



PARALLEL REPORT

BY

**THE EUROPEAN ROMA RIGHTS CENTRE,
THE MENTAL DISABILITY ADVOCACY CENTER,
THE OPEN SOCIETY FOUNDATIONS,
AND THE LEAGUE OF HUMAN RIGHTS**

TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

ON THE CZECH REPUBLIC

**FOR ITS CONSIDERATION AT THE 57th SESSION
30 May to 17 June 2011**

INTRODUCTION

1. The **European Roma Rights Centre (ERRC)**,¹ the **Mental Disability Advocacy Center (MDAC)**,² the **Open Society Foundations (OSF)**³ and the **League of Human Rights (LIGA)**⁴ submit this parallel report to the United Nations Committee on the Rights of the Child (the Committee or CRC) commenting on the Combined Third and Fourth Periodic Report of the Czech Republic, submitted under articles 2, 23, 28 and 29 of the *United Nations Convention on the Rights of the Child (the Convention)*. This submission also addresses issues 5 and 12 in the list of issues which the Czech Republic was requested to address in its submission before the Committee, namely, to provide details –
 - on the criteria, procedure and safeguards for the placement of children in schools of the Framework Education Programme for Children with Light Mental Disabilities (no. 5);
 - on the measures undertaken to apply the decisions of the European Court of Human Rights in, inter alia *D.H. and Others v. the Czech Republic* (2007) (no. 12).⁵
2. The Submitting Organisations have worked extensively on education issues in the Czech Republic, focusing specifically on two groups that continue to be segregated into “special” schools with limited curricula: Romani children without a disability and children with disabilities. As a consequence, this report focuses squarely on the schooling situation of these two sets of children, their educational needs, and the efforts by the Czech government to pursue education reforms which would further develop an inclusive agenda. In doing so, the analysis is underpinned by the same concept of inclusive education as the Committee has previously defined — “a set of values, principles and practices that seeks meaningful, effective, and quality education for all students, that does justice to the diversity of learning

¹ The European Roma Rights Centre (ERRC) is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Information about the European Roma Rights Centre is available at: <http://www.errc.org>.

² The Mental Disability Advocacy Center (MDAC) is an international human rights organisation which advances the rights of children and adults with actual or perceived intellectual disabilities and/or psycho-social disabilities. Our vision is a world of equality – where emotional, mental and learning differences are valued equally; where the inherent autonomy and dignity of each person is fully respected; and where human rights are realised for all persons without discrimination of any form. MDAC pursues research and monitoring, capacity building, advocacy and strategic litigation in order to instigate law reform, contribute to the creation of a body of progressive jurisprudence, empower people with disabilities and promote participatory politics. MDAC representatives also contributed to the ad hoc committee that negotiated the UN Convention on the Rights of Persons with Disabilities (CRPD) between 2006 – 2008. Information about the Mental Disability Advocacy Center is available at: <http://www.mdac.info/>.

³ The Open Society Foundations work to build vibrant and tolerant democracies whose governments are accountable to their citizens. To achieve this mission, the Foundations seek to shape public policies that assure greater fairness in political, legal, and economic systems and safeguard fundamental rights. Three separate entities within OSF contributed to this report: the Open Society Justice Initiative, which 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 (<http://www.justiceinitiative.org>); the Open Society Disability Rights Initiative seeks to address discrimination against people with disabilities and promote their inclusion in society by supporting a rights-based approach to disability (<http://www.soros.org/initiatives/rights-initiatives/focus/disability>); and Open Society Fund–Prague seeks to promote humanistic values, education, and culture in the Czech Republic. The foundation has been a leader in working to foster a culture of inclusion in the Czech Republic, where issues around the rights of Roma and an increasing number of immigrants have grown more prominent (<http://www.osf.cz/en/>). A fourth entity within the OSF network – the Early Childhood Program which works to promote equity, rights and human capability through investments in the very young, added comments to later drafts of the report. (<http://www.soros.org/initiatives/childhood>)

⁴ League of Human Rights (LIGA) is a non-governmental organisation based in the Czech Republic, which works towards the protection of human rights by working within the scope of the rights guaranteed by the Charter of Fundamental Rights and Freedoms, and other binding international conventions. LIGA also promotes human rights with the aid of research and education in order to improve the quality of life for all, and by undertaking strategic cases in Court, producing innovative arguments and landmark solutions.

⁵ Committee on the Rights of the Child, List of issues concerning additional and updated information related to the third and fourth combined periodic report of the Czech Republic (CRC/C/CZE/3-4), available at <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.CZE.Q.3-4..pdf>.

conditions and requirements not only of children with disabilities, but for all students.⁶ As outlined below, this concept has been further developed by a number of other rights, treaties and general comments with respect to children, but of particular relevance to the analysis in this submission are the right to be free of discrimination,⁷ and the right of children with disabilities to access “inclusive, quality and free” education on “an equal basis with others in the communities in which they live.”⁸

3. In its previous review of the Czech Republic in 2003, the CRC also focussed on these two sets of children in its Concluding Observations. It encouraged the government to “[i]mplement training programmes to promote respect for children belonging to minority groups, in particular Roma children, and monitoring the treatment of children in both basic and special schools in order to ensure the protection of the physical and psychological integrity of all children while in the care of school officials.”⁹
4. In its Concluding Observations on children with disabilities, the Committee was encouraged by “the growing number of children with disabilities who are integrated into mainstream education”.¹⁰ It specifically encouraged the provision of “special training to teachers” and “making schools more accessible”¹¹ -- a recommendation made in response to a concern raised by the Committee on Economic, Social and Cultural Rights at the “inadequacy of measures to ensure a decent life for persons with disabilities.”¹²
5. The ERRC, MDAC, OSF and LIGA are concerned that the Czech Republic has done little to meaningfully implement these Concluding Observations during the past eight years, nor has it undertaken the reforms needed generally to make inclusive education a reality. Although the State party has taken some steps to promote inclusive education, these steps have not addressed the underlying issue of segregation in education and thus have had little or no systemic impact. The Czech education system continues to diagnose and segregate children based on actual or perceived disability and/or ethnicity, which continues to constitute discriminatory treatment under the Convention for these two sets of children.

