

2002

The Non-Discrimination Principle and Its Effect on the Education of Roma Children in the Czech Republic

Leslie Burton

Golden Gate University School of Law, lburton@ggu.edu

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/pubs>

 Part of the [Family Law Commons](#), and the [International Law Commons](#)

Recommended Citation

30 Cap. U. L. Rev. 665 (2002)

This Article is brought to you for free and open access by the Faculty Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in Publications by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

II. THE NON-DISCRIMINATION PRINCIPLE AND ITS EFFECT ON THE EDUCATION OF ROMA CHILDREN IN THE CZECH REPUBLIC

LESLIE BURTON*

A. Summary

All states ratifying the Convention on the Rights of the Child (CRC) are bound to comply with Article 2, which requires States Parties to respect the rights of all children, without discrimination of any kind. In the Czech Republic, however, there is systematic discrimination against the Roma (also referred to as Gypsies). As a result, Roma children are not getting the education they are ensured under Article 28 of the CRC. The Czech Republic has tried, and continues to try, different methods to resolve the problem and to comply with the CRC. This essay will explore the nature of the problems and the past attempts at developing a cure. Finally, this essay will make recommendations as to methods that may help eliminate discrimination against Roma children in education, while promoting other rights contained in the CRC as well.

B. Introduction

Two years ago I taught at the Charles University in Prague, capital of the Czech Republic, and one of Europe's most beautiful cities. During the course of my six-month-stay, I met many wonderful Czech people. Many of them were students, professors, and well-educated professionals. Virtually all of my Czech acquaintances, no matter from what walk of life they came, felt compelled to warn me about the Roma.

"Watch out for Gypsies," I was told. "They will steal your wallet."

"We do not have much crime," someone else said later. "Except for the Gypsies, and their pick-pocketing."

"Hold onto your handbag carefully when Gypsies are around," another new friend advised.

Ironically, I rarely saw "Gypsies." In fact, the Roma constitute only 2 to 3% of the population of the Czech Republic.¹ Nonetheless, fear

* Assistant Professor and LL.M. candidate, Golden Gate University School of Law. J.D., Santa Clara Law School. Professor Burton spent the spring 2000 semester teaching at the Charles University (Karlovo Univerzity) in Prague, Czech Republic. She would like to thank Maria Grahm-Farley for her advice and assistance with this essay.

¹ Commission Opinion on the Czech Republic's Application for Membership in
(continued)

combined with prejudice made their presence loom large. "The kids don't go to school," someone said. "They make money for the family by begging or stealing."

These attitudes have led to widespread discrimination against the Roma. This essay will discuss the Czech Republic's attempts to combat this discrimination, which is prohibited under Article 2 of the CRC, and whether this discrimination is causing the Czech Republic to violate the Roma children's right to education, conferred under Articles 28 and 29 of the CRC.

C. Background

The Convention on the Rights of the Child has its roots in prior United Nations declarations. The idea that children need special protections under the law gave rise, in 1924, to the League of Nations adopting a Declaration on the Rights of the Child.² The United Nations adopted an expanded Declaration in 1998.³ Then, in 1979, the International Year of the Child, Poland introduced the idea of an international convention on children's rights.⁴ For ten years workshops were held to hammer out the wording of the treaty.⁵ The draft was completed in 1989.⁶

In 1989, the U.N. General Assembly unanimously adopted the CRC.⁷ The CRC was then signed and ratified by virtually every nation in the world except for the United States and Somalia.⁸

the European Union, Bull. Eur. Union, Supplement 14/97, 9 (1997). A recent census showed 32,903 Roma in the Czech Republic, which would be .2%, but the Roma underreported themselves, sometimes claiming membership in other groups instead. *Second Periodic Reports of the Czech Republic*, July 17, 1997, U.N. Doc. CERD/C/298/Add.1, at para. 16, available at <http://www.unhchr.ch/> (last visited May 20, 2002) [hereinafter *Second Periodic Reports*]. Unofficial estimates by the Czech Republic are that 150,000 to 200,000 of the Czech population are Roma. *Id.* at para 16, 17. Some believe the population may be closer to 300,000. Adam M. Warnke, *Vagabonds, Tinkers, and Travelers: Statelessness Among the East European Roma*, 7 IND. J. GLOBAL LEGAL STUD. 335, 343 (1999).

