



“Sink or Swim”

Barriers for Children with Disabilities in the European School System

HUMAN
RIGHTS
WATCH





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**Barriers for Children with Disabilities in the
European School System**

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Summary

“My son knows every car brand. He has astonishing geographical memory. He knows two Mozart operas by heart. But special gifts like this are not regarded in schools, because they are not useful. If you are not among the 95 percent of children that develop normally in terms of reading, writing, calculating, you have a massive problem.”

—Maria, the mother of a boy with an intellectual disability, October 2018

Maria works for a European Union institution. Her son Jonas is nine years old and has an intellectual disability. When he was four, she tried to enroll him in a European School, which children of EU staff have a right to attend for free. Their application was rejected three times. Jonas now attends a special school for children with intellectual disabilities.

European Schools, a network of 13 intergovernmental schools primarily teaching children of EU employees, do not do enough to accommodate the needs of children with disabilities. While the schools are paying increasing attention to inclusion, Human Rights Watch found that children with disabilities continued to be rejected, pressured into changing schools, or not provided with appropriate accommodations and support to allow them to learn and thrive in an inclusive environment.

European Schools are governed by the 28 EU member states and the European Commission. The EU and all of its member states have ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which guarantees children with disabilities the right to inclusive education.

Based on interviews with 27 people between September and November 2018, this report documents the cases of 12 children and one young adult with a range of disabilities and found that despite states’ obligations under the convention, European Schools allow the exclusion of children on the basis of disability. Their Policy on the Provision of Educational Support states that “European Schools do not offer a fully inclusive education system.... [T]he school is entitled to declare itself unable to meet the needs of the pupil.”

These cases took place in five European Schools, but shed light on a number of structural issues in the European School system which also affect students in other European Schools.

Nine parents interviewed by Human Rights Watch reported feeling pressured by school officials to remove their child from the school. In some cases, parents told us that they experienced harassment, with school officials repeatedly calling them in for meetings to hear complaints about their child’s challenging behavior or poor academic performance.

Claire, the mother a 16-year-old boy with attention deficit hyperactivity disorder (ADHD), explained: “There are two situations: either the children are thrown out, often because they are failing at school. Or they are isolated, not supported, until they decide to go themselves. It's ‘sink or swim’.” Claire, who ended up removing her son from the European School in 2015, said all but one of the children who were receiving educational support in her son’s class dropped out.

Louise, a 15-year-old girl who has dyslexia, also left the European School after struggling for years to get basic accommodations for her learning disability, such as the right to use a device to take pictures of the blackboard. “This school was like an anthill, every year they filtered the best to keep only the elite,” she said. “Those who are a little defective, they do everything they can to reject them. They wanted us to feel bad enough to leave on our own.”

Under the CRPD, children with disabilities have a right to individualized support measures and reasonable accommodations in school, including adapted teaching methods, material and program, the provision of assistive technology, and alternative examination formats. According to parents, such accommodations were not systematic and depended on the willingness of school staff.

“It wouldn't take a lot of effort,” said Claire. “These are marginal adjustments, not rocket science.”

Also, European Schools offer only one curriculum leading to the European Baccalaureate, which cannot be adapted to children with disabilities’ varying needs, strengths, challenges and learning styles. In one case, the director told the parents of a boy with learning disabilities that he could move on to secondary school but that he would never be able to catch up with the program and the school would be “limited to a sort of daycare.”

Currently, around 27,000 pupils are educated at the 13 European Schools in Belgium, Luxembourg, Germany, Spain, the Netherlands, and Italy in 20 official EU languages. While there is no data on the number of pupils with disabilities, nearly four percent of the school population receive intensive support, targeting children who are determined by an expert

assessment as having “special educational needs,” a large number of which are children with disabilities.

Depending on the language skills of the children, and the availability of alternative international and inclusive schools in the national school systems, children with disabilities who are rejected from European Schools may find themselves with limited options for schooling.

European institutions provide their employees co-funding for the enrollment of children with disabilities in private schools, where fees can be as high as €50,000 a year. Based on interviews with European Commission officials, Human Right Watch found that the European Commission, which has the largest staff of all EU institutions, is currently providing such funding to around 70 children, for a total budget over €1.5 million. Instead of investing in accommodating the needs of children with disabilities in European Schools, the EU is spending significant funds on private school education for these children.

Most parents interviewed for this report recognized that some teachers and assistants were doing their utmost to help their child and that attitudes were evolving positively. For example, one boy with a disability experienced a more inclusive environment after a new director and support coordinator were appointed to his school, after four years described by his mother as “pure hell” during which she was continuously pressured to remove him.

The situation of Adrian, a 17-year-old boy with autism, also dramatically improved after he moved from one European School to another. His first school frequently punished him for behavior linked to this disability; in the second one he was met with understanding and openness.

Although European School staff make adjustments, it should not depend on their good will whether to accommodate or not the needs of children with disabilities. European Schools should make a commitment to inclusive education in policy and practice, and back it up with adequate resources.

