



Call to Action: Bring Children Together for Diversity

As segregation of Roma in education is worsening, equality and human rights organizations call for redoubled efforts at inclusive education

BRUSSELS, STRASBOURG, VIENNA, WARSAW, 13 November 2017: On the 10th anniversary of the landmark judgment of the European Court of Human Rights on the segregation of Roma children in education, equality and human rights organizations call for a redoubling of efforts to bring children together in the spirit of Europe's commitment to dignity, equality and human rights.

The D.H. case was a complaint by 18 Romani children placed in substandard, special schools for children with mental or intellectual impairments. On 13 November 2007, the European Court of Human Rights ruled that the children had suffered discrimination in education, banned under international and European law.

The action of these 18 children triggered Europe-wide efforts to end separate, substandard schooling for Roma. Despite these efforts, desegregation has not yet succeeded. On the contrary, although the participation of Roma in education is steadily increasing Europe-wide, school segregation is manifestly worsening as indicated in the most recent Communication by the European Commission on the Midterm review of the EU framework for national Roma integration strategies.

Children placed in segregated education are victims of discrimination. When educated separately, they are ill-equipped to handle the complexities of our diverse societies. Segregated education denies Roma and other minorities, children with disabilities and migrant children, as well as children from majority communities, the benefits of inclusive education and the positive value of diversity for vibrant democracies and, above all, for people. Coupled with this, the substandard education these children receive severely limits their chances in all walks of life and harms their quality of life.

The European Court's D.H. judgment came too late for the children who brought the complaint. By the time justice was rendered, they were in their twenties. Together with hundreds of thousands of other Roma around Europe, they had been under-educated and condemned to a life of low-wage employment and exclusion.

In addition to the legal obligations of States to implement European equality law and the international human rights treaties to which they are parties, the "no one left behind" spirit of the 2030 Sustainable Development Agenda provides a compelling impetus for a renewed commitment to bring children together for inclusive education. In order to track progress, States should also redouble their efforts to develop their knowledge

base as well as to produce and make public data in this area, with due consideration to privacy and data protection.

Note to Editors:

In the *D.H. and Others v. Czech Republic* case, the eighteen Romani child activists of the complaint showed that more than half of the children in special schools for the mildly mentally disabled in Ostrava in the Czech Republic were Romani, as well as that more than half of the Romani child population was in such “special schools”. They also demonstrated that in Ostrava any Romani child was 27 times more likely to be in separate educational arrangement than a non-Romani child. On the other hand, in the same city of Ostrava, at least 16,722 children of 33,372 children attending schools in Ostrava as of February 1999 went to school every day without meeting any Romani children. The European Court also relied on evidence from the Advisory Committee on the Framework Convention, the Committee on the Elimination of Racial Discrimination and the European Monitoring Centre on Racism and Xenophobia (now the European Union Agency for Fundamental Rights) showing that the number of Roma children in special schools in the Czech Republic was disproportionately high. The complaint was first brought before domestic courts in 1999, and ruled on finally by a Grand Chamber of the European Court of Human Rights on 13 November 2007.

The European Court of Human Rights has since ruled on cases concerning educational segregation in a number of other European countries. It has also ruled that pre-textual separate arrangements for Romani children based on language are also illegal, as is refusal to enroll or other forms of tolerated non-schooling. National courts have found other forms of separate educational arrangements for Roma also illegal. The European Commission has also taken legal action against European Union Member States for segregation of Roma in education. The European Handbook on Equality Data published by the European Commission recommends Member States to monitor the state of equality and non-discrimination by building national knowledge bases on equality and discrimination by collecting data.

Links:

European Roma Rights Centre (ERRC) resource page on *D.H. and Others v. Czech Republic*:
<http://www.errc.org/article/dh-and-others-v-the-czech-republic/3559>

UN Human Rights Office Global Study on the Human Rights Situation of Roma Worldwide:
<http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/GlobalStudyonRomaworldwide.aspx>

EU Fundamental Rights Agency, 2016 Roma survey report:
<http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>

OSCE Office for Democratic Institutions and Human Rights, Equal Access to Quality Education for Roma Children: Field Assessment Visit to the Czech Republic:
<http://www.osce.org/odihr/96661>

Fighting school segregation in Europe through inclusive education by the Council of Europe Commissioner for Human Rights: <https://rm.coe.int/fighting-school-segregation-in-europe-through-inclusive-education-a-posi/168073fb65>