



FIVE MORE YEARS OF INJUSTICE **SEGREGATED EDUCATION FOR ROMA IN** **THE CZECH REPUBLIC**

AMNESTY
INTERNATIONAL



 **errc**
european roma rights centre

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services.

Amnesty International and the European Roma Rights Centre published this report in partnership in 2012

Amnesty International Ltd
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

European Roma Rights Centre
1074 Budapest
Madách tér 4
Hungary

© Amnesty International and European Roma Rights Centre 2012

Index: EUR 71/006/2012 English
Original language: English

All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for reuse in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable. To request permission, or for any other inquiries, please contact copyright@amnesty.org and office@errc.org

Cover photo: Romani pupils from Přednádraží street in Ostrava, Czech Republic, on their way back from school. June 2012
© Jiří Doležel

Children's drawings used in this report were made at a workshop organized by Amnesty International and the European Roma Rights Centre on 26 July 2012 in Ostrava.

CONTENTS

INTRODUCTION	1
PRACTICAL EDUCATION: A DEAD END	3
NEW NAME, OLD PROBLEMS	3
CONTINUING RACIAL SEGREGATION IN “PRACTICAL” EDUCATION	7
SEGREGATED AND INFERIOR	13
DIFFERENT AND UNEQUAL	13
FINANCING AND MARKETING SEGREGATION	18
ROMA-FRIENDLY SERVICES	19
SEGREGATION IN PREPARATORY CLASSES	21
NON-ROMA SEGREGATION BY CHOICE	22
CONCLUSION	23
RECOMMENDATIONS	24
ENDNOTES	26



Romani pupil in class 1a, School no. 2, Ostrava, June 2012.



INTRODUCTION

“Not much has changed. The two-tier system... where the Romani children... are hidden, has persisted.”

Director of a mainstream elementary school in Ostrava

On 13 November 2007, in the landmark case of *D.H. and Others v. The Czech Republic*, the European Court of Human Rights (European Court) held that the placement of Romani pupils into special schools for pupils with mild mental disabilities amounted to discrimination.¹

“[T]he applicants were placed in schools for children with mental disabilities where a more basic curriculum was followed than in ordinary schools and where they were isolated from pupils from the wider population.”

European Court of Human Rights, *D.H. and Others v. The Czech Republic*.²

Five years later, in Ostrava city, Czech Republic, the younger cousins, nieces, nephews, and neighbours of some of the applicants in the original case, are attending school. How much will their experience in school and life differ from the applicants in *D.H. and Others*? How much has really changed in Ostrava and the Czech Republic five years on?

This report argues that Romani children continue to be over-represented in schools and classes designed for children with mild mental disabilities. It provides evidence that the current arrangements are not in the best interest of the children and do not prepare them for “a responsible life in a free and tolerant society”.³ The report argues that there are shortcomings in the Czech educational system that

THE D.H. CASE

In 2000, a group of 18 applicants lodged a complaint with the European Court alleging discrimination in the enjoyment of their right to education. The applicants were Roma and had been placed in special schools for pupils with “mild mental disabilities” where a reduced curriculum is taught. They argued that they were placed into these schools because of their ethnic origin. Their struggle for justice started in 1999, but the domestic court dismissed their case.

The special schools were intended for “children with mental deficiencies who were unable to attend ‘ordinary’ or specialized primary schools.”⁴ The decision to place a child in such a school was taken by the head teacher on the basis of the results of tests measuring a child’s intellectual capacity. As a result of the reduced curriculum, graduates of special schools had significantly limited options for future education and thus also employment opportunities.

In 2005, the special schools were renamed “practical elementary schools”, but the curriculum being taught was not changed.⁵

In 2007, the European Court found that there was a tendency, in the Czech Republic, to place children of Romani origin mostly in special schools. It ruled that this amounted to discrimination.

2000

APRIL The original 18 Romani applicants lodged a complaint with the European Court alleging discrimination by the Czech government against them in the enjoyment of their right to education.

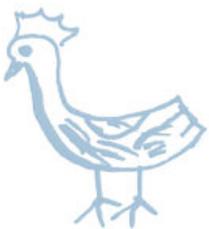


obstruct the inclusion of Romani children in integrated mainstream education. To date, the government has failed to end racial segregation in Czech schools or effectively implement its own, more inclusive education policies, such as the National Action Plan for Inclusive Education (NAPIE) and the Strategy for Combating Social Exclusion for 2011 – 2015.⁶

In June and July 2012, Amnesty International and the European Roma Rights Centre (ERRC) visited the Czech Republic and conducted interviews with public officials, education experts, civil society representatives, school directors, teachers and teaching assistants. The most essential part of the research, however, was the time spent among Romani families in Ostrava. Amnesty International and the ERRC interviewed 19 pupils enrolled in three Roma-only schools in the district of Ostrava-Přivoz and pupils enrolled in another school in Ostrava-Vítkovice. This report is informed by the experience of Romani children and parents living in the same neighbourhoods and attending the same schools as the *D.H.* applicants.

This report concentrates on two key factors affecting the education of Romani children: their disproportionate placement in a system of education of lower academic achievement, and their segregation in “Roma-only schools”. These factors demonstrate the continuing systematic discrimination against Romani children in the Czech education system.

Five years after the *D.H. Judgment*, the situation of Romani children in the Czech Republic remains largely unchanged. The life prospects of thousands of young Czech citizens of Romani origin are limited because they continue to be channelled into segregated and “practical” schools providing inferior education. Amnesty International and the ERRC are calling for an end to this injustice.



THE SCHOOLS FEATURED IN THIS REPORT

This report focuses on schools commonly referred to as “Roma-only schools” in Ostrava and looks into the type of education they provide and the factors that caused the segregation. In each of the schools, Romani children account for more than 90 per cent of the pupils.⁷ The four schools selected (the names have been withheld in the report) are representative of the discrimination faced by Romani children in access to education. They show the impact of the government’s failure to adequately address the situation.

SCHOOL NO. 1

Until 2006 a former special school, with approximately 90 per cent Roma intake. Most classes teach the practical curriculum.

SCHOOL NO. 2

A Roma-only mainstream elementary school with classes using both mainstream and practical curriculums.

SCHOOL NO. 3

Formerly mainly non-Roma, nowadays mostly Roma mainstream elementary school teaching a mix of curriculums.

SCHOOL NO. 4

A former special school, now a mainstream elementary school with a predominantly Roma intake, teaching a mix of curriculums.

2001 **AUGUST** The UN Human Rights Committee expressed concerns about the disproportionate number of Romani children in special schools designed for pupils with mental disabilities. It held that such over-representation may indicate the use of stereotypes in the placement decisions that made it difficult, if not impossible, to secure admission to secondary schools.

PRACTICAL EDUCATION: A DEAD END

“As a result, they received an education which compounded their difficulties and compromised their subsequent personal development instead of tackling their real problems or helping them to integrate into the ordinary schools and develop the skills that would facilitate life among the majority population.”

European Court of Human Rights, *D.H. and Others v. The Czech Republic*⁸

NEW NAME, OLD PROBLEMS

School no. 1 in Ostrava now operates as a practical school but as of the current school year, misleadingly promotes itself as a mainstream “elementary school”. It is near a neighbourhood in Ostrava-Přivoz largely inhabited by Romani families.⁹ The school offers awards for attendance – a practice which is uncommon in mainstream elementary schools. Another reason for its popularity among Romani families is an active teaching assistant who regularly visits the families.

Until 2006, it was run as a special school. Following the 2005 changes introduced by the Schools Act abolishing the “special schools” category for pupils with mild mental disability, this school was renamed a practical elementary school. A number of the *D.H.* applicants attended this school.

