

IN THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

D.H. AND OTHERS v. THE CZECH REPUBLIC

THIRD SUBMISSION

BY THE EUROPEAN ROMA RIGHTS CENTRE AND  
THE OPEN SOCIETY JUSTICE INITIATIVE

13 November 2009

---

INTRODUCTION

1. On 13 November 2007, the Grand Chamber of the European Court of Human Rights held that the Czech Republic had violated the European Convention of Human Rights by segregating Roma children into “special schools” for the mentally disabled.<sup>1</sup> The case concerned the city of Ostrava, where the evidence demonstrated that in 1999, Roma children were 27 times more likely to be placed in such schools than non-Roma children.<sup>2</sup> The Court found that this differential treatment had no justification and amounted to discrimination contrary to Article 14, in conjunction with the Right to Education protected in Article 2 of Protocol 1.<sup>3</sup> The Court required the government of the Czech Republic to adopt general measures in order to “put an end to the violation found by the Court and to redress so far as possible the effects.”<sup>4</sup>
2. This memorandum is submitted pursuant to Rule 9(2) of the Rules of the Committee of Ministers by the European Roma Rights Centre (ERRC) and the Open Society Justice Initiative (the Justice Initiative) in order to inform and assist the Committee of Ministers in its evaluation of the general measures taken by the Czech Government to fulfill their legal obligation to end segregation, and to make specific recommendations to that effect.
3. Two years after the judgment of the Grand Chamber, there has been little change within the Czech education system and Roma children continue to be segregated. Without more concrete steps towards integration, the situation for Roma will not improve.
  - *A. Continuing Segregation.* Across the country as a whole, government statistics confirm that nearly 30% of Roma continue to be placed in “special schools”, now renamed “practical primary schools,” compared with only 2% of non-Roma. In specific regions the figures are worse. Once assigned to practical schools their chance of transferring to standard schools is virtually nil. In July 2009 a government minister accepted that the figures demonstrated “an unbelievably large imbalance” amounting

---

<sup>1</sup> See *D.H. and Others v. The Czech Republic*, ECtHR (Grand Chamber) Judgment of 13 November 2007, at paragraphs 207-10.

<sup>2</sup> *Ibid.*, at para. 134.

<sup>3</sup> *Ibid.*, at para. 210.

<sup>4</sup> *Ibid.* at para. 216.

to “unequal educational opportunities available to Romani versus non-Romani pupils.”<sup>5</sup>

- *B. Failure to take measures for effective integration.* New laws introduced by the government are inadequate and have had little effect. “Special Schools” have been renamed “Practical primary schools,” the former for children with light mental disability, and the latter for children from “socially disadvantaged” backgrounds. While associating Roma with this new definition rather than disability may be less overtly stigmatizing, it remains susceptible to the influence of subjective prejudice.<sup>6</sup> Giving schools the power to set their own curriculum has neither improved the sub-standard quality of the curriculum offered in practical primary schools nor reduced the systematic practice of ethnic segregation of Roma children in such schools. Positive measures suggested by the Court such as preparatory classes have been under-utilized due to a failure to adopt a comprehensive, nationwide, government strategy capable, inter alia, of addressing the attitudes of teachers, administrators and non-Roma parents who still favour segregation.
4. While the Czech Government has communicated to the Committee of Ministers a series of steps it plans to take with respect to Roma inclusion, most are long-term, general, and not measurable, such as “emphasising the principle of respect for diversity in framework and school educational programmes,”<sup>7</sup> or the “coordinated development of the national concept of care for children aged 0 – 6 years”.<sup>8</sup>
  5. The Government has proposed few measures for the short and medium term that will end segregation. Those it has offered are expressed in conditional terms. For example, the Government has stated that it plans to “to help (gradually) educate at least some of [the] children in today’s ‘practical primary schools’ under the educational mainstream curriculum (at least in some subjects, which might gradually be expanded in some cases)” (emphasis added).<sup>9</sup> Such vague and limited aspirations fall far short of effective implementation of the Court’s judgment. To the contrary, they would appear to authorize the continued segregation of many Roma children in sub-standard schools for no reason other than their ethnic origin. Furthermore, the Government measures fail to specify how to monitor progress even toward the limited and insufficient objectives that have been put forward, for instance, whether schools would be mandated to incorporate Roma pupils or whether the decision to integrate would be left to schools’ discretion. Without a specific timeline within a clearly articulated framework encompassing legal, institutional and budgetary dimensions, the Government’s measures to date do not comply with its obligation under the Convention to “select, subject to supervision by the Committee of