² Nigel Cantwell, *The Origins, Development and Significance of the United Nations Convention on the Rights of the Child*, in *The United Nations Convention on the Rights of the Child: A Guide to the Travaux Préparatoires* 19 SHARON DETRICK ED., (1992); *International Human Rights in Context* (Henry Steiner & Philip Alston eds., 2nd ed. Oxford University Press 2000) (2000).

³ *Id.*

⁴ *Id.* at 20.

⁵ *See Id.* at 21-23.

⁶ *Id.*

⁷ *Id.* at 27.

The Czech Republic acceded to the CRC on February 22, 1993 (with the exception of Article 7, to which it took a reservation⁹).

As a treaty, the CRC is horizontally binding between all of the States Parties.¹⁰ Further, under Czech law, international treaties become subsumed into national law, ranking equally with the Constitution.¹¹ Violations of human rights provisions, such as those in the CRC, can be invoked directly before a national judge.¹² Therefore, the Czech Republic must assure that Roma children — like all children — receive the rights they are assured under the CRC.

D. Analysis

1. *The non-discrimination policy of Article 2*

The rights bestowed by the CRC (including the right to education) are ensured to all children “without discrimination, irrespective of the child’s,

⁸ United Nations International Children’s Emergency Fund (UNICEF), *Convention on the Rights of the Child* at <http://www.unicef.org/crc/crc.htm> (last visited May 20, 2002).

⁹ *Status of Ratifications of the Principal International Human Rights Treaties, as of 5/13/2002*, available at <http://www.unhchr.ch/html/menu3/b/k2crc.htm> (last visited May 20, 2002). Czechoslovakia signed and ratified the Convention on September 30, 1990, and made a declaration regarding Article 7, para. 1. The Czech Republic acceded to the CRC by succession from Czechoslovakia, maintaining the declaration regarding Article 7(1). *Id.*

The Child’s Rights Committee expressed its concerns about Article 7, paragraph 1, which provides that all children shall have the right to nationality at birth. *Concluding Observations of the Committee on the Rights of the Child: Czech Republic*, Oct. 27, 1997, U.N. Doc. CRC/C/15/Add. 81, at para. 8, available at <http://www.unhchr.ch/> (last visited May 20, 2002) [hereinafter *Concluding Observations*].

¹⁰ Convention on the Rights of the Child, G.A. Res. 25, U.N. GAOR, 44th Sess. 61st plen. mtg., Annex, U.N. Doc. A/44/25 (1989) [hereinafter *CRC*]. art. 43 (article 43 sets forth the rules that define how the members are bound to each other). The U.S. and Somalia, the two nations that signed but did not ratify, are not bound in the technical sense, but under customary international law they cannot take any action in contradiction of the CRC’s terms, just as they may not take any action in contradiction of any treaty they have signed. *Vienna Convention of the Law of Treaties*, art. 18(a), May 23, 1969, 8 I.L.M. 679, 686 [hereinafter *Vienna Convention*].

¹¹ Jean-Marie Henckaerts & Stefann Van der Jeught, *Human Rights Protection Under the New Constitutions of Central Europe*, 20 LOY. L.A. INT’L & COMP. L.J. 475, 504-505 (1998).

¹² *Id.* at 504.

or his or her parent's, race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."¹³ Although not defined by Article 2 itself, discrimination has been defined by the Human Rights Committee as "any distinction, exclusion, restriction or preference."¹⁴ Article 2 does not give rise to a cause of action for discrimination, but assures that all of the other rights provided by the CRC will be applicable to all children, without discrimination.¹⁵ The Roma child may fall into several protected categories as described in Article 2 of the CRC.

