

OPEN SOCIETY JUSTICE INITIATIVE AND EUROPEAN ROMA RIGHTS CENTRE

D.H. and Others v Czech Republic: Submission to the Committee of Ministers

On November 13, 2007, the European Court of Human Rights' Grand Chamber handed down its judgment in *D.H. and others v. Czech Republic*. This case found that the Czech Republic had violated the European Convention on Human Rights by disproportionately placing Romani children into "special schools" in which they, along with children with disabilities, were subjected to a limited curriculum and segregated from the broader student population. The Court held that this differential treatment of Romani children had no justification and amounted to discrimination. It ordered the Czech government to remedy the violation both through individual measures for the plaintiffs, and general measures to "redress so far as possible" the violation's effects.

Though progress in implementing this decision has been slow (as indicated in our previous submissions), some small, independent efforts by individual schools in pockets around the country demonstrate that inclusive education can flourish in the Czech Republic if political will exists. The work of one school, located in northern Bohemia and operating on European Union structural funds, exemplifies such possibilities.

In Jachymov, a town of 3000 people, the impending closure of a school compelled its new headmaster to reconceptualize the school as the heart of the community, aiming to prevent social exclusion. The combined pre-school and primary school educates both Romani children from socially excluded areas as well as non-Romani children from Jachymov town. With the assistance of EU structural funds, the school's teachers were trained by education experts in pro-inclusion measures, special education teachers were hired and a psychologist works on site. The school plans to soon open its youth outreach centre, aimed at youth aged between 16 and 26 years who have left school but need some structured activities in their spare

time. The center will provide youth with the opportunity to undertake a range of educational activities, including producing their own songs in a recording studio. Young people can also participate in life-skills workshops where they will discuss issues such as finding a job and having a family. In 2012, the school will also start a partnership with local businesses to support the employment of school leavers. All of these efforts are supported by EU structural funds.

Though the school initially encountered much resistance from the community and parents, attitudes have changed. Over the five years the school has been working to implement inclusive efforts, the community has become heavily involved in the school and town representatives highlight the school in their political campaigns.

The Jachymov school can and should serve as a model for the Czech government to study and build upon more systematically across the country as a means of implementing the *D.H.* judgment. With the help of structural funds, the Czech government could incorporate its lessons into its broader implementation strategy. With every year that goes by without change at the national level, more Romani children languish in special education and lack the support structures needed to make the transition into mainstream schools and eventually to jobs. Identifying good examples like Jachymov and building on them can help to reverse this trend and make the promise of the *D.H.* decision a reality.