

**Information provided by the Czech Republic's representative  
on the action plan in the case of *D.H. and Others v. the Czech Republic*  
1 December 2010**

I would like to confirm at the outset that the Czech Republic continues to be firmly determined to carry out the measures that are geared towards the elimination of indirect discrimination of Roma pupils in education, primarily by putting in place a level playing field and improving counselling services support.

A meeting of the **Government's Council for Roma Minority Affairs** took place last week under the chairmanship of the Prime Minister and attended by the Minister of Education. Firstly, the idea of inclusive education enjoys strong support from the Prime Minister and, secondly, the Minister of Education described the issue of the measures to execute the judgment as an urgent task to which his Ministry is committed. The Council will also continue to monitor progress in this area and has requested the Minister of Education to provide it with reports on a regular basis.

Let me emphasise further that the **National Action Plan of Inclusive Education**, adopted by the Government in March 2010, is being implemented, albeit with a short delay caused by the parliamentary elections last May. The past year saw the commencement of a series of steps taken in support of the inclusive education model.

I would mention that **centres for support of inclusive education** launched their activities. Their task is to support, in terms of methodology, counselling and finance, schools in respect of inclusive education, in particular by providing direct support to schools, teachers, pupils' families and pupils themselves. The purpose is to create conditions for the education of pupils with a broad range of special educational needs in mainstream primary schools, with special attention devoted to Roma pupils. These centres assist schools with the design and development of supportive measures geared towards compensating children facing social exclusion for their disadvantage, in particular by way of mediating the services of skilled teaching assistants who help in the educational process at schools on all levels and of all types, developing specific programmes focused on direct support for children in the form of mentoring and tutoring, and offering programmes focused on support for teaching staff. School special pedagogy experts and school psychologists work in big schools; they provide help to teachers and pupils directly in the environment of each particular school. The topics of respect for diversity were also reflected in framework and school educational programmes, primarily as regards the cross-sectional topic of multicultural education.

**Transitory classes**, an important measure supporting the inclusive education model and the transformation of practical primary schools, are being tested. Their aim is to reduce the number of pupils educated under the programme for the slightly mentally disabled. It is expected that transitory classes will become an efficient mechanism for eliminating any segregating elements in the school system. Pupils who fail to achieve the expected results in education due to their socio-cultural disadvantage can gradually compensate their handicaps in these classes. Pupils will be educated for one to two years under the mainstream educational plan there, but only in areas in which they do not achieve the maximum of their learning capabilities. Such a schooling will make it possible to equalise the pupils' knowledge, skills and abilities so that they can smoothly continue their education in the mainstream. Since the pupils will take most of instruction in their home class, this measure will have an inclusive and not a segregating nature.

As regards **pedagogical-psychological counselling services**, a number of measures have been and are being implemented with a view of improving work with Roma clients. Counselling facilities must follow newly defined rules for informed consent and take into account the differences that very frequently originate from different educational models or cultural traditions.

The obligatory procedures in the diagnostic process, the mandatory rules for producing reports on examination, and the ways of acquainting parents and clients with the conclusions of examination have been defined more precisely. The informed consent rules have been specified so as to ensure that the clients' rights and the school counselling facilities' duties are clearly spelled out. In the event that education at a practical primary school is suggested to a pupil, the parent must be provided with full information about all the consequences for the pupil's further education. The set of available diagnostic instruments is also being updated with support from EU funds. Further, school counselling facilities' activity is evaluated on a regular basis and they are provided with methodological and training support in the area of Roma children diagnostics.

Moreover, **Manuals for Users of Educational and School Counselling Services** are being prepared, with a view to providing parents, in particular belonging to families from disadvantaged environment, with full information about these services.

The Ministry of Education is currently finishing its work on the **amendments to Regulations**, with the aim of clarifying legally the tasks of the authorities concerned. Amended Regulations will make informed consent and the definition of social disadvantage more precise and will set out the conditions for co-operation with the authorities responsible for social and legal protection of children. The inclusion of pupils into the educational programme of primary schools for pupils with a slight mental disability will be codified in clear-cut terms to ensure that, without any exceptions whatsoever, only pupils with a slight mental disability are educated under this type of programme. The Regulations will also provide for the duty to inform pupils' parents in detail about the type of the education programme for their children and what the potential consequences of inclusion in such a programme are for the pupil.

The Secretariat's Memorandum, which was distributed last week, also mentions the issue of **procedural safeguards** in addition to safeguards related to schooling arrangements. In this respect I would like to point out that unlike in the period which the Court assessed in its judgment, the Anti-Discrimination Act (Act no. 198/2009) is already in force, which clearly provides for, *inter alia*, the opportunity to resort to a court for protection against alleged discriminatory treatment, seeking to prevent its continuation and to obtain satisfaction. The Act explicitly regulates the area of access to and provision of education and also contains provisions on discrimination on the basis of race, both direct and indirect.

To **conclude**, let me reiterate that the Czech Republic is fully aware of its obligation to devote special attention to the specific needs of socially disadvantaged Roma children (not only) in education, and it is in fact doing so as indicated by the previous reports submitted to the Committee of Ministers. However, it should also be kept in mind that we are facing a complex process of transformation of a considerable segment of the entire primary education and counselling services, which necessarily requires some time. In my mind, and I believe this is not an exaggerated statement, the Czech Republic has made a number of steps forward since the Court's judgment.