For the first three grades, the school provides education under both the mainstream curriculum and the curriculum designed for pupils with mild mental disabilities. In the school year 2011/2012, the majority of pupils (29 out of 35) in the first to the third grade were taught the mainstream curriculum. The mainstream classes have nine classes of Czech language per week, but pupils in practical classes following the reduced curriculum get only seven classes. Similarly with mathematics, pupils in the

mainstream classes have five classes per week, but their peers enrolled in practical classes only four. On the other hand, pupils in the practical classes get more physical education – three classes per week rather than two; and more vocational or craft classes – three or five classes per week rather than one.¹⁰

From the fourth grade onwards, the focus changes. Between the fourth and ninth grades, the majority (61 out of 70) of pupils followed the practical school curriculum. The remaining nine pupils followed mainstream curriculum in the practical classes.¹¹ What this means in practice is that once a child gets enrolled in School no. 1, he or she will most likely end up trapped in practical education.

A diminished education

The Director explained that one of the school’s objectives is to prepare pupils for daily life. The differences between the mainstream and practical curriculum are demonstrated by the number of classes above. They show that the prioritization of “practical” classes is at the expense of the number of academic classes. This raises concerns that such a reduced curriculum severely reduces pupils’ future options. Notwithstanding the performance of the teachers or pupils, the knowledge and skills which the education in practical schools provides are not geared towards pursuing secondary or higher-level education.



ROMI, SCHOOL NO. 1

Romi's father, Roman D., enrolled all his children in School no. 1 because it was the closest to the hostel where his family lives. The school told him that it is now an "elementary school" – and not a "special school" anymore. Roman D. is concerned that "the school does not do the children any good. They learn from each other, there is no diversity, the school is mostly Roma."¹² His son, Romi, finished the fifth grade following a practical curriculum in June 2012. He and his two other siblings were tested for mental disabilities in a diagnostic centre (Pedagogical-Psychological Centre). According to Roman, the assessment concluded that they are lagging behind. As a result, they all were placed in practical classes.

So far, Romi has not started to learn a foreign language as he would have done if he was in a mainstream school. When asked why not, he explains: "We are not the primary schoolchildren, we are practical school kids." Indeed, according to the curriculum of the practical school that he attends, he will only start learning English in the sixth grade and will have two classes per week. Had he attended mainstream class, he would have started with English in the third grade and would have had three classes per week.



From top: Romi, in fifth grade, School no. 1; Romi's brother, Ondro; Romi's sister, Květa.



When School no. 1's Director was asked why the Romani children accounted for such a high percentage of his intake, he explained that "they live close to the school"¹³ but, tellingly, failed to make direct reference to disability. Yet, the curriculum that the majority of the children follow is designed for pupils with mild mental disabilities.

The practical curriculum

School no. 1 declares on its website that one of its key tasks is to prepare its pupils for the challenges of everyday life and to teach them basic social skills necessary for their successful inclusion into Czech society. The school provides:

- Adjustment of the curriculum to the needs of "everyday life";
- Availability of measures to prevent "socially pathological acts" by the pupils;
- Promotion of a "positive attitude to work";
- Creative – activity-driven – teaching methods;
- Education towards understanding that life involves not only "rights" but also "obligations".¹⁴

These goals reflect the prejudice with which the school approaches its Romani pupils, seeing them as predisposed to be socio-pathological and work-shy. The goals are at odds with the objectives of elementary education as established by the Framework Programme for Elementary Education under which education should motivate pupils to further studies and develop their potential.¹⁵

Legal barriers to continuing education at secondary and university level for practical school graduates have been eliminated. However, in practice, pupils following the reduced curriculum in practical schools stand very little chance of succeeding (or even

accessing) anything other than vocational schools.¹⁶ This is exacerbated by the fact that, despite all elementary schools formally being equal before the law, the leaving certificates from practical schools and classes state that the pupil has followed a reduced curriculum.¹⁷



© Jiří Doležel

A ninth grade class at School no. 2.

2002 JUNE The UN Committee on Economic, Social and Cultural Rights criticized Czech Republic about the over-representation of Romani children in special schools, resulting in discrimination, substandard education and the stigma of mental disability.



BECOMING A CAR MECHANIC: JUST A DREAM?

Roman K. is a father of two schoolchildren. His sister was one of the applicants in the *D.H. case*. Observing his children's situation, he is very sceptical about the progress to end discrimination of Romani pupils in schools. Both his children attend School no. 4, a former special school, now officially a mainstream elementary school in Ostrava-Vitkovice. Roman says the school has a reputation for educating pupils who are "weaker" and have difficulties at



© Jiří Doležal

**Barbora and Kevin both attend
School no. 4 in Ostrava.**

school. He is concerned that Kevin in the fifth grade and Barbora in the second grade cannot count or read properly.

In the school year 2010/2011, none of the 30 children leaving School no. 4 were accepted by a secondary grammar school ("*gymnázium*") that could lead to further university studies; 11 pupils were accepted to vocational training leading to a secondary school diploma and seven to other secondary schools. Out of the 30 graduates, 18 finished elementary school at a level lower than in the ninth grade.¹⁸

In 2011, Roman's son Kevin was tested by a psychologist in a diagnostic centre. His father said he was diagnosed with hyperactivity and the general conclusion of the assessment was that he was "weaker" academically. Following the diagnostic centre's recommendation, he is now in a practical class.

Kevin aspires to be a car mechanic, but the reality may prove very different. Although under the current law there should be no formal barriers for graduates of practical schools and classes to apply for any secondary school, the practical schools in Ostrava provide their pupils with the list of schools to which they can apply. The list is usually limited to a few courses at vocational schools.¹⁹ Secondary school admission requirements include completing ninth grade of elementary school. In assessing the eligibility of the applicants, secondary schools consider whether or not the children were taught the reduced curriculum, for example with regard to foreign languages, as this demonstrates the applicants' ability to cope with the course load at secondary school level.

Kevin's case shows that the general safeguards on placing children in practical education are insufficient. It is enough that a child underperforms at school to be subsequently diagnosed with mild mental disability. The particular safeguards to ensure that the assessment does not conflate social disadvantage and mental disabilities are inadequate.²⁰ The Czech education system still allows pupils to be placed in practical education too easily.

DECEMBER The UN Committee on the Elimination of Racial Discrimination criticized the Czech Republic over the continued disproportionate placement of Romani children in "special schools". The Committee urged the government to improve the educational situation of Roma through enrolment in mainstream schools, among other things.

2003



CONTINUING RACIAL SEGREGATION IN “PRACTICAL” EDUCATION

According to estimates, there are between 150,000 and 300,000 Roma living in the Czech Republic (1.4 to 2.8 per cent of the population). One of the highest proportions of Romani pupils in practical schools (41 per cent) was found in the Moravia-Silesia region, the capital of which is Ostrava.

A report by the Public Defender of Rights (Ombudsperson) in June 2012 concluded that Romani pupils are disproportionately represented in practical schools, and that such an over-representation amounts to segregation, condemning future generations of Roma to a life in poverty. In light of its findings, the report called on the government to take measures that will ensure the inclusion of Romani pupils into the mainstream educational system.²¹

In March 2010, the government adopted a National Action Plan on Inclusive Education (NAPIE), in an effort to implement the European Court judgement in the *D.H. case*. However, the NAPIE was criticized by NGOs, most recently in May 2012, for its lack of concrete targets, no identified funding, and an unacceptably long timeframe for implementation.²² Beyond these procedural failings, the NAPIE has been further criticized for its failure to explicitly address the problem of racial discrimination within the Czech educational system despite this being one of the stated aims.²³

In September 2011, the government adopted its Strategy for Combating Social Exclusion (the Strategy). It acknowledged that the educational system “lacks the ability to keep in its mainstream a number of specific groups of children, who are then exposed to segregation in separate groups or schools and often don’t receive adequate regular education”.²⁴ As a response to this deficiency, the



© Jirí Doležel

**Přednádraží neighbourhood, Ostrava,
June 2012.**

government took a commitment to “transform” the practical schools by 2017.²⁵

Confusion of the two-tier system

“There is no awareness at central government level of how many pupils are being educated in various types of educational programmes.”