The Board of Governors of European Schools should adopt a policy on inclusive education, develop teacher training and introduce flexibility in the curriculum. The European Commission, which provides more than half of the European Schools’ budget, should lead the process and ensure its funding contributes to an inclusive system.

Methodology

This report is based on research conducted by Human Rights Watch between September 2018 and November 2018, in close collaboration with the European Disability Forum, an independent nongovernmental organization based in Brussels that represents Europeans with disabilities. The European Disability Forum provided expertise and advice.

Human Rights Watch documented the cases of 12 children and one young adult with a range of disabilities, who were enrolled in five European Schools (four in Brussels and one in Luxembourg), or whose enrollment application was refused. The cases investigated nonetheless shed light on a number of structural issues in the European School system which also affect students in other European Schools.

Human Rights Watch interviewed a total of 27 people in Brussels and Luxembourg for the report, including children, parents, school directors, support coordinators, inclusive education experts, the office of the European Ombudsman, officials of the European Commission's Directorate-General for Human Resources and Security, and the deputy secretary-general of the European Schools. The interviews were conducted in English and French, either in person at homes, schools, public spaces or offices, or through video and phone calls. All cases took place since 2013. Out of the 13 students whose cases were documented, 12 were children of EU institutions' employees.

Most children and parents are identified by pseudonyms in order to protect their privacy and confidentiality, unless they requested that their identity be revealed.

Background

European Schools are intergovernmental schools primarily intended for children of employees of European institutions. They are considered public institutions, governed by an international convention and controlled jointly by the governments of EU member states and the European Commission.¹

Free enrollment of their children in European Schools is part of EU staff's employee benefits. Currently, more than 80 percent of European Schools' pupils are children of EU staff. The European Commission provides more than half of the European Schools' budget.²

European Schools provide instruction in 20 EU languages, allowing children to study in their mother tongue. They deliver the European Baccalaureate, which is recognized across the EU.

All EU member states as well as the EU itself have ratified the CRPD. As Andreas Beckmann, the deputy secretary-general of the European Schools, said: "The first step is to acknowledge [European Schools] are bound by the CRPD."³

In 2015, the UN Committee on the Rights of Persons with Disabilities, which monitors implementation of the international disability convention, expressed concern "that not all students with disabilities receive the reasonable accommodation needed to enjoy their right to inclusive quality education in European schools in line with the Convention, and that the schools do not comply with the non-rejection clause."⁴ This clause requires governments to ensure people with disabilities are not excluded from the general education system on the basis of disability.⁵

¹ "Convention defining the Statute of the European Schools," 21994A0817(01), OJ L 212, August 17, 1994, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A21994A0817%2801%29> (accessed November 22, 2018).

² Schola Europea, Office of the Secretary-General, "Preliminary Draft Budget 2019," Board of Governors, <http://www.gudee.eu/DOC2016/2018-03-D-6-en-3a.pdf>.

³ Human Rights Watch interview with Andreas Beckmann, the deputy secretary-general of the European Schools, Brussels, November 14, 2018.

⁴ United Nations Committee on the Rights of Persons with Disabilities, "Concluding observations on the initial report of the European Union," CRPD/C/EU/CO/1, October 2, 2015, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FEU%2FCO%2F1 (accessed November 22, 2018).

⁵ CRPD, art. 24 (2) (a).

As follow-up to the UN Committee report, the European Schools' Educational Support Policy Group prepared a report on inclusive education. In parallel, the Joint Board of Inspectors carried out an evaluation of the schools' provision of educational support. Both reports are scheduled to be presented at the European Schools Board of Governors December 2018 meeting.

The European Commission, in its Diversity and Gender Equality Report 2018 and Action Plan, announced it will ask for an independent external evaluation to identify and address issues related to educational support in European Schools, in light of the UN Committee's observations and recommendations.⁶

⁶ European Commission, "A Better Workplace for All: From Equal Opportunities Towards Diversity and Inclusion", Diversity and Gender Equality Report 2018, July 19, 2018, on file with Human Rights Watch.

Barriers Facing Children with Disabilities in European Schools

Exclusion and Pressure to Leave the School

The Policy on the Provision of Educational Support allows European Schools to refuse children with disabilities when they determine that the school cannot meet their needs.⁷

In the 2016-2017 school year, nine children left a European School after it declared itself unable to meet their needs, while 40 others “moved to a more suitable school,” according to the latest available statistical report.⁸

Human Rights Watch documented three cases where children with disabilities were excluded but found that in practice, schools more often apply pressure on parents until they themselves remove their children from the school.

In some cases, teachers warned parents that their child would not receive all the support they needed and would experience increasing difficulties. In others, school administration repeatedly urged parents to move their child to a special school, arguing that the European Schools were not inclusive and that their child did not belong there.