According to the Czech government, the Roma differ from other Czech minorities "due to specific anthropological and social characteristics."¹⁶ These physical or cultural characteristics do not justify discrimination against the Roma because Article 2 specifically prohibits discrimination based on race, national, ethnic, or social ethnic origin.¹⁷

According to the Czech Republic, the Roma as a group tend to live in poverty, with some Roma children engaged in child prostitution while living on the street¹⁸ (actions they should be protected against under the CRC).¹⁹ Even though Article 2 does not specifically mention poverty as a

¹³ CRC, *supra* note 10, at art. 2.

¹⁴ CHILDREN'S RIGHTS: EQUAL RIGHTS? 25, (Sarah Muscroft ed. 2000).

¹⁵ A COMMENTARY ON THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (Sharon Detrick ed., 2000). The Czech Republic also is a party to the International Convention on the Elimination of All Forms of Racism, to which it acceded on February 22, 1993. *Status of Ratification of the Principal International Human Rights Treaties as of May 13, 2002*, available at <http://www.unhcr.ch/html/menu3/b/k2crc.htm> (last visited May 20, 2002) [hereinafter *Status of Ratification*]. Further anti-discrimination provisions appear in the Universal Declaration of Human Rights, which declared that the rights outlined there belong to everyone, regardless of race, color, language, or national origin. *Universal Declaration of Human Rights*, art. 2, available at <http://www.unhcr.ch/udhr/lang/eng.htm>.

¹⁶ *Initial Report of Czech Republic*, June 17, 1996, U.N. Doc. CRC/C/11/Add.11 available at <http://www.unhcr.ch/> (last visited May 20, 2002) [hereinafter *Initial Reports*].

¹⁷ CRC, *supra* note 10, at art. 2.

¹⁸ *Summary Record of the 413th Meeting: Czech Republic*, October 6, 1997, U.N. Doc. CRC/C/SR.413, at para. 23, available at <http://www.unhcr.ch/> (last visited May 20, 2002) [hereinafter *Summary Record of the 413th Meeting*].

¹⁹ CRC, *supra* note 10, articles 34, 35. Articles 34 and 35 protect a child against being prostituted. Art. 34 states: "States Parties undertake to protect the child from all forms of sexual exploitation. . . ." Article 35 states: "States Parties shall take all appropriate . . . measures to prevent . . . the sale or traffic in children." Articles 26 and 27 protect children from having to beg. Article 26 requires States Parties to give children
(continued)

prohibited ground for discrimination, commentators have so interpreted the provision.²⁰ Thus the Roma's poor economic status does not justify discrimination either. The inclusion of poverty may be based on Article 2 language prohibiting discrimination on the basis of "property. . . or other status."²¹

The Roma often are not considered to be citizens of the Czech Republic, and may in fact be stateless, despite long-term residency in the Czech Republic.²² Nonetheless, the Roma's lack of citizenship may not be used as a basis to discriminate against them. Article 2 itself does not mention citizenship, nor specifically prohibit citizenship-based distinctions²³. States Parties, therefore, may endow citizens with different legal rights from resident aliens without arousing the suspicion inherent in enacting racially-based laws. Many of these distinctions would be legitimate and would not violate Article 2.²⁴ The Czech Republic has taken care to guard its citizenship laws and has taken a special interest in regulating citizenship, so much so that it took a reservation to Article 7(1) of the CRC, which otherwise would give all Czech children a right to Czech nationality.²⁵ The Czech Republic has not, however, argued that its citizenship laws relieve it of its obligation to guarantee all children the right to education, nor that the laws allow discrimination in regard to educating Roma children. In any event, any distinctions based on citizenship may not be arbitrary. When a Roma child and a Czech child are both permanent residents of the Czech Republic, any distinction between their respective rights to education would be arbitrary, and thus not a legitimate distinction under Article 2.²⁶

Thus, the Czech Republic cannot discriminate against Roma children, be it on the basis of race, culture, poverty, or citizenship. Any rights

the right to social benefits. Article 27 recognizes the rights of every child to an adequate standard of living. *CRC, supra* note 10, at articles 26, 27.

