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Four years after: Czech Republic fails to address discrimination of Romani children in education

Amnesty International is extremely concerned that four years after the 2007 decision of the European Court of Human Rights in the case *D.H. and Others*, the Czech authorities have failed to address the problem of systemic discrimination of Romani children in education. As a result, unlawful segregation of Romani children in education continues. No matter what form it takes, segregation has a detrimental impact on Romani children for the rest of their lives.

In the 2007 judgment, the European Court held that Romani children received an education which compromised their subsequent personal development and job opportunities.

Yet, despite these serious consequences, the government allows for the systemic discrimination to persist. The Government is continuously failing to tackle consistently or effectively the underlying causes of violation as found by the Court. The evidence for this is provided by the government's own data as found by the Czech School Inspectorate in 2010, according to which Romani children continue to be overrepresented in the former special schools for children with mild mental disabilities, now called 'practical schools'. The Czech ombudsperson held in 2010 that such overrepresentation amounts to discrimination.

The problem of discrimination of Romani children in the Czech educational system was supposed to be addressed by the National Action Plan for Inclusive Education adopted in March 2010. Amnesty International notes with concerns that its implementation has been stalled in the last 12 months. The government's failure to prioritise equal education for Romani children led to the resignation of the key officials in October 2010 and the departure of external experts from the Ministry of Education's working groups in May 2011. As a result, the Ministry's capacities to implement the European Court judgment are extremely limited.

In May 2011, the government adopted amendments to two pieces of secondary legislation – on the provision of counselling services in schools and on education of children, pupils and students with special educational needs. The amendments are presented as measures that will lead to implementation of the European Court judgment. However, Amnesty International considers that these measures are insufficient for an effective implementation of the judgment.

Amnesty International calls on the Committee of Ministers of the Council of Europe – a body supervising the implementation of the European Court's judgments – to ensure that the Czech government takes the necessary measures to address the existing discriminatory practices that result in segregation of Romani children.

Background

On 13 November 2007, the Grand Chamber of the European Court of Human Rights issued a landmark judgment in a case brought by 18 Romani children against the Czech Republic. In its ruling in the case of *D.H. and Others v. the Czech Republic*, the Court concluded that segregation of Romani children on account of their ethnic origin violated the government's obligation to ensure the children's access to education without discrimination. The Court reminded the government of its obligations under the European Convention for the protection of Human Rights and Fundamental Freedoms to put an end to this practice and to redress its effects as far as possible.

In his March 2011 report on Czech Republic, the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, stated that segregation of Romani children in the Czech Republic is widespread and continuing.

In June 2011, the UN Committee on the Rights of the Child stated in its Concluding Observations that discrimination of Romani children continues in the Czech Republic, including systemic and unlawful segregation of Romani children from mainstream education.

In September 2011, the Committee on the Elimination of Racial Discrimination expressed concern regarding the persistent segregation of Romani children education in the Czech Republic. It criticized the amendments to the secondary legislation on the provision of counselling services in schools and on education of children, pupils and students with special educational needs adopted in May, arguing that they may reinforce discrimination. The Committee urged Czech Republic to take concrete steps to ensure effective de-segregation of Romani children and students and to ensure that they are not deprived of their rights to education of any type or at any level.