---

<sup>5</sup> See “Romani pupils attend ‘special schools’ more often than others,” 3 July 2009, available at [http://www.romea.cz/english/index.php?id=detail&detail=2007\\_1262](http://www.romea.cz/english/index.php?id=detail&detail=2007_1262) (last visited 4 November 2009). For Czech version, see “Třetina romských žáků je ve „zvláštních“ školách,” 3 July 2009, available at [http://www.lidovky.cz/tretina-romskych-zaku-je-ve-zvlastnich-skolach-fr3-/ln\\_noviny.asp?c=A090703\\_000007\\_In\\_noviny\\_sko&klic=232343&mes=090703\\_0](http://www.lidovky.cz/tretina-romskych-zaku-je-ve-zvlastnich-skolach-fr3-/ln_noviny.asp?c=A090703_000007_In_noviny_sko&klic=232343&mes=090703_0) (last visited 4 November 2009).

<sup>6</sup> This document uses the terms “practical primary schools” and “former special schools” interchangeably.

<sup>7</sup> See “Report of the Government of the Czech Republic on general measures related to the execution of the judgment of the European Court of Human rights in case no. 57325/00 – *D.H. and Others v. the Czech Republic*,” 9 April 2009, at page 7.

<sup>8</sup> See “Report of the Government of the Czech Republic on the general measures of execution of the judgment of the European Court of Human rights in case no. 57325/00 – *D.H. and Others v. the Czech Republic*:

Information about the results of surveys and the initial conclusions,” 1 July 2009, at page 9.

<sup>9</sup> *Ibid.*, at page 10.

Ministers, the general ... measures to be adopted in their domestic legal order to put an end to the violation found by the Court and to redress so far as possible the effects.”<sup>10</sup>

### **Measures proposed by ERRC and the Justice Initiative**

6. To fulfil its legal obligation to end the “discriminatory treatment” of Roma, the Czech Government must adopt the following measures:
  - Enact legislation creating a duty to integrate Roma children into standard schools using a standard curriculum, together with an effective plan to achieve that objective.
  - Adopt transparent statistical targets to achieve full integration within a reasonable period of time, no later than 2015.
  - Implement a moratorium on the admission of Roma children to practical schools and classes following educational programs for children with slight mental disability.
  - Implement a moratorium on the admission of Roma children to practical schools.
  - Implement a public and effective system of statistical monitoring of attempts to achieve those targets.
  - Publicly allocate sufficient budgetary resources to achieve integration.
  - 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 Roma 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 the educational and legal professions as well as the judiciary and the general public.

### **Prior submissions to the Committee of Ministers**

7. *First NGO Report.* On 20 August 2008, a coalition of NGOs submitted to the Committee of Ministers a report on the state of general measures taken by the Czech Government with respect to the execution of the *D.H.* judgment.<sup>11</sup> The report was based on research conducted by the ERRC in 2008 which demonstrated that the measures taken by the government did not and could not reverse or even reduce segregation of Roma. A key finding of the report was that the purported abolition of special schools by the 2005 School Act was illusory, as in reality Roma continued to be placed in the same schools that were re-named practical primary schools and educated with the same curriculum for children with a slight mental disability.

---

<sup>10</sup> *D.H.* judgment, at para. 216.