Representative of the Office of the Public Defender of Rights ²⁶

Ostrava’s educational system is characterized by the failure to include pupils of different abilities and backgrounds, such as Roma, in mainstream education. Romani children also continue to be racially segregated in practical schools and classes. The predominantly Roma schools in the Přívoz district (where the population is predominantly Roma), teach the practical curriculum. The





First grade class in School no.2, June 2012.

curriculum is aimed at children with a disability (including mild mental disability), social disadvantage, or behavioural problems (such as hyperactivity). Each school is empowered to set its own curriculum. Adjustments to the curriculum take the form of “practical classes” or “individually adjusted educational plans”, and the education provided varies widely in content.

There is still no effective monitoring and inspection system to look both into procedures of placing pupils into classes with various educational programmes, and also into substantive issues such as the quality

of education provided and its compliance with principles of non-discrimination.²⁷

The question remains, how do the Czech authorities ensure that this multiplicity of schooling arrangements does not result in discrimination against Romani pupils in inferior education as found by the European Court in the *D.H. Judgment*? The various inquiries carried out by Czech government bodies make it clear that such discrimination continues.

The ongoing failure to implement the *D.H. decision* is shown by the report from the Ombudsperson in

2004 JUNE The European Commission against Racism and Intolerance (ECRI) highlighted that Romani children continue to be sent to special schools. It held that this practice, besides perpetuating their segregation from mainstream society, severely disadvantages them for the rest of their lives.

June 2012. In the school year 2011/2012, the Ombudsperson investigated 67 schools throughout the country that teach a curriculum for pupils with mild mental disabilities. According to the findings, on average 35 per cent of the pupils in the 67 surveyed practical schools and classes were Roma.²⁸

Former special schools continue to teach a reduced curriculum, but the majority (63.9 per cent), like School no. 1, officially operate under the name of mainstream elementary schools.²⁹ The rebranding exercise to end the two-tier school system has so far succeeded in name only: it has failed to bring more equality in accessing the right to education.

Yet, according to the Ministry of Education, there is no available evidence of how many children are actually taught under the practical curriculum for pupils with mild mental disabilities.³⁰ The main impact of the name change has been a confusion affecting not just parents, children and schools, but even the Ministry of Education. Romani parents interviewed by Amnesty International and the ERRC were often not clear in what type of school or class their child is enrolled.

Placement in a practical school or class: No room for alternatives

“[T]here is a danger that the tests were biased and that the results were not analysed in the light of the particularities and special characteristics of the Roma children who sat them. In these circumstances, the tests in question cannot serve as justification for the impugned difference in treatment.”

European Court of Human Rights, D.H. and Others v. The Czech Republic

The trajectory to practical education usually starts when a pupil is asked to repeat a grade. Once the pupil’s difficulties at school reach this point, it is likely that a psychological diagnosis supporting transfer to a practical study plan will follow rather



© Jiří Doležel

Dressingroom at School no. 1, June 2012.

than considering other interventions or support that could keep them in mainstream education.

School no. 2’s Director confirmed that “in general, children cope well with mainstream classes in the first level of the school, first to fifth grade. They start experiencing problems in the second level, where the teaching is more difficult”.³¹ However, instead of responding by offering appropriate support, the mainstream schools tend to push these pupils towards a practical curriculum and segregation.

2004

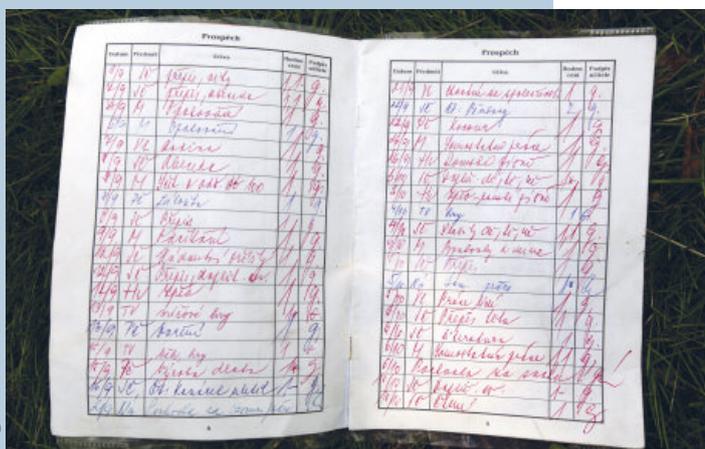
SEPTEMBER New Schools Act adopted. The special schools for pupils with “mild mental disabilities” were officially abolished.



© Jiří Doležal



© Jiří Doležal



From top: Anička, in fifth grade at School no. 2, June 2012; Anička's school notebook for fifth grade.

ANIČKA'S JOURNEY

Anička is in the fifth grade practical class in the mainstream elementary School no. 2 in Ostrava, which has a reputation as a Roma-only school that offers both mainstream and practical classes. Anička's class includes pupils from the third, fourth and fifth grades who follow the practical curriculum for pupils with mild mental disabilities. Anička consistently achieves the best marks.

So far, Anička has changed school twice. She started at School no. 2 in a mainstream class. In the fourth grade, her family had moved to another town, Uherské Hradiště, where she was enrolled in the same grade of a local mainstream school. She experienced difficulties catching up with the more demanding teacher's expectations and did not receive academic support or assistance. The difficulties reached a point at which she had to repeat the year. Anička's sister blames the difference between the curriculum provided by School no. 2 and the more demanding school in Uherské Hradiště. Following her difficulties in the new school, Anička was tested and diagnosed with mild mental disability. Her mother said she had not been present at the test and only received the results later. She admitted she did not really understand the purpose of the test and its impact on Anička's life.

Later, her family moved back to Ostrava and she was again enrolled in School no. 2, this time in a practical class. Now she is easily coping with its curriculum and achieves straight As. However, Anička and her grandmother believe she could achieve much more had she been in a more supportive environment. In the current school, she does not have any homework and never needs to bring any text books or notebooks home. They are concerned that she is not fully developing her potential.

2005

JANUARY The new Schools Act entered into force. Special schools were renamed as "practical elementary schools" but continued to use the same curriculum.

The Director of School no. 2 said that the children are sent for diagnosis regularly throughout their time at elementary school.³² In 2005 and 2011, the government amended the regulations governing the assessment process.³³ Under the new regulation, children have to be reviewed by both the mainstream Pedagogical-Psychological Centres (PPP) and the Special Pedagogical Centres (SPC) prior to their placement in classes following a reduced curriculum. A child may only be placed in special education if his or her parent or legal guardian provides their informed consent.

The real impact of the new regulation is questionable. Experts from the Czech Association for Inclusive Education (Česká Odborná Společnost pro Inkluzivní Vzdělávání, ČOSIV) have noted that the new regulation in fact does not substantially strengthen the rights of parents and/or legal guardians and does not meet the requirements of the *D.H. Judgment*.

The Grand Chamber of the European Court in the *D.H. Judgment* (the Grand Chamber) stated that in situations where parental consent to placement in separate classes is sought, such consent should be fully informed.³⁴ To meet this requirement, the authorities should ensure that the parents are informed about the differences in education in practical classes and schools, and about the impact of such an education on their children's future. However, the new regulation only vaguely defines categories of information that should be provided to the parent/legal guardian.³⁵ There is no explicit requirement to inform parents about limitations on their child's future education or employment opportunities posed by a practical education. Adequate systematic safeguards are still missing to guarantee informed consent and prevention of discrimination. Moreover, as stressed by the Grand Chamber, there can be no waiver of the right not to be discriminated against. This applies regardless of informed consent from parents.³⁶ Despite the clarification put forward by the Grand

Chamber, when it comes to placing pupils in practical schools and classes, the recommendation of the counselling centre remains crucial.

KRISTIÁN: PRACTICAL SCHOOL AS THE ONLY OPTION?

Kristián is a brother of one of the applicants of the *D.H. case*. When he was in the fourth grade of a mainstream (mostly non-Roma) elementary school he had started having problems coping with the curriculum. He got tested and was diagnosed with mild mental disability. The psychologist told his mother that she should transfer Kristián to a practical school because "he was slow". When the mother inquired if there was another option, the psychologist insisted that Kristián needs to be placed in a practical school. Neither the psychologist, nor the mainstream school offered support measures like individual approach or after-school tutoring.

