying their accreditation procedures as training providers).
- Continuous training of school inspectors in inclusive education, legislation and methodology regarding the prohibition of segregation and raising their awareness of reporting this phenomenon to the responsible authorities.
- Establishing a unique and compulsory model for recording ethnic data in school units. Clarify this aspect by demonstrating the importance of collecting data on certain criteria (e.g.: ethnicity, social category, disabilities, etc.).
- Centralization and analysis of data collected from schools regarding the distribution on ethnic criteria in schools, at the MEN level, annually.
- Elaboration of a system of distribution of students upon registration in the school system that eliminates the possibility of segregation on an ethnic basis (for example: computer system with random distribution in schools and classes of students, alphabetical distribution of students). This system then requires monitoring of transfers between schools / classes, which can lead to the same undesirable situation of segregation.
- Assessing the impact of public policies aimed at supporting the education of Roma children: affirmative measures, school mediation, etc.
- Assure better financing for programs such as the after-school or school mediation to obtain the indicators set out in the Government Strategy for Roma.
- Encouraging inter-ethnic interactions and promoting the values of diversity and non-discrimination in school units. In particular, regarding the discrimination of Roma children at school, it is noted the need to organize activities, campaigns on this topic, at all levels, but with priority in the process of teacher training.

Chapter 4 - LGBTI young people in the Romanian educational system

When using the acronym LGBTI we refer to lesbian, gay, bisexual, transgender, queer, intersex, and all other gender identities, sexual orientations, and sexual characteristics that vary from the heterosexual, cisgender, and non-intersex norm. Thus, we include both people born with variations in sex characteristics, people who identify with another gender than the one assigned at birth, and people who experience romantic and

sexual attractions for people of the same or more genres. When we talk about LGBTI people or when they are included in national studies on discrimination and inclusion, most of the time the point of interest is related to sexual orientation. Therefore, although we have statistics available, they do not include the entire diversity of the community, but only part of it. In Romania, the legislative framework that protects LGBTI persons against discrimination is Ordinance no. 137 of August 31, 2000, on the prevention and sanctioning of all forms of discrimination. According to article 2, "discrimination means any difference, exclusion, restriction or preference, based on race, nationality, ethnicity, language, religion, social category, beliefs, sex, sexual orientation, age, disability, chronic non-contagious disease, HIV infection, belonging to an underprivileged category, as well as any other criterion whose purpose or effect is the restriction, removal of recognition, ability to use or exercise, on equal terms, of human rights and fundamental freedoms or of the rights recognized by law, in the political, economic, social and cultural field or in any other area of public life. "

Gender identity and sex characteristics are not explicitly mentioned, however, according to the enumeration and explanation above, they can fit into "any other criteria". This legal framework is applicable to both natural and legal persons in the public or private domain. Institutions are explicitly mentioned as the recipient of this law, including those in the educational field. Although Romania received recommendations and adhered to international calls regarding the inclusion of LGBTI people in the educational context, there are currently no national action plans or policies addressing the situation of LGBTI youth in schools, bullying, and discrimination. In Romania, we have some studies that show us how non- heterosexual people are perceived, but we do not have studies with large samples that address issues related to trans or intersex people.

The results of the research available show wide lack of acceptance of LGBTI people in Romania. Only 7% of respondents to a study[18] said they would accept a person of a different sexual orientation than heterosexual to be their relative, 15% to be their friend, and 12% a co-worker. The closer LGBTI people may be to the respondents, the more they tend to reject this theoretical idea. This shows that LGBTI people are invisible in the most intimate environments such as family and group of friends, as well as in the workplace. Young people have similar attitudes as other age groups, as shown by a study[19] conducted twice already. If in 2014 53% of respondents said they consider homosexual persons unacceptable, in 2018-2018 the same study shows that 47,9% of respondents reject homosexuality.

In the European context, so far, there is no monitoring mechanism to see exactly what each country is doing to ensure that the fundamental right to education is respected.

