



**DESK RESEARCH ON AN INTERNATIONAL LEGAL FRAMEWORK FOR POLICY TO  
CREATE EQUALL OPPORTUNITIES**

**Corresponding to Intellectual Output 6:**

Aligning social inclusion within school and governmental policy

of the Erasmus+ Partnership: Play Equal



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### PREAMBULE

Social inclusion and equal opportunities are massive societal challenges. To fully understand the context in which organizations work, it is important to research the legal basis.

Social inclusion is defined in a United Nations report as “the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or other status, through enhanced opportunities, access to resources, voice and respect for rights”.<sup>1</sup>The title of the report is significant; “Leaving no one behind, the Agenda for 2030”.

In various parts of this paper we use the word ‘social inclusion’ as an umbrella term for equal opportunities, diversity, full participation and such like. More specifically we focus on equality in education.

Social inclusion is founded in legislation on international, European and national level. For that reason we will start with a brief explanation of relevant regulations that form the fundament and the context of work within the organizations at local level. A more elaborate description is attached to this policy paper.

The results of the desk research have been used for the Policy recommendations of Intellectual Output 6.

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<sup>1</sup> [www.un.org/desa/socdev/rwss/2016](http://www.un.org/desa/socdev/rwss/2016).



## TABLE OF CONTENT

	Page
SUMMARY	4
1 INTERNATIONAL LEGISLATION	7
1.1 United Nations	7
1.2 Europe	9
2 NATIONAL LEGISLATION	11
2.1 Governmental	11
2.2 Educational	14
2.3 Societal movements and discussions	18



## SUMMARY OF DESK RESEARCH ON LEGAL FRAMEWORK

Legislation by the United Nations is binding on the member states. For social inclusion, the most important documents in this regard are the 1948 Declaration of Human Rights and the Declaration of the Rights of the Child. The United Nations have installed UNESCO in 1945. One of the themes of UNESCO is education. The overall goal being improving education. At the national level, the Sustainable Development Goals (SDG) are also important; 17 coherent goals for a better and sustainable future.

The legislation of the United Nations applies to the member states, but is also the basis for our own European legislation. In 1950, the Council of Europe adopted the European Convention on Human Rights, based on the international human rights treaty. Generally speaking, social inclusion is a responsibility of the member states. However, the EU supports the states with laws, funds and tools to offer social protection social inclusion. There is a concerted effort for a more social Europe. Funds are made available from the EU to work on this, examples are the Erasmus+ programme and the COVID Recovery Fund.

Mondial and European legislation form the basis for national legislation. School law in Austria is basically federal law, which is partly implemented by provinces ("Länder As a result, depending on regional conditions, different developments can arise in the provinces. Municipalities implement legal regulations through decisions of the municipal council, through municipal strategies and concepts. All countries have legislation aiming specifically at vulnerable or underprivileged children and young people.

Social inclusion and inequality at school are subject of social discussions in all countries. Data and scientific research support the approaches. Ministries of Education, working together with social partners and private actors initiate and promote measures to raise quality and equal opportunities on local, regional and national level. In Austria this led to "Pilot Project 100 Schools – 1,000 Opportunities" that aims at understanding how schools deal with these challenges and what resources they need for their work. In the Netherlands there is a extensive and promising program, the Equal Opportunities Alliance" is which local networks of education and other social partners work closely together.

The most important thing about global and European legislation is that they not only form the basis for national and local legislation, but also that human rights and children's rights are not in question. The equal opportunities approach is firmly embedded in legislation; the right to education, inclusion, equal treatment and the prohibition of discrimination. The policy-making of schools and government is often, consciously and unconsciously, based on international regulations, also in a practical sense. The COVID-19 pandemic has affected us all. This has strengthened the attention for young people in disadvantaged situations because we know that it is they who have suffered the most. The Day of the Rights of the Child (20 November) but also the Day of the Teacher are on the agenda of many schools and municipalities. The Sustainable Development Goals (SDG) of the United Nations are also widely used in curricula and legislation. One of the partner schools, Koning Willem I College, is



UNESCO school and 's-Hertogenbosch is UNESCO Learning City. One of the intellectual outputs, the hackathon, made direct use of the SDGs.

## 1. INTERNATIONAL LEGISLATION

### 1.1 UNITED NATIONS

When the United Nations (UN) was established after the Second World War, the preamble to their Charter included a provision on fundamental human rights, more specifically on equal rights for men and women. In 1948 this clearly took shape in the Universal Declaration of Human Rights; Article 1 has survived the past decades. “All human beings are born free and equal in dignity and rights”. Furthermore, there is a right to education and education must be aimed at the development of the personality.

Worldwide attention has long been drawn to the vulnerable position of children and young people. In 1948, immediately after the founding of the United Nations, this led to the adoption of the International Convention on the Rights of the Child. On November 20th, the day that is annually commemorated worldwide as Children's Rights Day. The Convention contains specific provisions on protection against all forms of discrimination.

