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APPLYING TOLERANCE INDICATORS:

ANNEX to the report on ASSESSING TOLERANCE FOR RELIGIOUS SCHOOLS

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# ANNEX TO THE CLUSTER REPORT: ASSESSING TOLERANCE FOR RELIGIOUS SCHOOLS

### Indicators presented:

Indicator 3.1 Parallel education (voluntary)

**Indicator 3.2 Desegregation** 

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# Detailed Comparative Country Overview of Indicator 3.1 Parallel education (voluntary)

Country	Score	Motivations for score regarding Indicator 3.1 Parallel education (voluntary)
Denmark	High	This assessment concerns the national level for the period 1990-2012. The Danish constitution stipulates a duty of education but no school duty. This allows for home schooling as well as for private schools. Private schools receive a substantial public subsidy akin to a voucher system, covering around 75% of the school costs.
		In the last decade or so, the state has increased its monitoring of the schools as well as the self-monitoring and documentation duty of the individual schools. This may work as a constraint on running schools which diverge too much from the public schools in terms of the subjects taught and exams since it is economically and organisationally costlier for smaller schools to document that they fulfil state requirements in alternative ways. Some Muslim schools have expressed the concern that they have been under a general suspicion from the state for not meeting the requirement of teaching liberal civic education. Formally, however, the private schools only have to deliver schooling that is 'equivalent to the public school'. This means that they can teach different subjects, or teach them in different ways, and that they do not have to hold (state) exams.
		Moreover, private schools are allowed to discriminate on the basis of religion in their recruiting.
		Sources: Olsen and Ahlgren (2011)
Ireland	High	This assessment concerns the national level (primary and secondary schools) for the period 1990-2012. The basis for this assessment is the constitutional and legal framework with regard to associational freedoms of religious schools; there are no schools catering to ethnic or national minorities in the Republic of Ireland (although there are separate Irish language schools, catering to the minority who either live in traditionally Irish speaking areas, or those elsewhere who want their children educated through the national language).
		Within the <i>primary</i> sector, 95% of schools are 'denominational' - the majority under the patronage of the Catholic Church; other schools recognised by the state are Church of Ireland, Presbyterian, Methodist, Muslim, Jewish and Quaker. In addition, there is a growing number of multidenominational schools. Within the secondary sector over half of all schools are denominational, the majority owned and controlled by Catholic religious orders or trusts set up by them. There are also 26 Protestant schools.
		The Minister for Education has responsibility for policy in primary and secondary education. But the

Country	Score	Motivations for score regarding Indicator 3.1 Parallel education (voluntary)
,		provision and management of education is almost all devolved to other, largely private bodies, so that there is virtually no state-provided education in Ireland. All schools (with the exception of a few primary schools) receive most of their funding from the state. Protestant boarding schools have until recently (2008) received additional funding to support education for their scattered population. The Department of Education sets down the regulatory framework – including the curriculum – for schools receiving State funding. Schools have considerable autonomy on teaching methods. However, two national externally set and marked examinations apply to all students who complete second level education.  Schools must employ teachers whose certification is recognised by the state, but a special provision allows religious schools to select teachers and pupils on the basis of religious ethos.  In comparative European perspective, religious groups have had considerable associational freedom; they have been able to create schools which receive substantial public funding.  Based on the above we evaluate Ireland as scoring 'high' on this indicator.
		<b>Two qualifications:</b> Members of the Protestant faith have been critical of recent reductions in their school subsidies; and an application to set up a Muslim secondary school has yet to be successful.  Sources: Honohan & Rougier (2011) Education Act 1998 Department of Education & Skills
Italy	Medium	This assessment concerns the national level and a period of about 70 years, since the drafting of the Italian Constitution, in which it was decided to guarantee the right of private organizations to build their schools. The law guaranteed in this way the possibility for Catholic schools – which were the majority among faith schools – to open and be formally recognised. Even now, faith schools are mostly Catholic. There are some Jewish schools, but they are few. Other religious schools do not exist or there has been strong opposition to their building (e.g. the Islamic school in Milan). The level of assessment is national. This assessment is based on the: (1) constitutional and legal framework; (2) the practices analysed in the Accept research; and (3) the general public discourse on minorities' schools.
		In this assessment we have looked at faith schools. Faith schools in Italy are non-governmental schools, which can ask for recognition and be consequently treated the same as state schools: once formally recognised, they are subject to the same education regulations and quality standards as state schools.