²⁰ Grounds for Discrimination Against Children, identified by the Human Rights Commission.

²¹ *CRC, supra* note 10, at art. 2.

²² The Czech Republic has been reluctant to allow the Roma to become citizens. Nevertheless, since the Czech Republic became an independent nation in 1992, mechanisms have existed for Roma to become Czech citizens in some circumstances. *Summary Record of the 413th Meeting, supra* note 18. Many Roma are reluctant to become involved in any legal proceedings, though, and as a result may continue to be non-citizens. *Id.* More in-depth discussion of Czech citizenship laws is beyond the scope of this essay.

²³ *CRC, supra* note 10, at art. 2.

²⁴ Belgium's interpretive declaration, made upon ratifying the CRC (1998).

²⁵ *Concluding Observations, supra* note 9. *See also CRC, supra* note 10, at art. 3.

²⁶ *CRC, supra* note 1, at art. 2.

guaranteed by the CRC must be given to Roma children without discrimination.

2. *Right to education under Article 28*

a. *Guarantee of education for all children.*

Article 28 of the CRC guarantees all children the right to education.²⁷ Article 28 specifically requires that States Parties shall “[t]ake measures to encourage regular attendance at schools and the reduction of the drop-out rate.”²⁸ The effect of Articles 2 and 28 together is that the Czech Republic has the obligation to educate Roma children without discrimination.

The Czech Republic has laws to this effect. Its Charter of Fundamental Freedoms states that “fundamental rights and freedoms are guaranteed to everybody irrespective of . . . membership in a national or ethnic minority. . . .”²⁹ The Charter also bestows the right of education on all children. Article 33 of the Charter declares: “Everybody has the right to education”³⁰ Under the Czech mandatory education law, all children

²⁷ *Id.* at art. 28(1). Article 28(1) of the CRC states:

States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education assessable to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

²⁸ CRC, *supra* note 10, at art. 28(1)(e).

²⁹ Czech Republic Charter of Fundamental Rights and Freedoms, art. 3, quoted in *Initial Reports*, *supra* note 16.

³⁰ *Second Periodic Reports*, *supra* note 1, at para. 282.

are required to attend nine years of school,³¹ from age six through fifteen.³² Further, the Charter provides that the education will be free.³³ Thus, the Czech laws as written apply to all children, without exclusion, and would seem to comply with Articles 2 and 28.³⁴ But the analysis must not stop with reviewing the law on the books. The way the law is applied must be examined.

Roma children's rate of school attendance is very low.³⁵ Those few Roma children who go to school are frequently placed in "special" classes or classes for mentally disabled children.³⁶ They may be prohibited from taking academic classes and steered into technical or vocational schools.³⁷ Others are placed in segregated schools, separate from other non-Roma children.³⁸

Not surprisingly, in light of the foregoing, over eighty percent of Roma children drop out before completing their mandatory education.³⁹ Fewer than three percent graduate from secondary (high) school.⁴⁰ Only one percent graduate from college.⁴¹ Thus it seems that systematic discrimination denies the Roma children an education.

This problem has been noted by the United Nations Committee on the Rights of the Child⁴² and by the United Nations Committee on the Elimination of Racial Discrimination.⁴³ The latter said:

³¹ Czech Law No. 29/1984 Coll; *See Id.* at para. 131.

³² *Summary record of the 412th meeting: Czech Republic, Dec. 12, 1997, U.N. Doc. CRC/C/SR.412 available at <http://www.unchr.ch/> (last visited May 20, 2002); *Initial Report, supra* note 16.*

³³ Czech Law No. 29/1984 Coll. *See Second Periodic Report, supra* note 1, at para. 131; *Initial Report, supra* note 16.

³⁴ *CRC, supra* note 10, at articles 2, 28.

³⁵ *Summary record of the 412th meeting, supra* note 18.

³⁶ Marc W. Brown, *The Effect of Free Trade, Privatization and Democracy on the Human Rights Conditions for Minorities in Eastern Europe: A Case Study of the Gypsies in the Czech Republic and Hungary*, 4 BUFF. HUM. RTS. L. REV. 275, 307 (1998).