Eva, whose son David has multiple disabilities, explained: “They couldn’t do much because they could see he could follow intellectually. They couldn’t throw him out, but they were constantly trying to make me do it, asking me if I really thought it was the best school for him, whether I was thinking of putting him in a local school.”⁹

In seven cases documented by Human Rights Watch, pressure increased when children transitioned to secondary school. Statistics from the school year 2016-2017 indicate that

⁷ Schola Europea, Office of the Secretary-General, Pedagogical Development Unit, “Policy on the Provision of Educational Support in the European Schools,” 2012-05-D-14-en-9, <https://www.eursec.eu/Documents/2012-05-D-14-en-9.pdf>.

⁸ Schola Europea, Office of the Secretary-General, Pedagogical Development Unit, “Statistical Report on Educational Support and on the integration of pupils with Special Educational Needs into the European Schools in the year 2016-2017,” 2017-11-D-24-en-4, <https://www.eursec.eu/Documents/2017-11-D-24-en-4.pdf>.

⁹ Human Rights Watch phone interview with Eva (real name withheld), October 16, 2018.

the proportion of children receiving intensive support decreased between the nursery/primary cycles and the secondary cycle.¹⁰

Even when children with disabilities are thriving, they are pressured into leaving the system. One boy with autism found the support he needed at the European School after a negative experience in the Belgian special education system. “He is progressing to be included in society,” said his mother. “He is starting to relate with others, to communicate, read, do math...”¹¹

But it is uncertain if he will be allowed to stay on: “Every time we go for meetings [with the school administration and teachers], they give us the same speech: ‘He is making good progress; however, he can’t go to secondary school because he can’t reach the Bac’ [the European Baccalaureate].”

The school directors and support coordinators interviewed by Human Rights Watch valued inclusion and were eager to offer the best opportunities to children with disabilities. But as a result of having little flexibility in the curriculum, they confirmed that there comes a moment when they feel they have no choice but to recommend to parents to take their child out of the European School¹²: “We try to take their hand and not push them. But sometimes, in the interest of the child, we have to explain to them it’s not doing anybody any good,” Brian Goggins, director of the European School of Brussels I, told Human Rights Watch.¹³

Having to change schools can be incredibly stressful for a child. Marius, a 13-year old boy with learning disabilities, experienced it as “a huge injustice, a tragedy,” according to his mother.¹⁴ Cristian, the father of Antonio, a nine-year-old boy with a learning disability, said his son also reacted badly. He continues to ask in the morning: “Are we going to the new school or the old school today?”¹⁵

¹⁰ Schola Europea, Office of the Secretary-General, Pedagogical Development Unit, “Statistical Report on Educational Support and on the integration of pupils with Special Educational Needs into the European Schools in the year 2016-2017,” 2017-11-D-24-en-4, <https://www.eursec.eu/Documents/2017-11-D-24-en-4.pdf>.

¹¹ Human Rights Watch interview with the mother of a boy with autism (name and location withheld), October 2018 (specific date withheld).

¹² Human Rights Watch separate interviews with Brian Goggins, director, and Micheline Sciberras, support coordinator, European School of Brussels I, Brussels, October 18, 2018; and with Manuel Bordoy, director, and Andreas Mattuscheck, support coordinator, European School of Brussels IV, Brussels, October 17, 2018.

¹³ Human Rights Watch interview with Brian Goggins, director, and Micheline Sciberras, support coordinator, European School of Brussels I, Brussels, October 18, 2018.

¹⁴ Human Rights Watch interview with Angèle (real name and location withheld), 2 September 20, 2018.

¹⁵ Human Rights Watch interview with Cristian (real name and location withheld), October 19, 2018.

European Schools do not have a standard procedure to assess admission requests for children with disabilities, and do not collect data on the number of requests they reject or the reasons for refusal.

Maria, the mother of Jonas, a nine-year-old boy with an intellectual disability, explained that when she tried to enroll her son three times in 2013 and 2014, they were asked to come to the school for half a day of assessments. By the end of the morning, Jonas, then aged four, was tired and no longer cooperating. His mother described: “My son was left in an empty classroom with nothing to play with, just a pen and paper, but my son doesn’t draw. Outside, there was a football and scooters. Of course, he wanted to go outside to play. Based on that, they decided he can’t stay in a classroom.”¹⁶

Their application was rejected three times, on the grounds that the school structure was not fit for Jonas, that he would never make it to the European Baccalaureate, and that he was hyperactive and would run out of the classroom.

Maria was unable to find a mainstream Belgian school that would accept her son, despite discrimination on the grounds of disability being prohibited in the Belgian education system.¹⁷ He now attends a special school 30 kilometers away from his home. “Now that he’s in a special school, he will never leave the system,” she said. “I’m very sad my son is in the special education system. There are very limited things you can do after going to a specialized school. Children with disabilities have so much talent, so much would be feasible if they would get the right support.”¹⁸ As a result, Maria is now considering quitting her EU job and going back with her son to their home country.

Inadequate Support and Lack of Systematic Accommodations

Educational support in European Schools is by default focused on the provision of support lessons and one-to-one assistants, regardless of the child’s individual needs. Most of the parents interviewed by Human Rights Watch considered that this response was not adequate for their child.

