



Persistent Segregation of Roma in the Czech Education System

Pre-publication Draft

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The field research was conducted on the basis of methodology developed by then ERRC Research and Policy Coordinator Savelina Danova in collaboration with Mihai Surdu, Senior Policy Officer at the Roma Education Fund. The field research team was seated within with the Czech non-governmental organisations Zšvule prava, o.s. and Life Together.

Zšvule prava o.s. is a Czech civic association which focuses on protection against discrimination on the grounds of racial or ethnic origin, religion, faith, world view, physical or mental handicap, age, gender or sexual orientation. Representatives of Zšvule prava o.s. cooperated with the ERRC in previous research on special remedial schools and have substantial experience with the Czech educational environment from the point of view of the legislative framework as well as its practical implementation. Zšvule prava o.s. was until June 2008 coordinator of Czech NGOs involved in the process of implementation of the ECHR judgment in the case D.H. and Others v. The Czech Republic. Within Zšvule prava o.s., Edita Stejskalová coordinated the field research team, which comprised Edita Stejskalová, Jan Stejskal, Michal Miko and David Tišer. Kateřina Hrubá conducted extensive desk research for this study.

Life Together is a Romani Czech non-governmental, non-profit organisation which has been active in Ostrava since 1997. The association's activities are concentrated on the areas of humanitarian, educational, social and legal counselling, and the issues of housing, employment, conflict resolution and human rights. Since its founding, Life Together has worked regularly with the ERRC on issues including school desegregation, justice for victims of coercive sterilisation, and an end to housing rights abuses of Roma in the Czech Republic. At Life Together, Kumar Vishwanathan coordinated the research team, which consisted of Miroslava Kokyova and Martina Sadivova.

ERRC consultant Stanislav Daniel conducted a series of follow-up interviews during the development of this report and additional desk research. Tara Bedard and ERRC intern Mihaela Yankova also conducted further desk research.

EXECUTIVE SUMMARY

On 1 January 2005, new legislation on education entered into force which was intended to eliminate discrimination and segregation of Romani children in the Czech education system. At the same time, several important features such as Romani teaching assistants and preparatory classes were introduced to the education system in order to foster the educational integration of children from disadvantaged backgrounds, including Romani children.

On 13 November 2007, the European Court of Human Rights (ECHR) found that the practice of segregating Romani children in Czech schools for children with mental disabilities (“special schools”) amounted to unlawful discrimination in violation of the European Convention on Human Rights. Despite the legal reform and the Court ruling, to this day Romani children continue to be over-represented in former special schools (now relabelled as “practical schools”).

Research undertaken in a sample of 20 practical primary schools by the ERRC in co-operation with the Roma Education Fund in 2008 confirms that Romani children continue to be placed disproportionately in practical primary schools. Of the total sample of practical schools visited by the ERRC which provided estimates:

- In 8 out of 19 schools, Romani children accounted for more than 80% of the student population;
- In 6 out of 19 schools, Romani children accounted for between 50 and 79% of the student population; and
- In only 5 out of 19 schools did Romani children account for less than 50% of the student population; 14% being the lowest.

While the precise proportion of Roma in the Czech Republic as a whole is unknown, unofficial estimates range to no more than 2.9%.

In the majority of cases, the children in question were transferred to practical schools at the end of their first year of study in standard school, and the standard school officials had recommended the transfer. Once tracked into a practical school, the research indicates that Romani students almost never leave them to attend standard schools. In a sample of 14 schools visited by the ERRC, only 5 Romani children had transferred from the practical school to a standard primary school since the 2004/2005 school year, and 4 of these had happened in one school in the Ostrava region, the home of the Romani families in the D.H. case.

The Schools Act 2005 brought all schools in the Czech Republic offering primary education under the broad category of “primary school,” effectively replacing the category of “special remedial schools” for children with light mental disabilities with “practical primary schools.” However, these schools are effectively the same as the former special schools, offering students the same substandard curriculum as the special schools did.

Structural differences in place prior to 2005 continue until the present. The administration of different forms of primary schools remains the same, with practical primary schools falling under the authority of regional governments while local authorities control standard primary schools, structurally reinforcing the inherent differences and inequality between the two types of schools.

Children attending practical primary schools continue to learn according to a modified curriculum for children with mild mental disabilities that puts them at a distinct educational disadvantage. The Framework Education Programme (FEP) does not adjust the curriculum in practical schools to make it equal to that taught in standard schools and rather accentuates the learning of “practical” rather than knowledge-based competencies. The only changes noted were the inclusion of English language and some arts and crafts type classes for most schools. In addition, an increasing number of teachers employed in practical primary schools are being trained as special pedagogues qualified for teaching children with special educational needs.

Significant deficiencies in law and practice with regard to the pedagogical-psychological examination of Romani children continue to encourage wrongful placement of Romani children in schools and classes with a substandard curriculum that limits their education options and employment potential. Pedagogical-Psychological Counselling Centres continue to work according to the same methodology as before 2005 and there are no legal requirements for the repeated examination of children placed in practical schools unless parents so request, and no comprehensive assessment of expert opinions issued by pedagogical-psychological centres. Most Romani children who enter practical schools remain there until they reach grade 9 and leave the school system.

New categories, such as “socially disadvantaged” child, introduced into the Czech education system in 2005, have caused increased confusion as there are no criteria for determining or assessing children falling into this category. The impact of Czech policy complementing the legislative changes, such as the Concept (Project) on Timely Care for Children from Socio-Culturally Disadvantaged Backgrounds in the Area of Education, are therefore difficult to evaluate because quantitative data on the target group – socially disadvantaged children - are not systematically available.

Interviews carried out by the ERRC with Romani parents revealed a glaring lack of information regarding the educational changes concerning their children since 2005. In the Středočeský region, only 3 out of 29 parents confirmed being informed about the changes. The change of the school name to practical school, however, was reported to have resulted in the reduction of stigma attached to the special school due to the almost universal understanding of special schools as for disabled students, and some practical school directors found that this had made it easier to facilitate the agreement of parents to transfer their children to practical schools.

The lack of informed choice of Romani parents regarding the education of their children is a significant problem which contributes to the continued segregation of Romani children in the former special schools. Romani parents frequently lack awareness, often due to the failure of education authorities to provide adequate information about parental rights and responsibilities in

this area, including the responsibility and right to make the decision as to which school their child attends.

ERRC research also indicated that other factors influencing the placement of Romani children in practical primary schools included financial considerations and the fact that some families had one or more other children already enrolled in the practical school, and it was therefore convenient for them to send their younger children to the same school.

At the same time, and often due to racism, discrimination and harassment against their child/themselves in the standard school their child had originally attended, one third of the Pedagogical-Psychological Counselling Centres visited by the ERRC indicated an increasing number of Romani parents were themselves requesting the examination/transfer of their children to a practical school. Many of these children, however, were deemed to be competent for education according to the standard curriculum.

On the positive side, the Government has begun to acknowledge forthrightly the shortcomings of the system and has taken some preliminary steps to remedy them. In addition to the changes in the legal framework, there has been an increase in the number of preparatory classes that provide additional assistance for Romani students. However, it appears that these classes may be serving to perpetuate segregation and the placement of Romani students in the practical school system.

Despite these positive intentions on the part of the Government, the cumulative result is that, three years after the Czech education law amendments and one year after the D.H. decision, Romani children continue to be dramatically over-represented in practical primary schools that follow a special curriculum for mentally disabled pupils. Education law and policy at the central and local levels are not contributing to the desegregation of schools for the vast majority of Romani children in the Czech Republic.

In light of the findings detailed below, the ERRC makes the following recommendations to the Government of the Czech Republic:

- i. Abolish practical primary schools, and transfer all children currently studying in these schools to standard primary schools employing standard curricula.
- ii. Formulate and adopt a comprehensive, multi-year and multi-dimensional strategic plan with clear two year and four year targets to eliminate school segregation of Romani children in a nation-wide consultation process involving Romani organisations, educators and representatives of central, regional and local authorities. This strategic plan should include a realistic cost estimate.
- iii. Allocate in the national budget targeted funding for the implementation of the plan, including for academic and social support of children who transfer from practical to standard primary schools.
- iv. Enact in national legislation an enforceable duty to desegregate schools, and declare publicly that, in light of the D.H. judgment, it is a goal of the Czech government by 2015 to achieve desegregation of its school system and to ensure equal access to educational opportunity for all by 2015.
- v. Prohibit the enrolment of children without mental disabilities in schools designed for children with mental disabilities regardless of parental consent or request, and

provide the opportunity for parents to take legal action against school officials who enable the wrongful placement of non-disabled children in such schools.

- vi. Design a system of financial incentives for standard schools that accept children from practical schools in order to facilitate transfer of children from practical to standard schools.
- vii. Provide targeted financial support to civil society organisations to carry out information campaigns among Romani parents about their roles and rights as the primary decision makers regarding their child's education and the benefits of integrating children from practical into standard schools, and to provide assistance to Romani parents in enrolling their children in integrated schools.
- viii. Romani teaching assistants should be employed in all standard schools as a general strategy to facilitate the transition of Roma into standard schools and assist children in adapting to the higher demands of the standard curriculum.
- ix. Data on school entry and school performance should be collected and disaggregated by school, type of school, class, grade, gender, home language and ethnicity.
- x. Progress made integrating children from practical schools into standard primary schools should also be reported on annually and assessed.
- xi. The Government should entitle all children from disadvantaged backgrounds, including Romani children, to two years of free early education in integrated kindergartens in standard schools.

1. INTRODUCTION

The ERRC has studied the segregation of Romani children in special remedial schools for children with mental disabilities in the Czech Republic since 1996. Documentation collected through monitoring and targeted collection of data has provided the basis for consistent advocacy efforts at domestic and international levels to challenge the segregated education of Roma.¹ These efforts have culminated in a decision of the European Court of Human Rights (ECHR) in the case *D.H. and Others v. the Czech Republic* (hereafter “D.H.”), finding that the practice of segregating Romani children in Czech schools amounts to unlawful discrimination in violation of the European Convention on Human Rights.²

In 2005, while *D.H.* was still pending before the ECHR, the Czech government undertook to amend legislation in the education sector. One of the changes introduced into the Czech school system at that time was the elimination of the category of schools formerly known as “special remedial schools for children with light mental disability” (*zvláštní školy*) and their transformation into “practical primary schools” (*praktické školy*) which, under the new legislation, fall into the category of standard primary schools. Since the Schools Act³ entered into force on 1 January 2005, Czech government officials have as recently as November 2007 stated that the legislative changes have, among other things, remedied the educational problems experienced by Roma in the past, and that segregated education of Romani children is no longer a problem.⁴

However, research undertaken by the ERRC in 2006 indicated that, despite the fact that special remedial schools for children with mild mental disability ceased to exist in the legal order, there was no discernable reduction in the school segregation of Romani children.⁵ At that time, Romani children continued to be educated in segregated environments in the former special schools following the curriculum for children with mild mental disabilities.⁶

¹ For more information on previous ERRC research on segregated education of Roma in the Czech Republic see, *A Special Remedy: Roma and Schools for the Mentally Handicapped in the Czech Republic*, at: <http://www.errc.org/db/00/23/m00000023.rtf>; *Stigmata: Segregated Schooling of Roma in Central and Eastern Europe*, at: <http://www.errc.org/cikk.php?cikk=1892>; *The Impact of Legislation and Policies on School Segregation of Romani Children*, at: <http://www.errc.org/db/02/36/m00000236.pdf>; Submission to the United Nations Human Rights Committee concerning implementation of the International Covenant on Civil and Political Rights (ICCPR) in the Czech Republic presented on the occasion of the Committee’s review of the second periodic report of the Czech Republic, at: <http://www.errc.org/db/02/88/m00000288.pdf>.