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Summary record of the 412th meeting, supra* note 18.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Concluding Observations of the Committee on the Elimination of Racial Discrimination: Czech Republic Mar. 3, 1998, U.N. Doc. CERD/C/304/Add.47, at para. 13, available at <http://www.unchr.ch/> (last visited May 20, 2002) [hereinafter *Concluding Observations of the Committee on the Elimination of Racial Discrimination*].

The marginalization of the Roma community in the field of education is noted with concern. Evidence that a disproportionately large number of Roma children are placed in special schools, leading to *de facto* racial segregation, and that they also have a considerably lower level of participation in secondary and higher education, raises doubts about whether . . . the Convention [on the Elimination of all Forms of Racism] is being fully implemented.⁴⁴

3. *Barriers to education of Roma Children*

One of the crucial barriers to Roma children's succeeding in the Czech schools is their lack of knowledge of the Czech language.⁴⁵ Many Roma children speak only their own language, Romani, or a Romani dialect.⁴⁶ Another barrier may be that the Roma hold different values and cultural attitudes than the population at large.⁴⁷

Articles 29 and 30 of the CRC address these issues of language and culture. Article 29 mandates that the child's education must develop respect for the child's own cultural identity, language, and values.⁴⁸ Article 30 states: In those States in which ethnic, religious or linguistic minorities . . . exist, a child belonging to such a minority . . . shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, . . . or to use his or her own language.⁴⁹

The importance of these concepts was also highlighted in the Preamble to the CRC, which states that the States Parties "tak[e] due account of the importance of the traditions and cultural values of each people"⁵⁰

⁴⁴ *Id.*

⁴⁵ *Second Periodic Reports, supra note 1, at para. 134.*

⁴⁶ Adam M. Warnke, *Vagabonds, Tinkers, and Travelers: Statelessness Among the East European Roma*, 7 *IND. J. GLOBAL LEGAL STUD.* 335, 358 (1999).

⁴⁷ *Second Periodic Reports, supra note 1.*

⁴⁸ *CRC, supra note 10, at art. 29(1)(c).* "The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own." *Id.*

⁴⁹ *CRC, supra note 10, at art. 30.* "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language." *Id.*

⁵⁰ *CRC, supra note 10, at Preamble.*

Thus, any solutions to the denial of education must take into consideration the Roma's right to keep its own language and culture.

4. *Attempted solutions*

Article 4 of the CRC requires States Parties to undertake all appropriate measures—legislative, administrative, and other—to implement the rights bestowed by the CRC.⁵¹ This means that the government should ensure it is allocating the maximum resources possible to protecting the rights of all children.⁵² One way to fulfill this duty is to reallocate resources to assist in educating the Roma children.

The Czech Republic has taken some steps in this regard. It has established preparatory classes for Roma students, age five to seven, to help them learn enough Czech to cope with elementary school requirements, as well as to learn the social skills they will need in a Czech public school.⁵³ A model program was funded and launched in 1996 that was supposed to take three years.⁵⁴ The Czech Republic also has prepared documentation of the specific pedagogical needs of Roma children.⁵⁵

Establishing these preparation classes raises two issues: whether operating these classes themselves constitutes impermissible discrimination in violation of Article 2, and whether these classes act to force assimilation on the Roma children in violation of Article 30⁵⁶.

Article 2 does not prohibit all programs which treat minorities differently, such as affirmative action programs which protect the rights of particularly vulnerable children,⁵⁷ or measures which benefit children living in difficult circumstances.⁵⁸ “[T]he bar on discrimination of any kind does not outlaw legitimate differentiation between children” such as to

⁵¹ CRC, *supra* note 10, at art. 4. “States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.” *Id.*

⁵² CHILDREN'S RIGHTS: EQUAL RIGHTS?, *supra* note 14, at 42.

⁵³ *Second Periodic Reports, supra* note 1, at para. 135; *Summary record of the 412th meeting, supra* note 18; Brown, *supra* note 18, at 307.