INTERNATIONAL STANDARDS ON THE RIGHT TO INCLUSIVE EDUCATION

6. The Convention on the Rights of the Child¹³ guarantees children, *inter alia*, the right to be free of discrimination (Article 2) and the assurance that administrative, legal and welfare actions should be taken with the “best interests of the child” as a primary consideration (Article 3). Under the Convention, children with disabilities should enjoy “a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community” (Article 23). It also guarantees that every child has the right to an education which develops her “personality, talents and mental and physical abilities to their fullest potential” (articles 28 and 29).
7. Each of these rights underpin the notion of inclusive education, which the Committee developed further in its General Comment No. 9 on The Rights of Children With Disabilities. This *General Comment* highlighted that inclusive schooling is the most effective means for building solidarity between children

⁶ Committee on the Rights of the Child, *General Comment 9 (2006) The Rights of Children with Disabilities*, UN Doc CRC/C/GC/9, 7 February 2006, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/407/02/PDF/G0740702.pdf?OpenElement>.

⁷ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, available at: <http://www2.ohchr.org/english/law/crc.htm>, Article 2.

⁸ UN General Assembly, *Convention on the Rights of People with Disabilities*, 24 January 2007, A/RES/61/106, available at <http://www.un.org/disabilities/convention/conventionfull.shtml>, Article 24.

⁹ Committee on the Rights of the Child, *Concluding Observations: Czech Republic*, 18 March 2003, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/408/62/PDF/G0340862.pdf?OpenElement>.

¹⁰ *Ibid.*

¹¹ *Ibid.*, para 49(c)

¹² E/C.12/1/Add.76 para.20

¹³ United Nations, *Convention on the Rights of the Child*, available at: <http://www2.ohchr.org/english/law/crc.htm>. Ratified by the Czech Republic on 22 February 1993.

with special needs and their peers. It also recognises that inclusive education is inextricably linked with support services, and accommodations to the curriculum, as well as accessibility of the schools.¹⁴

8. This and other General Comments should be read through the lens of the Convention on the Rights of Persons with Disabilities (CRPD), which obliges States Parties to provide an inclusive education system which ensures “the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential”. It also recognises the right of persons with disabilities to an “inclusive education system at all levels and lifelong learning.” The CRPD was ratified by the Czech Republic on 28 September 2009 and applies to persons with actual or perceived disabilities. The UN Special Rapporteur on Education has stated that the CRPD “unambiguously recognised the link between inclusive education and the right to education of persons with disabilities.”¹⁵
9. The CRPD’s Article 24 prohibits the exclusion of people with disabilities from the general education system at all levels (including in adult education and vocational training) and obliges states to ensure that children with disabilities can access an “inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live.” It also obliges the provision of individualised support measures and reasonable accommodation¹⁶ where needed, “consistent with the goal of full inclusion.” In addition, training of professionals and staff at all levels of education is required under Article 24, so that they are aware of the specific educational needs of people with disabilities and how best to support them. The OHCHR has interpreted the implementation of these provisions to mean that the “direct and indirect legal barriers to the inclusion of children with disabilities must be removed in the phase of admission as well as during education. The duty to provide reasonable accommodation of the individual’s requirements must be clearly established in national legislation... such duties are immediately applicable.”¹⁷
10. Although the CRPD is specific to persons with disabilities, the principles outlined in this most contemporary expression of international law regarding inclusive education relate to all children regardless of disability, ethnicity, social background, gender or age. As the Committee noted in its General Comment No. 1 on the Aims of Education, “discrimination on the basis of any of the grounds listed in Article 2 of the Convention, whether it is overt or hidden, offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities.” Consequently, the view of the Committee is akin to the provisions laid out in Article 24 of the CRPD by viewing the overt and systematic segregation of Romani and/or disabled from mainstream schooling as discriminatory.
11. The CRC’s General Comment No 1 also notes that a school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of the Convention on the Rights of the Child on inclusive education. The Committee recognised that the existence of “major incidents of racism, racial discrimination, xenophobia and related intolerance [...] which involve those under 18” provides a reasonable presumption that the Government has not done all that it should to promote the values reflected in the Convention.
12. Moreover, in its General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights the Committee on Economic, Social and Cultural Rights stated in Article 8 that discrimination must be eliminated both formally and substantively, elaborating that “eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice [...] States parties must therefore immediately adopt the necessary measures to prevent, diminish and

¹⁴ In this regard, it is worth noting that the EU Disability Strategy 2010-2020 (to which the Czech Republic is party) makes it clear that although education is a competence of member states the EU will fund, support and promote only inclusive education. The Disability Strategy is available at <http://www.eesc.europa.eu/?i=portal.en.soc-opinions.14946>.

¹⁵ The right to education of persons with disabilities, Report of the Special Rapporteur on the right to education, Vernor Muñoz: para 21.

¹⁶ Article 2 CRPD defines reasonable accommodation as meaning the ‘necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure [...] the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms’. The submitting organisations contend that this is a transferable principle relevant to the best interests of the child and achievement of inclusive education for all children.

¹⁷ Thematic Study by the Office of the United Nations High Commissioner for Human Rights on enhancing awareness and understanding of the Convention on the Rights of Persons with Disabilities, para 7. Right to Education.

eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination.”¹⁸

13. The CRC’s General Comment 7 requires State parties to identify the implications of discrimination against children of very young age as they are particularly at risk; this would include children with disabilities and those from ethnically marginalised communities.
14. The Czech Republic continues to maintain a segregated schooling system for children diagnosed with disabilities:¹⁹ a system which in practice functions as a method of also segregating Romani children from mainstream schools based on their ethnicity.²⁰ The Czech Republic is failing to uphold the human rights of these children, as well as their peers, both by continuing to operate this discriminatory system and through the failure to put in place a plan which outlines how the attainment of the right to inclusive education for all children will be progressively realised.

