



# EQUALITY TALKS

First Edition: Inclusive Education

03 July 2024  
EVENT REPORT

Skopje, 2024



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the European Union



# EQUALITY TALKS

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# EQUALITY TALKS

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# EQUALITY TALKS

## About the “Equality Talks”

The Commission for Prevention and Protection against Discrimination (CPPD) is the national equality body established by the Law on Prevention and Protection against Discrimination (LPPD) of 2020. According to the competences established in this law, the CPPD can issue recommendations in its annual reports, adopt opinions, as well as issue general recommendations. Due to the nature of its mandate and the prevalence of discrimination in practice, the CPPD sometimes has to formulate these recommendations in a more general way in order to emphasize the existence of larger, systemic or structural issues.

In order to increase the effectiveness of the CPPD, the implementation of all its recommendations, the awareness of the recommendations, as well as an improved understanding of their full meaning, including the major systemic and/or structural nature of some of the recommendations, need to be discussed. For this purpose, the CPPD starts organising an annual event "Equality Talks", which will serve as a platform for conversations and defining a specific path and/or plan of activities aimed at implementing in practice the more generally formulated recommendations that refer to complex, i.e., larger, systemic or structural issues.

The expectation is that this event will grow into a traditional annual and flagship event through which the CPPD will be recognized and open a forum for national dialogue on key challenges related to equality and non-discrimination. The project "EU Support for Rule of Law" will support these events during the entire project duration, that is, from 2024 to 2026, as well as activities aimed at securing funds for continuing the event after the end of the project.

## Expected outcome

The main purpose of this event is to serve as an open forum for broad dialogue on key, systemic, challenges related to equality and non-discrimination.

Immediate results and outputs:

- Strengthened dialogue of various actors and stakeholders on larger, systemic or structural issues.
- A written event report containing a summary of the discussions.
- A written overview of proposed future steps and activities leading to systemic changes, linked to indicators in order to provide a better ground for monitoring the implementation of recommendations.

# EQUALITY TALKS

## Organisers

- Commission for Prevention and Protection against Discrimination
- Project "EU Support for Rule of Law" funded by the European Union, implemented by Ludwig Boltzmann Gesellschaft - Institute of Fundamental and Human Rights

## Participants

| #   | Name and surname      | Affiliation   |
|-----|-----------------------|---|
| 1.  | Ana Poprizova         | Panellist, Member of the Active of professional services of secondary schools of the city of Skopje |
| 2.  | Ana Ugrova            | Commission for Prevention and Protection against Discrimination                                     |
| 3.  | Arabela Iljaz         | Panellist, Ministry of Education and Science  |
| 4.  | Ardita Vejseli        | European Policy Institute (EPI)   |
| 5.  | Ashmet Elezovski      | National Roma Centre  |
| 6.  | Barbara Liegl         | Project "EU Support for Rule of Law"  |
| 7.  | Beba Zhagar           | European Policy Institute (EPI)   |
| 8.  | Biljana Kotevska      | Project "EU Support for Rule of Law"  |
| 9.  | Blagica Dimitrovska   | Association "Inkluziva"   |
| 10. | Bore Pucoski          | UNICEF  |
| 11. | Vesna Kostic Ivanovic | Ombudsperson  |
| 12. | Dana Bishkoska        | Panellist, Ministry of Education and Science  |
| 13. | Dragana Drndarevska   | Commission for Prevention and Protection against Discrimination                                     |
| 14. | Dragana Karovska      | HERA - Health Education and Research Association  |
| 15. | Gjulten Mustafovska   | Council of Europe, Program for Roma and Travellers  |
| 16. | Eva Spasevska         | HERA - Health Education and Research Association  |
| 17. | Edvin Memedov         | KHAM Delchevo   |
| 18. | Elena Kochoska        | Panellist, expert on equality and non-discrimination in education on the ground of disability       |
| 19. | Elena Mistic          | Foundation "Step by Step"   |
| 20. | Emilia Papadimitrov   | Commission for Prevention and Protection against Discrimination                                     |
| 21. | Zhaneta Poposka       | OSCE - Mission to Skopje  |

# EQUALITY TALKS

| #   | Name and surname                  | Affiliation  |
|-----|-----------------------------------|--|
| 22. | Zekir Abdulov                     | Commission for Prevention and Protection against Discrimination                                      |
| 23. | Zoran Vasilevski                  | Helsinki Committee for Human Rights  |
| 24. | Igor Jadrovski                    | Commission for Prevention and Protection against Discrimination                                      |
| 25. | Irena Cvetkovic                   | Panellist, Coalition Margins   |
| 26. | Jasna Ercegovic                   | Resource Centre  |
| 27. | Jasna Shoptrajanova Vrteva        | Translator   |
| 28. | Iustina Ionescu                   | International expert   |
| 29. | Clementina Dobrevska              | The first children's embassy in the world - MEGJASHI   |
| 30. | Kristina Vesikj                   | Project "EU Support for Rule of Law"   |
| 31. | Kristina Doda                     | Institute for Human Rights   |
| 32. | Lilla Farkas                      | International expert   |
| 33. | Lina Kjostarova Unkovska          | Panellist, researcher and activist for the rights of the invisible, marginalised, children and youth |
| 34. | Loreta Andreevska                 | Primary school with resource centre "Idnina" Skopje  |
| 35. | Mabera Kamberi                    | Panellist, Ministry of Labour and Social Policy  |
| 36. | Maja Gacoska                      | Republic Center for Support of Persons with Intellectual Disabilities - PORAKA                       |
| 37. | Margarita Gulevska                | Association for Assistive Technology "Open the Windows"  |
| 38. | Maria Deletic                     | Primary school with resource centre "Dr. Zlatan Sremec" Skopje                                       |
| 39. | Meri Bakalova                     | Project "EU Support for Rule of Law"   |
| 40. | Merita Mustafi                    | Ministry of Education and Science  |
| 41. | Nada Dimitrievska                 | Centre for Change Management   |
| 42. | Natalia Cingarska                 | Translator   |
| 43. | Natalia Spasovska                 | GIZ - German Agency for International Cooperation  |
| 44. | Natasha Boshkova                  | Project "EU Support for Rule of Law"   |
| 45. | Nahida Zekirova                   | Ministry of Labour and Social Policy   |
| 46. | Ognen Spasovski                   | Panellist, expert on inclusive education   |
| 47. | Sanja Jancheva                    | Ministry of Education and Science  |
| 48. | Sevgi Idriz Muratoglu             | Commission for Prevention and Protection against Discrimination                                      |
| 49. | Snezhana Mirchevska - Damjanovska | UNDP   |

# EQUALITY TALKS

| #   | Name and surname | Affiliation   |
|-----|------------------|---|
| 50. | Tanja Krstevska  | Ministry of Labour and Social Policy                            |
| 51. | Tanja Mijovska   | Project "EU Support for Rule of Law"                            |
| 52. | Tina Miteva      | GIZ - German Agency for International Cooperation               |
| 53. | Flora Kadriu     | Commission for Prevention and Protection against Discrimination |



# EQUALITY TALKS

## Presentations and discussions

### Welcome addresses

**Igor Jadrovski**, President, Commission for Prevention and Protection against Discrimination

**Vesna Janevska**, Minister, Ministry of Education and Science

**Barbara Liegl**, Leader of component “Fundamental and Human Rights”, project “EU Support for Rule of Law”

### Igor Jadrovski

Education is one of the key strategic areas of the Commission for Prevention and Protection against Discrimination. Only through inclusive and quality education can we prevent the creation of stereotypes and prejudices from an early age and work on building an equal and fairer society, free from discrimination.

Through the previous work of the Commission for Prevention and Protection against Discrimination, several serious systemic problems and discriminatory practices in primary and secondary education have been detected. The judgment of the ECtHR in the case of *Elmazova and others v Republic of North Macedonia*, in which the Court refers to the Commission's opinion, best demonstrates the still existing systemic segregation of Roma students in primary education. The segregation, discrimination and harassment of the student with Down syndrome in the primary school in Gostivar strongly emphasises the need for promotion and improvement of inclusive education in primary schools. The lack of educational assistants in secondary schools for students with particular educational needs indicates an urgent need for amendments and additions to the legal framework. The latest case of bullying, discrimination, harassment and victimisation based on the sexual orientation of a student in a high school in Veles indicates the need for prevention of discrimination in high schools and sensitisation of teaching and technical staff in schools.

I sincerely hope that with the new minister we will improve the cooperation between the Commission for Prevention and Protection against Discrimination and the Ministry of Education, which until now, unfortunately, is not at a notable level. The Ministry has a partner in the Commission for the implementation of systemic changes in terms of prevention and protection against discrimination and promotion of the principle of equality in education. For this purpose, we stand ready to support you and we expect to be included in the existing working groups for the most strategic laws in the field of education, such as the Law on Primary Education, the Law on Secondary Education and the Law on Textbooks for Primary and Secondary Education.

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Only with joint forces and inter-institutional cooperation can we create a more equal and inclusive society for future generations.

## Vesna Janevska

Respected Audience,

Let me thank you for the invitation to discuss the sensitive topic of inclusive education together. I can confirm that the Ministry of Education and Science under my leadership will work to promote inclusive education. It is a program the new Government is determined to implement, and I will personally advocate that children with special educational needs are not identified with their diagnosis, but with the potentials that they have developed with the help of education.

We all here understand the complexity of inclusive education. Therefore, gradually, but with serious commitment and teamwork, based on a complete understanding of the functioning of inclusive education, we will achieve concrete solutions, of which the public will be informed transparently and promptly. In this process, our first partner will be the parents, who in the past period, on every occasion, clearly said that they do not expect pity from the state, but concrete support to ensure progress of their children. The policies that turned education from an opportunity into an obstacle for the progress of these children must not continue. That is why we will include the practitioners – the teachers, the professional services, the educational assistants, as well as the specialised institutes, and all together we can build a higher quality inclusive education.

The Ministry of Education and Science does not have an unlimited budget, but we will still increase the number of educational assistants. I can announce that we will improve secondary education for students with disabilities, students with complex needs will develop life skills, will be employed and will be trained for work according to their abilities and preferences.

In order to increase the inclusion of other students in vulnerable situations – Roma children, we will continue and increase support for them by providing a greater number of educational mediators as well as student scholarships.

Honoured Guests,

I would like to point to another challenge – as a society we need a more inclusive culture. Several examples that resonated in the past clearly demonstrated this. Unfortunately, such a change cannot be made overnight. That is why I invite you as a Commission, as well as everyone who would like to see positive changes, to be a part of them, to invest in the changes they want to see. We as a Ministry, and I as a Minister, promise to work hard for the dignity and well-being of children and people with special needs.

Thank you.

# EQUALITY TALKS

## Barbara Liegl

Good morning! I am welcoming all of you on behalf of the project EU Support for Rule of Law, which is funded by the European Union and implemented by the Ludwig Boltzmann Institute of Fundamental and Human Rights. My name is Barbara Liegl, I am the leader of the component working on fundamental and human rights within the project. The CPPD is one of four beneficiaries in our component.

The CPPD is a key human rights stakeholder in this country. Although the CPPD is still a young institution, it has achieved greater visibility and acceptance among citizens. This is proven by the increase in the number of cases reported to the CPPD in 2023. The CPPD makes most valuable contributions to remedying human rights violations of people who have experienced discrimination and makes visible systemic deficiencies in policy areas impacting citizens in very vulnerable situations.

The European Union has re-emphasized its devotion to promoting the assistance offered to victims of discrimination and to strengthening the enforcement of equal treatment laws by putting into force two EU Directives on Standards of Equality Bodies on May 29th, 2024. These directives strengthen the role of equality bodies as promoters of equal treatment, as supporters of victims of discrimination in gaining access to justice and as change agents to overcome systemic discrimination.