Country	Score	Motivations for score regarding Indicator 3.1 Parallel education (voluntary)
		They can also ask for funding. Nevertheless, faith schools which have been established and asked for recognition are mostly Catholic, managed by Catholic institutions and organizations. Indeed, out of all the private schools (which represent about 18% of all Italian schools in 2007/2008, according to Istat data), more than half are Catholic schools (mostly nursery schools). Apart from Catholic schools, there are very few faith schools in Italy. This fact depends on the characteristics of the Italian context: Catholicism is by far the most widespread religion and the other religions are in the minority. So the demand for faith schools was mainly for Catholic schools and a few Jewish schools that are also officially recognized. The only faith school which asked for recognition (the school of via Quaranta in Milan) was impeded by the local administration and closed.
		Sources: Istat <u>www.istat.it;</u> Ambrosini, Caneva (2011); Law 62/2000
Netherlands	High	This assessment concerns the national level and a period of about 20 years (1992-2012), a period in which the number of Islamic primary and secondary schools grew (from 2 in 1988 to 46 in 2005) and other religious "newcomers" (Hindu and Evangelical) also created schools. The level of assessment is national. The basis for this assessment is: (1) the constitutional and legal framework; (2) legal arrangements with regard to associational freedoms of denominational schools; and (3) the general public discourse on the room given to religious education.
		In this assessment we have looked at (primary and secondary) religious schools. "Ethnic" schools or schools catering to national minorities do not play a role in the Dutch education system. Faith schools in the Netherlands are non-governmental (bijzondere) schools that are financed on an equal basis as public schools and are subject to the same education regulations and quality standards. The vast majority (approximately 60%) of Dutch schools is organized on the basis of a religious identity. The opportunities for funding of these schools are very good, because there is "statutory equality" of governmental and non-governmental schools, grounded in article 23 of the Dutch constitution protecting freedom of education. Non-governmental schools are subject to the same general education regulations and quality standards, they should employ certified teachers, but they are allowed to select teachers and pupils on the basis of religious and philosophical views, to decide on curriculum in relation to the religious identity of the school, and impose rules with regard to dress and behaviour in the school context. However, the Dutch educational system is fairly centralised and the Ministry of Education exercises strict scrutiny on the functioning of these schools. Also, in recent years, a number of legal amendments and policy proposals

Country	Score	Motivations for score regarding Indicator 3.1 Parallel education (voluntary)
		have sought to restrict some associational freedoms of religious schools, notably with regard to discrimination of staff on the basis of sexual orientation (debate on the "sole fact construction"), on the obligation to accept pupils irrespective of their religion, and the recent obligations for schools to teach on issue of sexuality and same-sex relationships. In a comparative European perspective, immigrant religious groups have had good opportunities to create schools (demonstrated by the relatively high number of Islamic schools (more than 40)). Criteria for the founding of new schools have become stricter (with regard to minimal number of pupils), as has inspection of educational performance.
		Interviews with directors of Islamic and Dutch Reformed schools show that they believe there are many negative stereotypes about their schools and that increasingly politicians and the general public nowadays support a more restrictive interpretation of associational freedoms for religious schools.
		Sources: Driessen (2008); Maussen (2006); Merry (2012); Versteegt and Maussen (2011)
Spain	Medium	Time period: Last 20 years. Level of Assessment: national
		Religious schools – Catholicism  Non-governmental schools that cater for catholic students are an important share of all schools in Spain. They represent 15.2% of all schools in primary education and 20% of schools of secondary education. They also enrol 20.6 % of students in primary schools and 21.6% students in secondary education. They represent the majority of the non-governmental schools in the country. The Spanish constitution (art 27 on religious freedom) recognizes the right to create schools in order to allow parents to ensure that their children receive an education corresponding to their beliefs.
		Religious schools – Minority religions Agreements between the state and minority religions (Islam, Protestantism, Judaism in 1992 and, since 2008, Buddhism) and religious freedom in the constitution theoretically authorize minority religions to create their own schools. In practice, only Jews have preferred creating their own schools (3 in Spain, two private schools in Barcelona and Madrid, one public school in Melilla). The other religions accorded priority to providing religious education in already existing schools. There are two protestant schools in Madrid (mainly designed for expatriates). Apart from an experiment in Andalusia in 1986 and recurring projects, there is no Muslim school in the country. The cost of establishing and running such