The mother eventually submitted and Kristián now attends practical school for pupils with mild mental disabilities. His brother (the former *D.H.* applicant Julek) is unhappy about it: he believes that Kristián is re-living his own experience, and is concerned about the impact this will have on Kristián's future.

A number of parents interviewed by Amnesty International and the ERRRC, whose children were enrolled in practical schools, maintained that they did not consent to the placement. Despite the amendment to the regulation of the assessment process, the practice around informed consent continues to rely on the authorities' willingness and ability to explain the consequences of the transfers to practical schools. The regulation fails to specify the rights of the parents and/or legal guardians

MAY 2006 The European Monitoring Centre on Racism and Xenophobia (predecessor of the European Union's Fundamental Rights Agency) expressed concerns over frequent placement of Romani pupils in "special schools" for pupils with mental disabilities.





First grade class at School no. 2, June, 2012.

with regard to the placements of pupils into practical schools or classes. It also fails to impose an obligation on the school to inform them about the impact of such schooling arrangements on the future education of their children.³⁷

In July 2012, the Association of Psychological-Pedagogical Centres (the Association) raised serious concerns over the accuracy and adequacy of the current assessment practices, especially when it comes to Romani pupils. In response to the

Ombudsperson's report of 2012,³⁸ they reviewed the test they use most frequently for assessment in diagnostic centres (based on the Wechsler Intelligence Scale for Children), which had been adapted for the Czech context in 1997-2000. They concluded that there were failures in this adaptation. Above all, it was found that the test imperfectly considered the specific situation of Romani children. The Association concluded that "[A]t the moment we have no relevant information on how [accurately] the test measures intelligence of Romani children."³⁹



2007

13 NOVEMBER The European Court found against the government in the case of *D.H. and Others v. The Czech Republic*.

SEGREGATED AND INFERIOR

In Ostrava, Romani children often find themselves segregated in Roma-only elementary schools.

The principle that separate education is inherently unequal was articulated more than 50 years ago in the USA. In the case of *Brown v Board of Education*, the US Supreme Court held that segregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities, even though the physical facilities and other “tangible” factors may be equal.⁴⁰ A similar critique of separate education of Romani pupils was given by the European Court, for example, in *Sampanis v. Greece*⁴¹ and *Oršuš and Others v. Croatia*.⁴² The European Court recognized that providing separate institutions or classes to separate groups of people based on ethnicity or similar grounds violates the European Convention on Human Rights. In general, segregation is a form of discrimination.

DIFFERENT AND UNEQUAL

Officially mainstream, but segregated Roma-only schools, although “equal” on paper to other elementary schools, violate the equality principle by consistently providing inferior quality education to those pupils who are assigned to such schools often on the basis of their social disadvantage.⁴³

Under international human rights law, in the absence of an objective and reasonable justification, the segregation of Roma in education is a form of racial discrimination.⁴⁴

The Ministry of Education has admitted that elementary schools in the Czech Republic are not able to accommodate the range of different children’s needs, especially those who are socially excluded, with mental or physical disabilities, or ethnic or migrant backgrounds.⁴⁵

Demographic trends may also affect a school’s intake, but the initial push towards segregation comes from the inability of the mainstream education system to integrate pupils with a variety of needs. The Agency for Social Inclusion explained:

“[T]he Czech educational system lacks the ability to keep in its mainstream a number of specific groups of children, who are then exposed to segregation in separate groups or schools, and often don’t receive adequate regular education.”⁴⁶

A consequence of this inability of the mainstream education system to deal with “difference” is the development of Roma-only schools, including ones which are perceived to be “Roma-friendly” in segregated parts of Ostrava. Rather than integrating ethnically and socially diverse pupils in mixed schools

2008

MAY The Czech President vetoed anti-discrimination legislation reportedly alleging that it was “unnecessary, counter-productive and of poor quality, and its impact... very questionable.”



© Jiří Doležal



Work books from first grade, School no. 2. Many of the pupils struggled to write their own names when asked.

and classes, these schools try to accommodate their differences in segregated schools. This method both encourages segregation and lowers the pupils' performance and aspiration. In short, "Roma-friendly" is a shortcut to segregation and discrimination.

On the other hand, some schools are willing and ready to provide the pupils who need it with necessary social support. Amnesty International and the ERRC visited a Roma-only school which was effectively doing social work in one of the Romani neighbourhoods. The teaching assistant would

frequently visit these neighbourhoods and was able to translate specific problems of Romani families to school administrators. As a result, the school became more sympathetic to situations of Romani families. While the supportive environment and attitude of the school is certainly a positive development, parents should not be forced to choose between such support and educating their children in mixed mainstream schools. The school's supportive attitude simply registers the difficult situation of the Romani pupils but it does not resolve it in an environment that is conducive to quality education.



2009

FEBRUARY The NGO People in Need reported that the education system tended to exclude pupils with special educational needs.



© Jiří Doležal



© Jiří Doležal

From top: Class 1a and 1b at School no. 2; Iveta helping her neighbour with his homework.

SCHOOL NO. 2: FAILING TO FULFIL POTENTIAL

Located at the outskirts of a predominantly Romani neighbourhood, School no. 2 aims to provide Roma with education “comparable with mainstream elementary schools”.⁴⁷ The discrepancy between the official name and objectives of the school is apparent; the school claims to provide similar but not identical education to the one provided by mainstream schools. The school Director acknowledges that it is Roma-only, but emphasizes that their aim is to provide pupils with the best conditions. “[W]e are a segregated school providing exceptional supporting services.”⁴⁸ However, the evidence indicates that this does not extend to teaching.

Iveta, one of the mothers whose children attend the school, appreciates that the school understands their social situation. “I can go to the Director and explain that it is difficult sending my son to school because I cannot afford to buy him shoes.” On the other hand, she notices that the quality of teaching is lower than in comparable mainstream schools. Her son was transferred to School no. 2 from another school when he was in the sixth grade. He soon realized that he was not really learning much new – he already knew most of the things they were teaching them. “There is not a chance for anyone from this school to successfully apply for a school leading to secondary school diploma (*‘maturita’*),” Iveta concluded.

The school Director acknowledges that her school does not aim to educate pupils to attain the *“maturita”* (the secondary school exam and a requirement for a university education) and that “there are only two girls out of all school graduates who were accepted to a high school providing diplomas.”⁴⁹

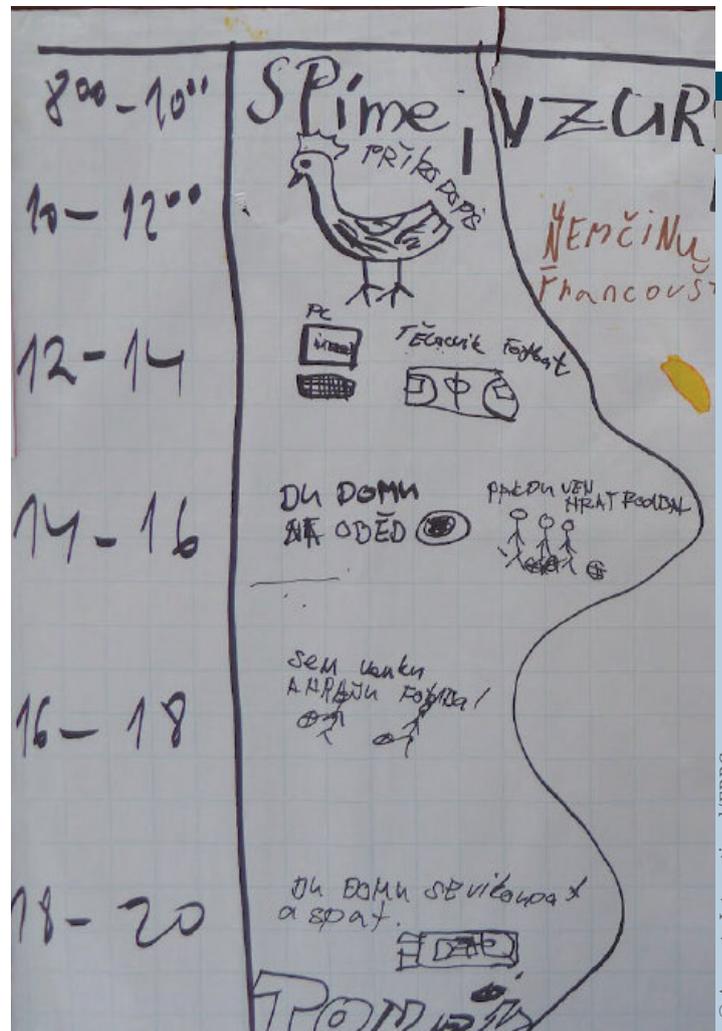
Similarly, a social worker expressed concern that “children attending the fourth grade in School no. 2 lack basic education: many cannot read properly. Children attending that school have almost no chance to further their education, they don’t develop their potential.”⁵⁰

2010

MARCH National Action Plan for Inclusive Education (NAPIE) adopted with a timeline for actions on the ground starting only in 2014.