The CPPD is an equality body and has been active in enforcing the Law on Prevention and Protection against Discrimination and we are very happy that we can support the CPPD in further strengthening its capacity in issuing general recommendations. Recommendations that are well received by their addressees and quickly and effectively implemented will further bolster the reputation of the CPPD. A high success rate in the implementation of recommendations will also strengthen the preventive part of the mandate of the CPPD.

Today we are going to talk about inclusive education and how CPPD's recommendations can support a systemic change towards an inclusive educational system, which would not only guarantee the right to non-discrimination of all children but also their right to quality education.

We, the EU Support for Rule of Law project, are happy to support the CPPD with the first edition of the Equality Talks and to be part of kicking off a series of events that will hopefully grow into a tradition the interested public will wait for each year.

I would like to thank the CPPD for the good cooperation not only in organizing this event but throughout the project. I am very much looking forward to the expertise that will be shared and the discussions taking place during the first edition of the Equality Talks. I am wishing all of you a successful event and the CPPD success with its work, so that its reputation continues to grow.

# EQUALITY TALKS

## Inclusive education in European law and practice

**Key note speaker:** Lilla Farkas, international expert on inclusive education and equality and non-discrimination in international law

**Moderator:** Biljana Kotevska, gender equality expert, project „EU Support for Rule of Law“

## Lilla Farkas

The keynote speaker of the first edition of the “Equality Talks”, Lilla Farkas, focused on legal standards and practices from international and European law on inclusive education with a focus on equality and non-discrimination, covering hard and soft law stipulated by the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe, as well as the European Union. She presented the findings of the latest, as yet unpublished, study by the Council of Europe on Inclusive Schools. In the following, we include her presentation in its entirety.



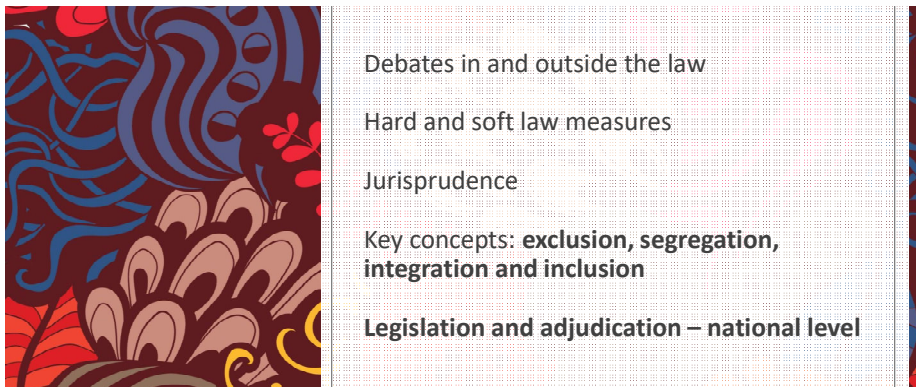
# EQUALITY TALKS



## EQUALITY TALKS INCLUSIVE EDUCATION:

ETHNICITY, DISABILITY AND SOCIO-ECONOMIC  
CONDITIONS

Lilla Farkas, farkas.lilla@tatk.elte.hu



Debates in and outside the law

Hard and soft law measures

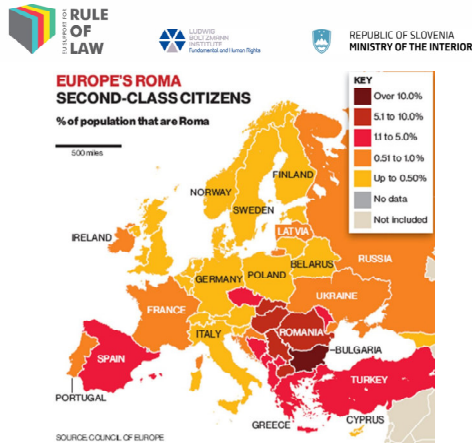
Jurisprudence

Key concepts: **exclusion, segregation,  
integration and inclusion**

**Legislation and adjudication – national level**



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REPUBLIC OF CROATIA  
Ministry of Justice and Public Administration

CILC  
Civil Liberties Centre

## The Roma: Europe's 'pariah' group

Extreme poverty and social marginalisation

Ethnic minority traditions: language and way of life (nomads?)

Racialisation: „in the eyes of the beholder“

REPUBLIC OF SLOVENIA  
MINISTRY OF THE INTERIOR

REPUBLIC OF CROATIA  
Ministry of Justice and Public Administration

CILC  
Civil Liberties Centre



**INCLUSIVE SCHOOLS  
MAKING A DIFFERENCE  
FOR ROMA CHILDREN**

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## Latest publication

MAPPING STUDY

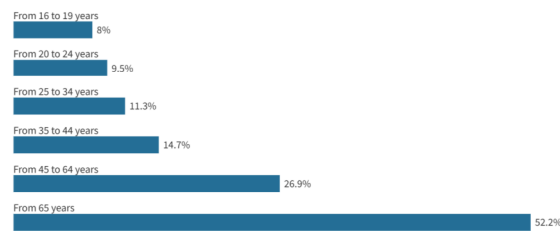
SCHOOL SEGREGATION OF ROMA COMMUNITIES: TRENDS AND PATHWAYS TOWARDS EDUCATIONAL INCLUSION

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## The older you get, the more likely to have a disability

This graph shows the share of people with disabilities by age group in 2022.



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## Learners with disabilities

The rate of early school-leaving is double for people with a disability compared to non-disabled people. Many young people with a disability attend special schools and have difficulties accessing mainstream education and training: only 29% obtain a tertiary degree (post-secondary education) compared with 44% of people without disabilities.



legal – human rights:

- dignity and equality
- social rights
- children's rights: child's best interest
- minority rights: multiculturalism/inclusion

moral:

- democracy
- capabilities (Sen)

economic:

- access to labour market
- cost-benefit



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## Debate and arguments

Education in Europe is an obligation as well as a right.

It is unlawful to oblige children to suffer discrimination in school

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## UN

- CADE, ICERD,
- ICESCR (4A scheme), CRC,
- CRPD

## CoE

- ECHR, ESC
- FCNM

## OSCE: recommendations

## EU

- CFREU
- RED, EED (vocational and tertiary edu)

## INCOHERENT international standards

- Hard and soft law measures, including treaty bodies' general comments
- Most detailed regulation concerning equal treatment in education: CADE, CRPD
- **Non-discrimination as negative duty** (racial or ethnic origin) v **positive duty** (disability)



## Non-discrimination as positive duty: CRPD Article 24.1

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an **inclusive education system** at all levels and lifelong learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.





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## CRPD Article 24.2

2. In realizing this right, States Parties shall ensure that:

- a) Persons with disabilities are **not excluded from the general education system** on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c) **Reasonable accommodation** of the individual's requirements is provided;
- d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.



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## CRPD Article 24.3

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered **in the most appropriate languages and modes** and means of communication for the individual, and in environments which maximize academic and social development



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## CRPD Article 24.4 & 5

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to **access** general tertiary education, vocational training, adult education and lifelong learning **without discrimination** and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.



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## Key concepts I: CRPD GC No. 4 (2016) on the right to inclusive education, point 11.

The Committee highlights the importance of recognizing the **differences between exclusion, segregation, integration and inclusion**. Exclusion occurs when students are directly or indirectly prevented from or denied access to education in any form. **Segregation** occurs when the education of students with disabilities is provided in separate environments designed or used to respond to a particular impairment or to various impairments, **in isolation from students without disabilities**. **Integration is the process of placing persons with disabilities in existing mainstream educational institutions with the understanding that they can adjust to the standardized requirements of such institutions**. **Inclusion involves a process of systemic reform** embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and the environment that best corresponds to their requirements and preferences. **Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organization, curriculum and teaching and learning strategies, does not constitute inclusion**. Furthermore, **integration does not automatically guarantee the transition from segregation to inclusion**.



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## Key concepts II: reasonable accommodation, CRPD GC No. 4, point 30.

There is no “one size fits all” formula to reasonable accommodation, as different students with the same impairment may require different accommodations. Accommodations may include: changing the location of a class; providing different forms of in-class communication; enlarging print, materials and/or subjects in signs, or providing handouts in an alternative format; and providing students with a note taker or a language interpreter or allowing students to use assistive technology in learning and assessment situations. Provision of non-material accommodations, such as allowing a student more time, reducing levels of background noise (sensitivity to sensory overload), using alternative evaluation methods and replacing an element of the curriculum with an alternative must also be considered.



## Positive duty approach

1. Prohibit segregation and other types of discrimination
2. Include key concepts in legislation
3. Define key concepts in legislation or soft law measures
4. Set out narrow or no exception/justification for segregation and other types of discrimination
5. Set out effective remedies in legislation by requiring
  - Systemic reform
  - Reasonable accommodation for subgroups within the minority and individuals
  - More than formalistic changes that burden only the minority individual



# EQUALITY TALKS



## Let's

see the shortcomings of the negative duty approach

and

figure out how best to regulate and adjudicate cases concerning inclusive education on the grounds of racial or ethnic origin

because

the opportunities will narrow after EU accession.



## Prohibiting racial or ethnic segregation

Explicit prohibition in UN treaties:

UNESCO Convention Against Discrimination in Education Articles 1,2,5

ICERD Article 1,2,3

CERD GR No XIX: spontaneous segregation must also be dismantled by states

No explicit prohibition of segregation in ECHR, EU law

ECHR: (indirect) discrimination: Art 14 in conjunction with Art 2 Prot 1/Prot 12

CJEU: RED Art 2.2.b) Commission v Slovakia – indirect discrimination claim



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## CADE – invoked by Czech Supreme Court, 2022

Article 1 CADE defines discrimination as “any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular: [...] , of establishing or maintaining separate educational systems or institutions for persons or groups of persons.” Article 2(b) CADE states that the “establishment or maintenance, for *religious or linguistic reasons*, of separate educational systems or institutions offering an education which is in *keeping with the wishes* of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is *optional* and if the education provided *conforms to such standards* as may be laid down or approved by the competent authorities, in particular for education of the same level” (emphasis added to key elements) shall not be deemed to constitute discrimination. Article 5(1)(c) CADE further stipulates that separate minority (language) education is lawful as long as it ensures the meaningful participation of minority parents, equal quality of education and is optional in nature. CADE equally applies to privately or publicly funded religious schools.



## ICERD

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965) prohibits segregation in education without exceptions in Article 3: ‘States Parties particularly condemn racial segregation [...] and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.’ This categorical prohibition extends to so-called spontaneous, non-coercive, or forcible segregation resulting from the actions of public authorities or private individuals in the form of white flight, residential segregation, or other processes. In General Recommendation No. XIX the Committee on the Elimination of All Forms of Racial Discrimination held that racial segregation is unlawful even if public authorities and schools are not involved in these processes.



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## ECHR

Article 14 contains a general principle of equal treatment, and the Strasbourg Court interprets this provision on the basis of the Aristotelian formula, according to which likes should be treated alike, while unlike should be treated unlike. Discrimination has two sides therefore: it means treating differently, without an objective and reasonable justification, persons in relevantly similar situations and it also means not treating differently groups who suffer factual inequalities. Article 14 ECHR does not differentiate between different forms of discrimination, nor does it explicitly outlaw segregation and harassment. Under Article 14, discrimination can be objectively justified in principle but in practice states parties' justifications in the Roma education cases have all failed.



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## ECHR II – segregation equals unintentional indirect discrimination?