CONTINUING SEGREGATION IN THE CZECH SCHOOL SYSTEM: AN OVERVIEW OF CZECH LAWS, POLICIES AND PRACTICES

15. Education in the Czech Republic is administered through parallel structures. Two separate school systems operate, each independently administered and funded. Mainstream schools are run and financed at municipal level and schools offering “special education”²¹ are run and funded by regional authorities. Children categorised as having a mental disability²² are streamed into the parallel system of “special education”, in line with the Schools Act and its implementing regulations. In practice, both Romani students without a disability and children with disabilities have historically been diverted into “special” or schools with a reduced curriculum. Although an inclusive education agenda should aim to mainstream both sets of students into mainstream schools to the greatest extent possible, regular schools are not resourced, funded or equipped to provide an inclusive education and secure environment for Romani students without a disability or children with disabilities.
16. Despite some limited efforts of the State Party to promote change since the Czech Republic was last reviewed by the Committee, the systemic practice of segregated education in the Czech Republic is in fact perpetuated and reinforced by national laws, regulations and policies. No legislation explicitly mandating the desegregation of Czech schools exists; nor has the Czech Government explicitly listed segregation as an illegal form of discrimination in Czech law.²³
17. The changes introduced by the amendments to the Schools Act in 2005 brought some changes to the Czech education system but these have been essentially cosmetic. Theoretically the category of “special schools” was eliminated but practically only the name of the schools affected has changed (from “special primary school” to “practical primary school” or simply “primary school”). The former “special schools” continue to operate entirely differently and separately from mainstream primary schools: they are managed by a separate authority, funded differently, are housed in separate buildings,

¹⁸ Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2)*, E/C.12/GC/20, 10 June 2009, available at: <http://www2.ohchr.org/english/bodies/cescr/docs/gc/E.C.12.GC.20.doc>, para. 8.

¹⁹ See e.g. the Act 561/2004 Coll. (School Act), article 16, available at: http://www.msmt.cz/uploads/soubory/zakony/Uplne_zneni_SZ_317_08.pdf or Decree 73/2005 Coll. (Decree on Education of Children, Pupils and Students with Special Educational Needs and Children, Pupils and Students with Extraordinary Talent), available at: http://www.msmt.cz/uploads/soubory/sb020_05.pdf

²⁰ ERRC, *D.H. and Others v The Czech Republic*, available at: <http://www.errc.org/cikk.php?cikk=3559>.

²¹ The terms “special school”, “special education”, “special classes” are those used by the Czech educational system and are not concepts condoned by the Submitting Organisations and are thus placed in inverted commas.

²² The term ‘mental disability’ is widely used in the Czech Republic. The Submitting Organisations would prefer to use the terms intellectual disability and psychosocial disability.

²³ Government of the Czech Republic, Act 198/2009 Coll. on equal treatment and legislative measures of protection from discrimination (Antidiscrimination Law), *Zákon o rovném zacházení a o právních prostředcích ochrany před diskriminací a o změně některých zákonů (antidiskriminační zákon)*, available (in Czech) at: www.mvcr.cz/soubor/sb058-09-pdf.aspx

usually in different locations, and employ special pedagogues²⁴ to teach a reduced curriculum applied to children categorised as having an intellectual disability.

18. Instituted through the 2005 Schools Act, the National Framework Education Programme (FEP) defines the various curricula offered in the Czech Republic. It perpetuates the stratified system in place prior to 2005, differentiating between children categorised as having a *mental disability* and those who are not. The FEP does not include reforms related either towards inclusion or integration but outlines an enhanced focus on practical rather than knowledge-based learning. According to the FEP, children educated according to the reduced curriculum are offered significantly fewer hours of tuition in maths, sciences, languages and communication, with far greater focus on “work” skills and physical education than children who follow the mainstream curriculum. This reduced curriculum is offered in separated “former special schools” as well as in some special classes which operate in some mainstream schools. During ERRC research, parents and educators confirmed that it is practically impossible for children to move from “special education” schools into mainstream education schools because the gap in learning is too wide. Furthermore, despite the educational reforms that have been implemented, the reduced curriculum offered in Czech schools today remains the same as when it was introduced in 1997.²⁵ The reduced curriculum provided to children (whether taught in “special schools” or “special classrooms” within mainstream schools) further decreases the opportunities open to them later in accessing tertiary education and in the labour market.
19. In March 2010, the Czech Government adopted a National Action Plan on Inclusive Education (NAPIE) which for the first time places pupils with health disabilities, health disadvantages and social disadvantages within the mandate of the mainstream education system. Some specific measures seek to terminate persistent segregating practices and prevent discrimination and the social exclusion of individuals and groups. However, the NAPIE does not address ethnic discrimination against Romani children in the Czech education system and it does not contain a concrete timeline or plan to desegregate Czech schools. The NAPIE will not achieve real change in the near future: its preparatory phase lasts until 2013, it has no planned implementation measures before 2014 and its funding is not defined.²⁶
20. NGOs and individual experts (approximately 80 people) were invited to join a NAPIE platform to support implementation of the action plan, but to date it has only discussed procedural matters since it first met in June 2010. The roles, purpose, timeframe and weight the Ministry of Education will give to the working group’s conclusions remains unclear despite repeated requests for clarity. Significantly, the government has structured the working groups around specific forms of education, disadvantage or disability, parallel to the existing structural forms of exclusion and segregation within the Czech education system, confirming the Ministry of Education’s commitment to preserving the status quo.²⁷ In March 2011,²⁸ after the group had only met twice (in June 2010 and January 2011), the Ministry of Education announced that it may not reconvene the broad group. While the government is obliged “to closely consult with and actively involve persons with disabilities including children with disabilities, through their representative organisations”²⁹ it remains unclear how the Ministry will follow-up with the members of the group.
21. In 2011, the Czech government announced plans for regulatory changes supposedly intended to prevent the wrongful placement of children without disabilities into special education: Decree 72/2005

²⁴ ERRC, Roma Education Fund, *Persistent Segregation of Roma in the Czech Education System*, 10 September 2009, available at: <http://www.errc.org/cikk.php?cikk=3049>.

²⁵ Ibid.

²⁶ Government of the Czech Republic, *National Action Plan on Inclusive Education*, available (in Czech original) at: http://www.msmt.cz/uploads/Skupina_6/NAPIV.doc.pdf.

