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NEWS REPORT

Country:	Romania
Title:	Romanian Ministry of Education issued a Framework-order on prohibiting school segregation in primary and secondary education and a ministerial order for the action plan on school desegregation
Date:	16 January 2017
Expert:	Iordache, Romanița
Context	
Issue at stake:	Prohibition of desegregation in primary and secondary education on grounds of ethnic origin, mother tongue, disability and / or special educational needs, socio-economic status of the families, residence environment or educational achievement of the beneficiaries
Ground of discrimination:	Race/ethnic origin, disability
Source:	Policy development – Ministry of National Education and Scientific Research Order adopting the action plan on school desegregation and Framework order for prohibiting school segregation in primary and secondary education
Field:	Education
Applicable law:	Law no. 1/2011 on the National Education, Governmental Ordinance 137/2000 on Preventing and Sanctioning All Forms of Discrimination

Content

Policy development: On 22 December 2016, the Ministry of National Education and Scientific Research issued two orders: Order no. 6158 adopting the Action plan on school desegregation, and Framework order no. 6134 for prohibiting school segregation in primary and secondary education. The two documents aim to establish the public policy regarding segregation in education in Romania in relation to the following criteria listed as protected grounds: ethnic origin, mother tongue, disability and / or special educational needs, socio-economic status of the families, residence environment or educational achievement of the beneficiaries.

The current Law no. 1/2011 on National Education does not contain a definition of segregation, contrary to the previous Education Law. Cases of alleged school segregation are still being brought before the national equality body, which is still sanctioning school units as well as school inspectorates for discrimination (the most recent case being from December 2016).¹

¹ NCCD decision in case *Centrul de Advocacy și Drepturile Omului v. Școala „Bogdan Petriceicu Hașdeu” și Inspectoratul Școlar Județean (ISJ) Iași* finding that Roma pupils were placed in a different building, and fining the school with RON 3.000 (€668) and the school inspectorate Iași with RON 5,000 (€1113).

The documents propose a novel philosophy focused on ensuring equity in education both in relation "to equal access to all forms of education but also in relation to quality of education for all children, without any discrimination on grounds of ethnic origin, mother tongue, disability and / or special educational needs, socio-economic status of the families, residence environment or educational achievement of the beneficiaries." The Framework order 6234/2016 defines an inclusive school as "a friendly and democratic school, which values the socio-ethnic-cultural diversity, a school in which all children are respected and integrated without discrimination and without exclusion triggered by their ethnic origin, mother tongue, disability and / or special educational needs, socio-economic status of their families, residence environment or educational achievement of the beneficiaries." Segregation is prohibited on all these grounds and defined as a serious form of discrimination which "has as result unequal access of children to quality education, an infringement of the exercise in equal conditions of the right to education as well as of human dignity."

Segregation in education on grounds of ethnic origin is defined in Article 4 of the Framework order no. 6134 as "physical separation of kindergarten children, pre-schoolers or pupils (in primary and secondary education) belonging to an ethnic group in the educational unit / group / classroom/ building / last two rows / other facilities, so that the percentage of the kindergarten children, pre-schoolers or pupils belonging to the ethnic group from the total of the pupils in the educational unit / group / classroom/ building / last two rows / other facilities, is disproportionate when compared to the percentage of the children belonging to that ethnic group in the total population of that specific age in the educational cycle in that specific administrative-territorial unit." As an exception from the prohibition of ethnic segregation, the Framework order no. 6134 allows for groups, classes, educational units (schools) enrolling "mostly or only kindergarten children, pre-schoolers or pupils belonging to an ethnic group, with the purpose of teaching in the mother tongue of that group or in a bilingual system."

The Framework order 6234/2016 defines in similar terms in Article 6 segregation on grounds of disability and / or special educational needs (allowing as an exception establishing and functioning of special education units or establishing groups or classes in a regular school), in Article 7 segregation on grounds of "a certain level of academic achievement" and, in Article 8 segregation on grounds of the residence environment of the pupils.

A National Commission for Desegregation and Educational Inclusion is supposed to be established with specific tasks and the Framework order also provides for specific tasks for the county level school inspectorate. Also specific competencies are established for a "school commission for preventing and eliminating violence, corruption and discrimination in the educational environment and for promoting interculturality in the field of preventing and eliminating any form of school segregation." More specific measures are provided in Order 6158/2016 on the Action Plan including: amending the legal framework, increasing the quality of the educational services of pre-university units in Romania, professional training of human resources, developing a system of stimulating human resources from segregated educational units, developing complementary measures to prevent and combat discrimination and school segregation, increasing the quality of educational services by ensuring the ethnic relevance and a positive self-image of Roma children.

Failure to observe the provisions of the Framework order 6134/2016 is mentioned without specific sanctions, the order mentioning that it "leads to disciplinary and patrimonial liability." Refusal of the educational unit to monitor school segregation, to report data required and progress or refusal to elaborate or implement a desegregation plan triggers "disciplinary, administrative, civil or criminal liability."

Key points of analysis: While incomplete as it lacks the methodology which would allow the operationalization of the action plan and the actual enforcement of the Framework order, still to be developed and adopted, the two documents respond to legislative and actual needs. Further clarifications are needed, particularly in relation to the exceptions embedded in the prohibition of discrimination. The additional protected grounds of “socio-economic status of the families, residence environment or educational achievement of the beneficiaries” need further definitions and clarifications.

Internet link source: Press release of the Ministry of Education as well as the text of the two orders in Romanian is available at <http://edu.ro/politici-publice-%C3%AEn-educa%C8%9Bie-pentru-prevenirea-combaterea-%C8%99i-interzicerea-segreg%C4%83rii-%C8%99colare> (accessed 10 January 2017).