



## ARTICLE

# The UPR and Education of Roma Children in Portugal

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### Abstract

Roma children in Portugal face significant systemic barriers in accessing and completing their education, which is reflected in disproportionately high dropout rates and limited progression to secondary education. Despite Portugal's ratification of key human rights instruments regarding the right to education, discrimination and segregation persist as significant challenges. This paper examines the role of the Universal Periodic Review (UPR) in addressing these issues, with a focus on the recommendations made to Portugal across three UPR cycles. The paper argues that while Portugal accepted all recommendations on Roma children's education, their general and non-specific nature limited their capacity to drive real change. In contrast, examples from other states demonstrate that more targeted, action-oriented recommendations are possible within the UPR framework. The recommendations failed to address most of Portugal's obligations under international human rights law, including ensuring cultural appropriateness, community participation, or language protection. In response, Portugal has implemented commendable initiatives, including the National Strategy for the Integration of Roma Communities, scholarship programmes, and intercultural teacher training. These efforts have contributed to measurable improvements, such as reduced dropout rates. However, this engagement risks becoming ritualistic without clear, actionable UPR recommendations. Furthermore, a lack of disaggregated data on Roma students makes it difficult to evaluate the true impact of these policies. The paper concludes that to ensure significant and lasting quality in the education of Roma children in Portugal, future UPR cycles must provide specific and targeted recommendations in line with international human rights obligations.

**Keywords:** UPR, education, Roma, children, Portugal

### Introduction

Roma children in Portugal continue to face significant challenges in accessing and succeeding in education, with dropout rates and limited access to secondary education being persistent issues. In the school year of 2020/2021, 72% of Portuguese public schools reported having Roma students, with approximately 18,808 Roma students enrolled. However, most of these students are enrolled in basic

education (85%), and a very small number of Roma children continue to secondary education (2.8%) (DGEEC, 2023). This disparity emphasises the challenge that Roma children face in progressing through the education system.

Roma students in Portugal experience a retention/dropout rate of 25%, which is notably higher than the 8.2% rate for the general student population (OECD, 2022). Most Roma students drop out during the 2nd cycle of basic education (ages 10-11), marking a critical stage where many leave school before reaching secondary education. This early exit from education directly contributes to the 2.8% of Roma students who are enrolled in secondary education, underlining a significant barrier to long-term educational attainment. In addition to these concerns, Roma communities in Portugal continue to experience considerable discrimination. According to a 2016 survey, 71% of Roma respondents reported feeling discriminated against due to their Roma identity in the five years preceding the study. While discrimination in education is less pronounced compared to other areas, it is still significant. Approximately 13% of Roma respondents reported facing discrimination within school settings due to their Roma background. Segregation in schools also remains a concern, with 19% of Roma students aged 6 to 15 attending classes where most of their peers are also Roma (European Union Agency for Fundamental Rights, 2016). This form of segregation contributes to a fragmented educational experience and hinders the integration of Roma children into the broader education community.

Given the gravity of these issues, this paper will critically assess the extent to which the Universal Periodic Review (UPR) process can help protect the right to education for Roma children in Portugal. This paper advances two primary arguments. First, the UPR process, while acknowledging the educational challenges of Roma children in Portugal, has only provided general recommendations and failed to provide specific, actionable recommendations that could lead to long-term systemic change. Second, while Portugal has accepted all UPR recommendations related to the education of Roma children, the state's engagement with these recommendations is more nuanced. There has been tangible progress in terms of policy development and educational programs; however, persistent barriers remain. This raises the question of whether the UPR's recommendations have led to meaningful, long-term changes or whether they have, in some cases, been implemented more as symbolic commitments rather than with substantive impact.

To address these arguments, the paper presents three sections. First, it will explore the international and European legal framework on the right to education for indigenous groups. The second section will examine the UPR process, focusing on the recommendations made to Portugal regarding Roma education. This part will evaluate the specificity and quality of these recommendations, as well as Portugal's response to them. Finally, the paper will critically assess whether Portugal has implemented the accepted UPR recommendations, analysing their effectiveness in bringing about meaningful policy changes. This structure will allow for a comprehensive analysis of the UPR's role in protecting the educational rights of Roma children in Portugal.

## **1. The Right to Education for Indigenous Groups under International Human Rights Law**

The right to education for indigenous peoples, such as the Roma, is protected by several international human rights instruments, some of which are legally binding and others that serve as guiding frameworks. The Universal Declaration of Human Rights (UDHR), adopted in 1948, is the backbone of modern human rights law, laying the foundational principle for all subsequent human rights frameworks. Article 26 asserts that "Everyone has the right to education."