²⁷ These working groups were categorized along the following lines: Counselling and diagnostics; Specific learning disorders and specific behavioural disorders; Speech disabilities; Physical disabilities; Visual disorders; Mental disabilities; Pervasive disorders; Long-term illnesses; Behavioural disorders; Social disadvantages and ethnics; Foreigners; Prevention; Non-governmental non-profit organisations; PR; Economics and budget; Law and legislation; Pre-school education; Primary education; High-school and higher education; Universities and colleges; Free-time activities; Training of pedagogues; Further education; Institutional care.

²⁸ Government of the Czech Republic, *Aktuální informace o plnění usnesení vlády č. 206 z roku 2010 k návrhu přípravné fáze k NAPIV*, available (in Czech) at <http://www.msmt.cz/pro-novinare/aktualni-informace-o-plneni-usneseni-vlady-c-206-z-roku-2010>.

²⁹ CRPD, Article 4(3), Article 33

Coll. on the provision of counselling services in schools and school counselling facilities, and Decree 73/2005 Coll. on the education of children, pupils and students with special educational needs and children, pupils and students who are exceptionally gifted.³⁰ However, as will be described in greater detail below, the proposed amendments—scheduled for approval on 1 April 2011³¹ but not yet passed at the time of writing—fail to promote inclusive education.

22. The following analysis demonstrates that two forms of discrimination continue to flourish in the Czech education system: One is the segregation of children with disabilities into separate schools on the basis of disability. The other is the placement of Romani children into separate schools teaching a reduced curriculum designed for children with a disability on the premise of an unfounded “diagnosis” of a mental disability when there is none – instead they are sent for testing, diagnosed and transferred solely on the basis of ethnicity. In addition, failure to address ethnic discrimination in mainstream schools further adds to the hostile environment faced by Romani children in mainstream education. This hostility has led Romani families to make the distressing decision to voluntarily place or even assist in the placement of their children in segregated or “practical” schools following a reduced curriculum in order to provide them with a “safer” and less antagonistic learning environment.

DISCRIMINATION ON THE BASIS OF DISABILITY

23. In practice, most children diagnosed as having a disability attend segregated practical schools in the Czech Republic. Some children categorised as having “mild mental disability” or a health disability are integrated into mainstream schools but also only receive the reduced curriculum outlined above in segregated classroom settings. Some “special schools” also educate children with certain types of disability (e.g. autism) in segregated classes within the “special school” creating a double segregation of those children. Very little information is available about the numbers of children with disabilities educated in segregated settings. By ratification of the CRPD the Czech Republic has undertaken to collect information disaggregated as appropriate and took the responsibility for dissemination and accessibility of this information to persons with disabilities and others.³²
24. Moreover, the draft decrees 72/2005 Coll. and 73/2005 Coll., read in conjunction with the current laws regulating education, do not provide mainstream schools with the support or resources needed to promote inclusive education. Specifically, the decrees fail to provide:
- a clear mandate to educate children with disabilities and/or social disadvantages in a mainstream inclusive environment;³³
 - a transparent process for allocating resources to mainstream schools to include children with disabilities who have special needs, in correlation with the number of children who need the assistance;
 - a transparent and binding process which provides support to mainstream schools on the basis of the number of children with disabilities mainstreamed in the school and the extent of their need for support;
 - a process for a school to appeal to the Ministry if this support is not provided;
 - a process for the Ministry to compel a school to accept pupils with disabilities who have applied to it, but the school has rejected the student on the basis that it does not have resources to support that student;
 - a process by which pupils/parents can request services to enable inclusion, and appeal decisions in which a school turns away students or refuses to provide support to that student.
25. A key problem is that none of the applicable laws define the funding mechanism by which a mainstream school will receive additional resources or services to support the inclusion of children who need extra support services, whether because of a disability or other circumstances. Thus, even though the laws

³⁰ Decree 72/2005 Coll. on provision of counselling services in schools and school counselling facilities and Decree 73/2005 Coll. on the education of children, pupils and students with special educational needs and children, pupils and students who are exceptionally gifted, available at: http://www.msmt.cz/uploads/soubory/sb020_05.pdf

³¹ Ministry of Education, Youth and Sports, *Minister Dobeš: Graduation tests have not leaked*, available at: <http://www.msmt.cz/pro-novinare/ministr-dobes-maturitni-otazky-neunikly>.

³² CRPD, Article 31

³³ Decree 73/2005 Coll., Section 3, Article 4, intact in the amendment: “A pupil with medical disability is preferably to be educated through the form of individual integration into a standard school should such integration correspond to his needs and options and to the conditions and options of the school.”

include definitions of the types of support that can be provided to children diagnosed with special needs in a mainstream school, they do not specify whose obligation it is to fund this support. The bottom line is that no entitlement exists for support in a mainstream school to help ensure the creation of an inclusive educational environment. In practice, provision of support is left to the discretion of mainstream schools – a situation that leads to children diagnosed with special needs and entitled to increased support being automatically referred to special schools or practical schools to receive support.