Country	Score	Motivations for score regarding Indicator 3.1 Parallel education (voluntary)
		schools, the lack of organization of religious associations, and the lack of parents' mobilization explain in great part this absence of minority religious schools.
		Ethnic-national minorities schools  The Spanish educational system is characterized by its diversity on a territorial-national basis. Basque country, Catalonia and Galicia and to a lesser extent Balearic Islands and the Valencian community have different systems, especially as regards to language. Catalonia has a monolingual education in Catalan and the Basque country provide different options between monolingual Euskara, bilingual and monolingual Spanish.
		There are also various foreign schools on the territory (European or American mainly) which enroll local and expatriate students. However, there is no school created on an ethno-national basis so far.
		Sources: Escuelas catolicas (2009); Dietz (2007)
Sweden	High	This assessment concerns the national level and a period of about 20 years (1992-2012), a period in which the number of Islamic primary schools grew from zero to nine (there are no Islamic confessional secondary schools). Between 1992 and 1994, a number of educational reforms were carried through in Sweden, which changed the organization and production of primary and secondary education in fundamental way. In 1992, an independent school system was introduced. It made it a lot easier than before to establish schools with other orientation than the municipal schools; hence the reform also paved the way for confessional schools. Although the schools are non-governmental and independent, they are funded by the state.
		It could arguably be said that the independent/non-governmental school system constitute an important element in the school system. 761 primary schools out of 4616 are independent (16.5 %), as is 499 out of 1005 secondary schools (49.6 %). At the primary level, 12.6 % of the students attend to independent schools, at the secondary level 25.5 %. As noted above, though, the number of Islamic confessional schools is very limited. No data for the actual number of students is shown in the sources, but the number of Islamic schools does not add up to more than 0.2 % of the sum total. The associational freedoms of the independent schools are by and large the same as for the public ones. They have the right to select and recruit personnel, but the national curricula provide strong guidelines for the local

Country	Score	Motivations for score regarding Indicator 3.1 Parallel education (voluntary)
		curricula. Teaching on sexuality or evolution theory, for example, cannot be omitted. Separate rules related to dress codes and other forms of behavior of teachers and pupils are allowed, as long as they kept within the restrictions of general laws.
		In the instructions of the educational system, it is said that schools should observe neutrality in relation to different religions. But in the national curricula of 1994, it was stated that this rule does not apply for religious independent schools. In order with the Education Act, however, some general goals have to be achieved regardless of whether the schools are independent or public, such as "imparting, installing and forming in pupils those fundamental values on which our society is based, which should be "in accordance with the ethics borne by Christian tradition and Western humanism by fostering the individual a sense of justice, generosity of spirit, tolerance and responsibility". In the pursuit of the common aims, most denominational schools arrange only a small number of hours per week for the introduction of certain subjects, and in the case of Muslim schools, this number amounts to one to three hours per week of Islamic religious education. The local syllabi written for such subjects must still adhere to the above described fundamental values, though. Thus, the scope for a distinctly Islamic or Muslim curriculum is limited. With the advent of the new school law in 2011, no confessional elements are allowed in the instructions. Thereby, there are some arguments for the score "Medium", rather than "High".  Sources: Berglund (2009) Hertzberg (2011); www.skolverket.se; www.scb.se