A couple of decades later, the legally binding International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted in 1966, built on this foundation in Article 13, stating that:

*"education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups"*

1989 marked a crucial step forward in the protection of Indigenous Rights under International Human Rights Law (IHRL) with the adoption of two legally binding instruments: the International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and the Convention on the Rights of the Child (UNCRC). These frameworks specifically mention indigenous peoples, with the ILO Convention being a landmark document focused solely on their rights.

The UNCRC builds upon the principles of Article 13 of the ICESCR by specifically addressing indigenous children. Article 29(1)(d) emphasises that education should prepare children for responsible participation in society, fostering values such as peace, tolerance, equality, and respect for all people, including those from indigenous backgrounds. The ILO Convention No. 169 emphasises not only the need for equal education for indigenous peoples (International Labour Organization, 1989, Art. 26) but also the active participation of indigenous communities in the development and improvement of educational systems. Article 27 underscores the need for cooperation with indigenous peoples when developing and implementing education programs. It states that education should incorporate indigenous knowledge, history, technologies, and cultural values. It goes further by saying that the training of members should be ensured to progressively transfer responsibility for the conduct of education programmes to indigenous people. Article 28 stresses the importance of language rights. It mandates that indigenous children should be taught in their language and that appropriate steps must be taken to ensure that indigenous peoples can become fluent in the national or official languages of the country. Additionally, efforts should be made to protect and encourage the development and use of indigenous languages. Lastly, Article 31 says that discrimination against and false portrayals of indigenous peoples should be eliminated in all educational materials. In 1999, the Committee on Economic, Social and Cultural Rights (CESCR), as part of the implementation of the ICESCR, adopted General Comment No. 13, which elaborated on Article 13 of the Covenant and the right to education. Under “Specific legal obligations”, it was clarified in paragraph 50 that:

*“States have obligations to respect, protect and fulfil each of the “essential features” (availability, accessibility, acceptability, adaptability) of the right to education.”*

To illustrate these obligations, some practical examples were given on how a state is to fulfil each essential feature:

- Availability – Proactively developing and improving the education system by constructing classrooms, implementing programs and training educators.
- Accessibility – Ensuring that no external factors, such as parents or employers, prevent girls from attending school.
- Acceptability – Implementing proactive steps to make sure that education is culturally appropriate for indigenous peoples.
- Adaptability – Developing and offering curricula resources that address the evolving needs of students.

In 2003, the Committee on the Rights of the Child (CRC) issued recommendations following the Day of General Discussion on the Rights of Indigenous Children, offering further insights into the education of indigenous children. The Committee highlighted the importance of addressing the higher dropout rates among indigenous children, ensuring they are adequately prepared for further education and vocational training. It also stressed the importance of increasing the number of indigenous teachers or educators who speak indigenous languages, ensuring they receive proper training and are not discriminated against compared to their peers (Committee on the Rights of the Child, 2003, p. 4, para. 19). In 2009, the CRC published General Comment No. 11, which specifically addresses the rights of indigenous children under the UNCRC. The Committee reinforced the points discussed in

2003 and in earlier frameworks. Additionally, the Committee emphasised the need for accessibility of school facilities for indigenous children, particularly in remote areas. It recommends supporting mobile schools and distance learning programs for nomadic communities (CRC, 2009, p. 13, para. 61).

One of the most important frameworks for indigenous rights, although not legally binding, is the Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007. This landmark document establishes global standards for the protection of the human rights of indigenous peoples, reinforcing many principles found in international human rights law. Article 14 asserts that indigenous peoples have the right to establish and control their educational systems, ensuring education is provided in their languages and reflects their cultural methods of teaching. It further guarantees that indigenous individuals, particularly children, have the right to access all levels of education without discrimination, thus ensuring equitable participation in national education systems. Article 15 emphasises the importance of reflecting the dignity, diversity, and aspirations of indigenous cultures in educational content. States are urged to take measures, in consultation with indigenous peoples, to combat prejudice and eliminate discrimination in education.

On a regional level, the European framework for minority rights revolves around two legally binding instruments: the European Charter for Regional or Minority Languages (ECRML), adopted in 1992, and the Framework Convention for the Protection of National Minorities (FCNM), adopted in 1995. Article 8 of the Charter outlines the obligation of states to make education available in minority languages across all stages, from pre-school to adult education. It further calls for the training of teachers needed to deliver instruction in these languages, as well as the inclusion of cultural and historical content related to minority communities in educational curricula. Complementing this, the FCNM reinforces the right to education. Article 12 calls on states to promote equal access to education at all levels, train teachers, and ensure that the minority cultures, languages, and histories are adequately reflected in curricula.

