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Czech Republic: European Court decision on discrimination in education

The European Court of Human Rights on 13 November concluded that the Czech Republic had discriminated against Romani children by placing them -- as a result of their Roma origin -- in special schools for children with learning difficulties. The ruling, made by the Court's Grand Chamber, is final.

Eighteen Romani people from Ostrava had taken their case to the court on grounds of discrimination and violations of their right to education. The applicants alleged that their placement in special schools between 1996 and 1999 had been as a result of unreliable tests, that their parents had not been sufficiently informed of the consequences of giving consent to such a placement, and that the system had amounted to a general practice resulting in discrimination against Roma and their segregated education.

The Grand Chamber noted that the Roma "have become a specific type of disadvantaged and vulnerable minority" which requires "special protection" including in the sphere of education. While the system of special schools in the Czech Republic had not been introduced solely to cater for Roma children, the Grand Chamber found that, in practice, disproportionate numbers of Roma children had been placed in special schools, where they followed a more basic curriculum and were isolated from other children. The Czech authorities themselves have accepted that in 1999 between 80 and 90 percent of children attending special schools were of Romani origin. The majority of the Grand Chamber "was not satisfied that the parents of the Roma children, who were members of a disadvantaged community and often poorly educated, were capable of weighing up all the aspects of the situation and the consequences of giving their consent". As a consequence, the Grand Chamber found that the relevant Czech legislation at the time in question had in practice had a disproportionately prejudicial effect on the Roma community. Far from receiving special protection, Roma children had in fact received an education which "compounded their difficulties and compromised their...development". While the Court noted that there have been changes to the law and that other efforts have been made to address the education needs of Roma, the Court found that the difference in treatment was not objectively and reasonably justified.

The Grand Chamber found that there had been a violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights, read in conjunction with Article 2 of Protocol No. 1 (on the right to education) to the Convention.