



# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Czech Republic: Eight years after the D.H. judgement a comprehensive desegregation of schools must take place**

Eight years ago today, the Czech Republic was condemned by the European Court of Human Rights for discriminating against Roma children in its education system in the landmark D.H. judgment. Piecemeal measures post 2007 failed to eliminate discrimination and in 2014 the European Commission initiated infringement proceedings against the Czech Republic, since when the Government has accelerated and expanded the scope of its reforms.

A comprehensive desegregation plan is expected to come as part of the new reform package next year. The new reforms are expected to enter into force in September 2016. They include the introduction of support measures for pupils with special educational needs; a compulsory year of pre-school education for all pupils; and a proposal to abolish the educational programme for pupils for mild mental disabilities.

Amnesty International, European Roma Rights Centre, Open Society Fund Prague and Czech Society for Inclusive Education welcome these efforts. However, they consider that in order for these changes to bring the desired outcome, they must also address the prejudice that continues to course through much of the Czech educational system. Despite the reforms adopted in the past, Romani children continue to be over-represented in schools and classes for pupils with mild mental disabilities and segregated in Roma-only schools and classes.

The issue of phasing out of the educational programme for pupils with “mild mental disabilities” will be of a critical importance for ensuring inclusive education. Amnesty International, European Roma Rights Centre, Open Society Fund Prague and Czech Society for Inclusive Education therefore remind the Czech government that it must stand by its commitment to transform the practical schools to mainstream institutions and therefore abolish of the educational programme for pupils with “mild mental disabilities”.

Phasing out the two-tier system in itself, however, will not of itself resolve the problem as the new regulation envisages the possibility of educating pupils in separate classes or schools if the mainstream schools fail to provide for their special needs. The NGOs are therefore calling on the Czech Ministry of Education to ensure that it includes safeguards against ethnic and other forms of segregation of pupils in schools. The reforms must end the practice of labelling Romani children as mentally disabled and segregating them into practical schools or classes where a reduced educational programme is followed. To do so, the government must clarify the criteria for placements of pupils into special schools and provide detailed guidelines for schools how to implement the support measures.

The EC should be vigorous in its monitoring of the Czech infringement case, to ensure that the practice of placing Roma children into special schools stops. A necessary part of the reform must be also pursuing an equality data monitoring system.

The NGOs have repeatedly criticised the government's proposal of compulsory pre-school education that still maintains the two-tier system of kindergartens and "preparatory classes" in which Roma are currently placed and segregated. This is a practical consequence of the regulation that a child had to be of a "social disadvantage" in order to be placed into a preparatory class.

Inclusive education that this support measures reform envisages will require increased funding. Consequently, the NGOs are calling on the Czech authorities to specifically ear-mark funding for it in the next year's budget prior to the new regulation entering into force on 1 September 2016.

### **Background**

In an unprecedented move in response to continuous segregation of Roma children in education, the European Commission initiated the infringement proceedings against the Czech Republic for discrimination against Roma under the Race Equality Directive in September 2014. Discrimination was manifested by over-representation of Romani children in schools and classes for pupils with mild mental disabilities where they amount to over a third of the pupils. In March 2015, the parliament adopted an amendment of the Schools Act introducing a set of support measures for pupils with special educational. The introduced system of support measures should provide better education in terms equal opportunities. The amendment will enter into force on 1 September 2016. The Ministry of Education has announced that it will abolish the educational programme for children with mild mental disabilities by September 2016.