<sup>11</sup> See “Memorandum Concerning the Implementation and the State of general measures in the Judgment of *D.H. and Others v. The Czech Republic* (Application No. 57325/00),” 20 August 2008, available at <http://www.errc.org/db/03/47/m00000347.pdf> (last visited 4 November 2009).

8. *First Government Report*. On 9 April 2009, the Czech Government submitted its first report on general measures to the Committee of Ministers.<sup>12</sup> In the report, the government minimized the finding of indirect discrimination by the ECtHR, referring to the “academic underachieve[ment]” of Roma pupils, rather than accepting “discrimination” towards them, and suggested that it may be “very difficult to foresee the real impact of Court’s judgment.” The report did, however, list the measures taken and planned with respect to “modifying the current situation” of Roma such as the formal abolition of special schools by the 2005 School Act, allowing schools to set their own curriculum, and the commission of two statistical reports on Roma segregation.
9. *Second NGO Report*. On 20 May 2009, ERRC and the Justice Initiative submitted a further report responding to the government, which demonstrated that the measures taken by the Czech Government were insufficient as (a) Roma pupils continued to be disproportionately placed into former special schools, (b) there was no integration of Roma children into standard primary schools; (c) no special measures had been introduced to take account of the special needs of Roma; and (d) the judgment of the Court had not been sufficiently disseminated to relevant authorities and the public.<sup>13</sup>
10. *Second Government Report*. On 1 July 2009, the Government submitted a second report in which they presented the results of the two statistical surveys mapping the state of Roma pupils in Czech elementary schooling. The report identified a number of barriers to inclusive education, such as the underfunding of the education system, a shortage of school counselors and teacher’s assistants, and the pro-segregation attitude of public opinion. The report stated that the “family’s social situation and the handicaps that it generates plays a very important role as regards equal opportunities in education,” while the issue of ethnicity was understood to be only “secondary.” With respect to the former special schools the Government stated that it intended to “implement measures to help (gradually) educate at least some of the children in today’s ‘practical primary schools’ under the educational mainstream curriculum.” and to “enroll children in [practical primary schools] only after all forms of support within the educational mainstream have conclusively been exhausted.”<sup>14</sup>

## A. CONTINUING SEGREGATION

11. In its judgment, the Court found that a “disproportionately high”<sup>15</sup> percentage of Roma children were placed in schools “for children with mental disabilities where a more basic curriculum was followed than in ordinary schools.”<sup>16</sup> Consequently, Roma children were “isolated from pupils from the wider population” and received “an education which compounded their difficulties and compromised their subsequent personal development.”<sup>17</sup> The Court rejected such a practice as discriminatory.

---

<sup>12</sup> See *First Government Report*, note 7 above.

<sup>13</sup> See “*D.H. and Others v. Czech Republic*, Memorandum concerning the state and implementation of general measures to the Committee of Ministers of the Council of Europe from the European Roma Rights Centre and the Open Society Justice Initiative,” 20 May 2009.

<sup>14</sup> See *Second Government Report*, note 8 above.

<sup>15</sup> See *D.H.*, at para. 193. The Court was presented with a number of reports with different statistical results, but concluded that “In the Court’s view, the latter figures, which do not relate solely to the Ostrava region and therefore provide a more general picture, show that, even if the exact percentage of Roma children in special schools at the material time remains difficult to establish, their number was disproportionately high.”

<sup>16</sup> See *D.H.*, at para. 207.

<sup>17</sup> See *D.H.*, at para. 207.