¹⁶ Human Rights Watch interview with Maria (real name and location withheld), October 4, 2018.

¹⁷ Centre pour l'égalité des chances et la lutte contre le racisme (UNIA), "Discrimination of Persons with a Disability" (« Discrimination des personnes avec un handicap »), Brussels, July 2009, https://www.unia.be/files/Z_ARCHIEF/CGKR_handicap_FR_Web.pdf (accessed November 22, 2018).

¹⁸ Human Rights Watch interview with Maria (real name and location withheld), October 4, 2018.

Instead of a personalized educational response based on their disability, children were often just offered support classes in the subject matters they were failing in. Theo, who grew up near-bilingual in French and English but experienced difficulties in French classes due to his dyslexia, was placed in a remedial program for children who did not speak French.¹⁹

Parents expressed that giving their child remedial lessons and extra homework was inappropriate as their child was already struggling to manage the existing workload. One mother explained: “If a child has dyslexia, it is not a good idea to give them support classes. What these children need are accommodations [in the classroom].”²⁰

While assistants can provide practical support, such as preparing educational material, helping the pupil to use the toilet, and supporting them with behavior, assistants alone do not make the school system inclusive.²¹ Four out of the seven parents whose children had an assistant raised concerns with how the assistant functioned with their child.

According to Angèle, Marius’s mother, “the assistant was there to keep him busy, and some teachers felt that it was no longer their job to take care of him.”²² Marius’s assistant used to take him to work in the corridor, which meant he would miss classes. “I didn’t often go inside the classroom,” he added.²³

Anna, whose son Adrian has Asperger syndrome, said “[the assistant] was there more to help the school than to help my child. She was sitting next to him during all classes, which was making other students and the teacher uncomfortable.”²⁴

Another child, Theo, was bullied by his classmates because he had an assistant. “It was marking him out as separate,” his mother explained.²⁵

To promote inclusion, assistants should receive training in the specific needs related to different types of disability, and how to support the student with a disability to follow the

¹⁹ Human Rights Watch interview with the parents of Theo (real name and location withheld), October 16, 2018.

²⁰ Human Rights Watch interview with the mother of Louise (real name and location withheld), September 20, 2018.

²¹ Schola Europea, Office of the Secretary-General, “Job description of a SEN Assistant. Working group ‘SEN Policy,’” 2011-07-D-1-en-1, September 28, 2011, <https://www.eursec.eu/Documents/2011-07-D-1-en-1.pdf> (accessed November 22, 2018).

²² Human Rights Watch interview with Angèle (real name and location withheld), 20 September 2018.

²³ Human Rights Watch interview with Marius (real name and location withheld), October 3, 2018.

²⁴ Human Rights Watch interview with Anna (real name and location withheld), September 17, 2018.

²⁵ Human Rights Watch interview with the mother of Theo (real name and location withheld), October 16, 2018.

lesson delivered by the teacher; the teacher is still directly responsible for the child's learning.

The Policy on the Provision of Educational Support provides for "special arrangements" during tests,²⁶ but not for reasonable accommodations in the classroom for children with disabilities, as required by the CRPD.²⁷ According to the parents interviewed by Human Rights Watch, while some teachers provided such accommodations, they were not systematic and depended on the decisions of individual staff.

Claire said teachers refused to take basic steps to accommodate the needs of her son such as communicating homework at the beginning rather than the end of the period.²⁸ Likewise, Theo had difficulties taking notes because of his dyslexia, but his teachers refused to give him written copies of notes.²⁹ The mother of Louise also said she had to fight for months for the school to authorize the use of a device to take pictures of the blackboard. According to her, teachers considered accommodations as preferential treatment.³⁰

Large class size can be another obstacle for children with disabilities. In European Schools, classes may have up to 30 pupils.³¹ The policy does not allow for class size to be reduced based on the fact that one or several pupils have a disability.³² The European Schools' Educational Support Policy Group recommends to provide the schools with more autonomy to adapt the thresholds for maximum number of pupils in cases where a class has several pupils receiving intensive support.³³

Three parents indicated that the school did not buy the assistive equipment their child required. Eva, for example, had to provide the magnifier and special chair that her son

²⁶ Schola Europea, Office of the Secretary-General, Pedagogical Development Unit, "Policy on the Provision of Educational Support in the European Schools," 2012-05-D-14-en-9, <https://www.eursec.eu/Documents/2012-05-D-14-en-9.pdf>.

²⁷ CRPD, art. 24 (2) (c).

²⁸ Human Rights Watch interview with Claire (real name and location withheld), September 26, 2018.

²⁹ Human Rights Watch interview with the parents of Theo (real name and location withheld), October 16, 2018.

³⁰ Human Rights Watch interview with the mother of Louise (real name and location withheld), September 20, 2018.