² *D.H. and Others v. the Czech Republic*, European Court of Human Rights, 13 November 2007. For more information on the case, see: <http://www.errc.org/cikk.php?cikk=2866&archiv=1>.

³ Law No. 561/2004 Coll., on preschool, primary, middle, higher technical and other education (*Zákon č. 561/2004 Sb. o předškolním, základním, středním, vyšším odborném a jiném vzdělávání /školský zákon*)

⁴ Speaking on the ruling of the European Court in the *D.H.* case, Czech Minister for Human Rights and Minorities Džamila Stehliková told Reuters that the Czech Republic has implemented a number of changes, such as abolishing the special schools and setting up pre-school classes for “Gypsy” children to prepare them for normal schools. Ms. Stehliková was quoted as having stated, “The criticism is probably justified, when we look into the past, but the situation has changed very much since [...]. This case is an old debt, a skeleton that has fallen out of the closet.” See: <http://www.javno.com/en/world/clanak.php?id=97937>.

⁵ The ERRC conducted first-hand research in 6 schools in the Czech Republic in 2006 in the preparation of legal argumentation for use before the Grand Chamber in the *D.H.* case.

⁶ *Systém vzdělávání v ČR*, at: <http://www.nuov.cz/index.php>.

Following the European Court's D.H. judgment, the ERRC conducted new research in the Czech Republic to assess the situation of Romani children in Czech schools as of the 2007/2008 school year.⁷ As the current report reveals, 3 years after the entry into force of the 2005 Schools Act and despite assurances by the Czech government to the contrary, Romani children continue to be dramatically over-represented in Czech practical schools following a special curriculum for mentally disabled pupils. The educational opportunities for these children have not improved in any significant way from the years prior to January 2005.

2. METHODOLOGY OF THE STUDY

In the preparation of this study, the ERRC investigated former special schools (current practical primary schools) to determine to what extent the educational career of Romani children has in the past 3 years been affected or is likely to be affected by the 2005 reforms in the Czech educational system or the D.H. judgment, and whether these reforms improved the conditions for Roma to access equal educational opportunities.

The overall purpose of the research was to establish whether the new school legislation has been conducive to eliminating school segregation of Roma and ensuring equal educational opportunities for Roma. The specific goals of the research were:

- To identify whether Romani children educated in the former special remedial schools for children with light mental disabilities (*zvláštní školy*), transformed into practical primary schools pursuant to Law No 561/2004 Coll. (hereinafter the Schools Act), have access to education of equal standard to that offered in mainstream schools;
- To identify whether procedures for identifying children with special educational needs tend to disadvantage Romani children by channelling them into less competitive education tracks;
- To identify whether there are practical barriers for the free choice of school by Romani children and their parents;
- To identify whether state policies at central and local levels contribute to the desegregation of schools with a majority of Romani children.

The research focused on the following general issues: School curriculum in the former special remedial schools; placement of Romani children in special education classes; educational progress of Romani children; school integration support mechanisms (preparatory classes, teacher assistants); and ethnic composition of the schools and classes.

The research was carried out via first hand in-depth interviews with school directors and teachers, representatives of pedagogical-psychological counselling centres (hereinafter "PPCC") and Romani parents of children enrolled in former special schools. The field research, coordinated by the ERRC, was conducted in the period February-April 2008 by two teams of researchers comprising 6 persons working in parallel in three regions of the Czech Republic – Moravskoslezský, Středočeský, and Ústecký regions.

⁷ This research also formed the basis of a memorandum by the ERRC, Roma Education Fund, Open Society Justice Initiative and the Open Society Foundation's Early Childhood Program and Education Support Program to the Council of Europe's Committee of Ministers on the implementation of the D.H. judgment . The full text of the memorandum is available at: <http://www.errc.org/db/03/47/m00000347.pdf>.

This research constituted a first step towards a larger follow-up research project planned by the Roma Education Fund. A total of 20 former special schools were randomly selected for research in the pilot phase on the basis of unofficial estimates about the size of Romani communities in different parts of the country. In view of the fact that census data from 2001 data are considered inaccurate with regard to the numbers of Roma in the Czech Republic, these data have been taken only as an orientation about the distribution of Roma per district. The availability sample took into account that the three regions included in the sample have the highest concentration of Roma in the Czech Republic. The purpose of this sample is to assess if the legislative amendments led to real change in reality. The next phase of the research will integrate these 20 schools into a larger representative sample of schools.

In addition, information was gathered on 38 standard schools in the vicinity of the former special schools, via interviews with school directors or from the websites of the schools. The schools selected for the research were chosen on the basis of unofficial estimates from local Romani activists and NGOs, as well as Romani advisers in the local administration, about the size of Romani communities in different parts of the country and the proximity of the schools to Romani neighbourhoods.

A total of 58 educational authorities (including school directors, teachers and pedagogical-psychological counselling centre heads) and 183 Romani parents were personally interviewed in the course of research.⁸

At the same time, desk research was conducted to gather nation-wide comparative statistical information about the numbers of children in special education in the Czech Republic prior to and after the reforms in the legislation and school integration programmes.

The research team also attempted to assess the annual reports prepared by the schools in question, which are sent to the regional government's education department, but significant barriers were encountered in this regard.⁹ Only 1 of the 20 schools from which the documents were requested provided the annual report for only 2 years with which this study was concerned. The rest of the schools either specifically refused to provide the annual reports or simply did not respond to multiple written requests. The research team also attempted to obtain the annual reports through the Regional Departments of Education, but was informed that only the schools have these documents in a form which can be disseminated.

In addition, between April and early July 2008, ERRC staff members and consultants conducted follow-up interviews with various representatives from the targeted schools, the PPPCs and Departments of Education at Regional Authorities.

While not based on a representative sample, the research conducted in this study in various locations in the Czech Republic provides a good indication of the effects to date of the legislative amendments introduced in January 2005 and of the current situation of Romani children in the Czech education system.

⁸ See Annex 2 of this report for the interview guide.

⁹ Article 10(3) of the Schools Act stipulates that the annual reports about the school prepared by the director should be published at an accessible place at school: "Any person can access the report and make copies of it, or request a copy of it for the price typical in that place. Legal provisions on free access to information are not implicated by this."

3. LEGAL AND POLICY FRAMEWORK

On 1 January 2005, new legislation on education took effect in the Czech Republic, comprising new and/or amended laws. This includes:

- Law No. 561/2004 Coll., on pre-school, primary, middle, higher technical and other education (“Schools Act”);¹⁰
- Law No. 562/2004 Coll., which changes some laws in connection with the adoption of the Schools Act;¹¹ and
- Law No. 563/2004 Coll., on pedagogical workers and changes in legislation.¹²

The school reform is further developed by implementing regulations (government decrees and public notices by the Czech Ministry of Education, Youth and Sports) and curricular documents; in particular:

- Decree No. 72/2005 Coll., on the provision of advisory services at schools and educational advisory facilities;¹³ and
- Decree No. 73/2005 Coll., on the education of children, pupils and students with special educational needs, and of children, pupils and students who are exceptionally gifted.¹⁴

Article 2 of the Schools Act¹⁵ states that education is based on the principle of “equal access of every citizen of the Czech Republic or other EU Member State to education without any discrimination on the basis of race, skin colour, sex, language, creed or religion, nationality, ethnic or social origin, property, ancestry, state of health or any other status of the citizen.”

As such, there is therefore no provision in Czech law for the formal, standard testing of all children at the point of first enrolment in school.

Amongst the reforms introduced by the Czech Schools Act has been the elimination of the category of special remedial schools from the educational system. These schools were re-named “practical primary schools”, which fall within the broader category of “primary school” that also encompasses “standard primary schools” where the mainstream curriculum is taught. Article 185 of the Schools Act states, “Special school according to the legal regulations valid now is a primary school.” There is no guidance in the Act or its implementing guidelines regarding what the transformation actually means or how any changes should be undertaken.

The curriculum taught in practical schools remains that for persons with mild mental disabilities.

The Schools Act also empowers school directors to create separate schooling arrangements for particular categories of children defined as “children with special educational needs.”¹⁶ “Special

¹⁰ Zákon č. 561/2004 Sb. o předškolním, základním, středním, vyšším odborném a jiném vzdělávání /školský zákon/

¹¹ Zákon č. 562/2004 Sb., kterým se mění některé zákony v souvislosti s přijetím školského zákona

¹² Zákon č. 563/2004 Sb. o pedagogických pracovnících a o změně některých zákonů

¹³ 72/2005 Sb. poradenské služby ve školách a školských poradenských zařízeních

¹⁴ 73/2005 Sb. vzdělávání dětí, žáků a studentů se speciál.vzdělávacími potřebami

¹⁵ Available online at: <http://www.atre.cz/zakony/frame.htm>.

¹⁶ Article 16(8) of the Schools Act states, “If the level of health disability so commands, schools may be created for children, pupils and students with health disabilities, on a case-by-case basis with the consent of the regional authority in the framework of the individual classes of schools, departments or study groups with adjusted educational programmes.”

education” is defined in the Schools Act as a right flowing to children with special educational needs.

3.1 Changes in the Structure of the Czech Education System

The Czech Ministry of Education, Youth and Sports is responsible for the administration of education, including schools of vocational education and training, as well as the development and enactment of educational legislation and policy in the Czech Republic. The Ministry of Education, Youth, and Sports comprises the Minister’s Office and five divisions. The Minister’s Office is directly managed by the Minister and is responsible for internal audit and control, external relations and communication, and conceptions and strategies. The five divisions are run by deputy ministers, and are broken down into sections and departments. At the time the research for this report was conducted, the education of Roma was dealt with by Department 221 on the Education of National Minorities and Multicultural Education of Section 22 for Pre-School and Basic Education.¹⁷

In March 2008, the Ministry of Education, Youth and Sports announced structural changes within the Ministry, including a series of organisational changes wherein a new department would be established – the Department Group 6 Social Programmes in Education, incorporating a new Department of Equal Opportunities, and the Department of Prevention, Special Education and Institutional Care. According to a public statement by Minister of Education Ondrej Liska, the aim of this initiative is to bring unified management to the social dimension of education and a clear course for development which has previously been lacking.¹⁸

The overall responsibility for the functioning of the education system is highly decentralised, with regional and local authorities and the schools themselves exercising a high degree of autonomy.¹⁹ Although the Schools Act of 2005 supposedly eliminated the differentiation between different forms of schools in the Czech Republic and, therefore, discrimination, certain features of the structural division of the present school system reinforce the “special school” - “standard school” distinction in place before the legislative amendments of 2005.

Although the Schools Act 2005 brought all schools in the Czech Republic offering primary education under the broad category of “primary school,” the administration and functioning of the categories of different forms of “primary schools” remains intact from pre-2005. Currently, the so-called standard primary schools are administered at the municipal level, whereas the administration and responsibility for the renamed “practical primary schools” – the former special schools – remains with the regional administration as prior to 2005.²⁰ During an interview with a representative of the Moravskoslezský Regional Department of Education, it was indicated that following the legal amendment of 2005 the regional administration offered to transfer

¹⁷ Roma Education Fund. 2007. Advancing the Education of Roma in Czech Republic. Available online at: <http://romaeducationfund.hu/>.

¹⁸ Ministry of Education. “Ondrej Liska: 100 days in at the head of Ministry of Education.” Press Release dated 11 March 2008. Available online at: <http://www.msmt.cz/pro-novinare/ondrej-liska-100-dni-v-cele-msmt>.

¹⁹ The Organisation for Economic Co-operation and Development (OECD) reported, for example, that between 1998 and 2003, the percentage of decisions taken by local governments in Czech Republic concerning lower secondary education rose from 10% to 32%. See: <http://www.oecd.org/dataoecd/61/54/33671350.xls>.