Legislation by the United Nations is binding on the member states. Originally, regulations were mainly intended to regulate matters between countries, but soon the need was felt to also describe rights for individuals. In addition, the UN's focus on preventing war has broadened to many social and global focus areas.

For social inclusion, the most important documents in this regard are the 1948 Declaration of Human Rights <sup>2</sup> and the Declaration of the Rights of the Child <sup>3</sup>. Article 23 on education is relevant in advance from the latter document:

*States Parties agree that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential.*

This single sentence states that all children have the right to full development of their talents. This starting point forms the basis of many European and national legislation in which peripheral matters are guaranteed. The implementation of the convention is done by the organization UNICEF; the United Nations Children's Fund.

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<sup>2</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>3</sup> <https://www.unicef.org/child-rights-convention/convention-text>

The United Nations have installed UNESCO in 1945. UNESCO stands for: United Nations Educational, Scientific and Cultural Organization. In general it works on peace, poverty and sustainable development. The UN member states have noticed that mere regulations are not enough to guarantee world peace and prosperity. There is also the need for dialogue between cultures. One of the themes of UNESCO is education. The overall goal being improving education. A goal that is effectuated by organizing (online) seminars, congresses and projects. The last two years there have been many activities concerning COVID-19 because the pandemic harmed the learning of children. Activities included initiatives to create and strengthen inclusive digital learning platforms and content. One of the partners of Play Equal, Koning Willem I College from 's-Hertogenbosch, is a UNESCO School<sup>4</sup>. UNESCO schools form a global network with 12.000 members.

At the national level, the Sustainable Development Goals (SDG) are also important; 17 coherent goals for a better and sustainable future<sup>5</sup>. The Sustainable Development Goals are a call for action by all countries – poor, rich and middle-income – to promote prosperity while protecting the planet. They recognize that ending poverty must go hand-in-hand with strategies that build economic growth and address a range of social needs including education, health, social protection, and job opportunities, while tackling climate change and environmental protection. More important than ever, the goals provide a critical framework for COVID-19 recovery (source

Play Equal has a straight foundation in the sustainable development goals, especially in goal 4 and to a lesser extent in goals 5 and 10.



<sup>4</sup> <https://www.unesco.org/en/education/aspnet>

<sup>5</sup> <https://www.un.org/sustainabledevelopment/>



SDG 4 is about quality education: “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”. All children must have access to quality early childhood

development and pre-primary education, free and quality primary and secondary education. Access must be guaranteed despite gender, persons with disabilities and children in vulnerable situations. One of the indicators for this SDG is the incorporation in national education policies, curricula, teacher education and student assessment. SDG 5 is about gender equality: “Achieve gender equality and empower all women and girls”. SDG 10 states: “Reduce inequality within and among countries”. This goal aims at income, migration and discrimination prohibited by international human rights law.

## **1.2 EUROPE**

The legislation of the United Nations applies to the member states, but is also the basis for our own European legislation. In 1950, the Council of Europe adopted the European Convention on Human Rights, based on the international human rights treaty<sup>6</sup>. This treaty is binding on the members of the European Union. In concrete terms, this means that parties in a (national) lawsuit can invoke this law. The convention concerns human rights and prohibits discrimination. Currently the Council of Europe has 46 member states. Its most important document is the European Convention on Human Rights.

Member states of the Council of Europe are obliged to ratify the Declaration. European citizens can ask the European Court of Human Rights to test their fundamental rights, after having used all national opportunities to do so. All member states of the European Union have to act according to the Declaration. In some countries, e.g. the Netherlands, the convention has a direct function; parties in court can evoke to articles in this convention. In other countries, e.g. Germany, the convention has an indirect function; all German laws must be drafted according to the convention.

The document describes human rights and forbids discrimination. Article 14 states: *“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”*.

In 1952 a number of European countries united in the European Union. Originally, this cooperation was aimed at strengthening the economy, but since then the themes have broadened and the number of countries has expanded. In the beginning, many themes were seen as the responsibility of the individual countries. That has gradually changed and now we also see European legislation on social issues. Important documents in this regard are the European Social Charter, the Charter of Fundamental Rights and the European Pillar of Social Rights. The latter document states that “children must be protected from poverty” and that “children from disadvantaged backgrounds have the right to specific measures to promote equal opportunities”.

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<sup>6</sup> [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)



Generally speaking, social inclusion is a responsibility of the member states. However, the EU supports the states with laws, funds and tools to offer social protection social inclusion. The European Social Charter is an integrated set of treaties on basis of the UN Universal Declaration of Human Rights within Europe <sup>7</sup>. It is linked to the EU Charter of Fundamental Rights <sup>8</sup>. Member states may choose to accept the charter as a binding international legal obligation. This has been done by 43 out of 47 member states. The treaty guarantees fundamental social and economic rights.