SCHOOL NO. 3: FAILING A GENERATION

Near another Romani neighbourhood in Ostrava is School no. 3, a mainstream elementary school which teaches the “School for life” programme targeted at pupils who come mainly from socially marginalized backgrounds. The Director believes that the pupils – almost all of them Romani – are getting support in terms of materials, equipment and social assistance. However, a number of pupils – roughly estimated at 30 per cent⁵¹ – finish school in the eighth grade, without completing all nine grades of primary education. Amnesty International and the ERRC also learned about cases of pupils who were transferred to schools teaching the curriculum designed for children with mild mental disabilities. The Director blames the children and the parents who do not adequately prioritize education.⁵²



© Amnesty International/ERRC

Tonik’s daily routine and schedule at School no. 2. In the morning he has computers, biology and physical education. In the afternoon he plays football outside.



SCHOOL NO. 4: “MAINSTREAM” VALUES AND NORMS

On its website, School no. 4 states that the majority of pupils (90 per cent) come from “large families from socially disadvantaged environment”, a phrase commonly used by the authorities to describe Roma. The school presents its pupils as having a “different hierarchy of values, different lifestyle, deficient language skills, zero pre-school preparation or preparation for school at home.” It states its pupils are “not interested in education”, but that they “are educable if the school provides them with specific conditions and curriculum.” In all but the first and second grades the school provides education also in practical classes. The school presents its ambition as ensuring that all pupils – including the “less talented” – manage the basics which are “important for life”. When it comes to further description of the pupil’s characteristics, the school alleges that the pupils are exposed to “negative examples in families... [T]hey are hot tempered, have no inhibitions and habits.”⁵³

FINANCING AND MARKETING SEGREGATION

A school budget is to a great extent based on per-pupil funding. Schools which have pupils with special needs can claim a higher rate. According to the Ministerial Decree on Special Education⁵⁴ and the Strategy,⁵⁵ there are three categories of students for which schools can obtain extended financial support: “a disabled person, or a person disadvantaged in terms of a health condition or social position.”⁵⁶

The per-pupil amount is 50 per cent higher for pupils with mild mental disabilities.⁵⁷ But in 2012, the Czech School Inspectorate concluded that systematic financial support for socially disadvantaged pupils has yet to be implemented. Despite the requirement of the Schools Act under which the per-capita funding for pupils with social disadvantage should be increased, currently, the schools are not getting such extra per capita funding for these pupils. Instead, pupils are supported through temporary project-based interventions (such as tutoring programmes, after-school activities, and teaching assistants), not a regular state subsidy to the school.⁵⁸ The support currently available is not being directed to mainstream schools to support integration of Romani children (and children with mild mental disabilities) but rather to sustain a racially segregated system.

Schools educating children diagnosed with a mild mental disability can access more funding and thus can afford better equipment, smaller classes offering a more individual approach, and more support services. The Ministry of Education acknowledged that “the schools [implementing] the education programme [for pupils with mild mental disability] are more active in creating the supportive measures, providing assistance, social-pedagogical services, collaboration with external institutions and NGOs,



2011

MARCH Country Report of the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, urged the Czech government to speed up the implementation of the *D.H. Judgment*.



© Jiří Doležel

Schools educating children diagnosed with a mild mental disability can access more funding and thus can afford better equipment. However, better technology is not a guarantee of a quality education.

than schools educating [under the mainstream curriculum].”⁵⁹ As a result, a school benefits financially if it has a higher proportion of pupils diagnosed with mild mental disability, among whom Romani children are heavily over-represented. The schools are thus financially incentivized to have pupils diagnosed with disabilities.

ROMA-FRIENDLY SERVICES

The “Roma-friendly” School no. 2 promotes itself as providing services tailored explicitly to the needs of Romani pupils. Teachers and teaching assistants act as social workers with Romani families, plugging a gap which is not adequately filled by relevant state institutions.⁶⁰ In principle, such support would be an integral part of social inclusion policies that should

2011 **MAY** The Ministry of Education adopted amendments to Decree 72/2005 on School Counselling centres (no. 116/2011). Other amendments were made to Decree 73/2005 on Special Education (no. 147/2011) but failed to introduce a duty to educate socially disadvantaged children in mainstream schools.





Přednádraží, a Romani neighbourhood in Ostrava.

not be implemented solely by the schools, but a number of other state authorities. However, it is concerning that in this case the special treatment is not being provided by mixed mainstream schools, but in segregated settings.

A teaching assistant in School no. 2 explained that his school is more tolerant in comparison with other schools with mixed or non-Roma students. “The other schools call social services every time a child

comes to school without a sandwich.”⁶¹ A Roma-friendly school has a different approach. The teaching assistant not only helps children at school, but also frequently visits the community. The school is then better able to understand the problems faced by Romani families and their often precarious living conditions. When in winter the water freezes and parents don’t send their children to school rather than sending them unwashed, the school understands. As it does when they do not bring gym clothes,



2011

MAY NAPIE Education Expert Platform resigned in an expression of discontent with the approach of the Ministry of Education.

stationery or indoor shoes. When children do not attend classes for several days, assistants are sent to the community to find solutions instead of reporting them to social care departments. The sensitive approach and extra services – frequently missing in mainstream schools – make these schools attractive for Romani parents.

Segregated Roma-friendly schools are also strong on enrolment. A number of Romani parents told Amnesty International and the ERRC that they were approached by the schools to enrol their children there. In an effort to make sure that siblings can stay together in the same school, School no. 2 offers the possibility to educate pupils who experience difficulties in mainstream classes, in practical classes.⁶² Hence, these children are then educated using the curriculum for pupils with mild mental disabilities.

These unsystematic and unmonitored measures, which some of the schools have been using for the past 10-15 years, contribute significantly to the current situation of school segregation in Ostrava. The changes made to the Czech education system to date have not made a difference. Children with diverse learning needs still do not get the support they need to succeed in integrated classes in mainstream school environments.

SEGREGATION IN PREPARATORY CLASSES

Preparatory, or pre-school “zero”, classes are designed to facilitate access to school for children who do not demonstrate the necessary ability at the time of initial enrolment. According to the Czech School Inspectorate, “97.5 per cent of all children in preparatory classes are from a socially disadvantaged environment.”⁶³ It is commonly accepted by the Czech authorities that the term “socially disadvantaged children” is used to describe



© Jiří Doležal

A poster advertizing classes at School no. 1, where attendance is rewarded.

Romani children. In addition, the majority of Romani children are channelled into preparatory classes as they did not attend any kindergarten.

Preparatory classes in both mainstream and practical schools thus function as collecting points for Romani children and facilitate segregation, and children from a preparatory class often continue studying together as they progress through the school.⁶⁴ Many preparatory classes exist in former special schools and lead to the enrolment of those children into that school, which continues to be

JUNE The Council of Europe's Committee of Ministers (CoM) expressed its concern over “considerable progress [that] remained to be achieved on the ground” in executing the *D.H. decision*, and stressed the importance of “intensifying and if possible, speeding up the implementation of their [national action] plan.”

2011



© Jiří Doležel



A Czech school primer book for first grade.

segregated, and offer reduced education. The government so far failed to take systematic measures to ensure that children are integrated into mixed classes after the preparatory stage.