²⁰ ERRC telephone interview with Mr Herman. Moravskoslezský Regional Department of School Administration, 27 June 2008.

responsibility for the practical primary schools to municipal authorities but this was rejected by the municipal authorities in most cases.²¹

The mere fact of the maintenance of separate administrative responsibility for the practical primary schools compared to the standard primary schools indicates that although the former special schools have changed in name, their place and functioning within the education system has remained static: fundamentally separate and unequal to standard schools. This is especially apparent when viewing this together with other features of the practical schools persisting from the time of the so-called “special” schools as outlined in later sections of this report.

3.2 *Social Disadvantage*

Article 16(1) of the 2005 Schools Act introduced the category “children with special educational needs,” divided in three subcategories: children with “health disability,” with “health disadvantage” and with “social disadvantage.”²² While the first two categories are clearly and objectively defined, the last one is vague and is omitted in almost all implementing regulations and related government decrees.²³ Furthermore, as of June 2008, there was no statistical information available through either the Czech Statistical Office (hereafter “CSO”) or the Institute for Information on Education (hereafter “Institute”) as to the number of socially disadvantaged children in Czech Republic.

The subcategory “children with social disadvantage” includes children from “family environments with a low social and cultural status,” at Article 16(4), without any explanation in the Act itself or elsewhere of how this status should be defined. The terminology used by the Government to define “special educational needs” is further complemented by the category “socio-culturally disadvantaged children” which appears in the Government Concept (Project) on Early Care for Children from Socio-Culturally Disadvantaged Backgrounds in the Area of Education, and which is explicitly associated with Roma.²⁴ This formulation indicates that

²¹ ERRC telephone interview with Mr Herman. Moravskoslezský Regional Department of School Administration, 27 June 2008.

²² 'Health disability' for the purposes of the Schools Act is any mental, physical, visual or auditory impairment or speech defect or combination thereof, autism, or any learning or behavioural developmental disability. 'Health disadvantage' for the purposes of the Schools Act is any health debility, long-term illness, or light health disruption leading to learning or behavioural disruption which requires consideration during education. 'Social disadvantage' for the purposes of the Schools Act is a family environment with a low social and cultural position, threatened by sociopathological phenomena; families where the children are sent to state institutions or placed in protective custody; or are in the position of either recognised refugees or asylum seekers on Czech territory per Law No. 325/1999 Coll., on asylum.

²³ This Government Decree 72/2005 provides that children with a health disability and a health disadvantage shall be identified by the pedagogical-psychological counselling centres. The latter are not empowered to identify children with social disadvantages.

²⁴ It is stated on page 1 of the Concept that a significant percentage of Romani children are included in the group of children with a socio-cultural disadvantage. In its explanation of whom the Concept targets, the Concept defines “socio-culturally disadvantaged background” as “The social and cultural environment that impedes the child’s involvement in the mainstream of education.” At page 4, the Concept lists children from this environment as including those “whose family does not support them in school activities and preparation for school; the family’s relationship to education is indifferent or even negative; the family does not provide enough of the child’s material needs, lives on the fringe of society or is cast out from society; the child’s family is governed by a cultural framework that is different or in conflict with the cultural framework of Czech society; a language other than the language of instruction is used within the family, or this language is used incorrectly (e.g. the Roma ethnic dialect of Czech or Slovak) or is on the level of slang, or the quality of verbal communication itself is weak within the family. If the environment

cultural background is considered to be a disadvantage – a notion which has largely predetermined the erroneous placement of Romani children in special schools in the Czech Republic. Furthermore, the perception of hierarchy of cultures implicated by the term “socio-cultural disadvantage” raises serious questions as to whether the Concept adheres to the principle of equality in interventions concerning Romani children.

3.3 *Advisory Services*

Czech education law establishes that advisory services shall be provided for children and their legal representatives.²⁵ One type of advisory services is designated for the PPPCs which provide diagnostic and advisory functions with regard to children with health disabilities. The second type of advisory services is to be provided by an educational advisor and a preventive methods advisor. The law also mentions that such services are to be provided also for children from different cultural backgrounds and socially disadvantaged students.

3.4 *Transfer between Categories of Schools*

The Schools Act also regulates the transfer of children from one school to another, elaborating on the transfer of children with health disabilities. On this basis, Government Decree 73/2005 provides for the types of education for these children – individual integration, group integration (separate classes within the mainstream school) or education in separately established schools.²⁶ The Decree, however, is focused on children with health disabilities and provides the forms of integration of these children only. It has no provisions for the integration of children from socially disadvantaged backgrounds, nor does it elaborate supportive measures for this category of children. There is no obligation on the authorities to integrate children from socially disadvantaged backgrounds into regular schools or classes.

Various representatives of the Czech education system stressed during interviews with the ERRC that the overarching principle with regard to the transfer of pupils between categories of primary schools are “parental consent” and “parental request.”

According to several representatives of pedagogical-psychological counselling centres with whom the ERRC spoke, not only is parent consent required, but parents must actually request that the process begin.²⁷

It is widely acknowledged that there exists a dearth of information available to Romani parents regarding the rights of their children to education and their rights as the legal representatives of the children. Even within the Czech government, which in recent months has taken on a more

the child is raised in has any of these characteristics, we can also speak about socio-culturally disadvantaged environment.”

²⁵ Government Decree 72/2005 Coll. on the provision of advisory services at schools and educational advisory facilities.

²⁶ Government Decree 73/2005 Coll., on the education of children, pupils and students with special educational needs, and of children, pupils and students who are exceptionally gifted. Article 2(4) provides that the following schools are available for children and pupils suffering from mental disability: specialised nursery schools (*speciální mateřské školy*), special schools, auxiliary schools (*pomocné školy*), vocational training centres (*odborná učiliště*) and practical training schools (*praktické školy*).

²⁷ ERRC telephone interview with Ms Kostelná of Ostrava-Poruba’s Pedagogical-Psychological Counselling Centre, 27 June 2008; ERRC telephone interview with Ms Masakova of Prague’s Pedagogical-Psychological Counselling Centre, 4 July 2008; ERRC telephone interview with Ms Stastna of Usti nad Labem’s Pedagogical-Psychological Counselling Centre, 3 July 2008.

progressive outlook regarding the education of Romani children, there is an acknowledgement that this is a problem. For example, during a conference on the education of Romani children, Mr Vit Schorm of the Ministry of Justice noted that in the implementation of the D.H. judgment, the government should support the increased provision of information to Romani parents.²⁸

The result of the overwhelming lack of information available to parents, combined with the fact that the legal representative of a child must initiate the transfer process, is that very few transfers occur.

3.5 *Framework Education Programme and School Curriculum*

According to the Schools Act, individual schools are obliged to elaborate their own school education plans on the basis of the National Framework Educational Programme which is prepared by the respective ministries for each area of education defined by the Act, including education of children with special educational needs. The Framework Programme instructs school directors how to develop their School Education Plans. These plans should be based on the specific educational aims of the school, take into account the needs and the capabilities of the children, the justified requirements of the parents or legal representatives as well as the social environment in which the education will take place.²⁹

An annex to the Framework Educational Programme for primary education specifies the principles for the education of children with mental disabilities, ranging from light mental disability to severe mental disability. The annex of the Framework Programme therefore provides guidance for curriculum development in practical primary schools, which is intended for children with light mental disabilities, reinforcing the inherent inequality of the education afforded children in standard and practical schools.

4. MAIN FINDINGS OF THIS STUDY

The most recent census in Czech Republic was conducted in 2001. At that time, the Czech Republic had a total population of 10.2 million. According to information published by the Institute for Information in Education, in 2005 there were 1,167,646 children³⁰ in Czech Republic between the ages of 0-14, or 11.4% of the total population.³¹

During the same census, 11,718 individuals (0.1% of the population) identified themselves as Romani, down drastically from the 32,903 persons who had identified themselves as Romani during the 1991 census. However, according to unofficial estimates by experts, the actual number of Roma in the Czech Republic is said to vary between 160,000 and 300,000 persons (1.6 – 2.9%

²⁸ Schorm, Vit, “The judgment of the European Court of Human Rights related to the problem of including Romani children in special schools in the Czech Republic and the execution of the judgment.” Presentation at the 17 March 2008 conference entitled “The education of Romani children in Czech Republic.”

²⁹ The separate teaching plans for schools for children with light mental disability were updated in 2005. See, č.j. 22 115/2005-24 10.6.2005 tj Učební plán vzdělávacího programu zvláštní školy, at: http://www.msmt.cz/Files/HTM/MTT_79ucebniplany.htm.

³⁰ Institute for Information in Education. *Performance Indicators (Výkonové ukazatele) 2005/06 – Table A1.1.8*. Available online at: <http://www.uiv.cz/clanek/431/363>.

³¹ Roma Education Fund. 2007. *Advancing Education of Roma in Czech Republic*. Available online at: <http://romaeducationfund.hu/>, p. 13.

of the total population).³² According to the census, there are higher concentrations of Roma in Ústecký, Moravskoslezský and Středočeský regions, areas included in our survey.

Most recently, a report published by the Ministry of Labour and Social Affairs in 2006 provides statistical information on 310 Romani communities with a total population of between 60,000 and 80,000 Roma.³³ It is estimated that as many as half of all Roma in Czech Republic do not live in socially excluded areas.

4.1 Insufficiency of School Integration Support Mechanisms

Together with the 2005 Schools Act, the Czech government simultaneously announced a series of programmes, projects and concepts whose overarching aim was to improve the inclusiveness of the Czech school system. These included, amongst others, the Concept (Project) on Timely Care for Children from Socio-Culturally Disadvantaged Backgrounds in the Area of Education and the Framework Education Programme for Primary Education.

However, despite the existence of these programmes for several years, little impact can be seen with regard to the educational integration of Romani children in the Czech Republic. Even the Czech Ministry of Education, Youth and Sports recently acknowledged this situation. At a press conference on 4 June 2008, Minister Ondřej Liškawas quoted in the resulting press release as stating, “Our education system unfortunately still has elements, which are justly labelled as segregative” and that Romani children are wrongly placed into schools with lower standards.³⁴

4.1.1 Concept (Project) on Timely Care for Children from Socio-Culturally Disadvantaged Backgrounds in the Area of Education

The Concept on Timely Care as a complex of measures focuses primarily on children between the age of 3 and 6 years. The aim of this Concept is to increase the number of socially disadvantaged children in mainstream education, increase their success in school as well as cooperation between the school and the child’s family, through mainly pre-school education in nursery schools, preparatory classes at primary schools and in centres run by NGOs, activities in counselling centres and work with families.

In April 2008, a report on the implementation of the Concept and an update were completed, including specific tasks for the next period. The Report on the Concept, including its update, was approved by the Czech Government on 14 May 2008 with Government Decree Nr. 539,³⁵ setting particular tasks for the Minister of Education and other relevant state authorities.

³² These figures were quoted independently by the non-governmental organisations ROI (Romani Civic Initiative), Nadace Nová Škola (New School Foundation) and the Fund for Hope and Understanding. See also Research Directorate of Immigration and Refugee Board, “Roma in the Czech Republic: Education”, Ottawa, Canada, December 1997.

³³ Analysis of Socially Excluded Romani Localities and Communities and Absorption Capacity of Subjects Operating in the Field. Available online at: http://www.gac.cz/documents/nase_prace_vystupy/GAC_MAPA_Socially_Excluded_Roma_Localities_in_the_CR_en.pdf.

³⁴ Information from the Czech Press Agency dated 6 June 2008. Available online at: <http://www.topregion.cz?articleId=34228>.