So, informed by the human rights instruments discussed, states have a responsibility to provide the following to protect the right to education for indigenous people:

1. **Culturally Appropriate Education:** Curricula should incorporate indigenous knowledge, history, languages, and traditions. The educational content should reflect the cultural values of indigenous communities, ensuring that it is relevant and meaningful to them.
2. **Acceptable Education:** Education must meet high standards of quality while being inclusive and non-discriminatory. It must promote an accurate and fair representation of indigenous peoples and not perpetuate stereotypes or prejudice.
3. **Accessible Education:** Eliminate barriers that prevent indigenous people from accessing education. This includes addressing physical, social, and economic obstacles, such as remote locations, language differences, dropout rates, and socio-economic challenges, to ensure equal educational opportunities.
4. **Available Education:** Providing adequate resources for education, including building schools, supplying teaching materials, and ensuring that educators are trained and equipped to teach indigenous children effectively.
5. **Adaptable Education:** Develop and implement curricula that are flexible and responsive to the evolving needs of indigenous children. Education should be dynamic, accommodating changes in society, technology, and the global economy.
6. **Participation of Indigenous Communities:** Indigenous peoples must have an active role in the design, implementation, and evaluation of educational programs. This ensures that the educational system reflects their needs and aspirations.
7. **Recruitment and Training of Indigenous Teachers:** Prioritise the recruitment, training, and retention of indigenous educators, ensuring that they are supported and not discriminated against

in comparison to non-indigenous teachers.

8. **Protection and Promotion of Indigenous Languages:** Ensure that indigenous languages are incorporated into the educational system, promoting their use in teaching, learning, and communication, and taking steps to preserve these languages for future generations.

Portugal is bound by most of the instruments discussed above. It has ratified the ICESCR and the UNCRC but has not ratified ILO Convention No. 169 (UNTC, 2025a; UNTC, 2025b; ILO, 2025). At the regional level, Portugal has ratified the ECHR and the FCNM (Council of Europe, 2025a; Council of Europe, 2025b). While it signed the ECRML in 2021, it has not yet ratified it (Council of Europe, 2025c). Portugal also voted in favour of the UNDL (UNDL, 2007). This reflects a partial commitment to the legal standards surrounding the right to education for indigenous groups.

## 2. The UPR and Education for Roma People in Portugal

The Universal Periodic Review (UPR) is a unique mechanism of the United Nations designed to assess the human rights practices of member states every four years. Through a peer review process, states examine each other's human rights records, offer recommendations, and share best practices. These recommendations aim to address various human rights challenges (OHCHR, n.d). While the UPR has been praised for promoting accountability and dialogue, its effectiveness in driving tangible policy change has been questioned.

The UPR is not legally binding, meaning states are not required to implement the recommendations they receive. Although the process is intended to foster cooperation, it has faced criticism for being performative, with some states engaging in the process without making meaningful changes. As a result, the UPR has been accused of encouraging ritualistic compliance, where states accept recommendations without following through with substantive reforms (McMahon, 2012).

Considering this, this section will examine the UPR's recommendations in the first three cycles, as the fourth cycle is still in progress, regarding the education of Roma people in Portugal. It will focus on their specificity, assess whether they align with states' responsibilities under IHRL, and analyse the potential effectiveness of these recommendations in driving real change.

The UPR process has generated 18 recommendations for Portugal concerning the right to education for Roma people, spread across the first three UPR cycles; the first cycle from 2008 to 2012, the second from 2012 to 2016, and the third from 2017 to 2022 (OHCHR, 2025). At first glance, this number may seem low, especially considering that Portugal has one of the highest dropout rates of Roma students in Europe. This impression is reinforced when compared to other European countries. For instance, Hungary received 29 recommendations, and Czechia received 34 regarding Roma education (UPR Info, 2023). A study comparing education levels among Roma in various countries found that the share of Roma with at least upper secondary education was 47% in Hungary and 22% in Czechia, while Portugal had one of the lowest rates at 10% (EU FRA, 2016). This suggests that the sheer number of recommendations does not necessarily correlate with better outcomes for Roma communities. While one might expect countries with more significant educational challenges to receive more recommendations, this is not always the case, indicating that there is no clear and straightforward formula behind how recommendations are assigned.