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[18] National Council Against Discrimination, *Percepții și atitudini ale populației României față de Strategia națională de prevenire și combatere a discriminării*, 2015, Available in Romanian at https://main.components.ro/uploads/1d3a0bf8b95391b825aa56853282d5da/2016/10/Sondaj_TNS_CNCD_2015.pdf (Accessed on 10th of August 2019)

[19] Friedrich-Ebert-Stiftung România (FES), *Tineri în România. Griji, aspirații, atitudini și stil de viață*, 2014, Available in Romanian at https://library.fes.de/pdf-files/bueros/bukarest/12142.pdf (Accessed on 10th of August 2019)

There are a number of international commitments that Romania has acceded to and which outlines a general framework for promoting and respecting human rights, including the Universal Declaration of Human Rights, the Convention against Discrimination in Education or the Convention for the Rights of the Child.

Regarding specifically the discrimination of LGBTI people, over the years Romania has received several recommendations and even conditions (for example for EU accession) to meet. In recent years at European and even global level, the topic of LGBTI has become more known and understood, numerous studies have been conducted, public policies developed. European or international institutions have begun to focus more and more on the community, setting up special departments that work to create an inclusive framework, in which all people can participate in community life without fear of discrimination and exclusion on the basis of sexual orientation, gender identity, expression or sex characteristics.

Some of these recommendations are:

➢ Council of Europe, Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, 2015
➢ Council of Europe, Parliamentary Assembly, Resolution 2097 (2016) Access to school and education for all children, 2016
➢ Council of Europe: Parliamentary Assembly, Resolution 2048 (2015) Discrimination against transgender people in Europe, 2015
➢ UNESCO, Call for Action by Ministers: Inclusive and equitable Education for All learners in an environment free from discrimination and violence, 2016

They all urge countries to give specific attention to LGBTI students, ensure they are able to participate fully in the educational process, without fear of discrimination. Even though Romania adhered to them, there is no measure in place so far that shows the intention of translating them into practice.

The realities of LGBTI young people in Romania have not been studied in a consistent way so far in Romania. In the context of various recommendations from outside, technological changes and increased access to information, LGBTI youth have led invisible lives most of the time. The studies that have begun to appear in recent years on this topic in Romania have been conducted by non-governmental organizations and shed little light on how the education system in Romania manages to create (or not) a safe environment for all its students, and the difficulties with that they face during the years of studies.

The results of a research[20] done by ACCEPT Association shows that half of respondents would be bothered to have a gay colleague, believe that sex change surgery are

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[20] Asociația ACCEPT, *Un Liceu sigur pentru toți*, 2017, Available in Romanian at: http://www.acceptromania.ro/wp-content/uploads/2016/03/Un-liceu-sigur-pentru-toti-Sumarul-cercetarii.pdf (Accessed on 14th of August 2019)

condemnable, and declare that they don't have LGBTI pupils in their high school. Almost all LGBTI respondents (96%) said that the terms gay and lesbian are used pejoratively, 71% believe that LGBTI youth are not safe at school, especially emotionally, and 61% were victims or witnesses of an aggression.

In this context of lack of conversation on LGBTI matters, we decided to look at some of the visible cases when something LGBTI related happened in a school context. We saw that when teachers take initiative to talk about LGBTI matters they are rather ostracised by their peers and parents and become target of public scandals. Same thing with students: when organising events with the theme, surrounding adults in power positions try to silence them. In the same time, more and more parents are becoming visible in their efforts to make sure that schools remain a place that is free of LGBTI related content. Even though that we have many parents who have LGBTI children, these are not so visible in using their power to create change. Rather, homophobic and transphobic parents put pressure on the administration of schools to ban sexual education, diversity and inclusion topics, especially gender and sexuality related issues. These efforts went to the extent of stopping the National Parenting Strategy due to the fact that it included mentions of them, basing their arguments on the fact that Romania has a traditional view on family and society issues.

According to the ACCEPT study mentioned above, "Only 25% of students say that teachers sometimes (rarely) talk about sexuality and sexual orientation. The classes that discuss sexuality are psychology, coordination class, biology or religion. Most of the times when students describe how they talk about sexuality and sexual orientation, they mention the negative attitudes of teachers. Also, many students also mention the embarrassment or embarrassment they feel from their teachers when it comes to sexuality. " In the context of excessive bureaucracy and the fear of addressing issues that may be considered controversial, the inclusion of LGBTI topics in the classroom is rather an exception, which often depends on the willingness and interest of the teaching teacher.