³⁵ Report on Implementation of the Concept on Timely Care for Children from Socio-Culturally Disadvantaged Backgrounds in the Area of Education in Years 2005 – 2007 and its Update. (hereafter:

As elaborated in the Report on the Concept, it is difficult to evaluate the results of the support within this programme because quantitative data on the target group are not systematically available. Amongst other problems with the Concept noted in the Report is the insufficient financing available to schools integrating socially disadvantaged children as no increased subsidies are made available for the higher costs of education. It is acknowledged that this situation cannot be maintained and the Ministry has recommended a change in the system of financing education for socially disadvantaged pupils.³⁶

4.1.2 Preparatory Classes, Teaching Assistants and Romani Teachers

Since the 2004/2005 school year, Czech law has allowed for the establishment of preparatory classes for children in primary schools. Preparatory classes for children from disadvantaged communities are intended to improve the child's capacity to cope with the transition from the home to the "institutional" educational environment. Sections 34 (4) & 34 (7) of the Schools Act set out that preschool education should create the basic conditions for continuing in the school system and help balance the different rates of development for different children prior to the start of their primary education, as well as provide special pedagogical care to children with special educational needs.

According to these principles, it would be reasonable to house preparatory classes in standard primary schools in order to facilitate the integration of Romani children and others into the standard system. However, there are practical primary schools which operate preparatory classes; 4 of the 20 visited by the ERRC.³⁷ Indeed, during a telephone interview with the ERRC, the director of Prague's PPCC stated that most preparatory classes exist in practical schools.³⁸

According to statistics from the Institute for Information on Education, the number of preparatory classes in the Czech Republic is rising. In 2004/2005 there were 126, in 2005/2006 there were 123, in 2006/2007 there were 146 and in 2007/2008, there were 164. During a presentation in the Czech parliament on 17 March 2008, Ms Jirina Ticha of the Ministry of Education indicated that approximately 300 preparatory classes in the country would be necessary to fully meet the needs of socially disadvantaged children. It is difficult to see, however, where this estimate comes from given that statistics about socially disadvantaged children are not gathered and it is therefore not possible to accurately determine the number of socially disadvantaged children currently attending preparatory classes or the number in need of a place in a preparatory class.

As indicated above, the question of whether or not disadvantaged Romani children are actually making it into preparatory classes in standard schools is difficult to answer. There is also little information as to whether schools which should open preparatory classes for disadvantaged children have done so. According to the director of a practical primary school in Usti nad Labem, "kindergartens are not accessible to most Romani families and standard schools are not willing to

"Report on the Concept") Available online at:
[http://kormoran.vlada.cz/usneseni/usneseni_webtest.nsf/0/D550C8F166A42EA0C12574480023E36F/\\$FILE/539%20uv080514.0539.doc.pdf](http://kormoran.vlada.cz/usneseni/usneseni_webtest.nsf/0/D550C8F166A42EA0C12574480023E36F/$FILE/539%20uv080514.0539.doc.pdf).

³⁶ Report on the Concept, pp. 7-8.

³⁷ Usti nad Labem (since 2004); Mariánské Hory(since 1997); Ostrava-Hrabůvka(since 2004); and Slezská OstravaSlezská Ostrava.(since 2005).

³⁸ ERRC telephone interview with the director of Prague's Pedagogical-Psychological Counselling Centre. 30 May 2008.

establish preparatory classes, probably due to the fact that many Romani children would attend.”³⁹

Information made available by Czech government offices supports the claim that the establishment of preparatory classes in practical schools serves to reinforce segregation in the practical school system. According to an evaluation by the Ministry of Education, Youth and Sports, whereas only 10% of Romani children attending preparatory classes in practical schools subsequently enrol in standard primary schools, 80% of Romani children that attend preparatory classes in standard schools enrol in standard primary schools and have a higher chance of staying there.⁴⁰

This study highlighted the critical role of strong support for integrative measures at the individual level. For example, the director of one practical primary school interviewed by the ERRC was obviously very keen on the integration of Romani children in the standard school system. As a result, the integration measures implemented in the school seemed to be yielding some results. Director Horská told the ERRC that her school experienced an increasing number of pupils attending its two preparatory classes, about half of whom are Romani. At the same time, Director Horská stated about 75% of the children from her preparatory classes end up enrolling in the nearby standard primary school.⁴¹

In addition, 4 of the 20 practical schools visited by the ERRC in the Ústecký, Středočeský and Moravskoslezský regions of the Czech Republic employed Romani teachers.⁴² In half of the practical schools visited by the ERRC, the director indicated that the school also employed a number of Romani teaching assistants.⁴³ While efforts to increase employment of Roma in all levels of the Czech school system is much needed, focusing on the hiring of Romani teachers and assistants in practical primary schools may be interpreted as evidence that: i) practical schools are being set up to attract Romani children; and ii) the likelihood of their integration in the standard school system is in fact decreasing.

4.1.3 Educational Projects not Facilitating Roma Integration

Czech schools are able to engage voluntarily in projects aside from those determined within government programmes which could contribute to the educational integration of Romani children. There is, however, no obligation on the school in this regard. Discussions with the directors of practical schools indicate that some schools do exercise this option and engage in various projects. This may be interpreted as a method employed by the school to gain resources, given that additional financing is not made available through government sources as noted by the Ministry.

However, according to the information provided on the projects implemented in the schools visited, the aims and effects of these often do not contribute to the integration of Romani children

³⁹ ERRC interview with Director Bartunková, Practical Primary School Karla IV 34/12. Usti nad Labem, 6 and 10 March 2008.

⁴⁰ Informative Centre for Youth. Available at: <http://www.icm.cz/v-cr-funguje-164-pripravnych-trid-pro-romske-deti-pribyva-jich/>.

⁴¹ ERRC telephone interview with Director Hana Horská, Practical Primary School Listopadu street 17. Chomutov, 3 July 2008.

⁴² Trmice, Chomutov, Usti nad Labem and Mariánské Hory. The practical schools visited by the ERRC in Teplice will reportedly have a Romani teacher starting from the fall of 2008.

⁴³ Teplice, Chomutov, Neratovice, Beroun, Trmice, Usti nad Labem, Králův Dvůr, Ostrava-Přivoz, Mariánské Hory and Slezska Ostrava.

in standard schools. Of those schools which had participated in educational projects, most were either Romani cultural programmes or multi-cultural educational programmes which did not specifically target Roma. In Bilina, the practical school visited by the ERRC had a project to run a Romani cultural week at the school. In Teplice and Chomutov, both schools visited by the ERRC were implementing a project originating at Leipzig University, just across the border in Germany. The overall aim of the projects was, according to the school directors, to improve the attitude of Romani children concerning education, focusing on after-school activities and supplementary educational services, and was not focused on the school integration of Romani children.

4.2 Changes Implemented in Practical Schools since 2005

The research conducted by the ERRC indicates that changes to the former special schools following the entry into force of the Czech Schools Act in 2005 have not fostered significant impact on the integration of Romani children in standard primary schools..

The categorisation of children enrolling in practical schools has not changed since 2005. According to interviews with school directors, *all* children attending their schools have been categorised as having mild or greater degrees of mental disability by a Pedagogical-Psychological Counselling Centre. In addition, it was stressed that the recommendation from the PPCC was a “requirement” for children to enter the practical school setting.

For example, the director of the Ostrava-Poruba practical school visited by the ERRC insisted, “If we do not have the recommendation [from the PPCC], we cannot enrol the child.”⁴⁴ This was confirmed by the Ostrava-Poruba PPCC, who maintained, “Parents cannot enrol their child to that school [the practical school visited by the ERRC] without our recommendation.”⁴⁵

While the amendment of the Schools Act in 2005 introduced the category of “socially disadvantaged” child into the Czech education system, there are no criteria for determining or assessing children falling into this category, and none of the practical school or PPCC representatives use this category officially.

In addition, the directors of twenty practical primary schools with whom the ERRC spoke confirmed that the curriculum taught in the school has not changed after the Schools Act was introduced. As of the time of writing this report, practical schools in the Czech Republic continued to teach according to the curriculum for children with mild mental disabilities introduced in 1997.⁴⁶

It is difficult to reconcile the requirement of a PPCC recommendation prior to practical school enrolment with the adherence to the curriculum for children with mild mental disabilities in supposedly “standard” primary schools.

⁴⁴ ERRC telephone interview with Director Čapanda, Practical Primary School Čkalovova 942. Ostrava-Poruba, 26 June 2008.

⁴⁵ ERRC telephone interview with Director Kostelná, Ostrava-Poruba’s Pedagogical-Psychological Counselling Centre, 27 June 2008.

⁴⁶ ERRC interview with Director Mrázková. Practical Primary School Mostecká 309. Jirkov, 7 March 2008.

During in-depth interviews, all school representatives expressed that the only major changes to have taken place in their schools since 2005 was a change of the school's name, and the introduction of the Framework Education Programme (hereafter "FEP"), operational since the beginning of the 2007/2008 school year.

4.2.1 Psychological Effect of the Terminology Shift

Part of the research conducted by the ERRC related to the perception of the practical schools following the change of terminology from "special" to "practical," and the implications of this on the education of Romani children. In some of the schools visited by the ERRC, researchers noted that the mere change in the name of the school had had a "positive" psychological effect on parents interviewed, meaning that the use of the new terminology resulted in the stripping of stigma attached to the "special" school due to the almost universal understanding of special schools as schools for disabled students. As schools are now referred to as only "primary schools", parents no longer perceived the school to be "special" or different.

In Králův Dvůr and Beroun, for example, many of the parents interviewed by the ERRC expressed their belief that their children attended an "ordinary" primary school, offering full educational and employment opportunities. For example, during an interview with the ERRC, one parent at the Králův Dvůr practical school insisted that special education is not for mentally disabled children, and that their further educational possibilities are not limited

"because the new school legislation, which changed the name of the former special schools, has also allowed that children from practical schools can have the same educational possibilities like the children from standard school."⁴⁷

A number of the parents interviewed in the Moravskoslezský Region repeated that "the school is not special anymore."

The mother of a 4th grade Romani child in Ostrava-Prizov stated, "The school is not special anymore, it is a standard school [...] they have more lessons and the curriculum has a different name."

In terms of the implications of this shift in perceptions about the former special schools, the practical school director in Beroun stated that the change of the school name from "special" to "practical" had made it easier to facilitate the agreement of parents to transfer their children to practical schools: "parents' motivation to cooperate with the school is higher."⁴⁸

Indeed, the experience of ERRC researchers in conducting this study confirmed the likelihood of misunderstanding the actual nature of the practical schools. The "primary school" element of the school name tended to be the focus of discussion, with little distinction between "practical" and "standard" primary schools. For example, during telephone calls to the practical primary schools included in this study, school representatives often answered the telephone by stating, "Yes, Primary School X. How may I help you?" When asked by ERRC researchers to confirm which school had been reached, only rarely did the representative eventually introduce the school as a "practical primary school."⁴⁹

⁴⁷ ERRC interview with the parent of a 6th grade Romani girl. Králův Dvůr, March 2008.

⁴⁸ ERRC interview with Director Dryšmidová. Practical Primary School Karla Čapka 1457, Beroun 12 and 19 March 2008.

⁴⁹ Observation of ERRC researcher Stanislav Daniel, July 2008.