³¹ Schola Europea, Office of the Secretary-General, General Secretariat, "Digest of Decisions of the Board of Governors of the European Schools. 43rd edition," 2014-02-D-14-en-3, <https://www.eursec.eu/Documents/2014-02-D-14-en-3.pdf> (accessed November 22, 2018).

³² Human Rights Watch separate interviews with Andreas Beckmann, the deputy secretary-general of the European Schools, Brussels, November 14, 2018; and with Brian Goggins, director, and Micheline Sciberras, support coordinator, European School of Brussels I, Brussels, October 18, 2018.

³³ Human Rights Watch interview with Andreas Beckmann, the deputy secretary-general of the European Schools, Brussels, November 14, 2018.

needs in class because he has low vision.³⁴ Cristian said he was advised by his son’s teacher “not to ask for too much,” or else the school would declare it did not have the capacity and ask him to leave.³⁵

Negative Attitudes and Harassment

Four parents interviewed by Human Rights Watch faced persistent hostility from the management in two different schools. They described being repeatedly asked to attend meetings to hear complaints about their child.

Eva recalled: “I’m a single mother, already desperate as it is, and I was sitting in a room with 15 people, including the headmaster, psychologist, teacher, assistant, everybody literally attacking me, saying: ‘There is something wrong with your child, what he does is unacceptable, please get a diagnosis.’ All kinds of things that make you feel really bad. They try to make you feel like you’re insane.”³⁶

Angèle said the school regularly called her at work, and asked to come on the same day: “I had burnout. It’s a form of harassment. They wanted us to leave.”³⁷

Hostility was also sometimes directed against the children. Adrian was frequently punished for behaviors linked to his autism. He told Human Rights Watch: “The director and the advisor were focusing on me. I had to go to the principal because of things I did just because I’m special.”

His assistant was tasked with writing reports about his behavior. “Little things such as talking to a classmate during a lesson would be in the assistant’s report that the principal could see,” Adrian said. “I did not enjoy this. It was not a happy time. We as a family were not happy. There was constantly something to do with the school because of me.”³⁸

In 2015, the situation escalated, and Adrian faced a disciplinary procedure for his behavior in one class. The disciplinary council excluded him from this class, which was essential to

³⁴ Human Rights Watch phone interview with Eva (real name withheld), October 16, 2018.

³⁵ Human Rights Watch interview with Cristian (real name and location withheld), October 19, 2018.

³⁶ Human Rights Watch phone interview with Eva (real name withheld), October 16, 2018.

³⁷ Human Rights Watch interview with Angèle (real name and location withheld), September 20, 2018.

³⁸ Human Rights Watch interview with Adrian (real name and location withheld), October 17, 2018.

obtaining any certification. That is when his mother finally decided to put him in a different school. “Keeping him in the school was only to delay his execution,” she said.³⁹

That same year, in the same school, another child with a disability, Theo, went through a disciplinary procedure for his seemingly harmless behavior with a teacher. For his mother, this was the final blow: “We decided that if this was their attitude towards our son it was not in his best interest to be in the school.”⁴⁰

Adrian is now enrolled in another European School, where the staff’s attitude is dramatically different. “It’s a nice school, I like it much better,” he said. “If there is an incident I go to the advisor, we talk it out, find a solution. They pay attention to people with special needs.”⁴¹

David, who has multiple disabilities, also experienced negative attitudes under his school’s previous administration. The school once tried to dissuade his mother from letting him join a school trip, even though she had arranged for his father to accompany him.

“The teacher said she was really worried that he would not follow instructions, would have a tantrum and scare other children. But if we talk about scaring children, he is the most scared of all,” his mother told Human Rights Watch. “It was one of the worst things that happened in my life. I am laughing now but I really want to cry.”⁴²

Lack of Flexibility in the Curriculum

European Schools offer a single, highly academic curriculum leading to the European Baccalaureate. As Manuel Bordoy, director of the European School of Brussels IV, explained, when it comes to the inclusion of children with disabilities, “the limit is that the system doesn’t deliver other qualifications than the Bac.”⁴³

The curriculum leading to the European Baccalaureate does not allow any flexibility to adapt to the needs, potential, and learning style of children with disabilities. Under the

³⁹ Human Rights Watch interview with the mother of Adrian (real name and location withheld), September 17, 2018.

⁴⁰ Human Rights Watch interview with the parents of Theo (real name and location withheld), October 16, 2018.

⁴¹ Human Rights Watch interview with Adrian (real name and location withheld), October 17, 2018.

⁴² Human Rights Watch phone interview with the mother of David (real name withheld), October 16, 2018.

⁴³ Human Rights Watch interview with Manuel Bordoy, director, and Andreas Mattuscheck, support coordinator, European School of Brussels IV, Brussels, October 17, 2018.

Policy on the Provision of Educational Support in the European Schools, “[a] pupil benefiting from a modified curriculum in order to meet his/her needs will be promoted only if he/she meets the expected requirements for his/her study level.... All European Baccalaureate candidates must have followed the full S6 and S7 [the last two years leading to the European Baccalaureate] curriculum in order to qualify for award of the Baccalaureate diploma.”⁴⁴

Children who are not promoted to the next grade may be “progressed” and continue with their class. However, this means that they will leave the European School with no certificate: there exists no alternative to the European Baccalaureate to document the progress achieved by children who have followed an adapted curriculum.