Originally the treaty was adopted by the Council of Europe in 1961. The latest version is of 1996 and was signed in Strasbourg. A few rights and principles that the parties have agreed upon concern social inclusion and equal opportunities are:

- Everyone has the right to appropriate facilities for vocational guidance with a view to helping him choose an occupation suited to his personal aptitude and interests (nr.9)
- Children and young persons have the right to appropriate social, legal and economic protection (nr.17)
- Everyone has the right to protection against poverty and social exclusion (nr. 30)

Article 20 – *The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.*

More specifically the European Pillar of Social Rights <sup>9</sup> states in Principle 11b: *“Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities”.*

It does not stop with laws and intentions, because action plans are being drawn up to implement the aforementioned ambitions throughout Europe. There is a concerted effort for a more social Europe. We see this in the EU 2020 Strategy and subsequent action plans for 2021-2027. This includes a special focus on inclusive education and on improving employment and skills for migrants. Funds are made available from the EU to work on this. The new Erasmus+ fund 2021-2027 also fits seamlessly into this for education, youth and sports. Goals are mainly focused on equality & inclusion, digital transformation & sustainability, active participation & sustainable employment and mental & physical health. Another striking example is the European approach to the consequences of Covid-19 with an investment of more than € 800 billion. It aims at boosting the recovery from the pandemic. Because Covid-19 has had more effects of people that already suffer from a disadvantaged social position, this plan has a strong relation with social inclusion programs.

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<sup>7</sup> <https://rm.coe.int/168007cf93>

<sup>8</sup> : [https://eur-lex.europa.eu/legal\\_content/EN/TXT/?uri=CELEX:12012P/TXT](https://eur-lex.europa.eu/legal_content/EN/TXT/?uri=CELEX:12012P/TXT)

<sup>9</sup> [https://ec.europa.eu/info/sites/default/files/social-summit-european-pillar-social-rights-booklet\\_en.pdf](https://ec.europa.eu/info/sites/default/files/social-summit-european-pillar-social-rights-booklet_en.pdf)



With the COVID Recovery Fund, the effects of COVID were and are being tackled for the target group that was often already lagging behind and was now hit the worst again.<sup>10</sup>

## 2. NATIONAL LEGISLATION

Mondial and European legislation is (often) binding. Therefore it forms the basis for national legislation. In this chapter we explore legislation on social inclusion and equal opportunities in Austria, Germany and the Netherlands, home countries of project partners, with attention to governmental and educational level.

### 2.1 GOVERNMENTAL

#### **Austria**

In Austria, there is a step-by-step structure of the legal system, ranging from guiding constitutional principles to primary and secondary Union law, "simple" federal and state constitutional law to simple federal and state laws. In addition, laws are explained or supplemented by edicts and decrees.<sup>11</sup>

Municipalities are not legislative bodies in Austria, but they implement legal regulations through decisions of the municipal council, through municipal strategies and concepts as well as through the authority of the respective bodies enabled fields of action.

Against the international background, it is good to mention the "United Nations Universal Declaration of Human Rights. Paris December 1948." That been ratified by Austria and has fundamental validity, in particular Article 26 "Everyone has the right to education ..."

The same applies for the Sustainable Development Goals of the United Nations, in particular Goal 4 "Ensuring inclusive, equitable and quality education" and Goal 5 "Gender equality" an the European Convention on Human Rights of the Council of Europe, 1950.

In Austria, this has constitutional status on the basis of the "Universal Declaration of Human Rights" of the United Nations: "No person shall be denied the right to education."

From the level of the European Union<sup>12</sup> are important for Austria – in addition to the directly applicable European regulations – among other things (*excerpt*)

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<sup>10</sup> [https://ec.europa.eu/info/strategy/recovery-plan-europe\\_en](https://ec.europa.eu/info/strategy/recovery-plan-europe_en)

<sup>11</sup> <https://richtervereinigung.at/justiz/rechtssystem/stufenbau-der-rechtsordnung/>

<sup>12</sup> <https://oead.at/de/aktuelles/artikel/2021/12/nationaler-plan-fuer-inklusion-vielfalt-fuer-erasmus-und-europaeisches-solidaritaetskorp>



- EU Council: Council conclusions on *“Council Conclusions on equity and inclusion in education and training in order to promote educational success for all.”* (2021)
- ECRI report of the European Council on Austria. Brussels 2020 - This report also includes a chapter on "Inclusive Education".

At the national level, in addition to the constitutional foundations mentioned and the respective government programmes, particular mention should be made (excerpt)

- The Strategy and Position Paper Inclusive Education and Special Needs Education of the Federal Ministry of Education, Science and Research / Consulting Board 2021
- The Report of the Austrian Court of Audit – Inclusive Teaching: What Does Austria's School System Achieve? 2019
- Evaluation of curricula in teacher education with regard to inclusive content; Promoting common and inclusive values in teacher training through the Quality Assurance Council (QSR) 2022

School law in Austria is basically federal law, which is partly implemented by provinces (“Länder”) implementing laws in the provinces. As a result, depending on regional conditions, different developments can arise in the provinces, which cannot be described in detail here.