⁵⁴ *Second Periodic Reports, supra* note 1, at para. 136.

⁵⁵ *Second Periodic Reports, supra* note 1, at para. 136.

⁵⁶ CRC, *supra*, note 10, at articles 2, 29.

⁵⁷ CRC, *supra*, note 10, at art. 29.

⁵⁸ RACHEL HODGKIN & PETER NEWELL, IMPLEMENTATION HANDBOOK FOR THE CONVENTION ON THE RIGHTS OF THE CHILD 30 (1998).

give priority to children who need special consideration.⁵⁹ The emphasis is on whether the differentiation is made in the best interests of the child.⁶⁰ Article 3 of the CRC itself makes the best interests of the child a primary consideration in any government action.⁶¹

The problem of Roma education is severe, and thus justifies special measures such as additional classes to prepare children for school or to teach them the Czech language. These measures would seem to be in the best interests of the Roma children.

But the existence of these preparatory programs may perpetuate discrimination. At least initially, the idea requires that Roma be placed into segregated programs. Further, the Roma children may be scorned by other children (or even adults) who may wonder why these Roma children had to complete an educational pre-requisite not required of the general population. Thus these programs might highlight the differences and tend to fuel further discrimination. Other commentators have noted this problem:

“While segregated education may provide opportunities for children to be educated in their own language and in accordance with parents’ beliefs, it can also serve the cause of inequality and perpetuation of prejudice . . .⁶²”

Conversely, if Roma children are integrated into Czech schools, their language and culture may be lost. In addition to learning Czech, the Roma child likely will become acculturated into Czech society. Roma parents who wish to maintain their own culture fear this loss.⁶³ In fact, some Roma parents refuse to send their children to Czech schools to guard against the resulting disappearance of Roma language and culture.⁶⁴ A balance needs to be struck whereby the Roma children will receive equal

⁵⁹ *Id.*

⁶⁰ CHILDREN’S RIGHTS, EQUAL RIGHTS?, *supra* note 14, at 29.

⁶¹ CRC, *supra* note 10, at art. 3.

“1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. . . .” *Id.*

“3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.” *Id.*

⁶² CHILDREN’S RIGHTS, EQUAL RIGHTS?, *supra* note 14, at 39.

⁶³ Fred Bertram, *The Particular Problems of (the) Roma*, 3 U.C. DAVIS J. INT’L L. & POL’Y 1, 25 (1997).

⁶⁴ *Id.* at 28.

educational opportunities, yet not have to trade their own individual identities to do so.

One way to combat this problem is to aim education at including an understanding and acceptance of the cultural differences between people. Article 29 addresses this goal by providing that education will prepare a child for "responsible life in a free society, in the spirit of understanding, peace, tolerance, . . . and friendship among all peoples, ethnic, national and religious groups. . . ."⁶⁵

The Czech Republic is requiring schools to counter racist attitudes through education. Professionals may need help in understanding the Roma culture and language in order to assist the Roma children in participating in the Czech school system as well as to assist the non-Roma to understand and accept their new classmates. As part of its efforts, the Ministry of Education is instructing teachers in Roma history and culture.⁶⁶ The Czech Republic also requires teachers to "[s]ystematically prepare children and young people for coexistence of various nations, religions and ethnic groups; the correct attitudes should be instilled through appropriate instruction in the context of the ordinary school curriculum as well as through the overall climate of the school"⁶⁷

The Czech Ministry realizes also that it must take steps to convince Roma parents, and the Roma community, of the importance of their children attending school.⁶⁸ One way may be to emphasize that uneducated people (especially those who have not been integrated into society) will have a difficult time finding jobs.⁶⁹ Without either school or vocational training, 95% of the Roma can obtain only unskilled jobs⁷⁰. In the Czech Republic, jobs for unskilled labor are few. Thus the Roma continue to live in poverty, making it unlikely that the next generation will attend school, and the cycle continues.