Andreas Beckmann, the deputy secretary-general of the European Schools, recognized this raises a difficult question: “Is it still in [the child’s] best interest if they follow their class for 12 years and end up with nothing in their hands?”⁴⁵

Introducing a new certificate in addition to the European Baccalaureate would require a decision from member states.

Based on interviews with parents and school officials, while a certain level of flexibility is permitted in the primary cycle, assessment and promotion rules are strictly applied in the secondary cycle. “In S4 [year 4 of the secondary school] and beyond, we fully insert the student into the program, we don’t adapt the program or the marks, to see how they fare,” explained one school support coordinator.⁴⁶

This is what made Cristian remove his son Antonio from the school. “We realized there is no individualized program, no pedagogical path for his needs,” Cristian said. “If you are within the frame, it’s okay, but if you go a little bit outside the frame, it’s a disaster. They just close their eyes, thinking that children of civil servants can’t have any problems.”⁴⁷

⁴⁴ Schola Europea, Office of the Secretary-General, Pedagogical Development Unit, “Policy on the Provision of Educational Support in the European Schools,” 2012-05-D-14-en-9, <https://www.eursec.eu/Documents/2012-05-D-14-en-9.pdf>.

⁴⁵ Human Rights Watch interview with Andreas Beckmann, the deputy secretary-General of the European Schools, Brussels, November 14, 2018.

⁴⁶ Human Rights Watch interview with Brian Goggins, director, and Micheline Sciberras, support coordinator, European School of Brussels I, Brussels, October 18, 2018.

⁴⁷ Human Rights Watch interview with the Cristian (real name and location withheld), October 19, 2018.

Standard learning objectives may not be adequate for some children with disabilities, who may require an adapted curriculum.

The fact that European Schools require their pupils to master three different languages can be a serious obstacle for some children, and particularly some children with disabilities. “Just because you are the son of a European civil servant does not mean you are good at languages,” said Claire, who removed her son from the school after seven years.⁴⁸

William said that the time his son Theo, who has dyslexia, spent improving his French spelling was taken away from other subjects, like math and science. According to his father, Theo would likely have serious difficulty passing the European Baccalaureate because of his difficulties in French. William told Human Rights Watch: “It was unfair that he would end up with no qualifications because he cannot put the right accent on a French word.”⁴⁹

Lack of Awareness and Training

Of the 10 parents interviewed by Human Rights Watch whose children were enrolled in a European School, eight said that the school staff lacked sufficient training and awareness about disability.

As most European School teachers are seconded by member states, their level of training on disability and inclusive teaching varies. Micheline Sciberras, support coordinator at the European School of Brussels I, said: “We come from different systems, different philosophies. We have colleagues who come from very selective systems.”⁵⁰

In spite of being bound by the CRPD, many European states do not implement inclusive education in practice. According to the Council of Europe Commissioner for Human Rights:

⁴⁸ Human Rights Watch interview with Claire (real name and location withheld), September 26, 2018.

⁴⁹ Human Rights Watch interview with William (real name and location withheld), October 16, 2018.

⁵⁰ Human Rights Watch interview with Brian Goggins, director, and Micheline Sciberras, support coordinator, European School of Brussels I, Brussels, October 18, 2018.

“Many countries still do not regard inclusion of [children with disabilities] as an enforceable obligation for mainstream schools.”⁵¹

As a result, some teachers arrive at the European School without ever having had a pupil with a disability in their classroom, and with no knowledge or experience as to how to include them and ensure they are learning on an equal basis. “Some teachers would say ‘this is not my job,’” Brian Goggins, director of the European School of Brussels I, told Human Rights Watch.⁵² He explained that to address this, support coordinators, who are trained to address diverse educational needs, sensitize their colleagues on inclusive education.

Manuel Bordoy, director of the European School of Brussels IV, also recognized there is a need for better training.⁵³ Some schools include subjects such as differentiated teaching and educational support in their local in-service training, but there is no system-wide teacher training on inclusive education. Andreas Beckmann, the deputy secretary-general of the European Schools, agreed that European School should develop systematic and comprehensive training tools on this issue.⁵⁴

It is often left to parents to train teachers or arrange to bring in professional expertise to the school. “It was up to me to explain his disability. But I myself am not educated. I also need help to understand my son’s behaviors,” recalled Anna, the mother of Adrian. “My mission was to disseminate information. I printed Wikipedia pages about Asperger in all languages and distributed them to teachers.”⁵⁵

Parents also expressed concern about the lack of qualifications of the staff specially mandated to support children with disabilities, such as support teachers and support assistants. According to the Procedural Document on the Provision of Educational Support in the European Schools, support teachers, whether seconded or locally recruited, will only

⁵¹ Council of Europe, Commissioner for Human Rights, “Fighting school segregation in Europe through inclusive education. Position paper,” September 2017, <https://rm.coe.int/fighting-school-segregationin-europe-throughinclusive-education-a-posi/168073fb65> (accessed November 22, 2018).