26. The gravity of this problem was recently recognised by the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, when he said that "few children with intellectual disabilities are offered specialist assistance tailored to the individual child in ordinary schools, while "special schools" – a segregated systems which is often the beginning of a lifelong social exclusion – remains the norm [...] It is essential to move from word to action and to ensure that effective steps are indeed taken."³⁴
27. The lack of accessibility of schools and school facilities for children with disabilities further helps to entrench the continued segregation of many students with disabilities. No clear process exists in law to identify the agency responsible for creating or funding structures and accommodations that can help a school become more accessible to children with disabilities.
28. Beyond schools with a reduced curriculum, another category of "special education" schools exists, which includes "special schools" for children with specific disabilities, such as schools for children with physical disabilities, schools for blind or deaf children, and schools where children with autism and various intellectual disabilities. The List of Issues prepared by the CRC³⁵ questions only the placement of children in schools of the Framework Education Programme for Primary Education - Annex Modifying Education of Pupils with Light Mental Disability³⁶. However, the Convention on the Rights of Persons with Disabilities provides no basis for the type or degree of the disability to serve as a criterion for whether a child is entitled to inclusive education. It should be noted that the vast majority of children categorised as children with special education needs in mainstream schools, are those with *learning difficulties* (such as dyslexia, dyscalculia, attention deficit disorder, emotional difficulties). Only a fraction of them are children with disabilities (i.e. physical, intellectual, or sensory (blind, deaf) disabilities) – most of which are segregated into practical or special schools. The percentage of children with intellectual disabilities studying in mainstream schools illustrates the scope of discrimination taking place with regard to these groups: A mere 3% of children with intellectual disabilities study in mainstream schools.³⁷
29. The situation of children living in institutions, in terms of education, is even starker. Over 10,000 individuals, children and adults, are institutionalised on the basis of a disability.³⁸ Institutionalised children suffer from some of the most explicit forms of segregation in education, and segregation in education is often the stepping stone to institutionalisation. Data from a 2008 survey in one of the regions demonstrates the direct link between institutionalisation and segregation in education. The survey revealed that most institutionalised children with disabilities never left their institutions to attend school, and a sizeable number from among them did not attend any educational framework, not even within their institutions. Only a small number went to school outside of their institutions, and in that case – to special schools only; none of the institutionalised children attended a mainstream school.³⁹

³⁴ Available at http://www.coe.int/t/commissioner/Viewpoints/090914_en.asp.

³⁵ List of issues concerning additional and updated information related to the third and fourth combined periodic report of the Czech Republic, available at: <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.CZE.Q.3-4.doc>

³⁶ Translated from Czech "Rámcový vzdělávací program pro základní vzdělávání – příloha upravující vzdělávání žáků s lehkým mentálním postižením"

³⁷ Institute for Information on Education, Statistical Yearbook of Education 2009/2010.

³⁸ According to Human Rights Watch, *Once You Enter, You Never Leave – Deinstitutionalization of Persons with Intellectual or Mental Disabilities in Croatia*, September 2010, <http://www.hrw.org/en/reports/2010/09/23/once-you-enter-you-never-leave-0>, there were 4,858 persons in social welfare homes alone. This does not take into account the number of persons institutionalised in psychiatric hospitals, which is larger, and is not known. Some estimate the number of institutionalised persons and adults to be approximately 21,000 (Interview with Pavla Baxová, Rytmus, 9 May 2011).

³⁹ Information from unpublished survey conducted by Quip - Association for Change in Central Bohemia in 2008 provided by Pavla Baxová, Rytmus, 9 May 2011

30. In all, the Submitting Organisations are concerned that the Czech Republic is currently failing to meet the standards laid out in Articles 23 and 29 of the CRC and reflected in Article 24 of the CRPD. Moreover, this contributes to social discrimination and stigmatisation that leads to the marginalisation and exclusion of children (and adults) with disabilities in wider Czech society and has a detrimental affect on their right to live independently and be included in the community with choices, equal to others later in life.⁴⁰

DISCRIMINATION ON THE BASIS OF ETHNICITY

31. The detrimental lifelong consequences of segregated schooling also disproportionately affect Romani children and segregated education has been pronounced an unacceptable practice and violation of human rights by the European Court of Human Rights (ECtHR or the Court). In a case brought by the ERRC on behalf of 18 Romani applicants, *D.H. and Others v The Czech Republic*,⁴¹ the Grand Chamber of the ECtHR found that the Czech Republic discriminated against Romani children by segregating them into “special educational schools” intended to cater for children with intellectual disabilities. The case, lodged in 1999, was based on research that demonstrated that Romani children were 27 times more likely to be placed into such “special schools” than non-Romani children. The process and the decision sparked public debate about the changes needed in the Czech education system and led to the education reforms that started in 2005.
32. In March 2011, more than three years after the 2007 Court decision, the Council of Europe’s Human Rights Commissioner, Thomas Hammarberg, noted that “there appear to have been hardly any changes on the ground” since the DH judgment was handed down.⁴² Non-governmental organisations have arrived at the same conclusion, finding that little or no evidence exists which would indicate a reduction in the numbers of Romani children being fast-tracked into segregated education with a reduced curriculum.⁴³
33. Research and reporting from State monitoring bodies has similarly confirmed the continuing problem of discrimination of Romani children and identified a lack of improvement in this field. In March 2010, the Czech School Inspection Authority issued a report which indicated that 83 percent of the former special schools had not changed substantively, describing them as “hidden special schools”. Romani children still constituted 35 percent of children diagnosed with light mental disability, while this number in some regions was as high as 50 percent. Furthermore, the report indicated that at least 5000 children without any diagnosis of disability were placed in the former “special schools” for children categorised as having a disability.⁴⁴ Further reports conducted or commissioned by the Ministry of Education of the Czech Republic demonstrated that in some regions, Roma remain up to 27 times more likely to be placed into “special education” schools or classes than non-Roma. Across the country, Roma were 12 times more likely to be placed in special schools.⁴⁵ The data clearly indicates that the overwhelming number of Romani children who are taught in accordance with the reduced curriculum does not have any form of

⁴⁰ See Article 19, Convention on the Rights of Persons with Disabilities.

⁴¹ European Court of Human Rights (ECtHR), *D.H. and Others v The Czech Republic*, Application no. 57325/00, 13 November 2007, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=825443&portal=hbkm&source=externalbydocnumber&table=?F69A27FD8FB86142BF01C1166DEA398649>.

⁴² Council of Europe, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to the Czech Republic from 17 to 19 November 2010*; CommDH(2011)3, 3 March 2011, available at <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1754217>, para 60.

⁴³ ERRC and Open Society Justice Initiative, Submission to the Committee of Ministers, *The Continued Segregation of Romani Schoolchildren in the Czech Republic: D.H. and Others v The Czech Republic*, 8 March 2011, available at: <http://www.errc.org/cms/upload/file/fifth-communication-to-the-committee-of-ministers-on-judgment-implementation-08032011.pdf>.