The Court has established unintentional, indirect discrimination or discrimination without a specific classification in the Roma education cases. It elaborated the definition of indirect discrimination in *D.H. and Others v the Czech Republic*, observing that it amounts to "disproportionately prejudicial effects of a general policy or measure which, though couched in neutral terms, has a particular discriminatory effect on a particular group." It found indirect discrimination on account of a disproportionate number of Roma children placed in special schools for children with mental disabilities, even though the practice at hand was based on an apparently neutral provision – meaning that it was seemingly unrelated to Roma ethnicity. The same issue of misdiagnosis was at hand in *Horváth and Kiss v. Hungary*. A finding of indirect discrimination followed from the placement of Roma students in Roma-only classes in Oršuš and *Others v. Croatia*, apparently due to their shortcomings in the official language. The students' placement in Roma-only schools in *Lavida and Others v. Greece* and *Szolcsán v Hungary*, as well as in a Roma-only school building/annex in *Sampanis and Others v. Greece* led to findings of discrimination in education. In *Sampanis*, the Roma students were not permitted to access school before being assigned to special classrooms in an annex to the main primary school buildings. .



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# EQUALITY TALKS



## ECHR III

In *X and Others v. Albania*, and *Elmazova and Others v North Macedonia* segregation had already been established by the Commissioner for the Protection from Discrimination (CPD) in the former and the Commission for Prevention and Protection against Discrimination as well as the Ombudsman in the latter case, but the authorities failed to comply with the orders/recommendations to implement desegregation measures. In these cases, as well as in *Szolcsán v Hungary* Roma children were segregated in predominantly Roma schools and the Strasbourg Court imposed a positive obligation on the relevant states parties to undertake desegregation measures. In *Avdiu and Others v Albania* the Strasbourg Court did not find a violation because following the CPD's decision establishing racial segregation the authorities not only closed the segregated schools but also provided transport for the children to the new school and reimbursed the transportation costs to the families concerned.



## ECHR IV: no justification for segregation

In *DH* the Strasbourg Court held racial discrimination – which includes segregation – to be impermissible, because “no difference in treatment which is based exclusively or to a decisive extent on a person’s ethnic origin is capable of being objectively justified in a contemporary democratic society built on the principles of pluralism and respect for different cultures.” The ECtHR has considered white flight and resistance by non-Romani parents to integrated education in the cases of *Sampani*, *Oršuš*, *Sampanis*, and *Lavida*, measures intended to remedy deficiencies in the official language in *Oršuš*, and measures necessary to achieve integration in *Oršuš*, *Horváth and Kiss*, *Sampani* and *Lavida*, *X and Others*, *Elmazova and Others*, and *Szolcsán*.

The Strasbourg Court’s interpretation provides a baseline for protection, but national courts have on occasion misinterpreted this jurisprudence and allowed segregation to be justified in certain cases.



# EQUALITY TALKS



## EU law

Indirect discrimination occurs “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary” (RED Article 2.2.(b)). The CJEU ruled that the concept of indirect discrimination means in practice that “a national measure, albeit formulated in neutral terms, works to the disadvantage of far more persons possessing the protected characteristic than persons not possessing it”. In CHEZ, a case raising issues of discrimination with regards to a person associated with persons of Roma origin, the Court outlined that an ‘apparently neutral’ measure means “having regard to factors different from and not equivalent to the protected characteristic”.



## Dilemma I: how to fix the lack of explicit prohibition?

1. Prohibit segregation and other forms of discrimination in legislation **EXPLICITLY**
2. Include key concepts in legislation
3. Define key concepts in legislation or soft law measures

What to do in casework? Rely on CADE and ICERD alone? Set aside ECtHR and CJEU caselaw?





# EQUALITY TALKS



## Dilemma II: exceptions and justifications

CRPD sets out narrow or no exception/justification for segregation and other types of discrimination.

CADE: minority (language) education if established according to the strict safeguards

ICERD: positive action

ECTHR: no justification allowed so far

RISK: national courts may allow justification if segregation is considered as indirect discrimination



## Dilemma III: remedying segregation

The question revolves around the availability and imposition of injunctive relief (integration/ inclusion plan). And indirectly the reluctance of continental European courts to meddle in policy processes

CADE – safeguards

ICERD – vague

ECHR – Strasbourg Court's jurisprudence is becoming more robust

CJEU – injunctive relief is part of effective remedies (ACCEPT, Rete Lenford)

How to overcome systemic, structural problems in one case? Launching ex officio investigations?



# EQUALITY TALKS



## Who bears the duty for inclusion?

OSCE Ljubljana Guidelines on the Integration of Diverse Societies 2012

11. Integration policies should include measures that encourage cross-community dialogue and interaction based on tolerance and mutual respect.

12. ... integration of society is a process of mutual accommodation and active engagement involving all members of society as individuals or organized groups.

42. States' policies should balance the need for one or more shared language(s) as a common basis for the integration and functioning of society with the obligation to safeguard and promote linguistic diversity, including by protecting the linguistic rights of minorities.

44. Education policies should be formulated in line with and as part of integration policies. In this way, they can better provide the basis for the integration of society and foster knowledge, interaction and understanding between pupils of different communities.



## The best interest of the child: parents cannot choose segregation or exclusion

CRPD GC No 4: 10.(a) Inclusive education is to be understood as a fundamental human right of all learners. Notably, education is the right of the individual learner and not, in the case of children, the right of a parent or caregiver. Parental responsibilities in this regard are subordinate to the rights of the child.

DH [GC] para. 204: The Strasbourg Court ruled that it was unacceptable for parents to choose racially segregated education for their children: "In view of the fundamental importance of the prohibition of racial discrimination ... no waiver of the right not to be subjected to racial discrimination can be accepted, as it would be counter to an important public interest" In this respect the *D.H.* judgement focused on parents who are more vulnerable, and who may be deprived of meaningful choices, because it is impossible for them to truly choose between integrated education compounded by harassment or segregated education without the harassment and humiliation of Roma children.



# EQUALITY TALKS



## Conclusions

1. INCOHERENCE: three international legal regimes regulate school segregation on the grounds of racial or ethnic origin. The task is to ensure COHERENCE at the national level, which calls for legislation, alternatively adjudication.
2. This is best done prior to EU accession because ADL is an accession conditionality.
3. The landmine in national debates is free choice of school. This is not absolute in IHRL. Majorities bear the duty to ensure inclusive education. Disability law is the example.
4. In light of Council of Europe recommendations, the prohibition of segregation should be ensured in national legislation on discrimination and/or education. In case segregation is prohibited in national law under a non-discrimination clause, the existing forms of discrimination should be interpreted in line with the caselaw of the European Court of Human Rights, which has not found the physical separation of Roma children justifiable.



## Recommendations

- a) The prohibition of segregation in education should be straightforward and should not set coercion or systemic discrimination/segregation as conditions for a finding of segregation. Quite the contrary, legislation should clarify that de facto or spontaneous segregation is also unlawful because the focus is not on the process that leads to segregation but a situation in which physical separation occurs.
- b) Exceptions.. The prohibition of discrimination/segregation should state that it extends to all units and activities of education, in which students may be separated. A commentary may be attached to this provision with an exhaustive list of educational units and activities...
- c) The numerical differences are difficult to regulate, mainly because of the variety of educational units and activities where comparisons must be made. What is to be compared should not be listed in the legislation. Rather, it should be part of legislative commentary. The concept of disproportionality is flexible enough to capture different degrees of segregation. It is analogous to over-representation in the ECtHR caselaw.
- d) Legislation must explicitly state that only two exceptions are permissible, namely minority-initiated and equal quality ethnic minority education whose language component justifies a greater degree of segregation (the CADE exception), and positive action measures that are provisional in nature and remedy the effects of past discrimination (the ICERD exception). Extra language education in the official language and extra tuition to promote access to higher education fall under this category of exceptions.



# EQUALITY TALKS

## Discussion

Ashmet Elezovski from the organization National Roma Centre (NRC) stated that there is a delay in the fulfilment of recommendations regarding inclusive education. According to him, practice should follow not the conception, but the education manual developed by the NRC together with the Ministry of Education. He stated that migration and its impact should also be taken into account.

Jasna Ercegovic said that such discussions should not equalise Roma and people with disabilities. She emphasised that there is a lack of mechanisms to deal with parents who do not include their children in education. According to her, these should be very specifically defined coercive measures.

Blagica Dimitrovska from Association “Inkluziva” said that inclusiveness is treated by some as a privilege. She mentioned that segregation within schools is not talked about enough and that it takes deep roots. For example, educational assistants are more recognised as teachers rather than teachers themselves. There is a lack of promotion of the rights enshrined in the CRPD.

Lilla Farkash followed Blagica Dimitrovska by emphasizing that the different status of parents and its impact on children should be addressed, as well as that the focus should be on disempowered parents, in terms of knowledge and resources.

Biljana Kotevska emphasised that it is important for the purposes of today's event to focus more on inclusive education through the prism of equality and non-discrimination, because at this gathering we are approaching it from the aspect of what can be initiated and implemented as part of the competences of the CPPD, and not as a matter of overall educational policy.

Bore Pucoski from UNICEF followed up on segregation, highlighting that the definition as provided for in Article 25 of the CRC should be used, as well as the obligations under the CRC.

Zekir Abdulov from the CPPD emphasised that a distinction must be made between children with disabilities and Roma. According to data collected in 2020, 40% of Roma study in segregated schools. Every year the number of students decreases by 6%.

Mabera Kamberi from the MLSP elaborated that a lot has been done over the years for the integration of Roma, providing examples of this. She emphasized that investments need to be continued. She also mentioned the level of pre-school education.

# EQUALITY TALKS

## The Commission in focus: Inclusive education in the work of the Commission for Prevention and Protection from Discrimination

Sevgi Idriz, Head of the Department for Prevention of Discrimination and Promotion of the Principle of Equality, Commission for Prevention and Protection against Discrimination

### Sevgi Idriz

In accordance with the competences derived from the Law on Prevention and Protection from Discrimination, the CPPD has undertaken several activities in the direction of inclusive education.

One of those activities is making a quiz for students in primary education. The quiz was created within the framework of the project “Fight against discrimination through the support of the CPPD”, financed by the Government of the United Kingdom, with the support of the British Embassy in the Republic of North Macedonia. The quiz is intended for students from 1st to 5th and from 6th to 9th grade with the title “100 Equality Street - a place where equality lives”.

Within the framework of the quiz, several situations are presented during various joint activities of the students, which include examples of inappropriate behaviour, exclusion, harassment and discrimination. After reviewing the content, the students have the opportunity to answer questions based on the content of a video they have watched. If the students pass the quiz, they have the opportunity to receive a certificate for successfully completing the training and for contributing to the fight against discrimination in our society.

Through joint cooperation with the Ministry of Education, the link to the quiz has been sent to all primary schools within the state, with instructions to deliver it to all students.

In this way, we believe that the students have the opportunity to learn what discrimination is, how they should not behave in certain situations and towards their classmates.

Furthermore, the CPPD shared its opinion on the proposal of the Law on Secondary Education with the Assembly of the Republic of North Macedonia. In the opinion, we appealed for this Law to be passed as soon as possible. It would support the translation of inclusive practices introduced in primary education into the Law on Secondary Education, so that students with special educational needs receive the appropriate support within secondary schools. We believe that we would achieve nothing if, as a country, we increased the enrolment of children with special educational needs only in primary education, and stopped there – at primary education level, due to the inaccessibility of secondary education for these students.

# EQUALITY TALKS

Part of the recommendations referring to inclusive education issued by the CPPD, propose adding a new paragraph that refers to the purpose of the individual educational plan (IEP) and the modified program, clarifying that both should achieve the same or similar results as the regular curricula. The student should acquire the same or comparable knowledge and skills as other students, but adapted to his/her intellectual capacities, interests and preferences.

We further recommended that instead of two teachers participating in the school team, one of whom is chosen by the teachers and one of the students as their representatives, the team should have one teacher chosen by the teachers and one student chosen by the students who will represent them in the school inclusive team.

In terms of supporting students with disabilities, we have proposed free transportation adapted to special needs of the student and for the person accompanying him/her.

We also suggested that if there is no high school with a resource centre at the municipality level, the school should establish a such a resource centre.

We believe that education is a key step for inclusive employment opportunities and for full participation of people with disabilities in their communities throughout their lives.

