

STATEMENT TO THE HUMAN RIGHTS COUNCIL

Adoption of the UPR outcome on the Czech Republic

MARCH 2013

Mr. President,

The Open Society Justice Initiative, part of the Open Society Institute, welcomes the adoption of the UPR outcome on the Czech Republic. The government has accepted 19 recommendations to ensure inclusive education, including one to “fund and implement a single plan and timeline with clear annual targets aimed at eliminating school segregation of Roma children and ensuring inclusive education.”

We regret, however, that the government’s clear statement to the Council during its UPR review in October 2012 that it is committed to shutting down “practical schools” has not been explicitly reflected in its new education policy presented to the Council of Europe’s Committee of Ministers in December 2012. The continued maintenance of a separate education system that segregates both Roma children and children with disabilities away from their mainstream peers and educates them according to a limited curriculum undermines inclusive education goals for both sets of children. As the Council of Europe’s Commissioner for Human Rights, Nils Muiznieks, states in his February 21, 2013 report on the Czech Republic, the country needs to embrace a “paradigm shift that would put the emphasis not on perfecting pupils’ capacity tests but on the inclusion of all pupils in mainstream education and the provision of appropriate support, if necessary.” We call on the government to commit to a clear timeline and concrete targets towards ending segregation for both sets of children, and to keep the Council regularly informed of progress.

The government’s commitment to monitor the number of Roma students who receive education outside mainstream educational facilities is a welcome step, but recent research by Amnesty International and the European Roma Rights Center indicate that increasingly, Roma children are being segregated and taught to a limited curriculum within mainstream schools, as well as outside of them in “practical schools”. We also urge the government to collect data disaggregated by ethnicity, gender and disability, in “practical schools” and in segregated classes set up in mainstream schools, to allow for more effective assessments of progress towards desegregation and inclusion.

More than five years after the landmark decision of the European Court of Human Rights in the case *D.H. and others v. the Czech Republic*, which found the disproportionate placement of Roma children in separate and inferior schools violated their right to be free from

discrimination in the enjoyment of the right to education, much more still needs to be done. The Czech Republic must work to include all children in the mainstream education system if it is to fully embrace notions of equality, dignity and fairness, which underpin all its human rights obligations. The Justice Initiative therefore strongly encourages the government to fully implement the UPR recommendations on inclusive education without delay.

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The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. Our staff is based in Abuja, Amsterdam, Bishkek, Brussels, Budapest, Freetown, The Hague, London, Mexico City, New York, Paris, Phnom Penh, Santo Domingo, and Washington, D.C.