⁴⁴ Czech School Inspection Authority report available at: <http://spolecnedoskoly.cz/wp-content/uploads/tematicka-zprava-csi.pdf>

⁴⁵ See e.g. People in Need, *Analýza individuálního přístupu pedagogů k žákům se speciálními vzdělávacími potřebami*, (Analysis of Individual Approach of Pedagogues to Pupils with Special Educational Needs), February 2009, commissioned by the Ministry of Education, Youth and Sports of the Czech Republic, available at: http://www.msmt.cz/uploads/soubory/tiskove_zpravy/Analýza_individualního_přístupu_pedagogu_k_zákům_se_speciálními_vzdelávacími_potřebami_PLNE_ZNENI.pdf.

disability, leading to the inevitable conclusion that placement in separate schools was based solely on ethnicity.⁴⁶

34. Data gathered by the ERRC during its March 2011 research mission to Ostrava, Czech Republic – the city in which the D.H. case originated – found that in five schools providing “special education”, Romani pupils comprised between 90 and 100 percent of the student population. The ERRC met with numerous Romani children and their parents during this research and none exhibited any grounds for preventing them from following a mainstream curriculum in an inclusive, supportive environment. Social workers and teaching assistants also confirmed to the ERRC that schools offering “special education” for children categorised by the law as having mild mental disabilities are known as “Roma schools” and are located near Romani neighbourhoods. Each year, many Romani parents enrol their children directly into kindergarten and grade one at these schools: reportedly, all children brought to these schools for enrolment at their first year of education are recommended by the schools to be tested for the existence of a mental disability prior to confirmation of their placement. At this time, the families are informed that the school will only accept the child if the test results in a recommendation for “special education”. Subsequently all of the children who are tested from these schools are diagnosed with a mental disability as defined under Czech law.⁴⁷
35. The situation on the ground will be further exacerbated by the operation of decrees 72/2005 Coll. and 73/2005 Coll., and their amendments, should they be adopted. These decrees, even as amended, still allow for the placement of children without disabilities into schools with limited curricula. In fact, the decrees specifically allow for the transfer of children without any disability to “practical” schools in order to regulate class size (up to 25 percent of the class can comprise children without disabilities), in clear violation of Article 29 of the Convention.⁴⁸
36. The decrees and their proposed amendments clearly require informed consent for a limited number of specific actions regarding placement into special education. Despite the Minister of Education’s claim that informed consent forms would be disseminated in Romani these are not included in the amended decrees.⁴⁹ The Appendix to Decree 73/2005 Coll. “Background material for creating an informed consent form” has serious limitations:
- The technical language used in the informed consent materials is not suitable for the families of children with social disadvantages.⁵⁰ The instructions do not clearly require an explanation of the differences between special education programmes and mainstream schooling/curriculum, nor the limitations faced by children who follow this type of education;
 - Only a verbal explanation of special education programmes is required to be given to the legal representative/adult students, and the written form only confirms that the verbal information was provided;
 - The document only provides space for the legal representatives/adult pupils to agree with the special education recommendation: it does not allow them to disagree with the recommendation.
37. Further, school officials are not obliged to communicate the consequences of following a reduced curriculum or provide periodic review of the child’s situation. Specifically:
- 1) A reduced curriculum is permitted for pupils with social and medical disadvantages (not only children with a disability);⁵¹

⁴⁶ In April 2010, based on the inquiry of the Czech School Inspection Authority, the Public Defender of Rights (Ombudsman) reported that the overrepresentation of Romani children among those who were recommended to special education without any disability amounts to indirect discrimination as there is no justifiable reason for this huge difference in treatment. The Ombudsman further stated that the fact that Romani children constitute 1/3 of those with diagnoses of mental disability alone indicates discrimination. *Statement of the Public Defender of Rights*, 20 April 2010, available at: <http://spolecnedoskoly.cz/wp-content/uploads/stanovisko-verejneho-ochrance-prav-k-diskriminaci-romskych-zaku.pdf>.

⁴⁷ ERRC interviews with field social workers and Romani teaching assistants. Ostrava, Czech Republic: 10-11 March 2011.

⁴⁸ Decree 73/2005 Coll., Section 10(2), “in order to augment the number of pupils in a class, pupils without medical disability may be assigned to a special class”.

⁴⁹ Ministry of Education, Youth and Sports, *Minister Dobeš: Graduation tests have not leaked*, available at: <http://www.msmt.cz/pro-novinare/ministr-dobes-maturitni-otazky-neunikly>.

⁵⁰ For example, the list only names of the educational programmes as key description of the transfer, specifically e.g. that the pupil will be transferred from “Framework Educational Program for Elementary Education – part D, chapter 8” into “Framework Educational Program for the Field of Education at a Special Elementary School – Part I”.

⁵¹ Decree 72/2005 Coll.

- 2) School directors are only required to inform the pupil's legal representative or the adult pupil of the fact of the reduced curriculum, not the benefits and risks it entails (current and future);⁵²
- 3) Although a review of the use of a reduced curriculum for a pupil with a medical disability is required if there are significant changes to the pupil's special educational needs, no such review is required for children with a medical or social disadvantage.⁵³

38. Decree 72/2005 Coll. states that social disadvantage, medical disadvantage and medical disability (as defined by the School Act)⁵⁴ are to be addressed by the "educational-psychological counselling centres or special education centres", which have no expertise in addressing social disadvantages.⁵⁵ However, the appendix to Decree 72/2005 Coll. "Standard activities of counselling centres" contains no specific provisions that would require such centres to address social disadvantage, or instruct them how to do so.⁵⁶ At the same time, the decrees provide no guidance to schools or teachers on how to effectively integrate children with disabilities, minority children, and children of lower socio-economic status into mainstream schooling.

39. In all, an analysis of the law and practice indicates that the educational outlook for many Romani children in the Czech Republic remains dire. Commissioner Hammarberg highlighted the urgency of much-needed reforms in his March 2011 report on the Czech Republic. He lamented that thousands of Romani children are "condemned to a future as second-class citizens every year" due to their exclusion from the mainstream education system. He called on the government to mark a "clear change in direction already with the next intake of children in the 2011-2012 school year."⁵⁷ In making these much needed changes, however, the Czech government will also need to address discrimination in mainstream schools to ensure Romani children can be mainstreamed into an inclusive and safe educational environment.