4.2.2 Curriculum Provisions in the Framework Education Programme Not Contributing to Integration

Some school directors expressed concern about the Framework Education Programme (FEP). The director of a practical primary school in Teplice expressed that compared to the investment in this programme, its end effect is “clearly inadequate”.⁵⁰ In the main, the implementation of the FEP has resulted in the inclusion of English language and some arts and crafts type classes for most schools. The director of a practical primary school in Bilina stated that the FEP does not bring about any integration related changes because adjustment of the curriculum according to the FEP does not bring the practical school curriculum in line with that taught in standard schools (which are generally about 2 years ahead).⁵¹ Another school director went further to state that the FEP actually accentuates the learning of practical rather than knowledge-based competencies.⁵²

These statements are corroborated by the minimum provisions on curriculum contained in the Framework Education Programme itself. As can be seen from the table below, there are clear differences in the focus of the curriculum taught in standard and practical primary schools. The curriculum in practical primary schools is focussed more on arts, cultural and physical education, while in standard primary schools the focus is on key knowledge areas such as mathematics and language development.

| Comparison of Curriculum Provisions in Standard and Practical Primary Schools According to the Framework Education Programme (in hours per month) | | | | |
|--|-------------------|--------------------|-------------------|--------------------|
| <i>Educational Area</i> | <i>Grades 1-5</i> | <i>Grades 1-6</i> | <i>Grades 6-9</i> | <i>Grades 7-10</i> |
| | <i>Standard*</i> | <i>Practical**</i> | <i>Standard*</i> | <i>Practical**</i> |
| Language and communication [^] | 44 | 37 | 27 | 24 |
| Mathematics and its applications | 20 | 12 | 15 | 12 |
| Arts and culture | 12 | 18 | 10 | 8 |
| Physical education | 10 | 18 | 10 | 12 |
| World to Work | 5 | 21 | 3 | 22 |

* Information from the Framework Education Programme, p. 109. Available online in English at: <http://www.msmt.cz/vzdelavani/framework-education-programme-for-basic-education>.

**Information from the Framework Education Programme, p. 68. Available online in Czech at: <http://www.msmt.cz/vzdelavani/ramcovy-vzdelavaci-program-pro-obor-vzdelani-zakladni-skola>.

[^]As regards language and communication provisions, the difference between practical and standard competencies is even more defined, with standard schools allocating time between Czech language and literature and foreign languages, while in practical schools this time is divided between reading, writing and speech education.

In addition, in Jirkov, the director of the practical primary school visited by the ERRC found it to be a problem that the FEP transfers responsibility for curriculum development to teachers who are

⁵⁰ ERRC interview with Director Kellnerová, Practical Primary School U červeného kostela 110/29. Teplice, 11 March 2008.

⁵¹ ERRC interview with Director Krzaková, Practical Primary School Kmochova 205/10. Bilina, 14 March 2008.

⁵² ERRC interview with Director František Kovář, Practical Primary School Na Celné Na Celné 2. Mladá Boleslav Mladá Boleslav, 11 March 2008.

not adequately paid, and stated, “it is a big drawback that the curricula [between schools] are not compatible which causes problems when children are transferred to another school [even within the same category of schools].”⁵³ This system of a curriculum tailored by class and school was also noted to be incompatible with the migration of some Romani families for work.⁵⁴

The transfer of responsibility for curriculum development towards teachers also raised questions with regard to the competency of teachers to perform this task. While some teachers may be qualified for this, certainly not all are. This is especially true in the case of practical schools where not all teachers are adequately qualified to teach the children in their classes, as outlined in the following section of this report.

The Director of the Mladá Boleslav practical school visited by the ERRC articulated the result of these deficiencies well when stating, “in practice the transfer of a child from special to standard curricula is not possible.” According to the Director, the nature of the special curriculum and the disability of the child contribute to this. The significant reduction in the special curriculum, which according to the Director places children studying in practical schools about two years behind students in standard schools, make it impossible for children from practical schools to cope with the standard curriculum.⁵⁵

4.2.3 Practical School Teachers Qualified for Special Needs Education

As was highlighted during research, the vast majority of teachers employed in practical primary schools are special pedagogues, qualified for teaching children with special educational needs, including mental disabilities. In addition, many of the school directors indicated that where teachers at the school did not have formal qualifications for teaching children with special learning needs, many of these teachers were studying to obtain their special pedagogy degrees.

| Teacher Qualification in the Practical Primary Schools Visited by the ERRC | |
|---|---|
| School | Percentage* |
| <i>Ústecký Region</i> | |
| Roundince nad Labem | majority special pedagogues, several studying now |
| Trmice | 32% special pedagogues, 48% general pedagogy, 20% studying special pedagogy |
| Usti nad Labem | 76% special pedagogues, 12% general pedagogy, 12% studying special pedagogy |
| Jirkov | 43% special pedagogues, 43% general pedagogy, 14% studying special pedagogy |
| Teplice | majority special pedagogues, 4 studying now |
| Chomutov | 80% special pedagogues |
| Bilina | N/A |
| <i>Středočeský Region</i> | |
| Mladá Boleslav | majority special pedagogues |
| Beroun | 100% special pedagogues |

⁵³ ERRC interview with Director Mrázková, Practical Primary School Mostecká 309. Jirkov, 7 March 2008.

⁵⁴ ERRC interview with Director Bendlova, Practical Primary School Fugnerova. Trmice, 5 March 2008.

⁵⁵ ERRC interview with Mr František Kovář, Director of the Mladá Boleslav Mladá Boleslav Practical Primary School. Mladá Boleslav Mladá Boleslav, 5 March 2008.

| | |
|-------------------------------|--|
| Králův Dvůr | N/A |
| Kolin | N/A |
| Neratovice | 60% special pedagogues |
| <i>Moravskoslezský Region</i> | |
| Ostrava – Poruba | special pedagogues |
| Frydek Mistek | special pedagogues |
| Ostrava – Vitkovice | 50% special pedagogues, 50% general pedagogues |
| Ostrava – Prizov | special pedagogues |
| Marianske Hory | special pedagogues |
| Ostrava - Zabreh | 68% special pedagogues, 32% studying now |
| Ostrava – Hrabuvka | special pedagogues |
| Slezska Ostrava | special pedagogues |

*Information provided to the ERRC by the school’s director.

If practical schools are indeed equal to “standard” primary schools as the Czech government has declared since 2005, one questions the need for teachers in these schools to obtain special pedagogy qualifications. The fact that the vast majority of teachers in the practical schools in the Czech Republic are either qualified as special pedagogues or are currently studying to obtain their special pedagogy qualification is consistent with the claim that for all intents and purposes the nature of the schools concerned has not changed since the introduction of the Schools Act 2005.

4.2.4 *Problematic Information Flow to Romani Families*

Parent information on the changes implemented in the schools following the change of the law in 2005 appeared from the research to be problematic. While information flowing from the interviews was patchy in this regard, it can be said with surety that information on the limited changes which have been implemented has not in all cases been communicated to the parents of the students enrolled in the practical schools. In the Středočeský region, for example, only 3 out of 29 parents interviewed confirmed being informed about the changes, where one of the parents heard this information “on TV.”⁵⁶ Three parents explicitly stated that they were not informed. In Ústecký Region, as one parent from Roudnice nad Labem stated, “I learned about the change in the name of the school only from my daughter’s pupil record book.”⁵⁷

4.3 School Enrolment Patterns since the 2004/2005 School Year

Close examination of the information available on school enrolment in the Czech Republic indicates that the number of pupils in the former special remedial schools has not diminished since the introduction of the Schools Act in 2005, but has remained at almost the same level. At the same time, the proportion of pupils in former special remedial schools (current practical primary schools), in which Romani children are disproportionately represented, compared to that in all categories of special schools grew by 8.73% , from 64.51% in 2004/2005 to 73.24% in 2006/2007 . These two trends support claims that the number of Romani children tracked into special/practical schools in Czech Republic is not decreasing.

⁵⁶ ERRC interview with the parent of a 2nd grade Romani girl. Kolin, 19 March 2008.

⁵⁷ ERRC interview with the parent of a 2nd grade Romani girl. Roudnice nad Labem, 3 March 2008.

| Numbers of pupils enrolled in Standard and Special/Practical Schools in Czech Republic (2004, 2005, 2006) | | | | | | |
|--|------------------------|------------------|-------------------------|------------------|--------------------------|------------------|
| | 2003/2004 [^] | | 2004/2005 ^{^^} | | 2005/2006 ^{^^^} | |
| Basic Primary Education | Number of schools | Number of pupils | Number of schools | Number of pupils | Number of schools | Number of pupils |
| Total basic school and pupils C1.1. | 4,838 | 998,731 | 4,765 | 958,860 | 4,474 | 916,575 |
| Standard schools C2.1. | 3,870 | 956,324 | 3,785 | 917,738 | 3,741 | 881,676 |
| Percentage* | 79.99% | 95.75% | 79.43% | 95.71% | 83.62% | 96.19% |
| Special schools C3.1 | 898 | 41,039 | 910 | 39,798 | 670 | 33,806 |
| Percentage* | 18.56% | 4.11% | 19.10% | 4.15% | 14.98% | 3.69% |
| (Former) special remedial schools C3.3 or practical primary schools C3.7** | 411 | 26,475 | 398 | 25,581 | 378 | 24,761 |
| Percentage* | 8.50% | 2.65% | 8.35% | 2.67% | 8.45% | 2.70% |
| Percentage of C3.1 | 45.77% | 64.51% | 43.74% | 64.28% | 56.42% | 73.24% |

* Out of the total number of basic schools (C1.1)

** The category C3.7 practical primary schools was established in 2005/2006 and replaced C3.3 special remedial schools in previous years

[^] See: Institute for Information in Education. Výkonové ukazatele 2003/2004 - kapitola C Základní školství [Basic Education]. Sheet C3.3 Zvláštní školy. 2004. Available online at: <http://www.uiv.cz/clanek/457/814>.

^{^^} See: Institute for Information in Education. Výkonové ukazatele 2004/2005 - kapitola C Základní školství [Basic Education]. Sheet C3.3 Zvláštní školy. 2005. Available online at: <http://www.uiv.cz/clanek/559/1091>.

^{^^^} See: Institute for Information in Education. Výkonové ukazatele 2005/06 - kapitola C Základní vzdělávání [Basic Education]. Tables C1.1 (all basic schools), C3.1 (special basic schools), C3.7 (practical primary schools). 2006. Available online at: <http://www.uiv.cz/clanek/431/365>.

4.3.1 Enrolment Trends

Information gathered by the ERRC concerning the patterns of enrolment in standard schools compared to practical schools in the period since the amendment of the Schools Act in 2005 indicates cause for concern as regards the efforts to “integrate” Romani children in mainstream education.

When comparing enrolment trends in standard versus former special/practical primary schools in Czech Republic, one can observe that while the student population of standard primary schools is decreasing overall in the research sample, the student population in practical primary schools is static. It has also been reported that there has been an overall increase in the number of pupils in

Czech Republic diagnosed with learning difficulties, at 6.5% of the student population in 2005 compared to only 2.5% in 1990.⁵⁸

According to information from the ERRC’s school research sample, there has been a general downward trend in the number of pupils enrolled in standard primary schools in the Czech Republic since the 2004/2005 school year. Overall, in the period 2004/2005 – 2007/2008, the student population of the standard schools targeted in all three regions dropped. In the Ústecký region, the student population dropped from 92.0% to 82.0% of the school’s capacity. In the Středočeský region, the student population dropped from 78.8% to 70.8% of the school’s capacity and in Moravskoslezský, the student population dropped from 72.8% to 64.0% of the school’s capacity.

Of the 36 standard schools for which relevant information was gathered, only 3 had experienced an increase in their student population. Six schools had experienced a decrease of between 124 and 166 students in the period covered.

However, in stark contrast, in the practical schools targeted in this study the directors indicated that the number of children enrolled in their schools each year since the 2004/2005 school year had not fluctuated.

These indicators, which show decreasing student populations in standard schools and static school populations in practical schools, call into question the impact of the so-called integration measures of the Czech government since the adoption of the new Schools Act in 2005, on the transition of Romani children into the standard school setting in Czech Republic.

4.3.2 Disproportionate Representation of Romani Children in Practical Schools Continues

Information pertaining to the ethnic composition of the schools targeted during the research was much more difficult to obtain given that data disaggregated by ethnicity are not gathered at the school level systematically in the Czech Republic. Many people mistakenly believe that it is illegal to gather such data; school officials often noted this during interviews, and the information publicly available regarding the children enrolled in Czech schools does not provide this type of information.