12. Two years after the judgment, statistical evidence from the government demonstrates that segregation continues unabated. The original data from 1999 submitted to the European Court of Human Rights revealed that in the city of Ostrava, Roma pupils were 27 times more likely to be placed in special schools than their non-Roma counterparts.<sup>18</sup> A survey undertaken in April 2009 by the Institute for Information in Education commissioned by the Czech Government demonstrated that in the Zlinsky region, Roma pupils were 26 times more likely than non-Roma to be educated in “former special schools,” while in the Vysocina region, Roma were 27.5 times more likely to be educated in such schools than non-Roma.<sup>19</sup>
13. The April 2009 survey also revealed that a pattern of segregation is not region-specific but rather prevails all over the Czech Republic. The survey found that across the country as a whole, 26.7% of all Roma pupils were in former special schools, as opposed to 2.2% of non-Roma. Roma pupils in the Czech Republic are therefore at least 12 times more likely than non-Roma to be attending former special schools.<sup>20</sup> The study also showed that, in practice, placement in former special schools is irrevocable: only 13 Roma pupils out of 1000 made their way back to standard primary schools.<sup>21</sup> Another 2009 survey commissioned by the Czech Government confirmed that some former special schools were almost completely ethnically homogenous – Roma accounted for at least 90% of total pupil population at a tenth of former special schools in the surveyed sample.<sup>22</sup>
14. As recently as July 2009, the deputy Minister of Education acknowledged the persistence of ethnic segregation reflected in these statistics:

“While only two out of 100 non-Romani children attend [former ‘special schools’ or classes taught based on special curricula], 30 out of 100 Romani children attend them. This is an unbelievably large imbalance and contrast... The results of the investigation mainly point out the unequal educational opportunities available to Romani vs. non-Romani pupils.”<sup>23</sup>

## **B. FAILURE TO TAKE MEASURES FOR EFFECTIVE INTEGRATION**

15. The Czech Government has cited the abolition of special schools and the elimination of formal barriers prohibiting access to secondary education as measures taken towards the

<sup>18</sup> See *D.H.*, at para. 134. This figures include both Roma children at special schools or practical primary schools and Roma children at other schools but following the sub-standard curriculum for children with mild mental disability.

<sup>19</sup> See *Ústav pro informace ve vzdělávání – Monitoring Rámcových Vzdělávacích Programů* (2009), at pages 9-

14. Available at <http://spolecnedoskoly.cz/wp-content/uploads/monitoring-uiv.pdf>

<sup>20</sup> *Ibid.*, at page 8.

<sup>21</sup> *Ibid.*, at page 52.

<sup>22</sup> See “Analýza individuálního přístupu pedagogů k žákům se speciálními vzdělávacími potřebami,” 106, available at

[http://www.msmt.cz/uploads/soubory/tiskove\\_zpravy/Analiza\\_individualniho\\_pristupu\\_pedagogu\\_k\\_zakum\\_se\\_speciálními\\_vzdelavacími\\_potřebami\\_PLNE\\_ZNENI.pdf](http://www.msmt.cz/uploads/soubory/tiskove_zpravy/Analiza_individualniho_pristupu_pedagogu_k_zakum_se_speciálními_vzdelavacími_potřebami_PLNE_ZNENI.pdf) (last visited 13 July 2009). A total of 49 former special schools provided actual data or estimates of the proportion of Roma.

<sup>23</sup> See comments of Ms. Laurencikova in “Romani pupils attend “special schools” more often than others,” 3 July 2009, available at [http://www.romea.cz/english/index.php?id=detail&detail=2007\\_1262](http://www.romea.cz/english/index.php?id=detail&detail=2007_1262) (last visited 29 July 2009). For Czech version, see “Třetina romských žáků je ve „zvláštních“ školách,” 3 July 2009, available at [http://www.lidovky.cz/tretina-romskych-zaku-je-ve-zvlastnich-skolach-fr3-ln\\_noviny.asp?c=A090703\\_000007\\_ln\\_noviny\\_sko&klic=232343&mes=090703\\_0](http://www.lidovky.cz/tretina-romskych-zaku-je-ve-zvlastnich-skolach-fr3-ln_noviny.asp?c=A090703_000007_ln_noviny_sko&klic=232343&mes=090703_0) (last visited 29 July 2009).

integration of Roma pupils.<sup>24</sup> However, the legislative changes of the 561/2004 School Act have in fact maintained segregation:

- The new legislation merely changed the name of special schools to “practical primary schools” which follow the same curriculum for children with slight mental disability, without changing the disproportionate assignment of Roma to these schools.
- The creation of the category of “socially disadvantaged children” has served to further stigmatize Roma pupils.
- While the new law in principle allows children who have completed their education in primary practical schools to enroll in non-vocational secondary schools, in practice Roma children are still denied access to those forms of secondary education leading to university.
- Specific measures proposed by the Court on curriculum development and assistance to teachers have not been implemented.