In the concrete implementation of measures for equality and equal opportunities in education, however, these circumstances must be taken into account both at the province level and at the municipal level, also at the respective school location.

## Germany

As School Law in Germany is not Federal Law, but directed by the Federal States (Länder) there are only UN and EU regulations which are mandatory for the whole of Germany. One should mention the National Action Plan 2.0 of the Federal Government on the UN Convention<sup>13</sup> (NAP 2.0).

The NAP 2.0 is based on the extensive package of measures, which includes more than 200 measures, from the first action plan, which was approved by the federal government in June 2011 and has a term until 2021. As part of the first state examination

Germany has formulated a large number of recommendations for the implementation of the UN CRPD, at the same time expressly acknowledged the adoption of the National Action Plan. Either the first action plan (NAP 1.0) and the further developed NAP 2.0 aim to the ratification of the UNCRPD, to give more validity to the rights guaranteed in Germany for people with disabilities in all relevant areas and to improve their practical implementation. The NAP 2.0 is intended to match the measures taken at federal level contribute to inclusion as a universal principle in all areas of life. Because inclusion in the sense of the UN CRPD means social participation for all people in all areas of life on the basis of equal rights<sup>14</sup>.

<sup>13</sup> Nationaler Aktionsplan 2.0 der Bundesregierung zur UN-Behindertenrechtskonvention (UN-BRK)

<sup>14</sup> <https://www.bmfsfj.de/resource/blob/130322/69f35d63d737a26af370066432810704/nap2-inklusion-data.pdf>



A joint initiative of the federal and state governments to support schools in socially difficult situations "School makes you strong" is aimed at all school types and grades in primary and secondary level I. It is intended to improve the educational opportunities of socially disadvantaged schoolchildren. The BMBF and the federal states are providing a total of 125 million euros in equal parts for this purpose.

"School makes you strong" is designed to run for ten years and is divided into two phases of five years each. In the first phase, a research network of 13 universities and research institutions financed by the BMBF will support the schools with practice-oriented research in mastering their special challenges. The second phase serves to transfer the developed strategies and concepts to other schools, so that, in addition to the 200 schools in the first phase, as many more schools as possible can benefit from the initiative. Again, this is supported by research.

The joint work on content started at the beginning of the 2021/2022 school year.

The first nationwide network conference of the initiative, which will take place on November 15 and 16, 2021, will bring together politics, science and schools. The participants will be discussed together about their expectations of the initiative, initial approaches to a solution and the joint work in the future. Around 400 people from the schools involved, from the research association and from politics and education administration take part in the conference.<sup>15</sup>

### **Netherlands**

Human rights are established in the Constitution (Grondwet). The first article is about equal treatment: "Discrimination on the basis of religion, belief, political opinion, race, sex on any ground is not allowed". This is elaborated in the Law for Equal Treatment (Algemene Wet Gelijke Behandeling) from 1994. It dictates equal treatment in a great deal of situations, also for education. Positive action, that is favoring a certain target group, is allowed. Positive action is often used in matters of labor market.

More legislation on equal treatment deals with discrimination of women, people with disabilities or chronic diseases or age. Discrimination is punishable.

The Netherlands, like Belgium and France, are obliged to test all legislation directly against the European Convention on Human Rights. This is important because in the Netherlands it is forbidden to test new laws against the Constitution. In practice people in the Dutch case law can make a legal appeal to the Treaty.

Discrimination and human rights are well covered by law. Municipalities implement national legislation and by doing so choose their own strategies and working plans. Equal treatment and equal opportunities are broader in scope. Equal treatment often refers to women, ethnic minorities and gender. But also income, education and housing determine the position in society. In legislation, the term 'inclusion' or 'social inclusion' refers mainly to handicapped people, often in the context of work.

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<sup>15</sup> <https://www.bmbf.de/bmbf/shareddocs/kurzmeldungen/de/2021/11/netzwerktreffen-schule-macht-stark.html>



## 2.2 EDUCATIONAL

### **Austria**

The essential legal bases for social integration and differentiated support of pupils at school as a basis for equal opportunities in the education system can be found above all in the following laws: School Organization Act (SchOG), School Instruction Act (SchUG) as well as in Curriculum edicts and decrees.

At the forefront of the SchOG, in chapter 4, the general and open access to schools for all without distinction is already stipulated.

Detailed information can be found in further paragraphs that describe the specific tasks in primary, lower and upper secondary education as well as in general and vocational education.

On the basis of the legal regulations, school organization offers the possibility of integrating pupils with special educational and personal support needs into the common school as well as grouping them into "special schools".

This is an example of how social and individual support and inclusion is handled differently in countries of provinces. In some provinces, the majority of pupils with special needs are integrated into common schools and classes, in other countries the proportion of pupils in "special schools" and classes is much higher. This is based on the same legal basis, but on different regional strategies governed by country implementing laws.

