



OPEN SOCIETY  
JUSTICE INITIATIVE

To:  
Josef Dobeš  
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Ministerstvo školství, mládeže a tělovýchovy  
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30 July 2010

**Re: Implementation of the European Court of Human Rights judgement in the case D.H. and Others v The Czech Republic**

Dear Minister Dobeš,

The European Roma Rights Centre (ERRC), the Open Society Justice Initiative (OSJI), the Open Society Fund Praha (OSF Praha) and the Roma Education Fund (REF) would like to welcome your appointment as the Minister and the interest you have already shown in the issue of low access of Romani children to quality education in the Czech Republic, specifically by the support to the National Action Plan on Inclusive Education. We also appreciate your commitment to cooperate with the Czech School Inspection to make sure that no child without mental disability is placed in any form of education for children with such disability.

Our organisations were informed about the expected structural changes at the Ministry of Education, which may influence the locus of policy and planning related to Roma education. We believe that desegregation, equal education according to standard curricula and the promotion of high educational outcomes for Romani children require strong institutional support at the Ministry, regardless of where in the Ministry these issues are placed.

Our organisations understand that the desegregation process can be assisted by working with Romani and non-Romani communities and by sharing the successful experience of other countries. We are accordingly committed to supporting the Government of the Czech Republic in its desegregation efforts wherever possible, including but not necessarily limited to commenting on draft policy measures, co-organizing and participating in joint learning events, and providing technical assistance. We also encourage your cooperation with the Coalition Together to School which is a unique and important NGO initiative that can help in the desegregation process.

Almost three years after the judgement of the European Court of Human Rights (ECtHR or the Court) in the case D.H. and Others v The Czech Republic in which the Court confirmed that the overrepresentation of Romani children in special education constitutes discrimination, there is little evidence of progress, and in particular no evidence of a decreased number of Romani children in special schools or otherwise segregated environments. The Czech School Inspection

report from 2010 confirmed that up to 50% of the children placed in special education for children with a “mild mental disability” are Romani. In April 2010 this was highlighted also by the Ombudsman who said that there is no acceptable justification for the high percentage of Romani children ending up in special education in practical schools. Apart from segregation of Romani children, mostly by wrong placement into special education, we are also fully aware of the problem of poor completion rates and educational outcomes among children from Romani communities and socially disadvantaged backgrounds.

While we understand that measurable outcomes in education may take some time to achieve, we believe that the problem of segregation can be addressed right away with sufficient political will. We therefore recommend taking immediate action to implement the ECtHR judgment:

- Include, at minimum, the following specific measures in the programme declaration of the government:
  - Enact legislation creating a duty to integrate Romani children into standard schools using a standard curriculum and amend the National Action Plan on Inclusive Education to include transparent and specific statistical indicators and resources to achieve that objective within a reasonable period of time, no later than 2015;
  - Ensure the provision of early childhood education for disadvantaged children that assists entry to standard primary schools;
  - Introduce methods of assessment that take account of the special needs of Romani children;
  - Develop a curriculum to support integration together with measures to change attitudes within the teaching profession;
  - Continue to provide educational support (e.g. in the form of teacher’s assistants) and take other measures such as language training for children whose home language is not Czech;
  - Disseminate the judgment of the Court to educational and legal professions as well as the judiciary and the general public;
- Issue an immediate moratorium on new admissions to practical schools or special education for children with “mild mental disabilities” pending the adoption and enforcement of adequate safeguards to ensure that no child is incorrectly tracked here;
- Eliminate the readiness/entry tests to primary schools and reform the system of diagnostic tests which currently disproportionately track Romani children into special education; and
- Adopt changes in legislation (specifically regarding Decrees 72/2005 and 73/2005) in order to prevent the wrong placement of children in special education in future.

Thank you very much for your consideration. We look forward to continuing our cooperation with your Ministry.

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ERRC

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Robert Basch  
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