However, when requested to provide unofficial estimates of the proportion of Romani children registered in their school, 19 out of 20 practical primary school directors provided an estimate. Romani parents of children enrolled in the schools were also requested to provide their estimate on the ethnic composition of their child’s school and class.

| Percentage of Romani Students Currently Enrolled in Practical Schools Visited by the ERRC | |
|--|--------------------|
| School | Percentage* |
| <i>Ústecký Region</i> | |
| Roundince nad Labem | 50% |
| Trmice | 95-97% |
| Usti nad Labem | 95% |

⁵⁸ Roma Education Fund. 2007. Advancing Education of Roma in the Czech Republic (citing official Czech Government data). Available online at: <http://romaeducationfund.hu/>, p. 25.

| | |
|-------------------------------|--------|
| Jirkov | 70% |
| Teplice | 95% |
| Chomutov | 60% |
| Bilina | 70% |
| <i>Středočeský Region</i> | |
| Mladá Boleslav | 38% |
| Beroun | N/A** |
| Králův Dvůr | 97% |
| Kolin | 30-50% |
| Neratovice | 50% |
| <i>Moravskoslezský Region</i> | |
| Ostrava – Poruba | 15-20% |
| Frydek Mistek | 60% |
| Ostrava – Vitkovice | 100% |
| Ostrava – Prizov | 90% |
| Marianske Hory | 95% |
| Ostrava - Zabreh | 14%^ |
| Ostrava – Hrabuvka | 45% |
| Slezska Ostrava | 80% |

*Information provided to the ERRC by the school’s director.

**According to parent estimates, Romani children accounted for approximately 40% of the student population.

^ During an interview with the ERRC on 3 July 2008, the school director indicated that the school specialised in the education of children with medium to heavy disabilities, whereas most Romani children enrolled in practical schools are diagnosed with mild mental disabilities, which explains the low representation of Roma in this school.

Romani children thus appear to be over-represented in all practical schools visited by the ERRC, when compared even to the unofficial estimate of the proportion of Roma in the country as a whole (up to 2.9%).

In the Ústecký and Moravskoslezský regions, Romani children were on average more highly over-represented amongst the student population of practical schools than in the Středočeský Region:

| Average Percentage of Romani Students Currently Enrolled in Practical Schools Visited by the ERRC | |
|--|--------------------|
| Region | Percentage* |
| Ústecký | 76.4-76.7% |
| Středočeský | 53.7-58.7% |
| Moravskoslezský | 62.4-63.0% |

*Average of the information provided to the ERRC by the school’s director.

Of all the practical schools visited by the ERRC, Romani children accounted for more than 80% of the student population in 8 out of 19 (42.11%) schools. In 6 out of 19 (31.58%) schools, Romani children accounted for between 50% and 79% of the student population. In only 5 (26.32%) of the practical schools visited by the ERRC did Romani children account for less than

50% of the student population; 14% being the lowest. Three of these schools were in the Moravskoslezský Region and 2 were in the Středočeský Region.

While there is no “official” explanation for the reportedly lower representation of Romani pupils in some practical primary schools in the Moravskoslezský region, school directors there noted that since the “Strasbourg” case was filed, the schools had been more careful about enrolling Romani children.⁵⁹ This suggests two results of the D.H. and Others v. the Czech Republic case (which relied upon research in Ostrava): First, school representatives in this region are wary of providing data on the ethnic composition of their schools; second schools in this region may well now be more strict in the application of entrance criteria.

During discussions with parents of Romani children attending the practical schools about the differences between local standard and practical schools, a majority of parents spoke about the ethnic composition of the school as a major differentiating factor, with practical schools often noted to be schools for Romani children only.

One 6th grade Romani boy with whom the ERRC spoke in Trmice stated clearly: “A practical school is a Gypsy school.”

Comparing the proportion of Romani students in standard versus practical schools, the director of a practical primary school in Trmice estimated that, in the local standard school, Romani students account for about 50%, while the practical school has at least 95% Romani students.

4.3.3 Worrying Trends in Enrolment in Practical Schools

Interviews with Romani parents whose children attend practical schools also pointed to a family pattern with regard to the placement of Romani children in these schools. Of 154 parents interviewed, 59% responded that they had more than one child enrolled in a practical school. In the Moravskoslezský region, of the 76 Romani parents interviewed, only 33 (42.4%) had only 1 child enrolled in the school while 43 (56.6%) had more than 1 child attending the practical school. In the Středočeský region, out of 28 families, 8 (27%) had only one child enrolled in the practical schools; the other 20 families (74%) had more than one child attending practical school. In the extreme, one family the ERRC met in Kolin had 11 children, all of whom attended practical school. In the Ústecký Region, out of 50 parents, 28 (56%) had more than 1 child attending practical school.

4.4 How Romani Children End Up, and Stay, in Practical Primary Schools in Czech Republic

4.4.1 Legal Requirements for Enrolment in Practical Primary Schools

Government Decree No. 72/2005 provides the legislative framework for the functioning of school advisory services, including pedagogical-psychological counselling centres which factor heavily in the enrolment of Romani and non-Romani children in practical primary schools.⁶⁰ The Decree establishes that advisory services should be provided at schools and educational advisory facilities for pupils, their legal representatives, schools, and educational facilities.

⁵⁹ Observation by ERRC researcher Stanislav Daniel following telephone interviews in July 2008.

⁶⁰ Government Decree 72/2005 Coll. on the provision of advisory services at schools and educational advisory facilities.

Standard advisory services defined in the Decree should be provided free of charge at the request of the pupil, his or her legal representative, a school or educational facility. Written consent – obtained from the legal representative of the minor pupil who has been fully informed of the nature, extent, duration, aims/approaches, advantages and disadvantages which may result – is a requirement prior to the provision of advisory services.⁶¹

Section 2 of the Decree outlines the contents of advisory services, which may include amongst others, services to address problems related to the education and integration of pupils with health disabilities, including the creation of appropriate conditions, forms, and methods of work for pupils who are members of national minorities or ethnic groups, and ameliorating the results of health disability.

Appendix 1 of the Decree defines the expert activities of pedagogical-psychological counselling centres, which amongst other tasks determine the preparedness of pupils for mandatory school attendance and issue expert evaluation of them, provide recommendations to the legal representatives of a child and school principals as to which grade and school a pupil should be assigned and the appropriate form of his or her education, and ascertain the special educational needs of the pupils at schools which have not been independently established for pupils with health disabilities.

All school and PPCC directors interviewed by the ERRRC stressed that it is impossible for a child to be enrolled into practical primary schools without a recommendation by the appointed PPCC.

It was also stressed that the consent or even request of the parent was the determining factor with regard to the actual enrolment of a child in a practical primary school. Considering the information provided by Romani parents, as illustrated in other sections of this report, this is rarely made clear to Romani parents, who mostly claimed that the “decision” about their child’s enrolment in the practical school had been made by the PPCC or the standard school director – certainly not by themselves.

The requirement of a recommendation from a PPCC prior to the enrolment of a child into a practical primary school itself reinforces the lack of change in the nature of these schools from the special remedial schools; it begs the questions why a psychologist’s recommendation would be required for a child to attend an ordinary primary school?

In addition, there exists another gap in Czech law which may contribute to the over-representation of Romani children in practical primary schools. Twenty-five percent of the children enrolled in a class for children with health disabilities can be without a mental disability with the agreement of their legal representative.⁶² While this was not mentioned during interviews with practical primary school directors as grounds for the enrolment of Romani children in their particular school, it may explain the actual enrolment of some Romani children in practical primary schools in the absence of a recommendation by a PPCC.

4.4.2 Patterns of Child Enrolment in Practical Primary Schools according to Romani Parents

⁶¹ See Appendices 1-3 of the Decree.

⁶² Section 2(10) of Decree 73/2005 Coll., on the education of children, pupils and students with special educational needs, and of children, pupils and students who are exceptionally gifted.

The majority of parents interviewed by the ERRC indicated that their children had originally been enrolled in a standard primary school, after which they were transferred to a practical school upon advice from school officials. There were, however, a number of Romani children who were enrolled directly into practical schools, particularly in the Středočeský region. According to information provided by the parents, these children were placed in the practical school during their initial enrolment or, in one case, the parent indicated that the child had attended a preparatory class at the practical school and simply stayed in the school when entering the 1st grade.⁶³

| How Romani Children End Up in Practical Schools* | | | |
|---|-----------------------------|---------------------------------------|----------------|
| <i>Region</i> | <i>From Standard School</i> | <i>Directly into Practical School</i> | <i>Unclear</i> |
| Ústecký (of 70 parents) | 80% | 15.7% | 4.3% |
| Středočeský (of 37 parents) | 62.2% | 37.8% | N/A |
| Moravskoslezský (of 73 parents) | 61.6% | 11.0% | 27.4% |

*Based on information provided by parents during interview with the ERRC.

In most of the cases, the reasons for transfer arose during the first year of study in standard schools, and the transfer had been recommended by standard school officials. There were also a number of cases in which the parents indicated that the child had transferred from a standard school to the practical school after grade 1, and as late as grade 5. According to the parents interviewed, school officials had recommended that their child would be better placed in a practical school for reasons including being too slow for the standard curriculum/bad marks, language barriers (especially amongst Slovak Roma who had migrated to the Czech Republic for work), behavioural problems, and speech or physical impediments (poor hearing, etc.). None of the reasons mentioned constitutes a mental disability.

There were also some more exceptional cases which illustrate a total disregard for the child's rights to equal education. For example, in Králův Dvůr, one parent told the ERRC that after their child had been physically punished by a teacher, the standard school director suggested that moving the child to a practical school would be a "solution for this."⁶⁴

Some parents indicated that the same officials begin explaining the advantages of studying at a practical school already at the time when the school officials (directors or teachers) recommend that the child be sent for pedagogical testing. Several parents interviewed by the ERRC indicated that they were seriously pressured by the school officials to send their children for pedagogical testing. According to one Romani parent interviewed:

"My son first enrolled in a standard primary school without any problems. He occasionally had bad marks, especially in Czech – we speak Romani at home – but this was manageable. However, from the end of the first year, my son's teacher and the school director started to pressure me that he should be examined by an expert. In the end I agreed because of the pressure."⁶⁵

⁶³ ERRC interview with the parent of a 2nd grade Romani child. Slezska Ostrava, March 2008.

⁶⁴ ERRC interview with the parent of a 2nd grade Romani boy. Králův Dvůr, 19 March 2008.

⁶⁵ ERRC interview with the parent of a 4th grade Romani boy. Jirkov, 7 March 2008.

As in the case above, most parents noted that their children had not failed a grade before they were recommended for transfer to the practical school. The further recommendation for practical schooling by the PPCC experts contributes to the feeling widely sensed amongst the parents interviewed of having no other choice but to agree to the testing and eventual transfer of their child to the practical primary school.

| Source of Referral of Romani Children to Practical School* | | | |
|---|---------------------|---------------|----------------|
| <i>Region</i> | <i>Initiated By</i> | | |
| | <i>School</i> | <i>Parent</i> | <i>Other**</i> |
| Ústecký (of 70 parents) | 52.5% | 15.8% | 28.7%^ |
| Středočeský (of 37 parents) | 35.1% | 56.8%^ | 8.1% |
| Moravskoslezský (of 73 parents) | 53.4% | 19.2% | 27.4% |

*Based on information provided by parents during interview with the ERRC.

** The category of “Other” includes referral by paediatrician, kindergarten, psychologists or cases where it was unclear from the interview with the parent.

^ In 9 of these cases, answers provided by the parents indicated that they had not initiated the transfer, but that they had agreed.

^^ In 14 out of 21 cases, the children had been placed directly in the practical school.

There were some cases, however, where the parents had reportedly requested the transfer themselves. According to discussions with the parents of Romani children during the course of research, this was particularly prevalent during interviews in the Středočeský Region. This phenomenon is explored in more detail in Section 5.4.4.1 of this report.