An example of the legal regulation of social integration and promotion is provided by § 31a in the SchOG on differentiation in secondary school (lower secondary):

Pedagogical support measures:

- Individualization of teaching
- Differentiated teaching in the classroom
- Talent promotion, including the promotion of gifted students
- Measures of inclusive pedagogy
- Support in temporarily formed student groups
- Support in remedial or advanced courses and
- Teaching in the teaching team (team teaching)

For people who are not yet ready for school, there is a "pre-school level" in the primary level, in which these children are particularly supported. Overall, the primary level has a special mandate for social integration and the promotion of all children according to their abilities, skills and competences.

For the upstream phase of education and care of children, there are only partly federal regulations. There is a compulsory free kindergarten year in the last year before school entry, there is a cross-state educational framework plan and there are federally prescribed curricula for the training of elementary pedagogues at the upper secondary level and in post-secondary colleges. The implementation of these provisions is the responsibility of the Länder, partly of the municipalities and private institutions.

The so-called "special school" for 6 – 15-year-old students has its own curriculum. Those children with special needs who are taught in common inclusion classes follow this curriculum of the special



school. For specific impairments that are difficult to care for in the inclusive mainstream school, there are also highly specialized facilities.

Since the introduction of the "Pedagogical Education NEW" with the Federal Framework Act 2015, a compulsory part of special educational content has been provided for the training of all teachers, so that in the future every teacher should receive a technical and pedagogical basis for education for equal opportunities and equality.

The Austrian school system is characterized by a strong focus on vocational education and training, especially at upper secondary level. More than 75% of the 15 – 19-year-olds are in vocational training, either in the organizational form of full-time schools or in the "dual training" – apprenticeship in the company with supplementary school education in the part-time vocational school.

To prepare in particular for the dual vocational training apprenticeship, the Polytechnic School exists, a basically one-year type of school on the 9th grade/schoolyear. This type of school has a high diversity and a wide range of talent spectra of its pupils. Through close contact with regional companies, intensive practical education in workshops and practice in companies and very individualized support, this type of school succeeds in enabling a high percentage of its students to successfully enter further vocational training.

For persons with physical or learning disabilities, there has been the possibility of a so-called "inclusive apprenticeship" since almost 20 years, which is regulated by law in the Vocational Training Act. This can be completed either with an extended apprenticeship duration or in the form of a partial qualification apprenticeship and leads to a legally recognized qualification. There are several accompanying support measures for apprentices and companies concerning this legal programme.

Since 2017, in Austria exist a law for compulsory training up to the age of 18 ("AusBildungspflicht bis 18"). Those young people who, after completing the 9-year compulsory school period, cannot take or are unable to take any further educational path in the regular full-time school system or in dual vocational training are obliged to take advantage of other offers, preparatory courses, measures such as those of the Public Employment Service. This is intended to further reduce the proportion of early school and training leavers and dropouts and people without completed training.

### Germany

School law for district of Soest is directed by the Land Nordrhein-Westfalen (NRW). It reads as follows:

#### Paragraph §1

(1) Every young person has the right to school education, upbringing and individual support, regardless of their economic situation, origin or gender. This right is guaranteed in accordance with this law.



(2) The abilities and inclinations of the young person as well as the will of the parents determine his educational path. Access to school education is open to every student according to their willingness to learn and their ability.<sup>16</sup>

Furthermore, the Land NRW has its own Action Plan to implement the UN Convention: IV.7.3 Participation in child and youth work and youth social work.

The UN Convention on the Rights of Persons with Disabilities guarantees children a right to participation (Article 7). According to paragraph 1, the States Parties must take all necessary measures to ensure that children with disabilities enjoy all human rights on an equal basis with other children and enjoy fundamental freedoms. By all measures, the children with disabilities, the best interests of the child is a consideration which is to be given priority (paragraph 2). Besides, they have States Parties, in accordance with paragraph 3 of Article 7, to ensure that Children with disabilities have the right to freely express their opinions on an equal footing with other children in all matters affecting them Express their opinions appropriately and according to their age and their maturity is taken into account, and they are disability-friendly as well receive age-appropriate assistance so that they can realize this right.

The contracting states also undertake to strengthen Raising awareness of respect for the dignity and rights of Working towards people with disabilities (Article 8). This also includes Measures in accordance with Article 8(2)(b) to promote respectful attitudes towards the rights of persons with disabilities at all levels of the education system, including among children from before childhood on.

A society for everyone – NRW inclusive

Finally, the UN Convention on the Rights of Persons with Disabilities safeguards children and Young people have the right to participate in education (Article 24) and the Right to participate in cultural life, recreation, leisure and Sports (Article 30).

The promotion of children and youth work via the children and Youth support plan of the state of North Rhine-Westphalia is based on of the Third Law on the Implementation of the Child and Youth Welfare Law (3rd AG-KJHG). A standard check has shown that in the course of the necessary legal adjustments, if necessary § 3 para. 2 of the 3rd AG-KJHG needs to be adjusted.