Furthermore, we initiated a procedure for protection against discrimination *ex officio* in connection with the information received from the media that contained indications of segregation of a student with Down syndrome. It is a matter of boycotting classes on the basis of a petition signed by a group of parents of classmates of the student with Down syndrome, in which they demanded the removal of the girl from regular classes.

We found that the student was put into a separate room only with the educational assistant, who is not the carrier of the educational process, which is contrary to the principles of the Concept for Inclusive Education and represents a deprivation of the guaranteed right to education of the student with special educational needs.

Furthermore, we determined that although the student had already been enrolled in that school for three years, the school had not yet provided adaptation of the infrastructure in terms of providing a resource-sensory room and assistive technology suitable for the special educational needs of the student.

In this case, the CPPD established:

- segregation and exclusion – due to the physical separation of the child from other students in a separate room, in isolation from students without disabilities, based on her special educational needs;
- continued direct discrimination – due to the lack of adaptation of the school infrastructure, in terms of providing a resource-sensory room, equipped with appropriate assistive technology; and

# EQUALITY TALKS

- calling, incitement and instruction of discrimination – performed by eleven parents of classmates of the segregated girl, by signing a petition to remove the student from regular classes and boycotting classes.

In its opinion, the CPPD gave recommendations to remove the discrimination. The CPPD was notified within the legally stipulated period that the discriminator had acted on our recommendations.

The case shows systemic problems for achieving inclusive education, physical separation, harassment, lack of appropriate teaching materials.

We are also facing other challenges that relate to inclusive education: One example is the Roma community, which unfortunately, despite the many programs and strategies that have been adopted in the direction of improving and advancing the education of Roma children, are still facing problems in the part of their regularity, dropout rates, outcomes, and segregation.

Segregation of Roma children in education is a pervasive problem for which we have established discrimination following petitions in several cases in primary schools. According to international reports and our observations in the field, the segregation of Roma children in primary schools is present in several municipalities (Bitola, Shtip and Prilep). To overcome this problem, the CPPD adopted a General Recommendation.

One of these petitions is the subject of the judgement of the European Court of Human Rights in the case of *Elmazova and others v North Macedonia*. We are actively involved in the implementation of the judgement. The Ministry of Education has prepared a proposal for amendments and additions to the Law on Primary Education in relation to the implementation of the judgement *Elmazova and others v Republic of North Macedonia*. The CPPD does not agree with the Ministry's proposals, because we believe that this will not reduce segregation. We also submitted an opinion to the Ministry of Education with recommendations on the key provisions that should be part of the Law on Primary Education in order to prevent and protect discrimination, the form of which is segregation.

The implementation of this judgement, according to the CPPD, is a significant opportunity to finally overcome segregation in education and create a basis for preventing the problem in the future.

# EQUALITY TALKS

## Panel discussion: Inclusive education in domestic law and practice through the prism of equality and non-discrimination

**Panellists:** **Mabera Kamberi**, Head of Department for Coordination and Technical Assistance to the Minister, Ministry of Labor and Social Policy

**Elena Kochska**, Expert on Equality and Non-discrimination in Education on the Ground of Disability

**Dana Bishkoska**, Head of Department for the European Union, Ministry of Education and Science

**Arabella Iljaz**, Senior Associate for the Promotion of Education in the Roma Language, Ministry of Education and Science

**Ognen Spasovski**, Expert in Inclusive Education

**Moderator:** **Sevgi Irdiz**, Head of the Department for Prevention of Discrimination and Promotion of the Principle of Equality, Commission for Prevention and Protection against Discrimination

## Mabera Kamberi

Mabera Kamberi gave an overview of the achievements and challenges related to inclusive education based on her experience in coordinating activities related to the national Roma strategy, but also as a member of the Council of Europe working group that drafted the recommendation of the Committee of Ministers of the Council of Europe 2024/1 on Roma women and girls. She clarified the key aspects that should be observed when talking about inclusive education in pre-school education with a focus on inclusiveness and ethnicity, especially in relation to Roma children.

She added that the education of Roma women is part of the priority areas in the National Action Plan for the Protection, Promotion and Fulfilment of the Human Rights of Roma Women and Girls 2022-2024 (NAP). She announced that in cooperation with the “EU Support for Rule of Law” project, an operational plan for the implementation of this NAP for 2024 is in progress. The NAP includes activities related to the education of Roma women and girls.

Additionally, in cooperation with the Council of Europe, Recommendation CM/Rec(2024)1 of the Committee of Ministers to member States on equality of Roma and Traveller women and girls was translated into Macedonian language. It contains numerous recommendations regarding the field



# EQUALITY TALKS

of education, both preschool and other levels of education. The Ministry plans to popularize this recommendation more and to follow it in its work.

## Elena Kochoska

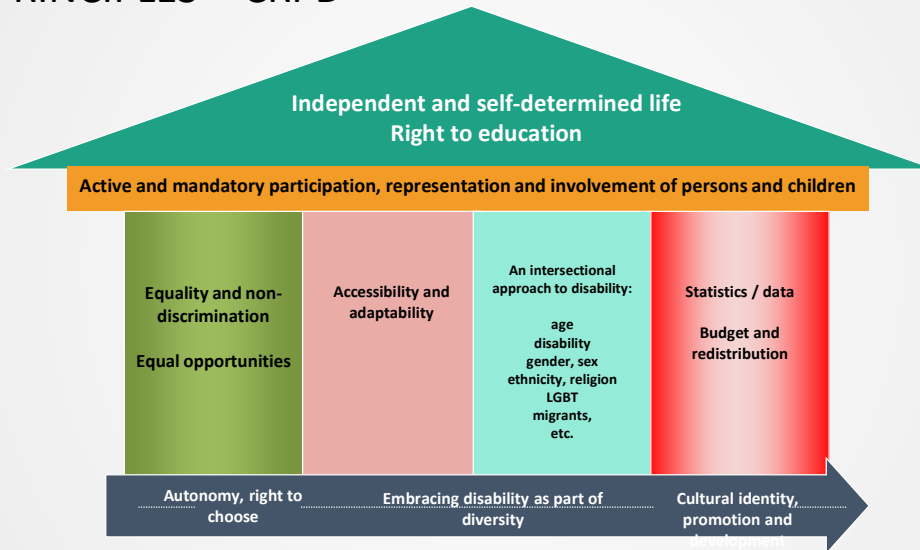
Elena Kochoska clarified the key aspects that should be observed when we talk about inclusive education through the prism of disability as well as its intersectional perspectives, but also highlighted the biggest current challenges in relation to these areas of inclusive education. We include her presentation in full here.



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in education on the ground of disability  
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# EQUALITY TALKS

## PRINCIPLES - CRPD



## Law on Primary Education and Conception

**The infrastructure, individualized support, curriculum and program in primary education are reasonably adapted to the individual needs of the student.** (6) A reasonable adjustment from paragraph (5) of this article is a modification and adaptation of the conditions for upbringing and education in a specific case, which does not cause a disproportionate or unnecessary burden on the school, and is aimed at ensuring the enjoyment or realization of all human rights and freedoms of students with disabilities on an equal basis with others. (7) Accessibility to infrastructure and services implies taking measures that ensure that students with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communication, including information and communication technologies and systems in the primary school.

Right to free transportation Article 73 (1) The student has the right to organized or free transportation if the place of residence is at least two kilometers away from the nearest elementary school. (2) Students with disabilities and their accompanying persons have the right to free accessible transportation regardless of the distance and accessibility of their place of residence to the elementary school.

### Affirmative measures (Article 6) are:

- non-application of the provision for regionalization in the enrolment of students with disabilities,
- exemption from payment of costs for recognition and equivalence of certificates acquired abroad,
- free transportation for students with disabilities,
- monetary compensation of educational mediators for winning first place in a state competition,
- incentive for participation and monetary compensation for winning a prize/medal at an international competition.

Use of languages in education Article 10 (2) For the students of the communities who are taught in a language other than the Macedonian language and its Cyrillic script, educational work is carried out in the language and script of the respective community.

# EQUALITY TALKS

## TO WHOM

Children of citizens residing abroad (12)

Children of citizens residing abroad (12)

Children who were not involved in teaching (14)

Talented and gifted students

Students with special educational needs (35) are:

- students with disabilities are those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various social barriers may hinder their full and effective participation in society on an equal basis with others,
- students with behavioral or emotional disorders or with specific learning difficulties and
- students who come from unfavorable socio-economic, cultural, and/or linguistically deprived backgrounds.

## WHAT

Educational mediators Article 37 (1) Educational mediators can be hired for Roma students who come from socially disadvantaged families and/or have been out of the educational system for a long time.

Educational and personal assistants, on the recommendation of the National Commission for Functional Assessment including for appropriate adaptation and equipment

If the parent, i.e., the guardian, does not agree with starting an assessment procedure, and such a decision is harmful for the child, at the initiative of an individual or an institution, then the Center for Social Work *ex officio* starts the procedure with the aim of the best interest of the child.

## DAY CENTERS

- 33 managed by state institutions
- 15 managed through licensed service providers

## INSTITUTIONS

- 97 users in institutions (public institution Demir Kapija and public institution Banja Banske)
- 187 relocated to group homes and residential units



# EQUALITY TALKS

INACCESSIBLE EDUCATIONAL ENVIRONMENTS

DAY CARE CENTRES

Categorization and division of students according to diagnoses

Shared personalized support

Not including the issue of disability in all stages and forms of education for all children, where the basis of disability will be mandatory\* (talented with and without disabilities, moderators for Roma with and without disabilities, etc.)



A "whole systems" approach

"Full educational environment"

A "whole person" approach

Respect and appreciation of diversity

Participation and representation

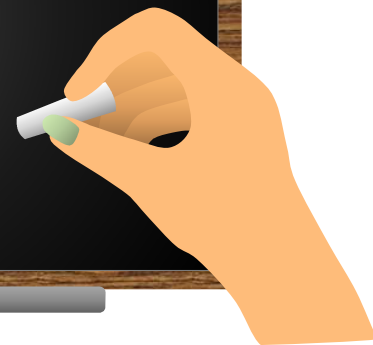
Adequate, continuous and personalized support

Changing narratives and labelling of the disability community

To amend or repeal existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities and violate Article 24 of the CRPD

Thank  
you

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# EQUALITY TALKS

## Dana Bishkoska

Dana Bishkoska clarified the key aspects that should be observed when we talk about inclusive education in secondary education, especially with a focus on the most pressing current challenges and possible solutions. She emphasized the need to focus on and respond to diversity. In practice, challenges faced include adjustments in classrooms, curricula, assignments, as well as providing support. Educational assistants remain a challenge, including in terms of coverage. Adult education remains a challenge, along with informing the general public about the opportunities on offer. We include her presentation in full.



INCLUSIVE EDUCATION -  
"EDUCATION FOR ALL"

# EQUALITY TALKS

Education - a fundamental human right, guaranteed by the Constitution and the international conventions that our country has ratified and we are committed to respect.

- UN Declaration of Human Rights
- Convention on the Rights of the Child (CRC)
- UN Convention on the Rights of Persons with Disabilities (UN CRPD)
- Sustainable Development Goal (SDG) 4 – Ensure inclusive and quality education for all and promote lifelong learning

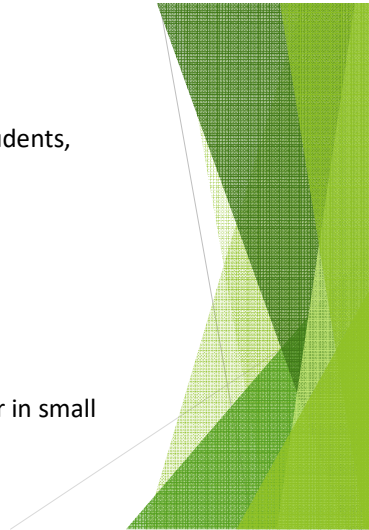
Education is accessible and available to all by providing conditions for uninterrupted teaching and acquisition of knowledge and skills for all students

Inclusive education is a process that takes into account the different individual needs for the development of students, giving equal opportunities for the realization of basic human rights for development and quality education, includes changes and adjustments to the teaching content, approach, structures and strategies.