In order to analyse the inclusion of LGBTI themes in the classroom we analysed a series of textbooks on the website of the Ministry of National Education, and we tried to identify if the topic is included, in what context and with what connotation. We especially looked at the disciplines in the social field but also at the history, Romanian or biology textbooks for the V-XII classes. Health education is the only discipline, which is also optional, where sexual orientation is mentioned in the school syllabus, for the high school level. Amongst other disciplines, when checking their manuals, we discovered very few that mention sexual orientation: Social education (6th grade), Sociology (11th grade), Social Studies (12th grade), and Human Rights optional discipline (10th grade). The school textbooks reviewed for this study do not contain comprehensive information on LGBTI issues, even though the National Centre for Evaluation and Examination, who

deals with school textbooks, states that "the draft textbook respects the principles of equity, diversity, inclusion and non-discrimination, regardless of race, nationality, ethnicity, language, religion, social category, beliefs, sexual orientation, age, disability, chronic non-contagious disease, HIV infection, belonging to a disadvantaged category ", this aspect being a criterion being an eliminatory one. This shows us that although written policies have an intention of non-discrimination, in practice this is achieved by omitting LGBTI issues rather than by actively promoting those principles. Indeed, with one exception, the textbooks have a neutral tone on sexual orientation and do not mention the other identities within the LGBTI community. Inclusion through generalization and without going into particulars is rather the strategy addressed both in the curriculum and in the textbooks. The fact that the textbooks do not speak negatively about LGBTI people does not necessarily mean inclusion, but rather perpetuates the silence and stigma around this topic.

According to a research by the organisation MozaiQ[21], 80.3% of the students at least once heard homophobic remarks from teachers or non-teaching staff. However, the County School Inspectorates that responded to our requests for information for this study state that there have been no complaints against teachers regarding discrimination. Neither the National Council against Discrimination has registered any complaint of discrimination against LGBTI persons in the educational field. This is not surprising considering that, from the same research, we find that only 35.6% of LGBTI students who have been harassed or assaulted in the last year, in the school context, because of their identity have reported the incidents. For those who have never reported, the main reason was the belief that school staff would not intervene (59.6%), and 50.0% feared that the staff would dishonour their family. Of those who reported the incidents, only 40.0% said the staff response was effective in resolving the conflict. Only 10% of the respondents said that they have at least 6 people who are friendly and 63.1% say that the school administration does not support them. Students would feel most comfortable talking to school counsellors and least comfortable talking to security staff, but 57.7% never did.

These data show us on the one hand that teachers are not prepared to deal with issues of sexual orientation, gender identity / expression and sexual characteristics, but also that their degree of confidence in helping in cases of discrimination and violence is a low one. Given that the family environment is often homophobic and transphobic, teachers could be supportive of students who discover their identity or are targeted for bullying and aggression by their peers. Spending half of their time in school, young people need this environment to be a safe one, in which they feel comfortable in order to focus on the educational process. No wonder, according to the MozaiQ study, "Students who felt victimized are 1.5 times more likely to face depression, twice as likely to quit school to avoid harassment, have school results and aspirations lower educational levels. "This

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[21] The research was not published at the moment of this study (august 2019). We had access to the data through an interview we conducted with Alexandru Palas, member of MozaiQ and person who was in charge with the study.

phenomenon called" minority stress "has been studied over the years and even theorized by sociologists such as Meyer (2003) who analysed the conflict between minority experience and dominant values in a society, respectively its results, in especially the unique stressors that LGBTI people face because of prejudice and discrimination. The experience of rejection from others and living in homophobic and transphobic contexts can lead to the development of mental or physical health problems, homophobia and internalized transphobia and various mechanisms to deal with adversity.

Right now, the Ministry of Education does not provide information and tools to deal with LGBTI students in the psycho-pedagogical module that all teachers have to follow in order to be accredited. The only available courses that teachers can take where LGBTI issues are at least mentioned were identified at the Teacher Training Centres of some counties in Romania. These, however, have to be paid by teachers, and include the theme superficially, mostly only mentioning it in the bigger context of interculturality or diversity.

Studying how LGBTI young people can fully exercise their right to education without discrimination raised more questions than finding best practices. In 2019, LGBTI youth are not recognized as a target group for discrimination and bullying which requires special attention from the education system. According to international and national research, we can see that the situation of LGBTI youth is extremely difficult, being subjected to violence, discrimination, and intimidation by colleagues and even by teachers and non-teaching staff. School staff is not prepared to identify and support LGBTI youth. The school curriculum does not include in any discipline complex information on LGBTI issues, most often it is only mentioned among other criteria without going into details, and it is left to the teacher's choice the way it is approached. The few teachers we know who have tackled this issue are subject to public outrage and even subject to sanctions.