FAILURE TO COMBAT DISCRIMINATION AND HOSTILITY IN MAINSTREAM SCHOOLS

40. Mainstream Czech schools are widely considered hostile environments by Romani children and parents. Numerous reports of discrimination and harassment from students and teachers represent obstacles to inclusive education for Romani students and it is feared this is also potentially applicable to children with disabilities. Despite the fact that school authorities have received reports of bullying, teachers are reportedly unwilling to intervene to prevent the harassment of Romani children and build a welcoming environment.

41. In the course of ERRC research in 2008, a number of parents noted the racism, discrimination and harassment directed towards their child and towards them as parents in mainstream schools. As a result, these parents requested the testing and the transfer of their children to "special" primary schools. As one parent noted, their child was "afraid of the children in the standard school."⁵⁸ Another mother explained that her daughter had been transferred to a "special school" on the basis of a recommendation from the Pedagogical-Psychological Counselling Centre. She agreed to the transfer because of the mistreatment of her daughter in the mainstream school: "I preferred to agree because I had bad relations with the teacher in the other [mainstream] school; I think the teacher was biased against my daughter."⁵⁹ The teachers also fail to intervene to stop bullying of Romani children, according to Romani parents. "In 2006, my son attended the standard school and he was the only

⁵² Decree 73/2005 Coll., Section 6(7)

⁵³ Decree 73/2005 Coll., Section 9(3)

⁵⁴ Ibid, Section 16

⁵⁵ Decree 72/2005 Coll., Section 3, Article 1, not addressed by the proposed amendments, (in Czech original) available at: http://www.msmt.cz/uploads/soubory/sb020_05.pdf.

⁵⁶ Ibid, Section 5, Article 2, intact by the amendment

⁵⁷ Council of Europe, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to the Czech Republic from 17 to 19 November 2010*; CommDH(2011)3, 3 March 2011, available at <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1754217>, paras 66-67.

⁵⁸ ERRC interview with the parent of a 4th grade Romani boy. Králův Dvůr, 19 March 2008, originally referenced in ERRC/REF, *Persistent Segregation of Roma in the Czech Education System*.

⁵⁹ ERRC interview with the parent of a 2 grade Romani girl. Roudnice nad Labem, 3 March 2008, originally referenced in ERRC/REF, *Persistent Segregation of Roma in the Czech Education System*.

Romani child there. His classmates made fun of him, telling him he was a “dirty Gypsy”, and he suffered a lot. He didn’t want to go to school and he cried often. We complained to the teacher but she denied any kind of bullying.”⁶⁰

42. ERRC research in March 2011 indicated that the hostility and bullying in mainstream schools persists. As one parent explained, she was faced with the choice of keeping her son in the mainstream school where teachers bullied and humiliated him, triggering depression and demotivation -- or transfer him to segregated special education. The mainstream school offered him no support as he struggled; rather than constructive academic advice, he was recommended to a segregated school teaching a reduced curriculum. Eventually, after independently seeking psychiatric support and trying medications, they decided to transfer him to the special school to avoid the harmful environment of the mainstream school and teachers.⁶¹ Another Romani parent indicated that one of her boys has serious problems with the teachers in the mainstream school. If anything goes wrong in the classroom, the teacher blames him, even if the other pupils vouch for him.⁶² Another Romani parent reported a similar situation: her son’s clothing was torn by a teacher who grabbed him and then subsequently recommended him for a diagnostic stay in institutional care for behavioural problems, although the incident was actually a disciplinary issue. Eventually he was deemed unable to adapt and recommended to a “slower” (that is, special) school “with his peers”: it was implied that only Romani students were his peers. He was eventually enrolled in a school providing primarily special education where he studies according to the mainstream curriculum and is not harassed by teachers: he reportedly no longer has behavioural problems.⁶³
43. Bullying and mistreatment of Romani children in mainstream schooling is a significant obstacle to accessing quality education for all Romani children: the threat of abuse posing a strong disincentive for Romani families to enrol their children in mainstream schools. Parents are likely to quite reasonably conclude that their children will have a better educational experience, rather than being targeted for harassment, in the schools with a higher proportion of Romani students. During research in March 2011, field workers and Romani parents named schools which are renowned as places in which teachers reportedly humiliate Romani students in front of their non-Romani classmates. Indeed, one Romani family reported that when their local mainstream school closed and all the children needed to move elsewhere, their only reasonable option was to send the children to a segregated ‘special school’, as “the standard school available was known to be a racist school that would not accept Romani children.”⁶⁴
44. Currently, no systematic programme exists for anti-racism and anti-discrimination training of teachers and administrators in the Czech school system. The programmes, workshops or seminars that do exist are offered by Czech NGOs, such as the League of Human Rights, and focus on the prevention of prejudice, racism, xenophobia and discrimination.

CONCLUSIONS AND RECOMMENDATIONS

46. The Submitting Organisations are concerned that despite the Czech government’s rhetoric of inclusive education, it is not doing enough to tackle the social and stigmatising forces that prevent the inclusion of Romani children without disabilities and children with disabilities in mainstream education. Indeed, the Czech Government continues to step back from its obligations to implement an agenda for equal, inclusive education that would secure a better future for all children who are currently forced into special education.
47. Without appropriate strategies to ensure that mainstream schools offer an environment of tolerance, understanding and reasonable accommodation it will be difficult for the Czech Republic to realise their obligation to move children with disabilities and Romani children without disabilities who are segregated in special schools into mainstream educational settings.

⁶⁰ ERRC interview with the parents of a 2nd grade Romani boy. Roudnice nad Labem, 3 March 2008, originally referenced in ERRC/REF, *Persistent Segregation of Roma in the Czech Education System*.

⁶¹ ERRC interview with the parent of a 6th grade Romani boy. 10 March 2011.

⁶² ERRC interview with the parent of a 5th grade Romani boy. 10 March 2011.

⁶³ ERRC interview with the parent of a 6th grade Romani boy. 11 March 2011.

⁶⁴ ERRC interview with the parents of 4 Romani children, aged 12-16. 11 March 2011.