## **Detailed Comparative Country Country Overview of Indicator 3.2 Desegregation**

Country	Score	Motivations for score regarding Indicator 3.2 Desegregation
Denmark	Medium/ High	This assessment concerns the national level for the period 2002-2012. Significant segregation is found between 'black' and 'white' schools in larger urban areas. This is mainly the result of housing patterns/segregation, the way school districts are defined, and the ability of individual parents to opt for a private school or choose a different public school than their district school (free choice of schools). Some efforts have been made to counter balance these tendencies by redrawing school districts, bussing of minority children, encouraging/supervising minority children to go to 'white schools' outside of their own district, creating 'magnet schools' in the more socially challenged areas which would attract majority middle class children in the district who otherwise choose private schools or extra-district public schools, to even out the skewed distribution of minority children (with a 'weak social background') in some of these inner city schools. Private schools have also been encouraged to take on more 'social responsibility' for students with 'weak social backgrounds' including those of minority background. As regards the latter, the ministry of education has for a number of years spoken about inducing private schools economically to take on this responsibility.  Sources: Olsen and Ahlgren (2011)
Ireland	Medium/ High	This assessment concerns the national level (primary and secondary schools) for the period 1990-2012. The basis for this assessment is the constitutional framework and legal arrangements for education and recent public reports and media analysis on immigrants in Irish schools.  There is a level of 'established religious segregation' in Ireland, as 95% of primary schools and 57% of secondary schools are 'denominational'. Education is under the patronage of religious institutions / trusts (mainly Catholic, but also Protestant, Jewish, Muslim and Quaker). In practice, there is a considerable degree of variety or religion among pupils even in denominational schools.  Under section 7(3) of the Equal Status Act 2000 schools can discriminate by giving preference in admissions to children of a particular denomination, or by refusing to admit a child where such refusal is essential to maintain the ethos of the school. Under the Employment Equality Act 1998 'certain religious, educational and medical institutions may give more favourable treatment on religious grounds to an employee or prospective employee where it is reasonable to do so in order to maintain the religious ethos of the institution'.

Country	Score	Motivations for score regarding Indicator 3.2 Desegregation
		In the past there was separate or even segregated teaching of Traveller children. In 2006, a government report proposed a 5-year strategy to achieve equality for Travellers within mainstream education. In 2011, the Government stated it would provide educational teaching support to Traveller students on the same basis as other students, on the basis of 'individual educational need' rather than 'Traveller identity'.
		In international comparisons, schools are not segregated with respect to immigrants; immigrant students are quite broadly dispersed, and in schools with a low proportion of immigrant students. However, in 2007, an 'emergency school' had to be opened in Balbriggan, Co Dublin to cater mainly for children of migrant origin who could not access any local Catholic schools as they did not possess the necessary Catholic baptismal certificate; also in 2007, a government report identified 'white flight' from primary schools in the Dublin 15 district, where 21% of those enrolling in the schools between 2003 and 2007 were Irish, compared with 79% non-Irish (mainly from Nigeria). The report called for urgent action to avoid ghettoization and social fragmentation.
		Thus, while the government's education policy emphasises integration, the risk of educational segregation along racial as well as religious lines can emerge in certain localities from denominational schools' recourse to their right to discriminate (on religious grounds) with regard to enrolment.
		Sources: Honohan & Rougier (2011); Education Act 1998; Employment Equality Act 1998; Equal Status Act 2000; Smyth et al., 2009; Dáil Éireann Debate (2011); McGorman & Sugrue (2007); Government of Ireland (2006)
Italy	Medium	This assessment concerns the national level and a period of 2 years (2010-2012) when the issue of concentration of pupils of foreign origin in classrooms and schools was brought to the core of public and political debates. In 2010, for the first time the issue was dealt with a rule enacted by the Minister of Education Gelmini (centre-right), even though the schools had been managing this situation for many years in an informal way. The level of assessment is national and local. The basis for this assessment is: (1) the constitutional and legal framework; (2) the practices analysed in the Accept research; and (3) the general political and public discourses analysed in the Accept research.
		In this assessment we have looked at the rule enacted in 2010, the reactions to it by educational staff, and the actual applicability of the rule. The rule is formally aimed at avoiding segregation in schools and classes:

Country	Score	Motivations for score regarding Indicator 3.2 Desegregation
Commy	Julia	it makes Italian schools rearrange classes so that foreign students would represent no more than 30% of all students. Actually, when it was enacted, it provoked arguments among politicians, civil society actors, public opinion leaders and teaching staff. The main criticism was that the law limited the right to be educated, to choose autonomously the school, and considered foreign children as 'a problem'. In addition, the rule was inaccurate, because it did not distinguish among children of foreign origin who were born and educated in Italy, and children who arrived later and have to learn Italian. Despite the seemingly good intentions (some actually said that the aim of the rule was exclusively political, i.e. to obtain public consensus and to show the ability to govern immigration), it was unfeasible in many schools where the percentage of foreign students (counting both those who were born in Italy and those who were born abroad, as the rule suggested) was 50% or more. Consequently, the Minister was obliged to issue postponements for schools where the number of foreign students was greater than 30%.  Based on the above we evaluate Italy as scoring "medium" on this indicator. At the national level an attempt to avoid segregation has been made (even though with difficulties); schools try to balance the families' freedom of choice against an equal distribution of students among schools and classrooms but they do not always manage to do it and may sometimes reinforce segregation.
Netherlands	Medium/ High	Sources: Ambrosini and Caneva (2011); Santerini (2008); C.M. 2/2010; Colombo (2012).  This assessment concerns the national level and the period (2002-2012). Its level of assessment is national, i.e. it takes into account the national picture even though many desegregation efforts and policies are also coordinated at the municipal level.  Segregation in schools is an important phenomenon in the Netherlands. It mainly concerns primary schools but is then further strengthened in secondary schools because of the (early) selection of pupils for junior vocational schools (VMBO) and schools preparing for higher education (HAVO/VWO). Segregation concerns concentration of children of lower classes/disadvantaged groups and also concentration of immigrant origin ("allochtonous") children. The phenomenon of "black schools" is widespread, especially in the bigger cities, some schools have over 70% immigrant origin children. Children of immigrant origin are also overrepresented in vocational education and under-represented in the higher echelons of education. National and municipal governments have initiated and continue to implement policies addressing "segregation" directly (e.g. trying to "spread" children more evenly across primary schools) and addressing "educational

Country	Score	Motivations for score regarding Indicator 3.2 Desegregation
		inequalities" (by giving additional money to schools with a higher number of children with "non-Western"
		immigrant parents or to "disadvantaged" children (the so-called "weight regulation" (gewichtenregeling), by
		improving the inspection of schools and closing schools with very bad performance).
		Municipalities have also developed plans for more compulsory and/or more voluntary de-segregation, notably by having centralized inscription of pupils and/or encouraging voluntary mixing (notably by influencing the choices of "positively privileged parents"). Policies may have been mildly effective with regard to improving educational performance, they are largely ineffective with regard to enforcing desegregation.
		The Dutch school system does contribute to ethnic and socio-economic segregation to some extent, because non-governmental schools can more easily control the influx of children than public schools, and because freedom of parents in school choice is constitutionally protected. Another factor that greatly contributes to segregation is selection for secondary education at the age of 12 and the difficulties in changing educational tracks at a later stage.
		The Minister of Education announced in 2011 that "ethnic desegregation in schools was no longer a policy goal" (because it had proven to be so ineffective). Still, several municipalities, notably Amsterdam, Rotterdam and Nijmegen, continue to combat ethnic segregation in schools.
		Sources: Bakker et al. (eds) (2010); Dronkers, J. (2007); Inspectorate of Education (2011); Karsten, S. et al. (2003); Vedder, P.(2006); Regioplan (2012); Versteegt and Maussen (2011).
Spain	Medium	Time period: last 10 years. Level: National (but focus on Barcelona).
		The concentration / segregation of immigrant students is limited at the Spanish level, but it has a strong incidence in several urban areas, and in particular in the major cities of Madrid and Barcelona. High levels of segregation are manifest on two different levels which reinforce each other: on a territorial basis, at neighborhoods' level, and on a private/public basis, public schools concentrating much more immigrant students. This concerns in particular immigrants with low socio-economic resources. There is a convergence of research results towards the fact that immigrants have lower results than native students, which can be explained mainly by socio-economic differences, and that segregation is one important determinant of low