4.4.3 *Quality of Testing by Pedagogical-Psychological Counselling Centres*

The directors of 10 PPPCs interviewed by the ERRC across the 3 targeted regions stated that the role of their centre is defined by the laws on education. According to the law, the PPCCs cooperate with schools and parents to conduct pedagogical-psychological examinations of identified children and recommend educational strategies and actions for children with mental or physical disabilities, and educational plans and recommendations for children with learning disabilities.

The PPCC officials with whom the ERRC spoke indicated that since the school reforms of 2005, there has been no change in their methodology; indeed, it was noted that for approximately the past 10 years the same methods had been utilised, including the VISC 3/CZ tests.⁶⁶

While only a small sample of parents provided information about the pedagogical-psychological examinations performed on their children, about half of those who provided this information stated that the examination had lasted between only 15 to 30 minutes. In most of the remaining cases, the examination lasted a maximum of one hour. In very rare cases had the examination apparently lasted more than one hour, with the maximum length of the examination noted to have been 2 hours.⁶⁷ The findings of this longest examination were non-conclusive and the child was recommended for a “diagnostic stay” in a practical school, after which time the child remained in

⁶⁶ ERRC interview with Director Pokorna, Roudnice nad Labem Pedagogical-Psychological Counselling Centre, Roudnice nad Labem, 4 March 2008.

⁶⁷ ERRC interview with ERRC interview with the parent of a 4th grade Romani boy, Jirkov, 7 March 2008.

the practical school without further examination. This child's mother told the ERRC that the original standard school had strongly pressured her to have her child tested, and that she did not get adequate information from the PPCC or the standard school on the results of the child's examination or her options in making her decision.

Several parents stated that they believed the psychologists were too abstract or prejudiced. For example, one mother in Usti nad Labem told the ERRC that the psychologist had, in her opinion, asked strange questions. For instance, the psychologist reportedly asked her daughter where her mother goes to buy bread, to which the girl replied, "To the Vietnamese guy's place." The mother told the ERRC that this was true, but that the psychologist, however, had corrected her daughter, telling her that the right answer should have been "to the bakery."⁶⁸ These types of testimony point to bias in the testing itself, which can contribute to the over-representation of Romani children in practical schools.

4.4.3.1 Un-Informed Choice

According to the law and the PPCC directors, employees of the PPCC should explain to the legal representative of all children examined all details regarding the testing itself and the procedure following the testing. The presence of the child's legal representative during the testing is determined by agreement between the legal representative and the psychologist; this is neither required nor prohibited by Czech law.⁶⁹

It appears that few parents exercised their option to be present during testing, and anecdotal evidence suggests that few knew they could ask to be present. Most of the parents appeared to have waited outside during the examination, and some expressed their dissatisfaction with this.

Regarding the examinations themselves, parents who provided information about the methods and contents of the examinations performed by the PPCCs on their children were not able to provide much detail about this. Amongst the most detailed descriptions provided by parents included references to the recognition of colours and shapes and putting building blocks together. One parent mentioned that their child had had to do arithmetic problems and reading exercises.⁷⁰ As an indication of how much effort is made by PPCC employees to ensure Romani parents are informed about the process, one parent stated that he had learned about the content and methods of the test from his daughter when he questioned her after they returned home; the PPCC representatives had apparently not provided this information.⁷¹

Most parents interviewed by the ERRC were not able to explain and interpret the test results. Most reportedly received only basic information about the results of the examination; mainly that their child was recommended for education in a practical primary school. According to the parents interviewed, most often the psychologists explained to them that their children are "lively" (hyperactive) or "slower,"⁷² and that they would hardly adapt to the standard school's pace. For these reasons, most parents stated, their children were attending the practical primary school. It appears that the parents were not informed or aware of for whom the special curriculum followed by their children in the practical school was designed.

⁶⁸ ERRC interview with the parent of a 4th grade Romani girl. Usti nad Labem, March 2008.

⁶⁹ ERRC telephone interview with the director of Prague's Pedagogical-Psychological Counselling Centre. 30 May 2008.

⁷⁰ ERRC interview with the parent of a 4th grade Romani boy. Bilina, March 2008.

⁷¹ ERRC interview with the parent of a 4th grade Romani girl. Roudnice nad Labem, 3 March 2007.

⁷² Meaning slower in understanding; this is a euphemism often used in Czech.

Parent testimony regarding the speed of PPCC examination results interpretation was also worrisome. Some of the parents interviewed indicated that the examiners interpreted the results of their child's examination immediately and communicated the results to the parent on the spot.

In the vast majority of cases, the parents did not report having been provided any further information on the differences in the education offered in standard schools versus practical schools, the limitations practical school education would create in terms of further education, or other options available to the parents and their child.⁷³ The mother of one Romani child with whom the ERRC spoke stated,

“My son was enrolled at the standard primary school but was transferred at the end of his first year because of bad marks following a recommendation from the Pedagogical-Psychological Counselling Centre. I did not agree with this, but no one gave me any information about alternatives and I did not know who could help me. In the end, I had to accept this *decision* [emphasis added].”⁷⁴

The statement of this mother highlights a key problem with regard to the information made available to Romani parents concerning their child's placement in practical primary schools. According to the mother's testimony, she believed that she had to accept the “decision” imposed upon her by the PPCC and the school. She was not aware that the decision was in fact hers to make, meaning that the Czech educational authorities had not made this information available to her, as is their responsibility. Many of the parents interviewed by the ERRC were similarly uninformed about their rights regarding decision-making concerning their child's education.

At the same time, the parents interviewed were aware of the limitations inherent in following the special curriculum offered in practical primary schools; indeed most parents were glaringly aware of this. As one parent cynically stated, “No one has informed us of the educational opportunities for our son but it is not necessary; we know his possibilities.”⁷⁵

4.4.3.2 *Re-examination of Romani Students with Special Educational Needs*

The director of Prague's PPCC told the ERRC that the re-examination of children studying according to the special curriculum in both standard and practical schools must be requested by the parent; there is no provision in the law requiring or permitting this otherwise.⁷⁶ There is no provision in Czech law for the regular re-examination of children studying in practical primary schools; however, children with special needs studying in standard schools must be re-examined every two years. Nor is there a requirement to evaluate the expert opinions of PPCCs; only in 2008 did this become a responsibility of the government.⁷⁷

Several PPCC and practical school directors indicated that children in practical schools are frequently re-examined. However, the PPCC director in Mladá Boleslav told the ERRC that the

⁷³ Only one exception to this statement was noted, in the case of a 4th grade Romani girl who was determined suitable for education in a standard school.

⁷⁴ ERRC interview with the mother of a 4th grade Romani boy. Roudnice nad Labem, 3 March 2007.

⁷⁵ ERRC interview with the parent of a 4th grade Romani boy. Roudnice nad Labem, 3 March 2007.

⁷⁶ ERRC telephone interview with the director of Prague's Pedagogical-Psychological Counselling Centre. 30 May 2008.

⁷⁷ Report on Implementation of Concept on Timely Care for Children from Socio-Culturally Disadvantaged Backgrounds in the Area of Education in years 2005 – 2007 plus its Update.

staff of the centre, some of whom had worked there for 20 years, did not remember a single case of a parent requesting re-examination; certainly not since 2005 when the Schools Act came into force. She also stated, “in practice, such children are not examined repeatedly; only in cases where their educational abilities deteriorate.”⁷⁸ Special Pedagogy Centres established within the practical schools and under the authority of the school director may also undertake the re-examination of children.⁷⁹ Regardless, the children are not being transferred from practical schools to standard schools, so the purpose of any re-examination that might be occurring is not at all apparent.

4.4.4 Standard School Influence on the Transfer of Romani Children to Practical Schools

The various forms of influence, whether direct or indirect, exerted by standard school representatives and the overall school environment continue to constitute a major determining factor in the streaming of Romani children into practical schools where a special curriculum is taught.

Most importantly, racism and discrimination against Roma were noted to exist in standard primary schools, amongst both the school administration and the student body. A significant number of parents interviewed by the ERRC clearly expressed that while their child had attended a local standard school (prior to being transferred to the practical school), they had been subjected to various forms of discrimination, including bullying and harassment. The mother of one student in Teplice told the ERRC that the animosity of the ethnic majority students had caused the transfer of her child to the practical school.⁸⁰ As another mother testified,

“My daughter was transferred to this [practical primary] school at the end of her first year of studies because of bad marks. The Pedagogical-Psychological Counselling Centre gave a recommendation. I preferred to agree because I had bad relations with the teacher in the other [standard] school; I think the teacher was biased against my daughter.”⁸¹

At the same time, it was noted that when informed of bullying and harassment by parents, teachers failed to intervene. According to one Romani parent:

“In 2006, my son attended the standard school and he was the only 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.”⁸²

This hostile learning environment greatly influences the decisions of some parents to send their children to practical schools. In the aforementioned cases, at the end of the child’s first school year when the school recommended that the child be sent for psychological testing because of bad marks, the parents did not object. Nor did they object to the PPCC’s recommendation that the

⁷⁸ ERRC interview with the director of the Mladá Boleslav Mladá Boleslav Pedagogical-Psychological Counselling Centre. Mladá Boleslav Mladá Boleslav, 11 March 2008.

⁷⁹ ERRC telephone interview with the director of Prague’s Pedagogical-Psychological Counselling Centre, 31 October 2008.

⁸⁰ ERRC interview with a Romani parent. Teplice, March 2008.

⁸¹ ERRC interview with the parent of a 2nd grade Romani girl. Roudnice nad Labem, 3 March 2008.

⁸² ERRC interview with the parents of a 2nd grade Romani boy. Roudnice nad Labem, 3 March 2008.

child be transferred to a practical school, because “our son felt very bad at the previous school; he quite likes going to his current school.”⁸³

In one form or another, Romani parents indicated that practical schools provide a safe environment for their child. Some go so far as to refer to the difference between standard and practical schools as “white” and “Romani” schools.

The practical school directors indicated that standard school officials often exert more direct forms of influence over Romani parents to move their children into practical schools. Some practical school directors stated that the directors of standard schools often abuse the requirement of parental consent by “enticing” the parent to transfer their child to a practical school. This reportedly involves school directors stressing the subsidies available through practical schools (and, therefore, reduced educational costs for parents).⁸⁴

It is also a problem that a smaller number of Romani children are sent to practical schools after the first level of primary school (i.e., during grades 6 through 9). According to the Director of the practical school in Bilina, Romani children who are weaker may be kept in standard schools while being ignored by their teachers and in their teens may develop behavioural problems. These children are then sent to a practical school. Such a transfer might even be considered as punitive.⁸⁵

4.4.5 Parental Requests for Practical School Enrolment and the Responsibility of the Czech Government

Within the overall framework of the inadequate educational environment provided for Romani children in standard primary schools in the Czech Republic noted above, there appears to be a general increase in the number of Romani parents requesting the pedagogical-psychological examination and transfer of their children to practical primary schools. One third of the PPPCs visited by the ERRRC indicated an increasing number of Romani parents requesting the examination/transfer of their children to the practical school.

The reasons for which Romani parents might request that their children be streamed into practical schools are complex. As indicated during the interviews, some parents appeared to believe that their children were attending a perfectly “normal” school since the school was no longer a “special” school, but at the same time, many parents interviewed by the ERRRC also appeared to be very aware of how restrictive in terms of future employment and educational opportunities the placement of their children in practical schools was.

A number of parents who indicated that they had requested the examination and transfer of their children to practical primary schools noted racism, discrimination and harassment against their child/themselves in the standard school their child had originally attended. As one parent noted, their child was “afraid of the children in the standard school.”⁸⁶

⁸³ ERRRC interview with the parent of a 2nd grade Romani boy. Roudnice nad Labem, 3 March 2008.