### “Special Schools” renamed

16. The 561/2004 School Act (*Školský zákon*), promulgated on 1 January 2005 states that “special schools” (*zvláštní školy*) “shall [become] primary schools” (*základní školy*).<sup>25</sup> By formally abolishing special schools, the Act was supposed to eliminate barriers in access to secondary education for Roma children.<sup>26</sup> In reality, nothing changed. While the Act abolished the category of special schools as its own “kind” (*druh*),<sup>27</sup> a subsequent governmental decree established practical primary schools as a new school type (*typ*).<sup>28</sup> The Czech Government, media and non-governmental organizations confirm that the new practical primary schools continue to teach according to the sub-standard, special schools curriculum for children with slight mental disability.<sup>29</sup> Even though formally created as part of the primary schooling system, the practical primary schools remain structurally outside the mainstream education system, and are understood to be so by their own personnel, by the public and by the Czech Government.<sup>30</sup> They occupy the same buildings, with the same teachers and the same curriculum as the discredited special schools they were intended to replace.

### Socially disadvantaged children

17. The 561/2004 School Act (*Školský zákon*) and the subsequent decree provided that practical primary schools were for the education of a newly-created category of “socially disadvantaged children,” itself a subcategory of “children with special educational needs.” Far from leading to the integration of Roma children into standard primary

---

<sup>24</sup> See *First Government Report*, note 7 above, at page 2.

<sup>25</sup> Section 185(3) of the 561/2004 Act on Pre-school, Basic, Secondary, Tertiary Professional and Other Education.

<sup>26</sup> See *First Government Report*, note 7 above, at page 2.

<sup>27</sup> Section 7(3) and 125(3)(d) of the 561/2004 Act on Pre-school, Basic, Secondary, Tertiary Professional and Other Education

<sup>28</sup> Section 5, of the 73/2005 Decree *Sb. vzdělávání dětí, žáků a studentů se speciál.vzdělávacími potřebami*.

<sup>29</sup> See *Second Government Report*, note 8 above, at page 10. See also “Liška: Vzdělávání Romů lze zlepšit za tři roky,” *České Noviny*, Nov. 13, 2008; available at [http://www.ceskenoviny.cz/index\\_view.php?id=344199](http://www.ceskenoviny.cz/index_view.php?id=344199) (last visited 4 November 2009); and *European Roma Rights Centre* “Persistent Segregation of Roma in the Czech Education System,” at page 18, available at <http://www.osf.cz/konference/images/file/Czech%20Education%20Assessment%202008.ERRC.REF.pdf> (last visited 4 November 2009).

<sup>30</sup> See *Second Government Report*, note 8 above, at page 10. See also “Persistent Segregation of Roma in the Czech Education System,” note 29 above, at page 18.

schools, this new label has only perpetuated their segregation. By defining “socially disadvantaged children” as those coming from “a family environment with a low social and cultural status [and a ] threat of pathological social phenomena,” the Act left the decision of which children are assigned to former special schools as susceptible to the improper influence of irrational prejudice as the pre-2005 School Act regime. And by specifying that the “content, form and methods,” of education for “socially disadvantaged children” should correspond to their specific “needs and possibilities,”<sup>31</sup> the Act justified their continued relegation to a sub-standard curriculum below the educational level enjoyed by other Czech children.