# EQUALITY TALKS

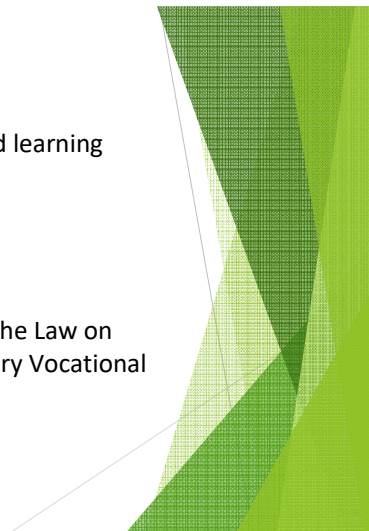
## System of support in inclusive education

- Measures available in the classroom for all students,
- Adaptations:
  - In everyday teaching,
  - In the tasks given to the students,
  - in the support given to them individually or in small groups.



## Educational assistance

- Easier access and achievement of the required learning outcomes.
- From 2019 onwards in primary education.
- In secondary education with the adoption of the Law on Secondary Education and the Law on Secondary Vocational Education.





# EQUALITY TALKS

## **Marginalized groups who have not completed their primary and secondary education**

- Concept for primary education of adults,
- Concept for secondary education of adults,
- Development of a concept for Regional Centers for Vocational Education and Training,
- New Adult Education Act.

- Informing the general public about the rights and opportunities we offer as a ministry.
- The involvement of all institutions, the civil sector, the municipalities, the business sector should be continuous, take place systematically, and not spontaneously.

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Thank you for your attention

## Arabela Iljaz

Arabela Iljaz clarified the key aspects that should be observed when we talk about inclusive education and ethnicity, especially in relation to education and Roma. She extensively focused on the experiences and challenges related to measures supporting the realization of the right to education through measures such as scholarship programs.

Iljaz highlighted the problem of stereotyping by the teaching staff, but even more so – by the parents, who in turn pass it on to the children. Hence, she believes that a key step, i.e., a change that needs to be made, is for inclusion projects to target non-Roma, how such stereotyping and prejudices could be worked on among them, as these are one of the main obstacles to inclusive education.

## Ognen Spasovski

Ognen Spasovski focused on the key aspects that should be observed when we talk about inclusive education in relation to programs for adults, customized programs, but also emphasizing the biggest current challenges in relation to these. He spoke extensively about the need to build an inclusive culture as well as adopt a holistic approach in this process.

Spasovski used the approach to inclusive education proposed by the Salamanca Statement and Framework for Action on Special Needs Education, according to which it means supporting

# EQUALITY TALKS

everyone to develop their full potential. Hence, for Spasovski, the key question is: “How does the system respond to the needs of those who study in order to achieve this goal?” He raised the question of what access to quality education is like, and whether it is equal and non-discriminatory.

He then focused on two main themes. The first is the adjustment of programs for all persons with special educational needs. According to him, our inclusive teams only focus on the special educational needs of people with disabilities, although other people may also have special educational needs. Additionally, the current practice is that adaptation is usually understood and practiced as a lowering of standards regarding the knowledge that is taught and expected of students. The second topic is education and adult education programs. He singled out the challenges with the design of the programs, the validation of the skills and competencies acquired through them.

According to him, there are several main challenges for inclusive education. First, equal education without discrimination at all levels. Currently, not everyone has access to preschool education. In primary education, there are big differences in urban and rural environments, and challenges remain regarding shift work and adjustments depending on the environment. In secondary education, the main challenge is with vocational schools, but also in general with how inclusive all secondary schools are, and how many represent segregated environments. In this regard, educational assistants (with controversial aspects in its implementation) and validation in the context of lifelong learning remain challenges.

However, Spasovski concluded, that the main, essential, challenge remains in building an inclusive culture in education, starting at the class level, continuing with the school and community.

## Discussion

Blagica Dimitrovska from the organization Inkluziva was the first to take the floor. According to her, the problem with the acceptance and support of people with disabilities in education is not caused by families, but is imposed from outside. This is the source of segregation and lack of acceptance. In addition, she wonders if and how Roma are excluded from education and what is being done to change people's awareness regarding this exclusion. She opened the issue of tutoring support, and the need for it, as well as having expert educators and rehabilitators. She stated that it is necessary to see what can be learned from the experiences of the work of educational mediators.

Afterwards, Margarita Gulevska from the organization Open the Windows expressed her frustration at the fact that the same topics have been discussed for years and insufficient progress has been made. She wonders what we have accomplished if we cannot see the results today of something that was already done ten years ago. She believes that many of the activities are related to projects that are then not sustainable, thus extinguishing the possibilities for more lasting

# EQUALITY TALKS

results. Using the assistive technology that some schools are equipped with is an exception, not a rule. Their association supported the creation of sensory rooms, but that they are used for therapeutic activities that have no place in schools. According to her, not only do the policies on the ground not work, but they are adopted with little participation by the children themselves. Therefore, it is crucial to stop and ask ourselves: "In what direction are we going and what should we change?", Gulevska concluded.

Dragana Drndarevska from the CPPD shared that, based on her experience before joining the CPPD, key problems are lack of capacities and resources. But according to her, shortcomings in this sense must not be used as an argument for pushing children back into special classes. She believes that the state must face and, more importantly, deal with the fact that there is a teaching staff that openly supports segregation. Drndarevska emphasized that now is a crucial moment to demonstrate determination and go forward, not back.

Ognen Spasovski emphasised several problems that he sees from practice. First, that sensory rooms are used to exclude the children who use them. Second, that it is often forgotten or mistaken that special educators are for the children, when in fact they are for the teaching staff. Third, discussions are often conducted within limited environments, in "bubbles", and when they are taken outside the bubble, there is a tendency to sensationalize the topics and use populist speech. Fourth, policies rarely take into account available evidence and data, so there can be no question of having policies based on expertise rather than populism. Fifth, he agreed with Drndarevska that we should not go back, and he especially thinks that this is an important message for the parents.

Elena Kochoska also mentioned the problem with education in group homes. She concluded that "none of them has education."

# EQUALITY TALKS

A gender perspective on inclusive education: Comparative European standards and experiences

**Speaker:** Iustina Ionescu, International Expert on the Gender Perspective of Inclusive Education and Equality and Non-Discrimination in European Experiences

**Moderator:** Biljana Kotevska, Gender Equality Expert, Project “EU Support for Rule of Law”

## Iustina Ionescu

Iustina Ionescu focused on gender and gender-sensitive education in litigation, that is, on the experiences of bringing cases to the courts regarding gender and gender-sensitive education in EU member states, presenting key standards and arguments in defence of them. She presented a case of successful legal mobilization and litigation from Romania, as well as lessons learned for the future in other contexts, such as the Macedonian one.

In continuation, we include her presentation in its entirety.



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## GENDER PERSPECTIVE ON INCLUSIVE EDUCATION: COMPARATIVE EUROPEAN STANDARDS AND EXPERIENCES

IUSTINA IONESCU, HUMAN RIGHTS LAWYER



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## LAW BANNING GENDER AND GENDER IDENTITY IN EDUCATION IN ROMANIA (L87/2020 / PL-X 617/2019)

*“Art.7 (1) In all education entities and institutions and all spaces that are assigned for education and professional training, including entities that provide extracurricular education, there are strictly forbidden:*

*e) activities aimed at spreading gender identity theory or opinion, understood as the theory or opinion that gender is a concept that is different than the biological sex and the two are not always the same;”*



# EQUALITY TALKS



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## Amici at the Romanian Constitutional Court (RCC)

| Against the law   | For the law   |
|---|---|
| <ul style="list-style-type: none"> <li>20 Legal experts in the field of gender equality and non-discrimination European Equality Law Network</li> <li>819 academia and researchers from all over the world</li> <li>40 NGOs from Romania coordinated by ACCEPT and the Coalition for Gender Equality</li> <li>ILGA -Europe, Transgender Europe, AIRE Centre, FIDH, CRR, ACCEPT</li> <li>Student's Associations coordinated by European Law Students' Association Bucharest</li> <li>Letter of UN special rapporteurs</li> </ul> | <ul style="list-style-type: none"> <li>Alliance of Families from Romania and Pro-Vita Association for Born and Unborn – Bucharest Branch</li> <li>Catholic Doctors' Association of Bucharest</li> <li>Parents' Alliance</li> <li>Femina Europe Association</li> </ul> |

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# EQUALITY TALKS



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## LEGAL ARGUMENTS ON EQUALITY

- Obligation to respect human rights also requires ensuring equality before the law, equal protection before the law and non-discrimination in fact and in law for all people in Romania, regardless of gender, gender expression, gender identity or sex, both in the sphere of public life and in the sphere of private life.
- Effective recognition of a person's gender identity is related to the right to equal recognition of persons before the law and equal protection of the law.
- Art.5 CEDAW stipulates the obligation to eliminate gender stereotypes which implies education about the existence of these stereotypes which cannot be done if we do not speak about gender as different than the biological sex. Similarly, Art.14 of Istanbul Convention Article 14 provides for the approach in education of equality between women and men, of non-stereotypical gender roles and the introduction of didactic activities to prevent gender violence.
- CEDAW identified the fact that discrimination against women based on sex and gender is closely correlated with other factors, including gender identity.
- Transgender people and people with diverse/non-conforming gender identities, whose gender may be different from their biological sex, and people who reject stereotypes about their gender roles have the right to develop their own (gender) identities without disproportionate interference from State (Art.8 ECHR). The exercise of autonomy presupposes that individuals benefit from a range of valid options from which to choose. This would not be possible if education about those options is restricted.
- EU law and EU monitoring is based on the understanding that gender equality means more than biological sex and biological differences and addresses deep-rooted stereotypes and inequalities between women and men.



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## LEGAL ARGUMENTS ON THE RIGHT TO EDUCATION

- Decisions regarding the school curriculum are, in principle, the competence of the state, the latter must "ensure that the information or knowledge contained in the curriculum is transmitted in an objective, critical and pluralistic manner." (*Kjeldsen, Busk Madsen and Pedersen v. Denmark*, no. 5095/71, 7.12.1976, ¶ 53)
- This will allow students to develop critical thinking about religion in a calm atmosphere free from proselytizing and/or indoctrination. (*Appel-Irrgang and Others v. Germany*, no.45216/09, 6.10.2009, p.12)
- States are also called upon to set up public education campaigns and train public officials to combat stigma and discriminatory attitudes, to provide victims of discrimination with effective and appropriate remedies, and to ensure the imposition of administrative, civil or criminal liability of the authors of the facts, as the case may be. This objective cannot be achieved if recognizing a person's gender identity or identifying a person as transgender in the context of education campaigns is not possible.
- Transgender students will be discriminated, stigmatized, excluded and further exposed to bullying if they are invalidated, made invisible, or made unlawful by the law, which will have a negative impact on their access to education.





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## LEGAL ARGUMENTS ON UNIVERSITY AUTONOMY

- In the law: Academic freedom is guaranteed by law. Higher education institutions are organized and function independently of any ideological, political or religious interference.
- The academic space should be an open space, of dialogue between all the actors involved, within which there is the possibility of expressing ideas or personal opinions, and not a space of censorship in which the legislator dictates what can be discussed. An academic theory is tested academically (that is, it disappears or survives within this regime of analysis, through academic debates) - or, it is impossible for a law to prohibit, that is, to censor academic theories, especially when these theories are analyzed intensively internationally.