Portugal has accepted all 18 recommendations related to the education of Roma children, showcasing a willingness to engage with the UPR process. One of the main criticisms of the UPR process is the lack of specificity in the recommendations made to states. For Portugal, none of the 18 recommendations related to Roma education were classified as specific actions (Rank 5). Instead, the breakdown was as follows:

- 11 recommendations were classified as general actions (Rank 4).

- 6 recommendations were classified as continuing actions (Rank 2).
- 1 recommendation was classified as a minimal action (Rank 1).

For example, a rank 4 recommendation made by Australia in 2014 was to “Take further steps to improve access to housing, education and employment for Roma communities.” While this may seem reasonable, the lack of specificity makes it unclear how Portugal could effectively implement these measures. Such vague recommendations are difficult to translate into concrete policy changes and do not provide clear criteria for success or progress. This over-reliance on general and continuing actions raises concerns about the impact of the UPR process. General recommendations made to Portugal, such as calls to take “additional measures” “further steps” or “the necessary steps” fail to specify which steps need to be taken and lack the precision needed to guide the development of meaningful, targeted policies (UPR Info, 2023). Without clear benchmarks or specific actions, these recommendations provide little practical guidance to the government, and one could argue they are too vague to be effectively implemented.

In the first section, I highlighted that under IHRL, states have a responsibility to provide education that is culturally appropriate, acceptable, accessible, available, and adaptable. Additionally, states are required to ensure the participation of indigenous communities, the recruitment and training of indigenous teachers, and the protection and promotion of indigenous languages. However, the generality of the recommendations made to Portugal raises concerns, as almost none of the recommendations address these key state obligations. Out of the 18 recommendations made to Portugal:

- Culturally Appropriate Education: 1/18 recommendations addressed this issue.
- Acceptable Education: 11/18 recommendations addressed this issue.
- Accessible Education: 13/18 recommendations addressed this issue.
- Available and Adaptable Education, Participation of Indigenous Communities, Recruitment and Training of Indigenous Teachers, and Protection and Promotion of Indigenous Languages: 0/18 recommendations addressed these issues.

Thus, recommendations were only made on 3 out of 8 state obligations under IHRL, leaving significant gaps in addressing the full scope of these obligations. This raises important questions about the focus of the UPR recommendations. While there is some attention to accessibility and non-discrimination, other key issues are entirely overlooked. It is thereby evident that more specific recommendations are needed.

Examples of recommendations made to other states classified as “Specific action” (Rank 5) regarding Roma people’s right to education demonstrate that the UPR process can produce action-oriented recommendations. As is the case with a recommendation made to Belarus in 2020 to “Develop programmes to improve the rate of school attendance among Roma children”, pushing for the availability of education and focusing on a significant issue such as school attendance. Similarly, a recommendation made to Lithuania in 2011 urged the state to “Implement policies and actions aimed at the effective integration of the Roma community”, specifically calling for an “emphasis on the promotion of the Roma language”, which is a key responsibility for protecting the right to education for indigenous people (UPR Info, 2023). These examples show that it is possible to appeal for tangible change and address a broader range of IHRL obligations. Yet, there have only ever been 31 Rank 5 recommendations globally concerning the right to education for Roma people. Therefore, future UPR cycles should prioritise recommendations that reflect the range of state responsibilities under IHRL, ensuring that Roma people’s educational rights are fully protected in line with international standards.

### 3. Ritualism?

Portugal has a 100% acceptance rate on recommendations regarding Roma children's right to education. However, the crucial question remains: Are these commitments being genuinely implemented, or is Portugal's engagement with the UPR process merely ritualistic?

In Portugal's 2009 National Report, there was no mention of Roma communities (UNHRC, 2009). In 2012, after accepting a recommendation concerning the right to education for Roma children, the Mid-Term Report outlined a series of general education measures, which did not directly address Roma's education. Nonetheless, key initiatives that were introduced tackled issues that Roma children were facing, such as reducing school dropout rates. These initiatives included curricular reforms and the extension of compulsory schooling to 18 years. The "Education 2015" program was launched to achieve these goals. In 2009, Portugal's dropout rate was 30.9% (European Commission, 2015). Portugal established a national target of school dropout rate of 10% by 2020, and an interim target of 15% by 2014 (Portuguese National Human Rights Committee, 2012).