18. Two years after the Court’s judgment, the belief that Roma, as a group, belong in sub-standard schools remains widespread in among Czech educators. Almost 30% of principals at primary schools located near socially excluded areas surveyed agreed that, as a group, most Roma children from poor families have difficulties coping with study at standard primary schools and should therefore be placed in practical primary schools following a curriculum for children with mental disabilities.<sup>32</sup>

#### **Limited access to secondary education**

19. Although the 2005 School Act did eliminate formal barriers to secondary education for pupils educated at former special schools, government statistics demonstrate that in practice Roma pupils are still denied access to certain types of secondary education and thereby, to any type of tertiary education. The April 2009 government study showed that fewer than one percent of all Roma pupils educated with the curriculum for children with slight mental disability continued to schools that can award the Baccalaureate Diploma (*maturitní zkouška*), which is a prerequisite for applying to university.<sup>33</sup> The impact of such continued educational discrimination on eventual employment opportunities for Roma is obvious.

#### **Specific Measures proposed by the Court**

20. The Court found that the schooling arrangements for Roma children did not, as they should have, take account of their status as members of an historically disadvantaged class.<sup>34</sup> In requiring general measures to be taken “to put an end to the violation and to redress so far as possible the effects” the Court observed that it was for the Czech Republic to choose the means to do so, “provided that such means are compatible with the conclusions set out in the Court’s judgment... The Court notes in this connection that the legislation impugned in the instant case has been repealed and that the Committee of Ministers recently made recommendations to the member State on the education of Roma/Gypsy children in Europe (see paragraphs 54 and 55 above). Consequently, it does not consider it appropriate to reserve the question.”<sup>35</sup>
21. The measures referred to in paragraphs 54 and 55 of the judgment include, *inter alia*:

---

<sup>31</sup> Section 16(4) and 16(6) of the 561/2004 Act on Pre-school, Basic, Secondary, Tertiary Professional and Other Education. Emphasis added.

<sup>32</sup> See “Vzdělanostní dráhy a vzdělanostní šance romských žákyň a žáků základních škol v okolí vyloučených romských lokalit,” (2008) at page 47, Chart 5.6, available at [http://www.msmt.cz/uploads/soubory/tiskove\\_zpravy/vzdelanostni\\_drahy\\_a\\_vzdelanostni\\_sance\\_romskych\\_zak\\_yn\\_a\\_zaku.pdf](http://www.msmt.cz/uploads/soubory/tiskove_zpravy/vzdelanostni_drahy_a_vzdelanostni_sance_romskych_zak_yn_a_zaku.pdf) (last visited 13 July 2009)

<sup>33</sup> See note 19, above, at page 64.

<sup>34</sup> *D.H.* judgment, at para. 207.

<sup>35</sup> *D.H.* judgment, at para.216.

- Pre-School education schemes should be widely developed and made accessible to Roma.
- Opportunities to learn in the mother tongue should be offered at school to Roma children.
- Special information and advice should be given to Roma parents about the necessity for education and about the support mechanisms that are available. There must be better communication with parents, using mediators if necessary.
- The curriculum should be designed so as to take into account the cultural identity of Roma children. Teaching materials should be developed on good practices in order to assist teachers in their daily work with Roma pupils.
- Teachers should be provided with specific knowledge and training to help them to better understand their Roma pupils.