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## LEGAL ARGUMENTS ON FREEDOM OF EXPRESSION AND PROHIBITION OF CENSORSHIP

- By establishing a ban and by turning into an illegal act some actions of transmitting certain information of a scientific nature that present a social reality, the immediate effect of the law is to intimidate those who administer the educational environment and those who teach, putting in danger the very democratic society and its values.
- Freedom of expression concerns not only the information or ideas appreciated favorably or considered as harmless or indifferent, but also those that contradict, shock or disturb, this being the requirement of pluralism, tolerance and the spirit of openness in a democratic society. (*Delfi v. Estonia*, no. 64569/09, 16.06.2015, ¶131)
- Free access to information under Art.10 ECHR "prohibits the state from preventing a person from receiving information that others wish or can consent to provide him." (*Leander v. Sweden*, no. 9248/81, 26.03.1987, ¶74)



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## DECISION NO. 907 OF DECEMBER 16, 2020



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## “BIOLOGICAL SEX” AND “GENDER IDENTITY” ARE NOT ALWAYS THE SAME

- “The notion of “gender” has a wider scope than that of “sex” / sexuality” in the strictly biological sense, as it incorporates complex elements of a psychosocial nature.”
- Analysis of the constitutional and legislative framework already in force in Romania, including the jurisprudence of the CCR, the ECHR and European Union law:
  - reflects changes over time in social roles attached to women and men and the removal of gender stereotypes, as well as the recognition of gender identity in the case of transgender people (“the situation of transsexual people”).

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## VIOLATIONS OF THE CONSTITUTION

Equality of citizens in the context of education and protection of children and young people

University autonomy

Freedom of expression and prohibition of censorship

Freedom of conscience and human dignity

Rule of law

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## VIOLATION OF EQUALITY IN EDUCATION AND PROTECTION OF CHILDREN AND YOUNG PEOPLE

- Art.16.(1) in conjunction with Arts.32 and 49 of the Constitution,
- Obligation to ensure, without any discrimination, the possibility for children and young people to know and study theories, ideas, concepts in accordance with the evolutions of society, without constraints to censor their freedom of thought and expression.
- “[Conscious assumption] of a system of values necessary for fulfillment and personal development”.

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## Violation of university autonomy

- Art.32.(6) of the Constitution
- Prohibiting the expression and any form of knowledge of an opinion / theory obviously excludes the possibility of universities to appreciate and to decide on studies aimed at gender equality, regardless of possible developments at international and European level, and the collaborative relationships inherent in the organization of university education.



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## VIOLETION OF FREEDOM OF EXPRESSION AND PROHIBITION OF CENSORSHIP

- Art.30.(1) and (2) of the Constitution.
- Prohibiting access to knowledge and expression.
- Violating academic freedom, including through the freedom of research in terms of setting topics, choosing methods, procedures and capitalizing on results, which cannot be within any of the established limits of freedom of expression.
- "The prohibition of free expression on gender theory obviously also determines the prohibition of any research initiative in this field, the criticized norm imposing, independently of any free debate or research, a dogmatic, truncated, constraining education for the free expression of teachers and beneficiaries of the educational act, ignoring their right to opinion. "



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## VIOLETION OF FREEDOM OF CONSCIENCE AND HUMAN DIGNITY

Art. 29 of the Constitution on freedom of conscience, analyzed in relation to human dignity (Art. 1.(3)).

Freedom of conscience is a fundamental principle in the realization of education stipulated in art. 4 of the National Education Law no. 1/2011.

Freedom of conscience is incompatible with:

"imposing by law a „truncated“ knowledge of reality as a premise for forming the concept of the world around",

"prohibiting, by plan, any attempt to know any other existing opinions / theories regarding the same subject, especially when such opinions / theories are promoted / supported from a scientific and legal point of view, marking evolutions of society at some point".



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## VIOLETION OF THE RULE OF LAW

- Art.1.(3), (5) of the Constitution, corroborated with Art.20.(2)
- The Romanian legislation in force and the European legislation already contain the distinction between the notions of "sex" and "gender".
- Promoting mutually exclusive normative solutions is likely to create a confusing and contradictory normative framework.
- Such a normative solution appears "contrary to legal logic and lacks any reasonable motivation".



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## LESSONS LEARNED

- The importance of solidarity
- Showing wide interest in the decisions of the court, from the professionals from different fields
- Providing legal arguments from extensive analysis, summaries of case law, sociological arguments, etc.
- Showing that the issue is not a niche problem, but it concerns all of us

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## Discussion

Natasha Boshkova and Dragana Drndarevska focused on solidarity as a key lesson learned from the presentation, but also on the challenge of how to carry out such an action in contexts where solidarity is scarce. The fact that Romania is an EU member state was also emphasised.

Iustina Ionescu agreed that the fact that Romania is an EU member state played a part, but that much of the solidarity came from elsewhere, outside the EU. For example, the list of academics is from all over the world. Biljana Kotevska added that the *amicus curiae* submitted to the Constitutional Court of Romania by the European Network of Legal Experts, to which she also contributed, included support and signatures from experts who are not members of the European Union. Hence, options for building solidarity should be considered more broadly, as well as planning for the long term.

Finally, Ionescu emphasized that the solidarity had been built for years, so that now only the already built connections and relations were used. She emphasized once again that it is necessary to work with a wider circle of stakeholders to see that such attacks are not an attack only on a specific group, one group, or one issue, but that the same, if not prevented, will have much wider and more far-reaching consequences.

# EQUALITY TALKS

## The Commission in focus: Gender-sensitive education in the work of the Commission for Prevention and Protection against Discrimination

**Dragana Drndarevska**, Member of the Commission for Prevention and Protection against Discrimination

**Ana Ugrova**, Junior Associate for the Preparation of Acts in the Field of Prevention and Protection against Discrimination, Commission for Prevention and Protection against discrimination

### Dragana Drndarevska

We see gender-sensitive education as part of inclusive education, and the same applies to all students regardless of gender. Gender-sensitive education means awareness of gender inequalities and the promotion of gender equality through content, skills, educational infrastructure, but also policies, practices and skills to deal with gender-based violence, including violence in education based on sexual orientation and gender identity. Significant steps have been taken in this area with the Law on Primary Education, the new concept for primary education, comprehensive sexual education and the Guidelines for the Protection of Student Victims from All Forms of Violence, Abuse and Neglect. Also, according to the Standards for the Professional Conduct of Teachers in Primary and Secondary Schools, teachers should demonstrate gender sensitivity and gender equality in their relationships with students.

Why do we need this? Gender inequalities and gender prejudices do not represent isolated incidents, they are norms that shape the way of communication between everyone involved in education, determine strictly defined rigid guidelines and rules that students depending on their gender should follow, thus limiting their potential, unequal rules of behaviour are established, double standards, impose moulding which, if not respected, follows social sanctions, and if respected, children are prevented from developing their authentic interests. As a result of strict gender socialization, gender inequalities deepen, gender-based violence, sexual violence are stimulated, young people are distanced from support systems and so on. Gender inequalities affect both boys and girls and LGBTI youth equally, although they affect them in different ways.

Bullying in education is in most cases gender-based, regardless of the gender and gender identity of the student victim. We observe that schools for the most part do not have the capacity, do not recognize gender-based inequalities, do not have the skills to frame bullying as a problem related to discrimination, prejudice and inequality, so they cannot affect its root. Research data tells us that LGBTI youth almost without exception experience some form of bullying and non-acceptance

# EQUALITY TALKS

in education. A recent case in the CPPD, which describes the experience of “different” youth in education in a representative way, also tells us about this problem. Ana will present the case later on.

The Commission has requested amendments to the Law on Secondary Education in the direction of the Law on Primary Education, but with further improvement of the provisions in terms of equality and non-discrimination, amendments to the Law on Textbooks and recognition of the role of the CPPD, which has the specific competence to “contribute to the preparation and application of programs and materials from the field of formal and non-formal education”, introduction of contents and subjects in all levels of education that will talk about gender equality, human rights and anti-discrimination, a by-law on violence (GBV) for secondary schools, adoption and implementation of prevention policies, protection and promotion of gender equality in school, strengthening the capacities and values for gender equality of the staff, not only through additional training but also at the faculties that train teachers. Etc.

## Ana Ugrova

Ugrova presented the case of **PP against Secondary Municipal School “Koco Racin” - Veles**. It is a matter initiated after a petition filed by a student in the 4th year of secondary education against the school where he studies. The petition is based on a case of peer violence (bullying) against the petitioner. Although the bullying is done by his classmates, the proceedings before the Commission were conducted against the school for their failure to act on the reports of bullying, failure to sanction the perpetrators, as well as the failure to protect the victim of bullying.

In this case, some of the classmates perceive the petitioner as Roma and gay, and in addition as a child with special needs, which is why they insult him on these grounds.

### Grounds of discrimination

The student's parents, upon his enrolment in the first year, submitted a report from the Institute for Mental Health, which essentially states that he has certain difficulties in learning, in concentrating, etc., but does not speak of any kind of disability. Over time, the existence of this so-called “document”, which should have been kept confidential, becomes a known fact by a large number of people and the students begin to insult him considering him a child with special needs. In addition, because of his darker skin colour, they perceive him as Roma, and they consider him gay.

### Facts of the case

He reported to the school incidents on several occasions, in which he was insulted based on his perceived characteristics. These did not receive an adequate reaction from the school. In addition, the bullying took place during classes where teachers were present, so those in charge at the



# EQUALITY TALKS

school knew or had to know that this was happening. Although the bullying comes initially from a group of classmates, the school enables this by not taking measures, and in addition, the staff of the school themselves commit harassment, especially by stigmatizing the student victim.

During the procedure, the Commission inspected the school and held a meeting with the management and the professional service of the school, further with the student and his classmate who in the whole situation stands in his defence, for which she herself suffers harmful consequences, their parents, and secured a finding and an opinion by a psychologist, after which the Commission found that the school shows low capacities for accepting differences and adapting to them.

## **What was established**

In this case, the Commission established multiple and prolonged discrimination based on perception, harassment and victimisation, all based on ethnicity and race, sexual orientation and disability, committed by the school, by treating the student differently and less favourably in several areas: failing to provide protection for a victim of bullying, failing to sanction the perpetrators of bullying, stigmatization and labelling of the student, treating him less favourably in terms of pedagogic measures (imposing a pedagogic measure on the victim and not on the perpetrators of bullying), blaming and condemning him for submitting a petition and not allowing him to participate in the social life of the school (he is forbidden to attend a high school party).

In the context of the established discrimination by perception, the Commission indicated that it is irrelevant whether an individual really belongs to a certain community and openly communicates it, in order to be exposed to bullying. In addition, the school has repeatedly expressed the opinion that someone who belongs to the community that discriminates cannot be a perpetrator of discrimination and bullying (one of the classmates who commits the bullying is Roma). The Commission, within the scope of its preventive and educational competence, considered it important to point out that this attitude is wrong, because the people who belong to these groups are not immune to discriminatory attitudes towards the groups themselves, partly due to internalised discrimination which is the result of the fact that the members of marginalised communities have grown up in a society where they have been exposed to discriminatory attitudes and messages.

## **Recommendations**

In this case, the Commission made a series of recommendations: The school should take measures

- to protect the petitioner from bullying in accordance with his needs,

# EQUALITY TALKS

- to impose pedagogic measures on classmates who are perpetrators of bullying, as well as other measures to change the behaviour of perpetrators of bullying,
- to cancel the pedagogic measure against the petitioner,
- to adopt an internal policy or protocol for the prevention and protection against violence and discrimination, which will further be fully implemented, promoted and advanced,
- to strengthen the capacities of employees (teachers and professional associates) for recognition, protection and prevention of violence and discrimination.

The Commission offered support in terms of guidance and networking for proper implementation of the recommendations. At the moment, the first three recommendations have been acted upon, while the deadline for the last two is still running, for which the CPPD is in communication with the school.