According to the Strategy, kindergarten classes prepare socially disadvantaged children more effectively for attendance in mainstream elementary schools than preparatory classes do. However, there are still considerable financial barriers that affect accessibility of kindergartens for socially disadvantaged families. The government has taken some limited measures to address the affordability problem and abolished the attendance fees for the last year of kindergarten.⁶⁵ However, the social inclusion experts consider such measures alone to be inadequate as they do not address the result of pervasive discrimination.⁶⁶

To address this problem, among the proposed measures in the Strategy are to abolish preparatory classes in practical schools, and to make the criteria for the creation of preparatory classes and placement of children in these classes stricter.⁶⁷ These measures

would be welcomed, but the Czech government must also prioritize access to available kindergartens over preparatory classes to ensure that a child's enrolment into elementary school is not delayed: a child will get the preparatory support before reaching school age.

NON-ROMA SEGREGATION BY CHOICE

"Roma are Roma and gajos [whites] are gajos. These are divided communities and it is not correct."

Darina, mother of Anička, who is now studying in a practical class

In 2004, the Schools Act introduced an element of parental choice over which school their child attends.⁶⁸ The Director of School no. 3, which was initially predominantly non-Roma, explained: "Once the proportion of Romani pupils exceeds a certain threshold, the non-Roma parents start taking their children out of the school."⁶⁹ However, while recognizing the importance of parental choice, the Czech authorities have never addressed its discriminatory consequence.

In the absence of measures designed to prevent school segregation, the freedom of parental choice has facilitated the wholesale transfer of non-Romani pupils to other schools ("white flight").⁷⁰ The problem of "white flight" cannot be resolved by individual schools or school districts. Prevention of segregation as a result of "white flight" requires systematic measures, including the development and implementation of national and local level desegregation plans. Without systematic measures, the withdrawal of non-Romani children upon the wishes of their parents is likely to continue.⁷¹



AUGUST The Committee on the Rights of the Child (CRC) noted that despite the *D.H. Judgment*, "there continue to be serious and widespread issues of discrimination, particularly against Roma children in the State party, including the systemic and unlawful segregation of children of Roma origin from mainstream education."

2011

CONCLUSION

Five years after the European Court judgement in the *D.H. case*, the Czech Republic has made very little progress in securing non-discriminatory access to education for Roma. The Romani children in Ostrava continue to be trapped in a cycle of poverty and deprivation, and some of the schools reflect a continuing prejudice against Roma.

The Czech government has failed to address the problem of discrimination against Romani pupils in education as a matter of priority, and it has not carried out the necessary systemic reform in order to comply with the *D.H. decision*. As a result, pupils in practical and Roma-only schools are re-living the same violations of their right to equal education experienced by their parents and relatives. They are addressed as those who “do not value education”, “live on the streets” and are “hot tempered, with no inhibitions and habits”.

The rebranding exercise through which “special schools” were renamed “practical elementary schools” or mainstream elementary schools has failed to eradicate the system of inferior education which thousands of Romani pupils face on a daily basis. A great number of the Romani pupils in both practical schools and segregated elementary schools continue to follow the curriculum for children with mild mental disabilities as was the case before the educational reform of 2005. All that the change in

name has achieved is confusion; neither parents nor the Ministry of Education have a clear idea about the type and quality of education provided to Roma in various schools. In the current situation, adequate and effective monitoring to ensure protection against human rights violations is impossible.

The result is that the Czech Republic’s education system is failing Romani children with devastating consequences for their future. Substantial numbers of pupils do not finish elementary school, and only a very few of the graduates continue their education at secondary schools. In most cases, pupils who finished practical or Roma-only school continue only with vocational training, but the choices of specialization are also limited.

The government’s failure to act is affecting a new generation and will affect all of Czech society into the foreseeable future. By not taking the problem seriously, the government’s lack of action amounts to a serious ongoing breach of its obligations.

2011

SEPTEMBER The government approved the Strategy for Combating Social Exclusion for the Period 2011-2015. Amendments to ministerial Decrees 72/2005 and 73/2005 came into force. Despite amendments, Czech law and regulations still allow the segregation of children with and without mental disabilities in schools designed for children with mild mental disabilities.



RECOMMENDATIONS

THE PRACTICAL SCHOOL SYSTEM

The Ministry of Education should:

- Fully revise the National Action Plan for Inclusive Education (NAPIE) so that it addresses the violations identified in the *D.H. Judgment*, in particular discrimination against Romani children in access to education. It should contain both concrete timelines and indicators for achieving inclusive education, and link its implementation to a clear, secure funding source.
- Take concrete and targeted steps to implement the revised NAPIE and the Strategy for Combating Social Exclusion 2010-2015 (the Strategy).
- Make available the necessary human and other resources, including the resources from European Union (EU) Structural Funds, for the effective implementation and monitoring of the NAPIE, the Strategy and other desegregation measures.
- Immediately adopt a moratorium on placements of Romani children in schools and classes for pupils with “mild mental disabilities” and undertake a comprehensive review of the system to ensure compliance with international and regional standards on education and non-discrimination, and at all times ensuring the best interests of the child.

- Immediately review the system of assessments used to diagnose mild mental disabilities to adequately account for the range of issues it currently addresses (including mild mental disability, social disadvantage, etc) and to eliminate the impact of racial discrimination against Roma in its application.
- Immediately transfer all Romani children erroneously placed in practical schools to mainstream schools containing a mix of Romani and non-Romani pupils, and provide the relevant support to facilitate their successful integration.
- Start implementing measures for progressive transformation of the system of schools established for “pupils with mild mental disabilities”, including the phasing out of practical schools within a realistic time period and their replacement with inclusive education within the mainstream system in line with the Strategy and accompanied by the necessary resources to achieve this goal.

DESEGREGATION MEASURES

The government should:

- Urgently adopt legislation and measures explicitly mandating the desegregation of Czech schools.



2011

SEPTEMBER The UN Committee on the Elimination of Racial Discrimination referred to the *D.H. Judgment* and registered its “concern regarding the persistent segregation of Romani children in education.”

- Adopt a concrete plan and timeline commencing at the earliest opportunity, with clear annual targets to eliminate school segregation and secure inclusive education in compliance with the Strategy.
- Review the discriminatory impact of non-Romani parents taking their children away from schools with Romani children, and take concrete, targeted and effective steps to combat any increase in segregation in practice.
- Ensure that the designation of school districts does not result in racial segregation of Romani children and promote their integration in all mainstream schools. Measures such as provision of free transport, and adoption of temporary special measures such as quotas, or others, should be considered in line with the government's obligation to tackle racial discrimination and segregation.

MONITORING AND ACCOUNTABILITY

The government should

- Consistently monitor and collect disaggregated data according to ethnicity, gender and disability as a tool to assess the implementation and impact on the ground of the decrees, the NAPIE, pilot projects and other steps to promote inclusive education.
- Empower the School Inspectorate to fulfil its function to prevent, prohibit and eradicate segregation in education. It will need: adequate financial and human resources, robust, detailed guidelines and procedures on how to identify, monitor and combat segregation in practice, the ability to impose sanctions for violations of the ban on discrimination and segregation, and provision of training for its staff on the issue of discrimination and the principle of equal treatment in education.

- Ensure that the Ombudsperson is adequately resourced to monitor the desegregation of schools and the integration of children from practical elementary schools into mainstream elementary schools.

Recommendation to the European Union

- Encourage the Czech Republic to prioritize the measures to address discrimination in access to education in the programming of the EU Structural Funds.
- Build into fund management mechanisms safeguards that will ensure the use of EU funds does not lead to racial segregation in the fields of education, housing and health care.
- Consider the regular allocation of a specific training budget to provide information on EU policies and the EU structures and working methods to Romani and other minority representatives.
- Monitor effectively the Czech government's compliance with the Race Directive in respect of education and commit to taking appropriate action where failings in implementation are identified.