In order to create non-discriminatory, inclusive school environments for LGBTI youth in Romania, it is necessary to:

- **Apply the anti-discrimination legislation** at the level of each school institution and explicitly include the LGBTI criterion. It is also imperative to promote this legislation among students and school staff, as well as the **means of reporting incidents and repercussions following the act of discrimination** so that it can be seen that the institution seriously addresses homophobic and transphobic discrimination;
- Develop **inclusive school policies based on the needs of LGBTI students in Romania**, paying attention to their specific needs, which may include, but not limited to: the freedom of each student to express their identity without normative constraints, to use the desired name and pronoun in accordance with

gender identity, to use the gendered spaces (toilet, changing room, etc.) in accordance with the gender with which each student identifies.

- **Consult and involve students in the process of creating policies** regarding the inclusion of various social categories. Thus, all voices and needs will be included, and the commitment to follow these policies will be higher;
- **Collect data** on bullying, discrimination, and violence based on the criterion of sexual orientation, gender identity/expression, and sex characteristics;
- Carry out **campaigns to raise awareness** of pupils, students and school personnel regarding discrimination, intimidation and violence against LGBTI persons;
- Provide **initial and ongoing training for teachers and relevant non-teaching staff** on sexual orientation, gender identity/expression and sex characteristics. It is important for teachers to understand and be prepared to address these issues with students when needed. They need to have access to information as well as to question their own prejudices, in order not to pass them on to students;
- **Include information about LGBTI persons in the curricula of relevant disciplines**. This can be achieved either by mentioning the sexual orientation of authors, historical figures or scientists, or by debating issues regarding homophobia, transphobia or simply the diversity of identities in social disciplines. In biology, the situation of intersex people can be addressed, in a non-pathological way, to show young people the diversity of human biology that exists outside of the binary. In sociology or statistics, the importance of collecting gender in questionnaires can be questioned, and whether the two options offered currently is the best solution or not. Critical thinking and information from scientific sources can be used to help students form their own views on the subject, and LGBTI students to feel represented in the curriculum.
- Facilitate **safer spaces for LGBTI students**. This can take the form of discussion clubs, support groups, but also by facilitating access to psychological staff prepared to address the situations of homophobia and transphobia that students go through.

Chapter 5 - Good practices and resources in education from a non-discriminatory perspective

One of the conclusions, but also a request expressed by the educational practitioners in Romania repeatedly in the activities and projects organized by the Centre of Legal Resources is the need to get more knowledge about best practices, tools and pilot projects which have proven efficient and which can be implemented (and, when appropriate, with adaptation to the local or national context) in Romania.

The listing of good practices and resources in this chapter is not exhaustive. It is based on a desktop documentation, as well as on the answers received to our requests

addressed to educational institutions in Romania, as well as from other countries. We consider that it is just a small beginning of collecting good practices and tools that can be used for a human rights education. The resources identified are the following:

- ➢ Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practice, Council of Europe, OSCE/ODIHR, UNESCO, OHCHR, 2009, available online at https://www.ohchr.org/Documents/Publications/CompendiumHRE.pdf.

- ➢ Best Practice Catalogue. Discrimination Free Schools, Institute for Menneskerettigheder (Danish Institute for Human Rights), available online at http://www.educatiefaradiscriminare.ro/wp-content/uploads/2016/06/Best-Practice-Catalogue-120111-ENG.pdf.

- ➢ Compendium of practice on Non-Discrimination / Equality Mainstreaming, European Union, 2011, available online at https://op.europa.eu/en/publication-detail/-/publication/1c934780-2913-4061-a2be-7a86a33279c6.

- ➢ UNICEF, UNESCO (2007), A Human Rights-Based Approach to Education, A framework for the realization of children's right to education and rights within education, available online at www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_All.pdf

- ➢ How to become a school that promotes human rights? A guide for schools around the world, developed Amnesty International as part of a project that starts with the question "Why is education of human rights for schools important?", available online at https://www.amnesty.org/download/Documents/24000/pol320012012eng.pdf

- ➢ British Council - resources for teachers and students, "Together - Education for democratic citizenship, a human rights manual for high school", available online at http://www.educatiefaradiscriminare.ro/wp-content/uploads/2016/09/Impreuna-varianta-romana.pdf.