Public awareness and education campaigns are necessary as well.⁷¹ The media can help by eliminating negative representations of the Roma. In fact, Article 17 of the CRC provides that States Parties shall encourage the mass media to "disseminate information and material of social and

⁶⁵ *CRC, supra* note 10, at art. 29. "The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin." *Id.*

⁶⁶ *Second Periodic Reports, supra* note 1, at para. 135.

⁶⁷ *Id.*

⁶⁸ *Summary record of the 412th meeting, supra* note 18.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ CHILDREN'S RIGHTS, EQUAL RIGHTS?, *supra* note 14, at 29.

cultural benefit to the child"⁷² and also to produce and disseminate information from a diversity of cultural sources.⁷³ But often children in minority groups, such as the Roma, are "simply absent from the media, leaving them without role models and depriving the wider population of positive images of these minority groups."⁷⁴ The Czech Ministry of Education does not seem to have attempted to utilize the media as a tool.

5. *Involving children in future solutions*

The CRC contemplates that children will become involved in resolving issues that effect them. First, Article 42 requires that children be informed of their rights under the CRC.⁷⁵ Second, Article 12 gives children the right to participate in decisions.⁷⁶ Article 12 provides that the States Parties shall assure children "the right to express th[eir] views freely in all matters affecting the child."⁷⁷ Thus Roma children should be consulted as to how to implement policies that will help them realize their rights to education and to their own culture. They should be empowered to be involved in their education.

One solution is to establish a program of peer educators or counselors so that Roma children can see Roma role models who have been benefited by education. Another idea is to assign new Roma students a non-Roma child "partner" or "buddy" to make the Roma child feel welcomed into the Czech school community. The experience will also be beneficial for the partner, who will be developing respect for a culture different than his

⁷² CRC, *supra* note 10, at art. 17(a). "Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29." *Id.*

⁷³ CRC, *supra* note 10, at art. 17(c). "Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources." *Id.*

⁷⁴ CHILDREN'S RIGHTS, EQUAL RIGHTS?, *supra* note 14, at 35.

⁷⁵ CRC, *supra* note 10 at art. 42. "States Parties shall undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike." *Id.*

⁷⁶ CRC, *supra* note 10, at art. 12.

"1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." *Id.*

"2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law." *Id.*

⁷⁷ CRC, *supra* note 10.

own, one of the goals of Article 29⁷⁸. If the non-Roma children are allowed to participate and become actively involved in the process of welcoming the Roma, they will have much more interest and personal stake in the outcome, and will be more likely to assist, rather than to castigate, their Roma classmates.

Another way for children to become involved, and to express their views, involves working hand-in-hand with the media. As discussed above, Article 17 requires the States Parties to encourage the mass media to disseminate material from a diversity of sources⁷⁹. Further, Article 13 gives all children the right to freedom of expression, including the right to impart information through the media.⁸⁰

A partnership between schools and the media could result in positive coverage of Roma children attending classes and prospering in the classroom. Children could develop their own ideas for their own press conference to discuss issues of diversity and treatment of minorities, perhaps in conjunction with a civics or social studies class. The children could ask newspapers to allow their class to design a full page of the newspaper, one time or on an ongoing basis, in which they could submit their own articles, art work, and page lay-out on these issues, including photos showing Roma children working side-by-side with other children on this project. The articles themselves could be devoted to a particular subject each week: diversity one week; community service another week; the history of Roma in the Czech Republic the next week. Thus the children could promote non-discrimination in education while utilizing the media, in conformance with the Convention.

⁷⁸ *CRC, supra* note 10, at art. 29.

⁷⁹ *CRC, supra* note 10, art. 17(a).

⁸⁰ *CRC, supra* note 10, at art. 13(1).

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

E. *Conclusion*

Educating children benefits not just the individual child, but society as a whole. Not only do children have a right to education, but the States Parties also have an obligation to consider the best interests of the child in all actions they take.⁸¹ The Czech Republic is attempting to resolve this problem, but it can do a lot more, especially if it begins to involve the children.

⁸¹ *CRC*, *supra* note 10, at art. 3.