Recommendation to the Committee of Ministers of the Council of Europe

- Issue an interim resolution expressing serious concerns over the non-implementation of the *D.H. Judgment*.
- Request the Committee's Secretariat to conduct a fact-finding visit to the Czech Republic and visit segregated schools, meet with Romani families whose children are placed in "practical schools" and discuss with the authorities the implementation of measures to end school segregation of Romani children.



2011

NOVEMBER Education Minister Josef Dobeš told the media that the Ministry of Education had no intention to abolish special or practical schools.

ENDNOTES

- 1 *D.H. and Others v. The Czech Republic*, Grand Chamber, European Court of Human Rights, November 13, 2007, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=825443&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>, (hereafter “*D.H. Judgment*”).
- 2 *D.H. and Others v. The Czech Republic*, para. 207.
- 3 Convention on the Rights of the Child, Art. 29(1).
- 4 *D.H. and Others v. The Czech Republic*, para. 16.
- 5 The Education Act (No. 561/2004), on Pre-school, Basic, Secondary, Tertiary Professional and Other Education, Czech Republic. Available at: <http://www.msmt.cz/dokumenty/act-no-561-of-24th-september-2004>
- 6 Ministry of Education, National Action Plan for Inclusive Education, 2010. Available at: <http://www.msmt.cz/socialni-programy/narodni-akcni-plan-inkluzivniho-vzdelavani>. See also, Agency for Social Inclusion, *Strategy for Combating Social Exclusion for the Period 2011-2015*, Prague, 2012. Available at: <http://www.socialni-zaclenovani.cz/dokumenty/strategie-boje-proti-socialnimu-vylouceni/>
- 7 Interviews with directors, Schools nos 1–3. See also, *Educational programme* of School no. 4, p. 4.
- 8 *D.H. and Others v. The Czech Republic*, para. 207.
- 9 Interview with the Director of School no. 1. Amnesty International and the ERRC, Ostrava, 19 June 2012.
- 10 Elementary School (no. 1), *Educational programme for the practical school*, 2007, p. 125; and *Educational programme for the mainstream school*, 2010, p. 48.
- 11 Letter from School no. 1 to Amnesty International, 30 July 2012.
- 12 Interview with Amnesty International and the ERRC, Ostrava, 19 June 2012.
- 13 Interview with the School Director, Amnesty International and the ERRC, Ostrava, 19 June 2012
- 14 Website of School no. 1, basic information about the school.
- 15 *Framework Programme for Elementary Education*. Available at: http://www.vuppraha.cz/wp-content/uploads/2009/12/RVPZV_2007-07.pdf
- 16 European Commission against Racism and Intolerance, Report on the Czech Republic (Fourth monitoring cycle), 2009. CRI(2009)30, para. 81.
- 17 Interview with a teaching assistant of School no. 2, 20 June 2012.
- 18 *Annual report* of School no. 4 2010/2011.
- 19 Interview with graduates of special schools. Amnesty International and ERRC, Ostrava, 20 June and 26 July 2012; Interview with a teaching assistant of School no. 2, 21 June 2012.
- 20 Agency for Social Inclusion, *Strategy for Combating Social Exclusion for the Period 2011-2015*, p. 47
- 21 *Report of the Public Defender of Rights (Ombudsperson) on the ethnic composition of pupils in the former special schools*. June 2012, pp. 12–13, available at: http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf
- 22 ERRC and Open Society Justice Initiative, *Submission to the Committee of Ministers of the Council of Europe on the D.H. and Others v. The Czech Republic*, March 2012, available at: <http://www.errc.org/cms/upload/file/eighth-communication-to-the-committee-of-ministers-on-judgment-implementation-18-may-2012.pdf>
- 23 Amnesty International, *Submission to the Committee of Ministers of the Council of Europe on the D.H. and Others v. The Czech Republic*, October 2011.
- 24 *Strategy for Combating Social Exclusion for the period 2011-2015*, p. 19.



2011

NOVEMBER The CoM issued a decision on the *D.H.* case, asking to be kept up to date on developments including “the actual results achieved on the ground.”



© Jirí Doležel

Children on their way home from school, Ostrava, June 2012.

25 Jiří Nant, Deputy Minister of Education. Panel discussion on inclusive education, 20 September 2012. Available at: <http://www.ochrance.cz/tiskove-zpravy/tiskove-zpravy-2012/audioznam-z-panelove-diskuse-rovny-pristup-deti-ke-vzdelani/>

26 Interview with Amnesty International and ERRC, Brno, 18 June 2012.

27 In particular Article 13 of the International Covenant on Economic, Social and Cultural Rights, ratified by the Czech Republic and guaranteeing the right to an adequate education for all without discrimination.

28 *Report of the Public Defender of Rights on the ethnic composition of pupils in the former special schools*. June 2012, p. 17, available at: http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf

29 According to the survey, 63.9 per cent are “mainstream elementary schools”, 8.9 per cent are “practical”, and 8.2 per cent are schools offering a “mix of practical and special curricula”; 13.3 per cent of schools are officially named “mainstream and practical school” and 5.7 per cent are still “special schools”. See: *Czech School Inspectorate*,

2012 **JANUARY** The Organization for Economic Co-Operation and Development released a report on education in the Czech Republic which concluded that for Romani children, “attendance of special schools is still very high in spite of the decision to progressively integrate disadvantaged students into mainstream schools.



Thematic report on the progress of the transformation of former special school in the school year 2011/2012. Prague, 2012. p. 13.

30 Interview with Amnesty International and ERRC, Prague, 22 June 2012.

31 Interview with Amnesty International and ERRC, Ostrava, 20 June 2012.

32 Interview with Amnesty International and ERRC, Ostrava, 20 June 2012.

33 Amendments no. 116/2011 and 147/2011 of the Ministerial Decrees no. 72/2005 and no. 73/2005.

34 Council of Europe, Department of Execution of Judgments, *Supervision of the execution of the judgments in the case of D.H. and others against Czech Republic, judgment of 13/11/2007 – Grand Chamber, Doc. No. CM/Inf/DH(2010)47*, November 24, 2010, available at

<https://wcd.coe.int/ViewDoc.jsp?id=1707993&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDBo21&BackColorLogged=F5D383>

35 People in Need, *Pojďte do školy! Rovné šance na vzdělávání znevýhodněných dětí.* Prague 2011, pp. 87-88.

36 *Supervision of the execution of the judgments in the case of D.H. and others Against Czech Republic, Judgment of 13/11/2007 – Grand Chamber, Doc. No. CM/Inf/DH(2010)47*, para. b) i) c).

37 Interview with Czech Academic Association for Inclusive Education (ČOSIV), 24 July 2012.

38 *Report of the Public Defender of Rights on the ethnic composition of pupils in the former special schools.* June 2012, available at:

http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf

39 Roundtable on Inclusive Education at the Ministry of Education, Prague, 24 July 2012.

40 *Brown v. Board of Education of Topeka*, US Supreme Court, 347 U.S. 483 (1954).

41 *Sampanis and Others v. Greece*, European Court of Human Rights, App. No. 32526/05, 2008-IX para. 96.

42 *Oršuš and Others v. Croatia*, judgment of the Grand Chamber of the European Court of Human Rights at paras. 184, 185.

43 With regard to quality of education provided, a leading research study has shown that “[t]he racial and poverty composition of schools is strongly linked to test scores, graduation grades, the ability to attract and retain talented and experienced teachers, the range of course offerings, student health, parental involvement, and many other factors that influences education opportunity.” In: Orfield G, Frankenberg E, Chungmei L, *The Resurgence of School Segregation*, 2003, p. 5.

44 UN Committee on Economic Social and Cultural Rights, General Comment no. 20, Non-discrimination in Economic, Social and Cultural Rights, para. 19, UN Committee on the Elimination of Racial Discrimination, General Recommendation XXVII, Discrimination against Roma, 16/08/2000, para. 18.