48. In advocating for the right to inclusive education of all children in the Czech Republic, the Submitting Organisations recall the Committee's explanatory commentary on Article 29(d); "part of the importance of this provision lies precisely in its recognition of the need for a balanced approach to education and one which succeeds in reconciling diverse values through dialogue and respect for difference. Moreover, children are capable of playing a unique role in bridging many of the differences that have historically separated groups of people from one another."⁶⁵ The Committee has also recognised that "inclusive schooling is the most effective means for building solidarity between children with special needs and their peers"⁶⁶ and the Submitting Organisations contend that this is also true as regards other marginalised and vulnerable groups such as Romani children.
49. In consideration of other State parties, the Committee has offered notable observations and recommendations relevant to the Czech situation. With Denmark, for example, the Committee recommended that the State Party continue and intensify its efforts to prevent and address bullying in schools, particularly introducing a range of educational and socio-pedagogical methods involving parents and an appropriate monitoring of school plans.⁶⁷ The Submitting Organisations request the Committee to consider including similar recommendations in its Concluding Observations for its review the Czech Republic to ensure the government lives up to its inclusive education obligations under the Convention. The Submitting Organisations encourage the Committee on the Rights of the Child to consider the following recommendations for inclusion in its Concluding Observations when reviewing the Czech Republic's record:

⁶⁵ Committee on the Rights of the Child, General Comment No.1: The Aims of Education

⁶⁶ General Comment No.9, 2006, The Rights of Children with Disabilities

⁶⁷ Committee on the Rights of the Child, Concluding Observations: Denmark, 4 February 2011.

AMEND LEGISLATION AND REGULATIONS

1. Adopt legislation in 2011 making segregation on the basis of ethnicity or disability illegal in the Czech Republic, and explicitly mandating school desegregation as part of a wider process of implementing a fully inclusive educational system;
2. Implement the right to education holistically, consistent with a commitment to promoting (a) the best interests of children with disabilities and those from racial and ethnic minorities and (b) non-discrimination, requiring investments in quality early childhood services and education for all children. Such provisions need to be inclusive and designed to respond flexibly to the individual needs of children.
3. Strengthen anti-discrimination legislation to enable positive action leading to the abolition of segregated settings and achievement of better education outcomes for children from Romani communities and children with disabilities.
4. Amend current laws and regulations to conform with the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and other international standards on inclusive education — including, specifically, amendments enshrining the principle of early intervention and reasonable accommodation; obligating designated entities within the government to allocate resources which would enable inclusion, specifying the process by which such resources are to be allocated, and recognising categories of children entitled to receive support services.

POLICY COMMITMENTS TO INCLUSIVE EDUCATION

5. Commit to ensuring that no child is placed into schools or classes with a reduced curriculum on the basis of their disability or ethnicity;
6. Commit to determining, on both individual and systemic level, the support and resources to be provided for all children currently enrolled in “special schools” to enable their inclusion in mainstream education, as well as for children currently enrolled in mainstream schools in need of additional support;
7. Adopt a policy to ensuring that all early childhood and school environments are free of harassment and bullying and welcoming of all children, including any child with a disability and Romani children, and all other children regardless of their ethnicity, gender, sexual orientation, socio-economic background, nationality or physical appearance;
8. Commit to ensuring that children are consulted on issues of right to education including the accessibility and quality of all support and provision;
9. Commit to putting in place mechanisms to monitor and respond to exclusion from mainstream early childhood, primary, secondary and tertiary education.

DEVELOP CONCRETE PLANS AND TIMELINES FOR INCLUSIVE EDUCATION

10. Adopt a concrete plan and timeline commencing in 2011 with clear annual targets to eliminate school segregation and secure full integration of all children with an actual or perceived disability into an inclusive education setting within five years;
11. Adopt a strategy to ensure that teachers and other educational and early childhood professionals are given the opportunity to develop their capability as well as accountability against anti-discrimination and anti-bullying measures. Provide training in the concepts and provision of early intervention, inclusive education and reasonable accommodation and receive initial and ongoing training in the provision of developmental support and education to children who face disadvantage and discrimination. The development of the plan should make use of domestic and international expertise and cooperation where available;⁶⁸
12. Adopt an anti-bullying strategy to equip teachers and other educational professionals with the skills to promote an environment of tolerance and understanding. This should include raising awareness

⁶⁸ See Article 45 of the CRC and Article 32 of the CRPD

through the effective dissemination of information as well as closely consulting with and including Romani children and children with disabilities and their respective families in the implementation and monitoring of the strategy;⁶⁹

13. Institute inclusive early assessment systems to enable individualised and appropriate developmental and educational support that promotes the participation of all children, including Romani children and children with disabilities, in mainstream education, following the mainstream curriculum.
14. Establish and implement a plan for the transfer of children from institutions to family and community-based settings as a means of facilitating the children's full participation in society, including in mainstream education.

GATHER AND USE DISAGGREGATED DATA TO ASSIST IN PLANNING AND MONITORING

15. On an annual basis collect, analyse and make public disaggregated data on all children under 18 for all areas covered by the Convention, including educational placement and outcomes, with special emphasis on the most vulnerable groups, including Romani children and children with disabilities, and strengthen existing Czech mechanisms for data collection;
16. Use these indicators and data effectively in formulating, evaluating and revising as necessary legislation, policies and programs for the implementation, resource allocation and monitoring of the Convention, specifically in relation to inclusive education;

ALLOCATE ADEQUATE FUNDING FOR INCLUSIVE EDUCATION

17. Allocate sufficient national, EU and other budgetary resources to the maximum available so that concrete, measurable steps to ensure the progressive fulfilment of the right to inclusive education⁷⁰
18. Ensure public dissemination of budgetary information, including about resources being spent by school category, in early childhood, primary, secondary and tertiary education.

⁶⁹ Article 4(3) of the CRPD obliges States Parties to 'closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations', and the Submitting Organisations contend that this is a useful principle with which to encourage and promote the participation of other marginalised groups in the development of policies which affect them.

⁷⁰ See Article 4 CRC and Article 4(2) CRPD