### **Curriculum Development**

22. In an effort ostensibly designed to allow school principals to plan for the specific needs of Roma pupils, the Government has allowed schools to set their own curriculum based on a framework, but this has failed to have an effect.<sup>36</sup> This de-centralisation of curriculum development was supposed to allow school principals to plan for the specific needs of Roma pupils.<sup>37</sup> However, a government survey recently confirmed the failure of this de-centralized approach to remedy segregation: hardly any schools could demonstrate that they had prepared for the integration of children from former special schools, while the overwhelming majority of schools had made no plans.<sup>38</sup> The new curricula uniformly fail to have as an objective a commitment to equal access to education.<sup>39</sup> Many schools just copied the previous curriculum of the discredited special schools.<sup>40</sup> Not a single school principal surveyed had planned the curriculum as a tool for successful integration of Roma children into standard primary schools.<sup>41</sup>
23. The failure since 2007 of Czech educational “reforms” to begin to alter entrenched patterns of segregation makes clear that integration will not occur without more concerted government policy and direction. The reason is clear – notwithstanding the Court’s judgment, many teachers, school administrators and non-Roma parents remain steadfastly opposed to ending Roma segregation. The April 2009 government survey reported that teachers in standard primary schools expressed apprehension about integration of the schools.<sup>42</sup> Principals of practical primary schools also expressed reluctance to support integration because of the fear that it would lead to their schools being closed down.<sup>43</sup> They also reported that non-Roma parents have threatened to remove their children from schools if they admit Roma pupils and that an increase in Roma at standard primary schools would lead to an exodus of non-Roma pupils and teachers from those schools. In one school, non-Roma parents wrote a formal petition requesting the principal to create two sections within the first year of school, one for Roma, the other for non-Roma.<sup>44</sup>

---

<sup>36</sup> See *First Government Report*, note 7 above, Appendix.

<sup>37</sup> See *First Government Report*, note 7 above, Appendix.

<sup>38</sup> Note 22 above, at 20-28.

<sup>39</sup> *Ibid.*, at 26.

<sup>40</sup> *Ibid.*, at 91.

<sup>41</sup> Note 32 above, at 45-46.

<sup>42</sup> Note 22 above, at 88.

<sup>43</sup> *Ibid.*, at 111-12.

<sup>44</sup> *Ibid.*, at 80.



### **Teachers' Assistants and Preparatory Classes**

24. While the government has introduced teachers' assistants and preparatory classes to assist with integration, these measures have failed to have an effect.<sup>45</sup> Although government statistics suggest that the presence of teachers' assistants at standard primary schools improves the likelihood of Roma pupil academic success, the majority of teachers' assistants are assigned to practical primary schools.<sup>46</sup> Given the demonstrated lack of transfers from practical primary schools to standard primary schools, this has the effect of exacerbating segregation rather than facilitating integration.
25. Similarly, preparatory classes are re-enforcing segregation. The earlier government study in 2008 demonstrated that, of the schools surveyed, preparatory classes were established at 40% of practical primary schools but only at 20% of standard primary schools located near socially excluded areas. The study found that preparatory classes are predominantly attended by Roma pupils and are viewed by some as a measure of segregation rather than integration.<sup>47</sup> Given the lack of movement from practical primary school, pupils attending preparatory classes at schools outside of the mainstream are much more likely to remain in such schools rather than be placed in standard primary schools.

### **CONCLUSION**

26. For the foregoing reasons, the Government has failed to comply with its Convention obligation to put an end to ethnic segregation of Roma children in sub-standard schools. As a result, we respectfully request that the Committee of Ministers direct the Government to adopt the measures identified above in paragraph 6.

The **European Roma Rights Centre (ERRC)** is an international public interest law organization engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves, in particular, strategic litigation, international advocacy, research and policy development, and human rights training of Romani activists. Since its establishment in 1996, the ERRC has endeavored to give Roma the tools necessary to combat discrimination and win equal access to government, education, employment, health care, housing and public services. The ERRC works to combat prejudice and discrimination against Roma, and to promote genuine equality of treatment and equality of respect. The ERRC was one of the representatives of the applicants in the case of *D.H. and Others v. The Czech Republic (D.H. case)*.

The **Open Society Justice Initiative (Justice Initiative)** is an operational program of the Open Society Institute. It pursues law reform activities grounded in the protection of human rights, and contributes to the development of legal capacity for open societies worldwide. The Justice Initiative combines litigation, legal advocacy, technical

---

<sup>45</sup> See *First Government Report*, note 7 above, at page 1.

<sup>46</sup> Note 32 above, at 36.

<sup>47</sup> *Ibid.*, at 34.

assistance, and the dissemination of knowledge to secure advances in the following priority areas: national criminal justice, international justice, freedom of information and expression, and equality and citizenship. Its offices are in Abuja, Budapest, and New York.