Participation, Educational, leisure and recreational activities for children and young people (Art. 7, Art. 8, Art. 24, Art. 30). All offers for children and Youth work are already fundamentally open to the participation of children and young people with disabilities. Data on the participation of However, children and young people are not available. It is known from practice that the understanding of inclusion in the context of what the Child and youth work is well anchored in the institutions.<sup>17</sup>

## Netherlands

<sup>16</sup>[https://recht.nrw.de/lmi/owa/br\\_bes\\_detail?sg=0&menu=0&bes\\_id=7345&anw\\_nr=2&aufgehoben=N&det\\_id=593212](https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu=0&bes_id=7345&anw_nr=2&aufgehoben=N&det_id=593212)

<sup>17</sup> [https://www.mags.nrw/sites/default/files/asset/document/121115\\_endfassung\\_nrw-inklusive.pdf](https://www.mags.nrw/sites/default/files/asset/document/121115_endfassung_nrw-inklusive.pdf)



There is a long tradition in extra attention for vulnerable target groups in education; children with a risk for educational disadvantages and children with special needs. For children with special needs there is the law on fitting education (passend onderwijs). 'Disadvantaged' applies to discrimination or exclusion on basis of gender, language or ethnicity.

Municipalities receive an earmarked subsidy from the Ministry for pre-school education. The goal is to stimulate the development of children in language, mobility and social-emotional in a structured and coherent program so that they have a good start in primary education. The target group are children from 2-4 years with a risk at disadvantage. Screening and advising are a responsibility of the consultation bureau, an organization for health, upbringing and parenthood. They provide (free) medical care for children in the age of 0-4. They have a legal duty for health care but parents have no obligation to visit the bureau. In practice about 95% of parents do. Municipalities subsidize day-care centres to run the program. Staff must be trained and there is a limited choice in approved programs.

Primary schools receive funding from the Ministry as part of their lumpsum finance. They spend this budget on extra language lessons of reading stimulation. For children that do not speak the Dutch language, schools can form 'switching classes'. There may also be extended school day programs or summer schools. There is extra guidance towards the transition from pre-school to primary school and from primary to secondary schools. Education partnership by involving parents is also part of the approach.

Schools can choose their own approach but mostly they do so in cooperation with municipal policy and by making use of evidence based practices. To support schools, there are websites and networks, often financed by the Ministry.

By law the municipality and primary schools are obliged to have an annual meeting to discuss the transition from pre-school to primary school and to make result agreements. The Inspection of Education checks the process and quality in both schools and municipalities.

The Law on Suitable Education (Wet Passend Onderwijs) ensures that all pupils find a place in a school that fits their qualities and possibilities. Children with learning problems or behavioural problems receive extra support. The basic idea is that children visit ordinary schools when possible. When intensive support is necessary, a child can enter special education.

Educational supervision, checking for legal compliance, is a responsibility of the Inspection on Education, a department of the Ministry of Education. Inspection is based on various laws for education, its main goal is quality of education. Reports are published, a comment of the school board can be added as an addendum. The final appreciation can have consequences for the school, the worst scenario being closure of the school by the Ministry.

Schools are subject to extensive research every four years, both on the level of school board and school organization. Every year all school are analysed on basis of various data. If the Inspection notices certain risks, more detailed research may follow.

One of the aspects of this annual analysis are the results of the monitor on social safety. Legislation is regulated in the Law Safety at school. The monitor is a survey among pupils about the social,



psychological and physical safety. A positive atmosphere with prevention and maintaining bullying, name calling, discrimination, violence and other ways of unacceptable behaviour.

There is a law on compulsory education and one on (prevention of) early school leave. School is compulsory between the age of 5 and 16. Between 16 and 18 there is a qualification obligation; pupils without basic qualification must attend school. A basic qualification is a diploma at a certain minimum level; secondary school havo or vwo or secondary vocational education at level 2. Annually data are published of the number of early school leave; at national and local level and per school.

Schools have the legal task to report absence. Municipalities have the legal task to monitor school attendance and to prevent early school leave. In practice schools and municipalities work together with other social partners to prevent school dropout and to help children and parents in the educational path. Municipal school attendance officers can write a police report; then a judge decides on punishment or guidance.

Municipalities are obliged to monitor early school leavers until the age of 23. They are encouraged to still obtain a basis qualification or, if that is not possible, to find a job. Municipalities have employees to advice, monitor and support young people and their parents but also schools and other stakeholders.