- ➢ From segregation to inclusion: Roma students in the United Kingdom. A Pilot Research Project, available online at https://www.romaeducationfund.org/wp-content/uploads/2019/05/ref_uk_report_nov2011_screen_singlepages.pdf.

- ➢ Denmark – the educational system: examples of promotion and assurance of democracy, inclusion, equality and human rights education, resources available online at https://ufm.dk/en/publications/2016/the-danish-education-system; https://www.uvm.dk/folkeskolen/laering-og-laeringsmiljoe/inklusion/bag-om-inklusion and

https://www.uvm.dk/folkeskolen/laering-og-laeringsmiljoe/inklusion/regler-om-inklusion (the last two, only in Danish).

➢ United States of America, a collection of policy recommendations in the field of non-discrimination, as well as presentations on resolving discrimination cases, available online at https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/protectingstudents.html.

➢ Canada, a selection of age-appropriate lesson plans and resources on how to teach children's rights, available online at https://www.unicef.ca/sites/default/files/legacy/imce_uploads/teaching_about_childrens_rights_en_2.pdf.

➢ Media Smarts http://mediasmarts.ca/

➢ The Mighty Girl http://www.amightygirl.com/

➢ Teaching Tolerance http://www.tolerance.org/

Plan of measures for the inclusion of non-discrimination in the educational system of Romania

School curricula and textbooks

Proposed measures
➢ Including human rights/inclusion specialists as members of the commissions which elaborate the school curricula.
➢ Revising the current school curricula for middle school and elaborate the new high-school curricula as per the principles of human rights.
➢ Revising all the current textbooks. Withdraw from the list of approved textbooks the ones that contain discriminatory elements, regardless of the criteria based on which discrimination happens.
➢ Changing the process of approving the textbooks, so as to provide a guarantee for a textbook content according to a non-discriminatory and inclusive education. In this regard, it is possible to ensure the inclusion of a non-discrimination expert and psycho-pedagogues in the composition of the committees that approve them and / or to create a grid of evaluation of the textbooks from the point of view of the non-discrimination aspects. Alternatively or concomitantly, a collaboration with CNCD - the National Council for Combating Discrimination and ANES - the National Agency for Gender Equality between Men and Women can be explored, for approving the content of the textbooks.
➢ Include in the trainings organized for the persons responsible with evaluating the textbooks a specific component on non-discrimination, with a focus on the most

vulnerable groups from the educational system.
➢ Including in the textbooks for diverse disciplines, a series of case studies/ lessons/ practical activities/ personalities as role-models which reflect the diversity and the componence of a classroom of students, respectively women, ethnic minorities, religious minorities, sexual minorities, etc.
➢ The explicit inclusion of topics that address discrimination on gender, race, ethnicity, on the criterion of disability, sexual orientation and gender identity, etc., in several disciplines (the area Human and society is the most bidding from this point of view, but it is not exclusive), but especially in the Social Education discipline.
➢ Rethinking the discipline of Intercultural Education as Human Rights Education.

Initial and continuous training for the teaching staff

Proposed measures
➢ Updating the school curricula for the psycho-pedagogical module (OMECTS 5745/13.09.2012 regarding the approval of the Methodology for organising the training curricula for psycho-pedagogues in regard to obtaining the certification of competencies for the teaching profession) by the Ministry of Education in conformity with the current reality and accordingly with the principles of inclusive education.
➢ Increasing the number of hours allocated to the psycho-pedagogical module and allocating a fair budget for the departments in charge of the professional training of the teaching staff, at the level of each university.
➢ Increasing the number of hours for the pedagogical practice of students who follow the psycho-pedagogical module and including in it, as a rule, practice in schools with a diverse population (Roma children, children with special educational needs, etc.). Developing the practice system (including, financially) so that it allows assuming in a real manner the role of mentors by teachers which have students in practice in their classes/hours.
➢ Diversification of the training offer from the Teachers' Training Centres regarding the courses on non-discrimination and, specifically, non-discrimination of the most vulnerable groups. Including follow-up activities to evaluate how the teachers apply in the classroom the knowledge/abilities accumulated.
➢ Ensuring access to free training courses on the topic of working with children from vulnerable communities or identifying resources within the school to finance these costs, in order to increase the number of teaching staff who participate in this type of training.
➢ Granting credits for the training courses on non-discrimination and inclusion organised by non-governmental organizations, in order to attract more teachers to participate.
➢ Attracting and training trainers from the Teachers' Training Centres on subjects that relate to inclusion and non-discrimination and offer them an adequate payment. Consequently, developing a network of resources of qualified trainers on the topics of non-discrimination and/or specifically on gender equality, LGBTI, etc. Alternatively,