# EQUALITY TALKS

## Panel discussion: A gender perspective on domestic understanding and practice of inclusive education

|             |   |
|-------------|---|
| Panellists: | Irena Cvetkovic, Executive Director, Coalition Margins  |
|             | Lina Kjostarova Unkovska, Researcher and Activist for the Rights of the Invisible, Marginalised, Children and Youth |
|             | Ana Poprizova, Member of the Activ of Professional Services of the Secondary Schools of the City of Skopje          |
| Moderator:  | Dragana Drndarevska, Member of the Commission for Prevention and Protection against Discrimination                  |

### Irena Cvetkovic

Irena Cvetkovic started her presentation with arguments about aspects from which we can conclude that education in the country is not gender sensitive and that it even deepens inequalities, especially related to gender. She also explained where the roots of this situation lie and what changes we need to advance equality and create safe schools where children will develop their maximum potential.

Cvetkovic presented findings from research on textbooks that were analysed from a gender perspective. By citing specific examples, she not only showed how these cannot be considered gender-sensitive, but that they can also result in a deepened generation of inequalities. For example, in a Macedonian language textbook for first grade, 70% of the authors are men, and only 9% are women. The remaining 21% is folk literature. Every 10th male character in textbooks is a father, but every 3rd is a mother. The narrators in the texts are in 85% of the cases men. The main characters are 75% male, 5% female and the rest are other characters.

As an additional argument, she presented the findings of the implementation of the first phase of the new program according to the new Concept for Primary Education, dispelling some of the myths about how to integrate gender-sensitive education in the 1st and 4th grade. For the first grade, gender-sensitive education focuses on the following goals: adequate expression of emotions, building a positive self-image, introducing contents that will not contain gender stereotypes, building a culture of non-violence among children. For the fourth grade, gender-sensitive education focuses on the following goals: prevention of peer violence, overcoming gender stereotypes and protection from gender-based violence.

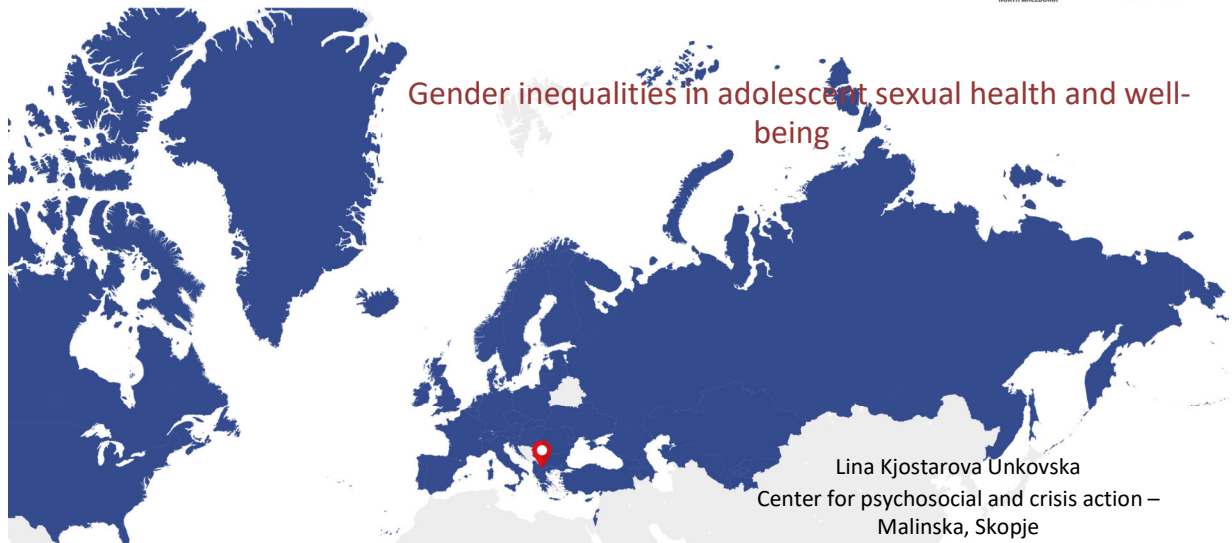
# EQUALITY TALKS

Cvetkovic concluded with a call for an in-depth review of gender norms in all segments of education.

## Lina Kjostarova Unkovska

Lina Kjostarova Unkovska presented the results of the Health Behaviour in School Aged Children (HBSC) study (11, 13 and 15 years old) in North Macedonia. Data from the HBSC study reveals overwhelming and alarming data about the health and well-being of school children. Since it is a longitudinal and therefore comparative study, we can see that the numbers are not improving, and compared to European countries, we are ranked poorly. We include her presentation which features parts of the key results of the study.

HBSC Study on health-related behaviors of school-aged children (1HBSC Study on health-related behaviors of school-aged children (11, 13, and 15 years) in North 1, 13, and 15 years) in North Macedonia



# EQUALITY TALKS

## National survey sample in 2022

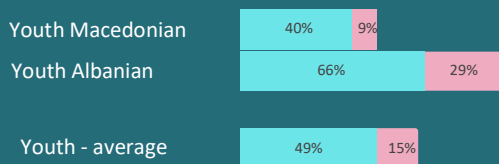
| Teaching language                                     | 11 years |       | 13 years |       | 15 years |       | total | per-centage |
|---|----------|-------|----------|-------|----------|-------|-------|-------------|
|   | boys     | girls | boys     | girls | boys     | girls |       |             |
| Macedonian language                                   | 539      | 577   | 558      | 596   | 579      | 577   | 3426  | 67%         |
| Albanian language                                     | 294      | 333   | 251      | 307   | 265      | 266   | 1716  | 33%         |
| Total according to gender and language of instruction | 833      | 910   | 809      | 903   | 844      | 843   | 5132  | 100%        |
| Total according to age                                | 1743     |       | 1712     |       | 1687     |       |       |             |



HBSC Study on health-related behaviors of school-aged children (11, 13, and 15 years) in North Macedonia



## 15-year-olds with traditional attitudes about gender roles



Examples of attitudes that support traditional gender roles::

- In general, the father should have more influence than the mother in making family decisions.
- Boys are better leaders than girls.
- Girls should think more about how to become good wives and mothers than about wishing for a career in the profession or in business.



HBSC Study on health-related behaviors of school-aged children (11, 13, and 15 years) in North Macedonia



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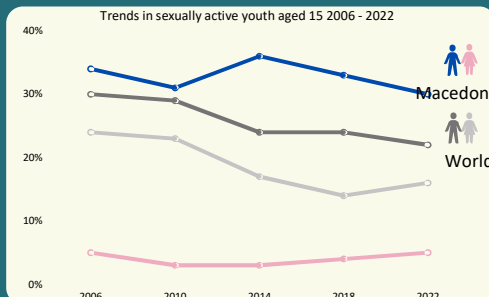
(NOT) visible youth, forbidden topics, risky behaviors – spaces for the release of violence



HSC Study on health-related behaviors of school-aged children (11, 13, and 15 years) in North Macedonia



## Sexually active boys and girls aged 15 from North Macedonia



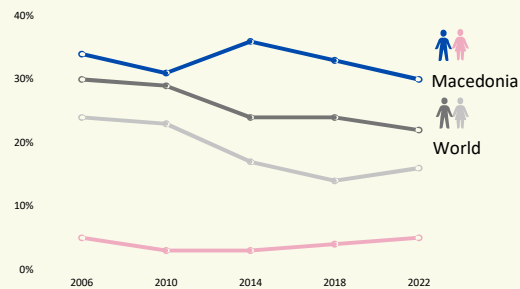
HSC Study on health-related behaviors of school-aged children (11, 13, and 15 years) in North Macedonia



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Sexually active boys and girls aged 15 in a period of 16 years - in North Macedonia and the World

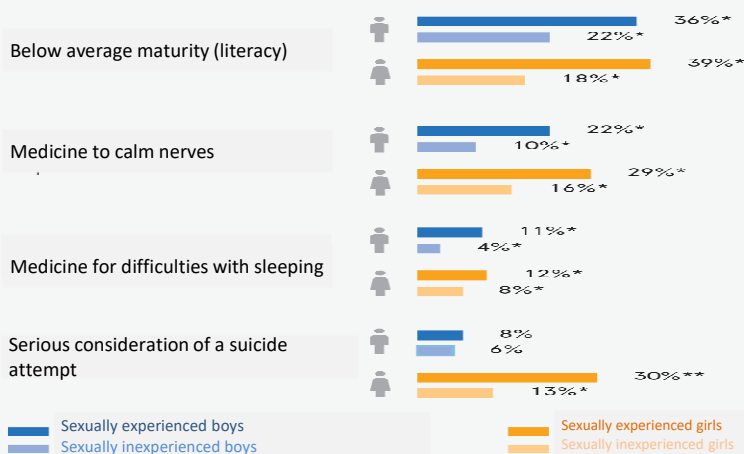
Trends in sexually active youth aged 15 2006 – 2022



HBSC Study on health-related behaviors of school-aged children (11, 13, and 15 years) in North Macedonia



## Youth (15 years) with and without sexual experiences, and mental health

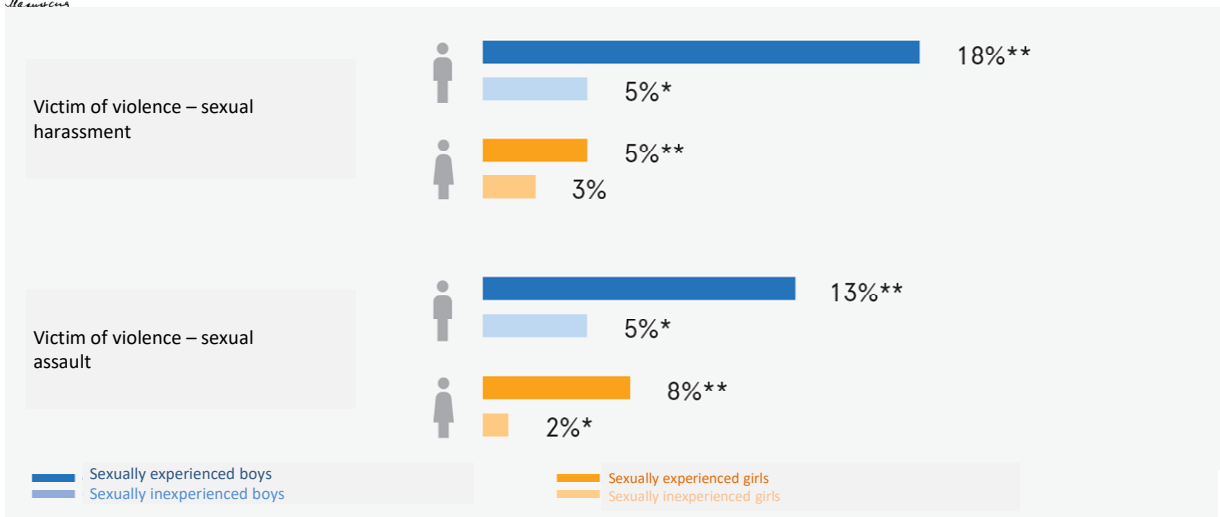


**Table 5:** Percentage of youth (15 years) with and without sexual experience, with indicators of mental and emotional health and ways of coping

# EQUALITY TALKS



## Youth (15 years) with and without sexual experiences, and sexual violence



**Table 6:** Percentage of youth (15 years) with and without sexual experience, with indicators of social support from family and peers

### Sexually active youth aged 15 in other countries (2022)

|           | Boys | Girls |
|-----------|------|-------|
| Canada    | 18%  | 18%   |
| Denmark   | 23%  | 21%   |
| Finland   | 31%  | 29%   |
| France    | 16%  | 14%   |
| Germany   | 19%  | 19%   |
| Ireland   | 10%  | 10%   |
| Italy     | 19%  | 19%   |
| Macedonia | 30%  | 5%    |



HBSC Study on health-related behaviors of school-aged children (11, 13, and 15 years) in North Macedonia



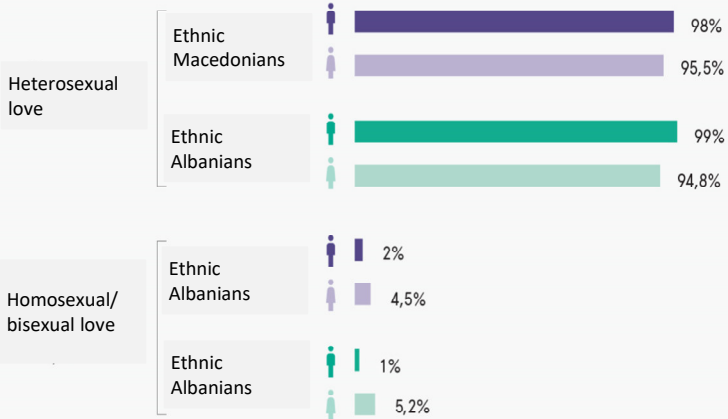


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Who do young people fall in love with at the age of 15 in North Macedonia?