### 2.3. SOCIETAL MOVEMENTS AND DISCUSSIONS

#### Austria

The basis and expression of the social discourse is provided by the current governmental programme, from which the main starting points for achieving equal opportunities in the education system can be read on the background of the education programmes of the governing parties, depending on the point of view, even those topics that may be missing can be identified.<sup>18</sup>

In the current government programme, these starting points range from the "Further development of support measures for children with special needs" in elementary education to "Comprehensive German promotion and German support classes" in the school sector to "Needs-based resources for our schools" and the measure "Supporting schools with special challenges – implementing a pilot programme at 100 selected schools throughout Austria, which are based on an opportunity and Development index are generally eligible" (excerpt).

An example of the resulting developments is the "Pilot Project 100 Schools – 1,000 Opportunities". The aim is to understand how schools deal with these challenges of equal chances and social inclusion and what resources they need for their work. The programme was set up by the Ministry of

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<sup>18</sup>

<https://www.bundeskanzleramt.gv.at/bundeskanzleramt/die-bundesregierung/regierungsdokumente.html> page 200 ff



Education in cooperation with the University of Vienna. The available funds are not distributed with the watering can, but the measures are set as needed. In order to determine this, the University of Vienna is providing scientific support for the project.

Specifically, the research and development project aims to gain empirically substantiated insights into the needs of schools with special challenges. These findings are intended to reveal new and more effective, needs- and solution-oriented approaches.

The project focuses on the compulsory school sector, 100 primary and secondary schools were selected according to an index of the Institute for Quality Assurance (IQS) and according to criteria of the University of Vienna.

Essential criteria are the everyday language of the pupils, their educational background and socio-economic factors of the parental home. This seems necessary because, for example, the OECD (Organisation for Economic Co-operation and Development) in its reports notes significant inequalities and unfair distribution of opportunities in Austria (see OECD Country Note Austria 2021<sup>19</sup>

However, it is repeatedly stated in public discourse that additional resources as well as projects and measures alone are not sufficient to eliminate these injustices.

Some see a cause of inequalities in the early school separation of children in different schooling tracks at the age of 10.<sup>20</sup>

But the "Chance index" as the basis for the allocation for the allocation of additional resources is also questioned. For example, surveys at schools in a comparable social environment with identical resources equipment show extremely different learning outcomes of their pupils<sup>21</sup>. So it's not just about resources, it's about how they are handled. This is to be measured in ongoing projects and measures through accompanying scientific research.

In the National Education Reports Austria, which have been published every 3 years since 2009, broad space was devoted from the outset to the topics of inclusion and equal opportunities, in the 2018 report, for example, with the contributions to "Successful learning and teaching in classes with high heterogeneity" and "Competences for Inclusive Education – Consequences for Teacher Education"<sup>22</sup> The National Education Report Austria 2021 does not include a contribution to this topic<sup>23</sup>.

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<sup>19</sup> <https://www.oecd-ilibrary.org/sites/d2c43767-en/index.html?itemId=/content/component/d2c43767-en>

<sup>20</sup> see position of the parliamentary parties in <https://www.derstandard.at/story/2000132738042/streitthema-gemeinsame-schule-wann-sollen-die-kinder-getrennt-werden>

<sup>21</sup> Bruneforth, Dokumentation Fachtagung Schulsozialarbeit 2012.

<sup>22</sup> <https://www.iqs.gv.at/downloads/bildungsberichterstattung/nationaler-bildungsbericht-2018>

<sup>23</sup> <https://www.iqs.gv.at/downloads/bildungsberichterstattung/nationaler-bildungsbericht-2021> ).



The more intensive are activities to initiate and promote measures to raise quality and equal opportunities in the close contact with the Ministry of Education, but also of the social partners and private actors. This is done, among other things, through the establishment of foundations that promote projects on innovation and social balance. As examples are mentioned, the

- Innovation Foundation for Education
- Sinnbildungsstiftung
- MEGA Bildungsstiftung
- ERSTE Foundation
- Foundation for Economic Education
- Köck Private Foundation
- Stiftung Kindertraum

promote general or special projects and programmes linked to social balance and equal opportunities in schools and education.

Furthermore, there are initiatives that promote contributions to equal opportunities either directly at school or in the immediate area. "Teach for Austria" should be mentioned here, this initiative brings committed highly qualified career changers (Quereinsteiger<sup>24</sup>) in schools with special challenges, and many more who make contributions to equal opportunities.

In general, with regard to social movements/discussions on equal opportunities in schools and education in Austria, it should be noted that there are many very ambitious activities at local, regional and national level, including a growing number of partners outside the school, institutions, associations, companies, private individuals. There are also very committed efforts to achieve this within the school system, including in elementary education.

However, there is currently no systematic movement on this topic that encompasses the entire school and education system, so contributions such as those made by "Play Equal" are even more important.

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In general, with regard to social movements/discussions on equal opportunities in schools and education in Austria, it should be noted that there are many very ambitious activities at local, regional and national level, including a growing number of partners outside the school, institutions, associations, companies, private individuals. There are also very committed efforts to achieve this within the school system, including in elementary education.

However, there is currently no systematic movement on this topic that encompasses the entire school and education system, so contributions such as those made by "Play Equal" are even more important.