⁵² Human Rights Watch interview with Brian Goggins, director, and Micheline Sciberras, support coordinator, European School of Brussels I, Brussels, October 18, 2018.

⁵³ Human Rights Watch interview with Manuel Bordoy, director, and Andreas Mattuscheck, support coordinator, European School of Brussels IV, Brussels, October 17, 2018.

⁵⁴ Human Rights Watch interview with Andreas Beckmann, the deputy secretary-general of the European Schools, Brussels, November 14, 2018.

⁵⁵ Human Rights Watch interview with Anna (real name and location withheld), September 17, 2018.

“preferably” have “qualifications, experience or aptitude for teaching pupils with diverse needs.”⁵⁶

Several parents also highlighted the inadequacy of support assistants’ role. Although they do not have pedagogical training and are not supposed to have teaching tasks, in practice they often do pedagogical work. Daniela, whose 12-year-old son Luca has autism, told Human Rights Watch that her son’s assistant was extremely competent but was treated and remunerated as someone with no university education despite having a post-university degree.⁵⁷ The responsibilities of support assistants are not officially recognized, and they are graded in the same category as nursery assistants and ICT technicians.⁵⁸

For Isabel, whose son has attention deficit and a learning disability, assistants are used to fill a gap in the support of children with disabilities.⁵⁹

Limited Alternatives and Private School Tuition Fees

Children with disabilities who are excluded from European Schools or steered out by the lack of adequate support face a dearth of alternative schooling options in a language they can speak. Some parents like Bruno, whose 19-year-old son Simon has ADHD, have no other choice but to send their child to a boarding school in their home country. “It was a difficult decision to take, including for our family life,” he told Human Rights Watch. “He was our last child at home and he’s no longer at home.”⁶⁰

Children who speak the national language of their country of residence can transfer to the national system but may again face barriers to inclusion. The two parents who had tried to enroll their child in mainstream Belgian schools said their repeated applications were invariably turned down. According to UNIA, the Belgian public agency in charge of

⁵⁶ Schola Europea, Office of the Secretary-General, Pedagogical Development Unit, “Provision of Educational Support in the European Schools – Procedural document,” 2012-05-D-15-en-11, <https://www.eursec.eu/Documents/2012-05-D-15-en-11.pdf> (accessed November 22, 2018).

⁵⁷ Human Rights Watch interview with Daniela Carzaniga, Brussels, October 11, 2018.

⁵⁸ Schola Europea, Office of the Secretary-General, “Service Regulations for the Administrative and Ancillary Staff (AAS) of the European Schools Approved by the Board of Governors at Its Meeting in Lisbon on 17-18 April 2007,” 2007-D-153-en-7, <https://www.eursec.eu/BasicTexts/2007-D-153-en-7.pdf> (accessed November 22, 2018).

⁵⁹ Human Rights Watch interview with Isabel (real name and location withheld), September 27, 2018.

⁶⁰ Human Rights Watch interview with Bruno (real name and location withheld), October 15, 2018.

combatting discrimination, Belgian schools regularly exclude children with disabilities.⁶¹ In 2016, the Council of Europe Commissioner for Human Rights expressed concern that a high number of children with disabilities in Belgium were educated separately from other children in specialized schools.⁶² In a landmark ruling in November 2018, a Belgian court for the first time fined a school for refusing to enroll a child with a disability.⁶³

Most parents had only one option after their child left the European School: to enroll them in a private international school, where tuition fees can reach more than €50,000 a year. In those cases, staff of EU institutions may apply for co-funding from their employer. Parents interviewed by Human Rights Watch were reimbursed between 40 to 80 percent of school fees, depending on their income.

“It’s not fair that it’s not the total amount. We had no choice,” said Angèle, who had to send her two children to a private school.⁶⁴ Maria, who had to enroll her son Jonas in a private nursery school after his admission was rejected by the European School, said: “It’s discriminatory, because without a disability, the child would not need special support. Compared to someone on a Belgian contract, I cannot complain. But compared to other staff members of European institutions... Even if we have good salaries, it can be heavy.”⁶⁵

Comparable data on support for children with disabilities is limited, making comparisons over time and between types of support difficult. Still, the European Commission alone co-funds private school fees for about 70 children, for a total budget over €1.5 million.⁶⁶ This represents an average of more than €20,000 per child, while the average budget for educational support within European Schools (for both intensive support as well as

⁶¹ UNIA, “A first judgement finally recognizes the inclusive school” (« Un premier jugement reconnaît enfin l’école inclusive »), November 12, 2018, <https://www.unia.be/fr/articles/le-premier-jugement-qui-reconnait-enfin-lecole-inclusive-1> (accessed November 22, 2018).