Have you ever been in love with: a boy, a girl, or both?



**Table 7:** Percentage of youth (15 years), boys and girls with the experience of falling in love with the same, opposite or both sexes



Young people (15 years) in love with the opposite, same or both sexes, and mental health

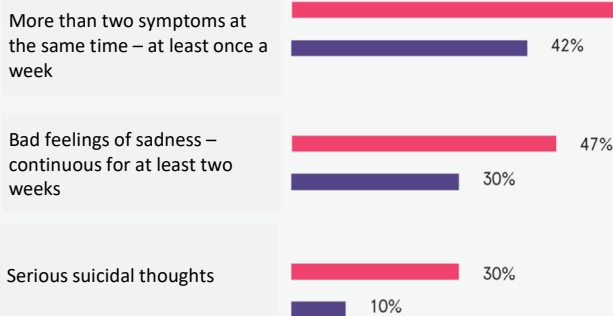
More than two symptoms at the same time – at least once a week



Bad feelings of sadness – continuous for at least two weeks

Serious suicidal thoughts

■ Homo and bisexual attraction  
■ Heterosexual attraction

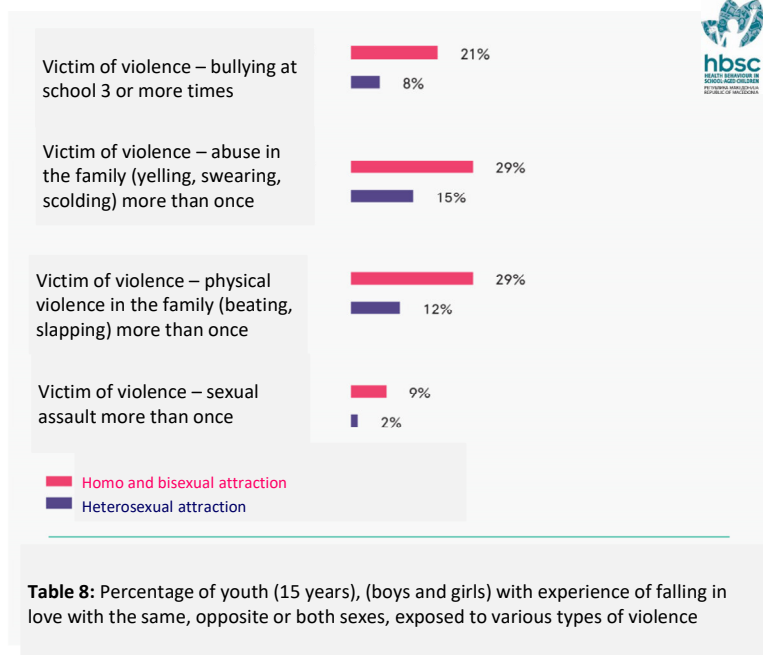


**Table 10:** Percentage of youth (15 years), (boys and girls) with experience of falling in love with the same, opposite or both sexes, through indicators of mental emotional health

# EQUALITY TALKS



Young people (15 years) in love with the opposite, same or both sexes and violence



After the presentation, Drndarevska concluded that the numbers presented are extremely alarming. Equally alarming is that this data is not taken into account by decision makers.

## Ana Poprizova

Ana Poprizova focused on discussing the situation in the schools, on what challenges students face related to gender inequalities, gender prejudices and norms. She presented her experience as a psychologist from the work she has done with LGBTI children, what schools can do to improve the inclusion of LGBTI youth in education, as well as what challenges faced by the teaching staff who have the will to work on these topics and on improving the situation, to address stigma and what type of support, policies, guidelines are needed for schools.

Poprizova emphasised the difficult situation in schools, especially due to stereotypes and prejudices related to gender equality and anti-gender movements that are present among teaching staff, students and professional associates. According to her, topics related to gender equality are very little represented in the curriculum. She believes that there is only a declarative

# EQUALITY TALKS

commitment to non-discrimination by the teaching staff, but that there is not enough education and sensitisation on these topics.

She especially emphasised the isolation that LGBTI children face in education, as well as the fact that support is missing and if support is available, it is incidental. The reality of a high school student belonging to the LGBTI community, Poprizova said, is filled with fear, uncertainty, confusion, insecurity and lack of support from parents, teaching staff and students. She drew on the discussion on the results of the HBSC study by the previous speaker, saying that the shocking result is that members of the LGBTI community from our population, at the age of 15, are even three times more likely to seriously think about suicide or to have attempted suicide. These are arguments to work in the direction of strengthening the capacities of the professional associates and the teaching staff in the direction of supporting these students.

Finally, Poprizova gave recommendations for both schools and institutions. For schools, she recommends:

- Education of teaching staff and professional associates on gender-based violence and on anti-gender movements;
- Strengthening the capacities of professional services in schools (legal provisions determining the number of students a psychologist can work with, spatial conditions that ensure confidentiality and discretion, salaries to be equal to class teachers. She emphasised that currently a professional associate is paid less than a teacher who is a class leader, which contradicts the advisory competence of the professional associate); and
- Current programs/protocols for dealing with school violence should include the area of gender-based violence.

For institutions, Poprizova recommended:

- Adoption of a new Law on Secondary Education that will respond to the many needs discussed by experts today, but also over the years;
- Adopting a program for improving mental health and dealing with discrimination among students, which will take into account the vulnerable situation of LGBTI persons;
- The Pedagogical Service at the Ministry of Education should be equipped and work according to its full competence, which is very important for closing the circle of support for schools, because most of the time schools are left on their own;
- Providing supervisory and mentoring support to professional associates, as this is the standard of the helping professions – to advance their work, but also to support them in personal and professional development and care for their own mental health, which is a basic condition for successful professional practice; and

# EQUALITY TALKS

- Introduction of contents of the institutes of psychology, pedagogy, special education and social work, which will imply the adoption of counselling skills, not just knowledge.

## Discussion

Drndarevska emphasised that the failure is evident even with the passive obligation of schools and teaching staff. She gave space for comments and questions from all participants.

Natasha Boshkova emphasised that numbers are something that decision makers must take into account. Hence, she suggested that we need to mobilise for the research of the HBSC study to reach the decision makers to be taken into account in decision-making.

Ognen Spasovski called for continued efforts to work on the topic, gathering evidence and research. Taking research findings seriously in order to be able to adopt appropriate public policies.

# EQUALITY TALKS

## Closing remarks and next steps

### Summary, next steps and closing remarks

Dragana Drndarevska, Member of the Commission for Prevention and Protection against Discrimination

Biljana Kotevska, Gender Equality Expert, Project “EU Support for Rule of Law”

On behalf of the Commission, Drndarevska thanked the entire organizational team and everyone who came and participated in the discussions of the first “Equality Talks”. Following this, plans for future steps were shared. As a first, immediate step, based on the findings of the discussion at the event, a detailed **event report** will be prepared. That report will include the presentations, speeches and main points from the presentations of the speakers, as well as from the discussions of the participants.

Then, based on this report, as well as other previously conducted research activities, a team composed of the Commission for the Prevention and Protection against Discrimination and the project “EU Support for Rule of Law” will prepare **a written review of a proposal for concrete steps and activities leading to systemic changes**, linked to indicators in order to provide a better ground for monitoring their implementation. They will be communicated to all relevant stakeholders. In addition, the findings and recommendations of this report will be used by the Commission for Prevention and Protection against Discrimination and by the project “EU Support for Rule of Law” for planning future activities and for advocacy.

-THE EVENT ENDED AT 5:30 p.m.-

# EQUALITY TALKS

## ANNEX: Agenda

### „EQUALITY TALKS“

#### First Edition: Inclusive Education

-Agenda-

Hotel Solun, Skopje, 09.00-17.15, 03.07.2024

09.00-09.30 Registration of participants

**09.30-09.45 Welcome addresses**

Igor Jadrovski, President of the Commission for Prevention and Protection against Discrimination

Vesna Janevska, Minister of Education and Science

Barbara Liegl, Head of Component 4 “EU Support for Rule of Law“

**09.45-11.15 *Inclusive education in European law and practice***

Keynote speech: Lilla Farkas, International expert on inclusive education and equality and non-discrimination in international law

Moderator: Biljana Kotevska, Gender Equality Expert, Project "EU Support for Rule of Law"

09.45-10.30 Presentation

10.30-11.15 Question and answers

11.15-11.30 Coffee break

# EQUALITY TALKS

**11.30-11.45    The Commission in focus: Inclusive education in the work of the Commission for Prevention and Protection from Discrimination**

Sevgi Idriz, Head of Department on Prevention of Discrimination and Promotion of the Principle of Equality, Commission for Prevention and Protection against Discrimination

**11.45-13.00    Panel discussion: Inclusive education in domestic law and practice through the prism of equality and non-discrimination**

Mabera Kamberi, Head of Sector on Coordination and Technical Assistance on the Minister, Ministry of Labour and Social Policy

Elena Kochoska, Expert on Equality and Non-discrimination in Education Based on Disability

Dana Bishkovska, Head of Sector on European Union, Ministry of Education and Science

Arabela Iljaz, Senior Associate on the Advancement of Education in Romani Language, Ministry of Education and Science

Ognen Spasovski, Expert in Inclusive Education

Moderator: Sevgi Idriz, Head of Department on Prevention of Discrimination and Promotion of the Principle of Equality, Commission for Prevention and Protection against Discrimination

11.45-12.25: Introductory remarks

12.25-13.00: Open discussion

**13.00-14.00    Lunch**

**14.00-15.15    *A gender perspective on inclusive education: Comparative European standards and experiences***

Iustina Ionescu, International Expert on the Gender Perspective of Inclusive Education and Equality and Non-Discrimination in European Experiences

Moderator: Biljana Kotevska, Gender Equality Expert, Project "EU Support for Rule of Law"

14.00-14.45 Presentation

# EQUALITY TALKS

14.45-15.15 Questions and answers

15.15-15.30 Coffee break

**15.30-15.45 The Commission in focus: Gender-sensitive education in the work of the Commission for Prevention and Protection from Discrimination**

Dragana Drndarevska, Member of the Commission for Prevention and Protection against Discrimination

Ana Ugrova, Junior Associate on Preparing Acts from the Field of Prevention and Protection Against Discrimination, Commission for Prevention and Protection against Discrimination

**15.45-17.00 Panel discussion: A gender perspective on domestic understanding and practice of inclusive education**

Irena Cvetkovic, Executive Director, Margini Coalition

Lina Kjostarova Unkovska, Researcher and Activist for the Rights of the Invisible, Marginalized, Children and Youth

Ana Poprizova, Active of Expert Services in High Schools of the City of Skopje

Moderator: Dragana Drndarevska, member of the Commission for Prevention and Protection against Discrimination

15.45-16.25: Introductory remarks

16.25-17.00: Open discussion

**17.00-17.15** Summary, next steps and closing remarks

Dragana Drndarevska, Member of the Commission for Prevention and Protection against Discrimination

Biljana Kotevska, project "EU Support for Rule of Law"