### **Netherlands**

Social inclusion and equal opportunities are generally defined as non-discrimination and safety. But there is a common understanding that more is needed to ensure equal opportunities in education. For that reason the Ministry of Education has started a large program called the Equal Opportunities Alliance<sup>30</sup>. The Ministry, schools, municipalities and social partners work together on improving equal opportunities in education with attention for the home situation, school and the living environment.

This approach started in 2016 when the Inspection on Education ask attention for a serious problem: pupils with lower educated parents graduate at a higher level than pupils with higher educated parents, despite their intellectual capacities. Subsequently the Equal Approach Alliance was founded from the insight that (in)equality is a broad societal challenge with an important role for education.

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<sup>30</sup> <https://www.gelijke-kansen.nl>



The Alliance has set inequality in education on the agenda, both on national and local level, in schools and in government. At the moment the Alliance works as a network with more than one hundred participating municipalities (out of 345). The Ministry facilitates the process but the power of execution lies in local partnerships.

A central aspect of the program are data; shared knowledge about research and practice. The program has a number of themes, aspects that all influence equal opportunities in education. The themes are:

- Poverty and health; help parents and children to make healthy and conscious choices
- Extra lessons; e.g. summer school, weekend school, pre-school education
- Learning methods; the best fitting method for a pupil to make optimum use of talents
- Career learning; guiding pupils towards the best fitting choices in education, to stimulate motivation and prevent drop out
- Tutoring and coaching; peer-to-peer or by teachers, aimed at both better results and non-cognitive skills
- Non-cognitive skills; e.g. planning, training of perseverance or looking for pro and contra arguments about a statement. Also by means of role models
- Parent involvement; involve parents with the school and school results, also by means of language courses for parents
- Professionalization; train teachers permanently to adjust their approaches to the group, with attention to norms, values and culture.
- Smooth transitions; guidance in the transitions from primary to secondary school and from secondary to further education so that pupils end up in the most appropriate form of education
- Sports and culture; as part of the curriculum to ensure all children benefit from sports and culture
- Language promotion; improve language skills, aimed at school results but also at communication with others and finding a job

All local alliances make their own program, matching local circumstances and policy. Per year a subsidy is given but the value of participation in the program is the network and the scientific research and data.

As part of the program Equal Opportunities a campaign is started on accomplishing extended or 'rich' school days for pupils in primary and secondary education. The goal is to offer extra activities for sports, culture, wellbeing, social development or homework support. This asks for a close cooperation between schools and partners that (also) aim at free time activities. Ideally, they work as a community supporting the child's development. The new programme is especially targeted at areas with a relatively large number of children with a risk for educational disadvantages.

In 2022 a number of 45 local coalitions of municipality, schools and social partners start with a structural program. 's-Hertogenbosch is one of the forerunners in the program.



In 2021 the Ministry of Education developed a comprehensive plan for dealing with the (negative) effects of COVID-19 concerning school results and development. Schools (all levels) and municipalities received funding to run programs from July 2021 to July 2025.

Schools can make their own program, using a menu with several evidence based approaches. In this way school can match the needs of their pupils. A lot of efforts are tailor made. Schools generally invest a great deal in extra tutoring in school subjects. Not all pupils have made a lot of progress in the periods of lockdowns with online teaching. But generally speaking there is also a lot of attention for wellbeing. Especially young people need peers to develop skills and confidence and get to know themselves. Due to lockdowns live contacts were hardly possible and many young people need extra guidance to develop themselves and regain a good mental health.

Equal opportunities are integral part of the choice for school projects. It is evident that pupils are effected by corona in different ways but generally speaking there are groups that have suffered more from the pandemic. For example children whose home language is other than Dutch, children with a housing situation that offers no quiet space for home work or children with less access to computers or Wi-Fi.

National organizations, funded by the Ministry of organized by schools, offer support to school to develop and perform their programs. There are websites, online seminars and newsletters. Municipalities receive funding to develop programs additional to the school programs <sup>31</sup>.

Equal opportunities are at the centre of interest at all political levels. Not only in education but also in health, income, housing etc. There is great interest in positive health. One of the aspects that enhanced policy was the fact that life expectancy (how old people may expect to live) is directly related to the level of education. People with higher education have a life expectancy of 4,4 extra years compared to people with a low educational level. There is also a causality between education and healthy life expectancy. Influencing causes beside education are position on the labour market, poverty and debts, stress, genetic factors, health skills, illiteracy, mental health <sup>32</sup>

An integral approach is necessary to fight this inequality; with combined efforts in various fields of policy and with all relevant stakeholders. There is no law that requires local policy on positive health but various Ministries have funds and subsidies to promote local and regional efforts. Schools are often partners in approaches.

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<sup>31</sup> <https://www.nponderwijs.nl>

<sup>32</sup> <https://www.loketgezondleven.nl/gezondheidsthema/gezondheidsverschillen/cijfers-en-feiten>