⁶² Council of Europe, “Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his Visit to Belgium from 14 to 18 September 2015,” CommDH(2016)1, January 28, 2016, [https://rm.coe.int/ref/CommDH\(2016\)1](https://rm.coe.int/ref/CommDH(2016)1) (accessed November 22, 2018).

⁶³ UNIA, “Court of First Instance Antwerp, 7 November 2018” (« Tribunal première instance Anvers, 7 novembre 2018 »), November 12, 2018, <https://www.unia.be/fr/jurisprudence-alternatives/jurisprudence/tribunal-premiere-instance-anvers-7-novembre-2018> (accessed November 22, 2018).

⁶⁴ Human Rights Watch interview with Angèle (real name and location withheld), September 20, 2018.

⁶⁵ Human Rights Watch interview with Maria (real name and location withheld), October 4, 2018.

⁶⁶ Human Rights watch phone interview with officials at the Human Resources and Security Directorate-General of the European Commission (names withheld), November 14, 2018.

general and moderate support) was only around €1,300 per child in the 2016-2017 school year, according to the latest available statistical report.⁶⁷

According to the European Commission's Diversity and Gender Equality Report 2018 and Action Plan, in 2019 the Commission will start discussing the possibility of fully reimbursing children with disabilities' tuition fees.⁶⁸ While this would alleviate the financial burden for parents, a better approach would be to ensure European Schools are inclusive and children with disabilities no longer need to be enrolled in separate schools.

⁶⁷ Schola Europea, Office of the Secretary-General, Pedagogical Development Unit, "Statistical Report on Educational Support and on the integration of pupils with Special Educational Needs into the European Schools in the year 2016-2017," 2017-11-D-24-en-4, <https://www.eursc.eu/Documents/2017-11-D-24-en-4.pdf>.

⁶⁸ European Commission, "A Better Workplace for All: From Equal Opportunities Towards Diversity and Inclusion", Diversity and Gender Equality Report 2018, July 19, 2018, on file with Human Rights Watch.

Recommendations

To the Board of Governors of European Schools

- Adopt a time-bound action plan to address the findings of the Educational Support Policy Group's report on inclusive education and the Joint Board of Inspectors' evaluation of the educational support policy.
- Amend the Policy on the Provision of Educational Support in European School to remove the caveat on inclusive education and ensure all provisions comply with the CRPD.
- Adopt an inclusive education policy, including a commitment to provide reasonable accommodations to children with disabilities.
- Develop system-wide teacher training on disability and inclusive education and ensure the qualification of support teachers and support assistants.
- Provide training to assistants on the support needs associated with different types of disabilities, and on how to offer support to a child in a way that empowers them and ensures their place within the classroom alongside classmates without a disability.
- Introduce flexibility in the curriculum leading to the European Baccalaureate.
- In addition to providing required accommodations to enable children with disabilities to obtain the European Baccalaureate, develop a certification recognized by member states for children with disabilities who solicit an alternative curriculum.
- Accept the recommendation in the Educational Support Policy Group's report on inclusive education to provide the schools with more autonomy to adapt the thresholds for maximum number of pupils in cases where a class has several pupils receiving intensive support.
- Appoint a person in charge of inclusive education in the Office of Secretary-General of European Schools.

To the European Commission

- As main funder of European Schools and body in charge of the EU's implementation of the CRPD, drive the reform process to make European Schools inclusive of children with disabilities.

- In the short term, when children with disabilities are not accommodated by European Schools, and have to enroll in other private schools, ensure school fees are fully reimbursed. In the long term, ensure sufficient funding is available for adequate and appropriate support and accommodations in European Schools.

To the European Parliament

- Monitor the use of European Institutions' budget for employee benefits to make sure it promotes inclusive education for EU staff's children with disabilities.

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European Schools – a network of 13 intergovernmental schools primarily teaching children of employees of European Union (EU) institutions – do not do enough to accommodate the needs of children with disabilities and ensure they can learn and thrive in an inclusive environment. The EU and all its member states have ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which guarantees children with disabilities the right to inclusive education.

Based on 27 interviews, including with children, parents, school directors and European Commission officials, “*Sink or Swim*” documents the barriers faced by pupils with disabilities in European Schools. The report finds that while the schools are paying increasing attention to inclusion, children with disabilities continue to be rejected, pressured into changing schools, or not provided with appropriate accommodations and support.

When children with disabilities are excluded from European Schools or steered out by the lack of adequate support, the EU partially funds fees for private school education for these children. In future such funds could be used to invest in accommodating the needs of children with disabilities in European Schools. The Board of Governors of European Schools should shift its policies toward inclusive education, including through teacher training and flexibility in the curriculum. The European Commission, as the main provider of the European Schools’ budget and body in charge of EU implementation of the CRPD, should lead the process and ensure its funding contributes to an inclusive system for children with disabilities.

(above) A 13-year-old boy with learning disabilities, who had to leave the European School after it declared itself unable to meet his needs, prepares homework for his new school.

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(front cover) Children in the playground of a European School in Brussels.

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