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externalizing the training activities temporarily until this resource is developed.
➢ Establishing, strengthening or extending the collaboration with non-governmental organizations and independent experts to support training courses on non-discrimination or specific topics: gender equality, equal access to education for children belonging to ethnic, religious, sexual minorities, etc.
➢ Establishing a constant collaborative relationship with the institutions of the CNCD - the National Council for Combating Discrimination and ANES - the National Agency for Equal Opportunities between Women and Men for supporting the continuous training of the teaching staff.
➢ Modification of the methodology and criteria regarding the process of accumulating merits to the teaching staff in pre-university education in order to enhance the effort of the teachers to create inclusive schools, existing efforts and to stimulate all the teachers in this direction.
➢ Including topics regarding non-discrimination and inclusion, diversity management in the admission examinations, evaluation, promotion and tenure of teachers. The same recommendation may also apply to school inspector posts.

Preventing and combating discrimination in school

Proposed measures
➢ Introducing in schools regulations an article on inclusive education (which implies, how we can ensure it, how we can evaluate it) and non-discrimination. Similarly, the inclusion of these provisions in the university charter.
➢ Collecting data on discrimination of children in school on all discrimination criteria (ethnicity, gender, disability, socio-economic status, sexual orientation, mother tongue, etc.) in order to prevent or intervene in cases of discrimination and to protect children from vulnerable groups. Establishing and implementing a standardized methodology and / or measuring instruments in this regard.
➢ Establishing and applying procedures for identifying, reporting and sanctioning cases of discrimination in school, which take into account, at the same time, the safety and protection of those who report. Ensuring the possibility of submitting these reports at county, as well as at national level.
➢ Informing everyone, at the beginning of the school year (teaching and non-teaching staff, students, parents) about regulations regarding non-discrimination (including segregation), and about possible ways of reporting, combating, solving and/or sanctions applied at the school or inspectorate level.
➢ Severe sanctioning of cases where school segregation and discrimination is found. Presenting these cases publicly, while respecting data confidentiality and ensuring protection of the vulnerable, at the level of the school, of the county and nationally.
➢ Implementing models of good practices already established in some of the schools that have used these methods to prevent forming segregated schools.

➢ Adopting the legislative modification introduced by the Romanian Agency for Quality Assurance in Pre-academic Education (ARACIP) regarding the approval of the provisional operating authorization standards, accreditation standards, reference standards and performance indicators for the evaluation and quality assurance in pre-university education. These include specifically the assessment of how the educational institution ensures and improves, as one of the ten essential aspects, "Combating discrimination, ensuring the rights of minorities and interculturality of school life". Specific accreditation or reference standards are provided regarding human rights and the rights of the child, the principles of non-discrimination and equal opportunities and gender.
➢ Establishing partnerships with independent experts and/or non-governmental organizations with the aim of realizing external evaluations of the schools from the perspective of the capacity and needs to achieve an inclusive and non-discriminatory education.
➢ Create a database with tools, materials, inclusive education and human rights activities developed and piloted in Romania, but also in other countries, as a resource for teachers throughout the country. These materials should be accompanied by contact details of the authors / NGOs / institutions that have developed and piloted them. The database should also include case studies, a presentation of discrimination and its effects.
➢ Developing methodologies (where none exist) and evaluating existing and not yet evaluated public policies, such as the affirmative measures in education for Roma children and establishing subsequent intervention according to the evaluation results.
➢ Constant monitoring and, subsequently, evaluating the impact of each measure / policy implemented after a period of 4-5 years and their revision according to the results.
➢ Reintroducing for public consultation the strategy on parental education and adopting this strategy. Involving all parents in establishing a non-discriminatory educational system which promotes inclusive education, as this is essential and represents a support to the school in realizing this process.
➢ Establishing, where it is possible, additional centres of the school with the role of informing children and parents about non-discrimination and rights.