45 *Analysis of an individual teacher’s approach to the Pupils with Special Educational Needs: The Final Report of the Czech Ministry of Education Project*, Prague, Ministry of Education, 2009, available at:

<http://www.msmt.cz/strukturalni-fondy/analyza-individualniho-pristupu-pedagogu-k-zakum-se>

46 See: *Strategy for Combating Social Exclusion for the period 2011-2015*, p. 19.

47 Description of the school on the website of Ostrava municipality.

48 Interview with Amnesty International and ERRC, Ostrava, 20 June 2012

49 Interview with Amnesty International and ERRC, Ostrava, 20 June 2012.

50 Interview with Amnesty International and ERRC, Ostrava, 26 July 2012.

51 Interview of Amnesty International with the school’s Director, Ostrava, 20 June 2012.

52 Interview of Amnesty International with the school’s Director, Ostrava, 20 June 2012.

53 Educational Programme of the Primary School no. 4 adopted in 2007, p. 4.

54 Amendment of the Decree of Ministry of Education 73/2005, in force as of September 2011.

55 *Strategy for Combating Social Exclusion for the Period 2011-2015*, Prague, Agency for Social Inclusion in Roma Localities, 2011.



2012

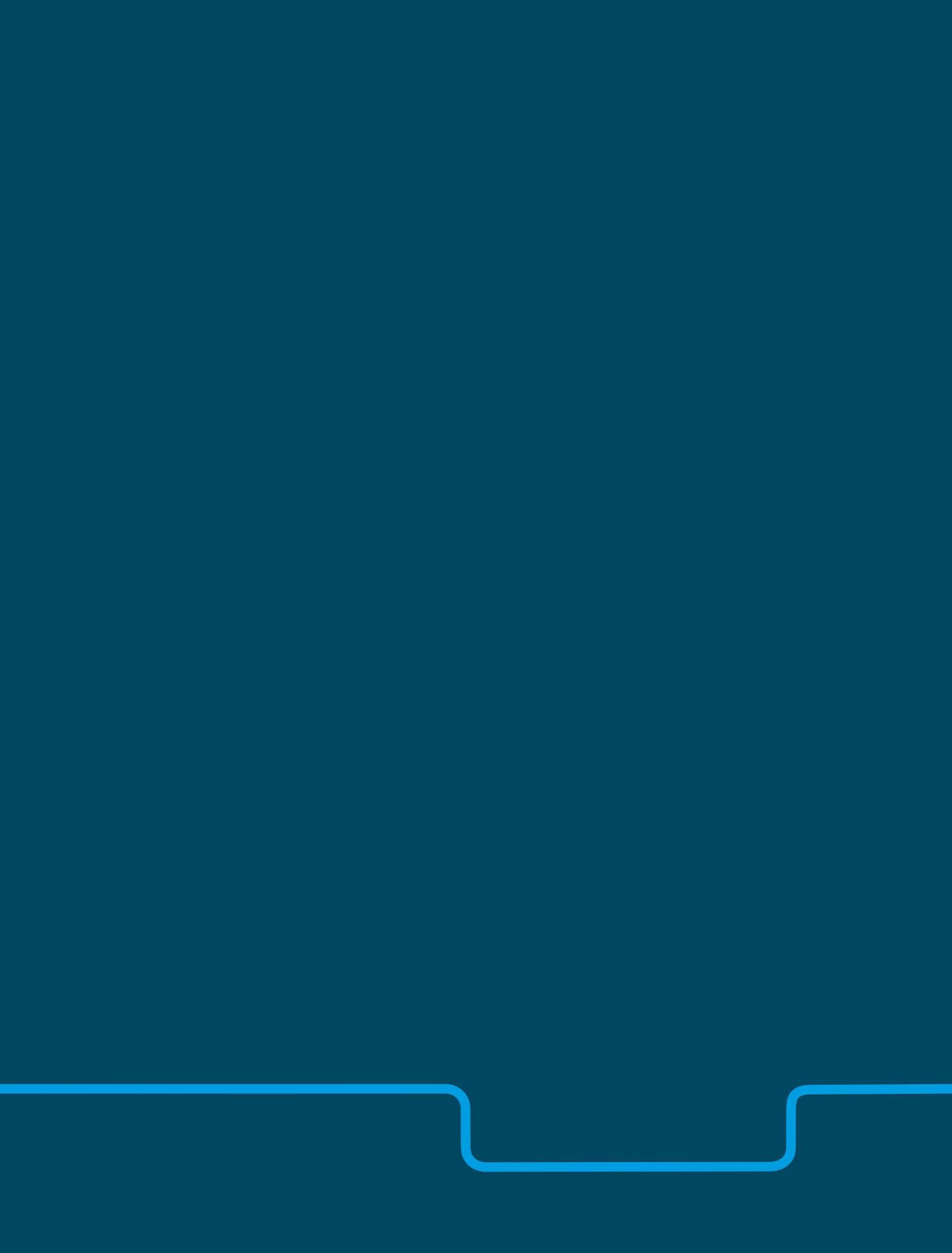
FEBRUARY The Council of Europe’s Commissioner for Human Rights report *Human Rights of Roma and Travellers in Europe* again highlighted the *D.H. Judgment* and the need for urgent reforms in the Czech school system.

- 56 Schools Act, no. 561/2004, para. 16.
- 57 Ministerial Decree No. 65/2005, para. 3, art. 7/c, available at: <http://www.msmt.cz/dokumenty/vyhlasaka-c-65-2005-sb-1>
- 58 *Thematic Report on the Process of Transformation of the Former Special Schools*, Prague, 2012 Czech School Inspectorate, p. 8.
- 59 *Analysis of An individual teacher's approach to the Pupils with Special Educational Needs: The Final Report of the Czech Ministry of Education Project*, Prague, Ministry of Education, 2009, p. 20.
- 60 Interview with an NGO-based community worker in Ostrava, 26 July 2012.
- 61 Interview with Amnesty International and ERRC, Ostrava, 21 June 2012.
- 62 Interview of ERRC with the director of School no. 2, Ostrava, 7 February 2012.
- 63 *Thematic Report on the Process of Transformation of the Former Special Schools*, 2012, Prague, Czech School Inspectorate, p. 5.
- 64 *Strategy for Combating Social Exclusion for the Period 2011-2015*, p.23.
- 65 Ministry of Education. Frequently asked questions on pre-school education. Available at: <http://www.msmt.cz/vzdelavani/nejcastejsi-dotazy-k-predskolnimu-vzdelavani>
- 66 *Strategy for Combating Social Exclusion for the Period 2011-2015*, pp. 22.
- 67 *Strategy for Combating Social Exclusion for the Period 2011-2015*, pp. 22-23.
- 68 The provision of parental choice allows the parents to choose a school of their preference from within or outside the school districts where pupils have permanent residence. A director has an obligation to accept any pupil – notwithstanding their residence – as long as the school has free capacities. See: the School Act no. 561/2004, para. 36 (5).
- 69 Interview with Amnesty International, Ostrava, 20 June 2012.
- 70 European Commission against Racism and Intolerance, Report on the Czech Republic (Fourth monitoring cycle), 2009, p. 29, para. 89.
- 71 Orfield G, Frankenberg E, Chungmei L, “The resurgence of School Segregation”, in: *Educational Leadership*, January 2003, Vol. 60 (4).

2012

JUNE The CoM issued a decision on the *D.H. case* in which it underlined the importance of accelerating the implementation of the judgement in order to achieve concrete progress on the ground.





FIVE MORE YEARS OF INJUSTICE

SEGREGATED EDUCATION FOR ROMA IN THE CZECH REPUBLIC

In 2007, the European Court of Human Rights found that the Czech Republic had violated the right of Romani children to an education free from discrimination, by placing them in “special schools”, which offered lower quality education.

Five years on, very little progress has been made to guarantee equal access to education for Romani children. Instead of making systemic changes, the Czech government opted for a piecemeal approach that failed to address the root of this injustice. The system continues to channel Romani children into “practical” and/or segregated schools. It has devastating consequences for their future.

Amnesty International and the European Roma Rights Centre are calling on the Czech government to immediately put an end to the discrimination that Romani children experience in education and take all necessary measures to end this injustice in order to avoid yet another generation being trapped in the cycle of poverty and deprivation.

November 2012
EUR 71/006/2012