Country	Score	Motivations for score regarding Indicator 3.2 Desegregation
		performance at individual and school level.
		The legal and political framework addresses directly the issue of equality and discrimination in the educational system, in particular the Ley Orgánica 2/2006, of 3 of May, on Education (LOE). It guarantees principles of equal opportunities, free education and no discrimination. It regulates in particular admission processes and makes it compulsory for regional authorities implementing admission processes to guarantee a balanced and adequate distribution of students with special needs between schools. But if the law seems adequate and gives a large range of possible instruments to competent regional authorities, the implementation of desegregation instruments remains below the actual possibilities and is often ineffective. With the equal funding of private under contract and public schools since 2006, one of the counterparts was the respect by these private schools of same admission processes as public schools. This was meant to lead to desegregation but has not been effective.
		Several causes can explain this ineffectiveness: 1) Strong structural causes such as residential segregation, 2) the preservation of core principles such as free choice of schools, despite their effects in terms of segregation, 3) the lack of control to guarantee fair admission processes, 4) Insufficient public concern toward native flight dynamics, 5) insufficient education policies to raise school success and help schools enrolling low-resources low-performing students.  Our assessment is limited by the fact that only the policy of the Catalan community has been examined in detail. With the exception of Madrid, this is the Autonomous community with higher segregation index.
		Based on the above (adequate legal framework and instruments but reluctance to make them effective) we rate Spain as "Medium."
		Sources: Valiente (2008); Sindic de Greuges (2008); Cebolla-Boado, Garrido-Medina (2010); Poncé-Solé (2007); Zinovieva et al. (2009).
Sweden	High/Medium	This assessment concerns the national level and the period 2002-2012. It is not permitted to register data on specific ethnic groups in Sweden, and therefore, there exists no primary data on the nature of segregation between different ethnic groups and the majority. Research on segregation is primarily based on data showing correlations between residencies on the one hand and for example income, employment and/or educational outcomes on the other.

Country	Score	Motivations for score regarding Indicator 3.2 Desegregation
Country	Score	Ethnic and socio-economic segregation in Sweden is substantial in its scope. In many Swedish towns, we find urban residential areas with a high concentration of ethnic minorities, often characterized also by socio-economic disadvantages. Residential segregation is relatively high, and overall segregation indices (contrasting foreign-born with Swedish-born) are between 0.3 and 0.4, though for recent non-European immigrant groups they are as high as 0.5 to 0.8 (Andersson 2000).  For at least two decades, the government has initiated different policies and measures of desegregation, both large-scale and small-scale, such as a) housing and social mix policy (first initiated in the 1970s); b) the refugee dispersal policy (initiated in the 1980s); and c) the area-based urban policy (initiated in the 1990s). Of these three, the last two have a clear ethnic focus while mixing policies primarily aim for socio-economic and demographic mix. None of the policies have managed to affect levels of segregation more than marginally, the reasons being ineffective implementation (the mix policy), failures in the design (the refugee dispersal policy) or conflicting aims inherent in the policy (area-based interventions; Andersson et al 2010). There have been harsh debates, in academia as well in public media, whether the voucher system increased or reduced socio-economic and ethnic segregation in the educational system. Thus, it can be said that the Swedish government has initiated a number of policies and measures in order to counter-act socio-economic and ethnic segregation. This has led us to consider that Sweden deserves a high score in this context. However,
		research shows that these measures generally fail, and that policy arrangements which augment socio-economic and ethnic segregation remain unaltered, although their negative effects in this matter are well known.  Sources: Andersson R (2000); Andersson R, Bråmå Å & Holmqvist E (2010).

### **FURTHER READINGS AND COUNTRY REPORTS**

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About ACCEPT PLURALISM - project identity

Acronym ACCEPT PLURALISM

Title Tolerance, Pluralism and Social Cohesion: Responding to the Challenges

of the 21st Century in Europe

Short Description ACCEPT PLURALISM questions how much cultural diversity can be

accommodated within liberal and secular democracies in Europe. The notions of tolerance, acceptance, respect and recognition are central to the project. ACCEPT PLURALISM looks at both native and immigrant minority

groups.

Through comparative, theoretical and empirical analysis the project studies individuals, groups or practices for whom tolerance is sought but which we should not tolerate; of which we disapprove but which should be tolerated; and for which we ask to go beyond tolerance and achieve respect and

recognition.

In particular, we investigate when, what and who is being not tolerated / tolerated / respected in 15 European countries; why this is happening in each case; the reasons that different social actors put forward for not tolerating / tolerating / respecting specific minority groups/individuals and specific practices. The project analyses practices, policies and institutions, and produces key messages for policy makers with a view to making

European societies more respectful towards diversity.

Website <u>www.accept-pluralism.eu</u>

Duration March 2010-May 2013 (39 months)

Funding Scheme Small and medium-scale collaborative project

**EU contribution** 2,600,230 Euro

Consortium 17 partners (15 countries)

Coordinator European University Institute

Robert Schuman Centre for Advanced Studies

Person Responsible Prof. Anna Triandafyllidou

EC officer Ms. Louisa Anastopoulou, Project Officer,

Directorate General for Research and Innovation, European Commission