In 2013, Portugal introduced a new human rights policy instrument that marked a turning point in the country's commitment to improving Roma children's access to education. The National Strategy for the Integration of Roma Communities (ENICC) (2013–2020) was adopted following an intensely participatory process, with the involvement of all government departments, civil society organisations, academia, experts, and representatives of Roma communities, all of which participate in a Consultative Council established in June 2013. A key initiative was the Choices Program, launched in 2001 but significantly expanded in the following years. Initially, the program focused primarily on providing support to vulnerable children. By 2014, it had evolved to include alternative curricula, family-school mediation, and holiday camps to foster intercultural integration. It introduced a special early childhood education programme created for 3 to 5-year-olds living in remote rural areas, whereby educators regularly visit these children and develop activities following the same curricular guidelines applicable to kindergartens (UNHRC 2014).

During the duration of the second cycle, Portugal displayed many new initiatives:

- "National Programme for School Success" in 2016 aimed to promote quality education for all and fight school failure.
- "Operational Programme for the Promotion of Education" in 2016 aimed to encourage and promote the access of young Roma to higher education.
- "More Leaders Programme – Roma Youth" in 2017, to empower and promote the active participation of 24 Roma youngsters.
- Roma Associations Support Programme in 2017 aimed to encourage the active participation of Roma in ENICC's implementation.
- The Intercultural School Award in support of projects that foster the effective integration of Roma children, prevent early school dropout, and promote school success.
- The "No Hate Campaign" supported by the Portuguese Institute of Sports and Youth, which helps youth organisations and NGOs develop non-formal education activities that promote the rights of Roma youth and their access to education and professional integration.

Law 93/2017 stands out as the key legal change Portugal made, reinforcing the legal regime to prohibit discrimination in access to education based on racial and ethnic origin, nationality, and other factors (PNHRC 2018; UNHRC 2019). In 2019, at the beginning of cycle 3, Portugal introduced the revised version of the ENICC, now extended by two years to 2022. The ENICC (2013–2022) reflected an increase in continued implementation, with an overall implementation rate that rose from 60% in 2019 to 74% in 2020.

ENICC's initiatives, in this cycle, regarding education:

- National Scholarship Programs: Roma EDUCA (for secondary education) and OPRE (for higher education), which have helped over 340 Roma students in their educational paths.
- Training Course for Teachers on “The inclusivity and the interculturality as critical dimensions of the education of Roma children and young persons”.

As of 2021, the Choices Program had reached more than 420,000 participants. Currently in its 8th Generation, with 105 projects being implemented across the national territory. Of this program’s members, approximately 25% are descendants of migrants and 21% from Roma communities. In 2022, Portugal announced that school dropout rates had been declining. After registering a historic low of 8.9% in 2020, the early leaving from education and training rate recorded a further reduction of 5.9% in 2021. This was much higher than the rate projected in the first cycle (PNHRC 2022).

Through successive UPR cycles, Portugal has not only implemented the recommendations received regarding Roma children’s right to education but has gone beyond the recommendations and, following its obligations under IHRL, has:

- Actively involved Roma communities in shaping educational policies through the Consultative Council for Roma Integration and the Roma Associations Support Programme.
- Prioritised availability by introducing an education program for children living in remote rural areas and providing resources such as scholarships for Roma children.
- Ensured Roma children’s participation in physical education, sports, and recreational activities using the “No Hate Campaign”.
- Prioritised teacher training through initiatives such as courses on inclusivity and interculturality in the education of Roma children.

Although Portugal has made progress in implementing policies aimed at reducing the school dropout rates among Roma children and improving their access to education, there is insufficient data available on the actual outcomes of these programs. The continued progression of the ENICC implementation rate and the significant reduction in the school dropout rate are mentioned. However, beyond these general indicators, little is said about the tangible impact of other initiatives. It is therefore important to highlight that Portugal’s data protection laws complicate efforts to accurately assess the effectiveness of these policies and gather specific data on Roma children (Assembleia da República, 2019).

Portugal’s engagement with the UPR process is commendable. It not only accepted recommendations but also implemented various initiatives, taking additional steps that exceeded the suggested measures. The real concern lies in the general nature of the UPR recommendations. The absence of specific and actionable recommendations hinders the creation of more concrete guidelines for effective policy changes. If future UPR cycles were to focus on more precise recommendations, such as implementing successful practices from other countries or detailing specific actions, Portugal would have a clearer path to follow. This approach would facilitate more significant and measurable improvements in the educational rights of Roma children.

## Conclusion

While Portugal has made progress in protecting Roma children’s right to education, the generality of UPR recommendations and the limited data on the outcomes of these initiatives raise questions about how effective these efforts will be in bringing about lasting change. To ensure meaningful improvements, future UPR cycles should focus on specific, targeted recommendations that include measurable goals. This approach is essential for achieving significant, long-term changes in the educational rights of Roma children in Portugal.



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