⁸⁴ ERRRC interview with Director Mrázková, Practical Primary School Mostecká 309. Jirkov, 7 March 2008.

⁸⁵ ERRRC interview with Director Krzaková, Practical Primary School Kmochova 205/10. Bilina, 14 March 2008. ERRRC interview with Mr František Kovář, Director of the Mladá Boleslav Mladá Boleslav Practical Primary School. Mladá Boleslav Mladá Boleslav, 5 March 2008.

⁸⁶ ERRRC interview with the parent of a 4th grade Romani boy. Králův Dvůr, 19 March 2008.

Several parents indicated that financial considerations had influenced their decision regarding the placement of their child in the practical school, where the costs borne by parents are lower (in terms of notebooks, etc).⁸⁷

Some parents also noted that they had one or more other children enrolled in the practical school, and it was therefore convenient for them to send their younger children to the same school, where they would also be looked-after or protected by their older siblings.

In the practical schools, most Romani parents noted being well informed about their children's performance at school, often through the child's school workbook. ERRC researchers noted good school results to be a source of satisfaction and pride amongst the parents.⁸⁸ In general, the Romani parents indicated that they were on better terms with the school authorities in the practical schools compared to the standard schools.⁸⁹ However, by no means were all parents satisfied with their interactions with practical school representatives.

Approximately 30% of all parents interviewed indicated that they had initiated the placement of their child in the practical school (see Section 5.4.2 for more information). Some parents appeared to be making an effort to transfer their children to the practical schools. In Ostrava-Přivoz, for example, the parents of Romani children attending the practical school stated that they had wanted their child to attend this school, but first they had been made to go for examination before they were "allowed" to enrol their child there. According to one parent, "I wanted my child to attend this school, but they did not accept me right away. They sent me to the psychologist. After the examination they enrolled my child."⁹⁰

In Chomutov, the PPCC director indicated to the ERRC that almost half of the Romani children the Centre examined upon request of the parents did not display adequate indications for education along the special curriculum; in other words, many of the children were competent for education according to the standard curriculum.⁹¹ Similarly, interviews conducted in Teplice indicated that many of the Romani children brought by their parents for enrolment in the practical primary school are considered by the authorities to be "healthy." Many children are nonetheless apparently given a recommendation to enter the practical school system given that this is required for enrolment.⁹²

It is crucial at this point to recall the principles espoused by the European Court of Human Rights' Grand Chamber in *D.H. and Others v. the Czech Republic*, considering the overwhelming lack of information possessed by many Romani parents about their child's schooling and the nature of practical primary schools. The Grand Chamber reiterated that "any waiver of a right guaranteed by the Convention – in so far as such a waiver is permissible – must be established in an unequivocal manner, and be given in full knowledge of the facts, that is to say on the basis of informed consent [...] and without constraint [...]."⁹³

⁸⁷ See interviews with parents in Králův Dvůr, Beroun and Neratovice.

⁸⁸ Written comment by ERRC/ Zšvule prava o.s. researcher Edita Stejskalová, May 2008.

⁸⁹ ERRC interview with the parent of a 2nd Romani girl. Neratovice, March 2008.

⁹⁰ ERRC interview with the parent of a 2nd grade Romani child. Ostrava-Přivoz, March 2008.

⁹¹ ERRC interview with Ms Livancová, Psychologist with the Chomutov Pedagogical-Psychological Counselling Centre. Chomutov, 13 March 2008.

⁹² Several parents noted that their children had been declared of exceptional mental ability by the PPCC, but they were nevertheless attending the practical school. See parent interviews in Beroun and Králův Dvůr, March 2008.

⁹³ European Court of Human Rights. Grand Chamber judgment, para 202.

According to the evidence submitted to the European Court by the Czech Government,

“consent in this instance had been given by means of a signature on a pre-completed form that contained no information on the available alternatives or the differences between the special-school curriculum and the curriculum followed in other schools. Nor do the domestic authorities appear to have taken any additional measures to ensure that the Romani parents received all the information they needed to make an informed decision or were aware of the consequences that giving their consent would have for their children's futures. It also appears indisputable that the Romani parents were faced with a dilemma: a choice between ordinary schools that were ill-equipped to cater for their children's social and cultural differences and in which their children risked isolation and ostracism and special schools where the majority of the pupils were Roma.”

This study reveals almost no change made in the Czech system of education which would have in the meanwhile remedied the situation outlined by the Court above. Accordingly, the Grand Chamber's judgment must be borne in mind: “[...] in view of the fundamental importance of the prohibition of racial discrimination [...] *no waiver of the right not to be subjected to racial discrimination can be accepted, as it would be counter to an important public interest [...]*.”⁹⁴

In essence, the Grand Chamber of the European Court re-affirmed that regardless of whether parents “consent” to the placement of their child in a practical school environment or whether they specifically request this, the onus is on Czech state authorities, including school directors and PPCC representatives, to ensure that disadvantaged children, in this case Romani children, are not placed in a school environment in which they do not belong.

4.4.6 *Diagnostic Stays and Other Problems*

Several practices and situations were identified during the field research which raise serious ethical and legal questions and which exert a clear negative influence on the access to quality education of Romani children in the Czech Republic.

One major problem relates to so-called “diagnostic stays” in practical schools. According to Czech law, “Enrolment of the pupil with a health handicap into some form of special education according to Article 3 can be preceded by a diagnostic stay of this pupil at school, where he should be enrolled, for the length of 2 to 6 months.”⁹⁵

Diagnostic stays are supposed to be allowed in cases in which it is uncertain whether or not the child in question actually has a disability. Diagnostic stays may be recommended to parents if the results of the pedagogical-psychological examination are inconclusive, to provide a longer period in which the child may be examined by specially trained teachers. The director of Prague's PPCC informed the ERRC that psychologists recommend the length of the diagnostic stay, but that the actual length of stay is determined through agreement between the child's legal representative and the director of the school at which the diagnostic stay takes place. In addition, following the completion of the diagnostic period there is no legal requirement that the child undergo further pedagogical-psychological testing; the teacher provides a report to the school director who

⁹⁴ European Court of Human Rights. Grand Chamber judgment, para 204.

⁹⁵ Article 9(1) of Government Decree 73/2005 Coll., on the education of children, pupils and students with special educational needs, and of children, pupils and students who are exceptionally gifted.

discusses this with the parents and, based on this the decision is to be made by a parent as to whether or not the child remains in the practical school or goes to a standard school.⁹⁶

ERRC research revealed manipulation of this mechanism with regard to Romani children, particularly in so-called “borderline” cases, according to PPCC representatives. Many Romani children are reportedly judged as such cases. Psychologists do not recommend their transfer to practical schools, but instead suggest a diagnostic stay. However, in almost all cases, the children concerned remain in the practical school indefinitely.⁹⁷

For example, according to a psychologist from the Chomutov PPCC, the director of the Jirkov practical primary school visited by the ERRC repeatedly requests the examination of children already placed in the practical school. This reportedly signals that the children are enrolled – perhaps based on parent incentives or in “co-operation” with a standard primary school – without the necessary expert opinions for diagnostic periods of between 2 and 6 months. During this time, the director noted, children may adapt to the conditions at the practical school where requirements are lower. Once the diagnostic period passes, the children remain at Jirkov practical school without any repeated examination as this is not required. In some cases, a recommendation from an expert is reportedly secured only afterwards; according to the psychologist, it is easy enough to find a “willing” expert once a child is in the practical school system.⁹⁸ One of the Romani parents interviewed in Jirkov noted that their child had entered the practical school without any pedagogical examination prior to or at the end of the diagnostic stay.⁹⁹ This was also noted to be a problem in Bilina in the Ústecký Region. In the Středočeský Region, one mother noted that her children had undergone a diagnostic stay but she did not know anything about it at the time, which may indicate that there was no testing prior to or after the stay.¹⁰⁰

At the same time, it was noted in at least one practical primary school visited (in Neratovice, Středočeský Region) that an increasing number of Romani children directly enrolled into the practical school, rather than being transferred from a standard school. This was indicated by the school’s director to be related to the fact that the PPCC is located in another town.¹⁰¹ According to the parent interviews in Neratovice, only 2 out of 12 children in the sample had been enrolled in the practical school with a pedagogical-psychological examination. Similarly, one parent in Frýdek-Místek informed the ERRC that only her first child enrolled in the practical school had been tested, while her other children had not been.¹⁰²

In Mladá Boleslav, in the Středočeský Region, the director of the practical primary school stated that the majority of the Romani children in the school are borderline mentally disabled.¹⁰³ During

⁹⁶ ERRC telephone interview with the director of Prague’s Pedagogical-Psychological Counselling Centre. 30 May 2008.

⁹⁷ See, for example, ERRC interview with Director Krzalkova, Practical Primary School Kmochova 205/10, Bilina, 14 March 2008.

⁹⁸ ERRC interview with Ms Livancová, Psychologist with the Chomutov Pedagogical-Psychological Counselling Centre, Chomutov, 13 March 2008.

⁹⁹ ERRC interview with the parent of a 4th grade Romani boy, Jirkov, 7 March 2008.

¹⁰⁰ ERRC interview with the parent of 2nd grade and 4th grade Romani boys, Beroun, 12 and 19 March 2008.

¹⁰¹ ERRC interview with Ms Ivana Pechova, Director of the Neratovice Practical Primary School, Neratovice, 14 March 2008.

¹⁰² ERRC interview with the parent of 2nd and 6th grade Romani children, Frýdek-Místek, March 2008.

¹⁰³ ERRC interview with Mr František Kovář, Director of the Mladá Boleslav Practical Primary School, Mladá Boleslav, 5 March 2008.

interviews with the Romani parents at this school, in only 3 out of 8 interviews (total 13 children) did the parent agree that their children should be studying a reduced curriculum.

ERRC field research also revealed that there is no strict division between the PPPCs and the practical schools, which calls seriously into question the required independence of the two types of institutions. In March 2008, the ERRC visited a practical primary school located in the centre of Kolin, which occupies the same building as the Kolin PPCC. In this system, Ms Irena Panková is director of both the practical primary school and the PPCC. Given that practical schools operate with normative subsidies from the Czech government, it is very questionable how fairly the expert assessment of a child's special educational needs may be conducted when this kind of conflict of interest exists. Director Panková informed the ERRC that all children enrolled in the school have been examined by the centre and are mentally disabled, and that the centre examined the children repeatedly.¹⁰⁴ However, ERRC interviews with ten parents from this school, revealed that of their 19 children, 17 had not been examined by the centre..¹⁰⁵

5.6 Educational Prospects of Romani Children in Practical Schools

The future educational perspectives of Romani children streamed into practical schools and learning according to a special curriculum for children with mental disabilities were commonly agreed by school officials and parents to be quite limited; it was indicated that the most these children could expect in the future was to attend some vocational type of training.

All school directors interviewed by the ERRC indicated that the majority of Romani children passing through their schools entered vocational schools. Many had no information as to the success of students in this setting (they did not follow the future school progress of children leaving their school). However some indicated that approximately 80% of the children did not complete their vocational training,¹⁰⁶ while others stated that only about 10% will actually acquire trade licenses.¹⁰⁷

A significant number of the parents interviewed by the ERRC held limited expectations for their children studying in practical schools. For example, when asked about options for their child to transfer to another educational setting after the 4th grade, 16 out of 20 parents said they felt that their child had no real opportunity for this. Beyond grade 9, almost all parents interviewed indicated that they wanted their children in the practical school to attend a vocational training course; there was not a single parent among the 183 interviewed who indicated that their children would attend university or college.

This did not mean, however, that the Romani parents interviewed by the ERRC did not place value on education. On the contrary, many of the parents interviewed stressed the important role of education in shaping their children's futures:

¹⁰⁴ ERRC interview with Ms Irene Panková. Kolin, 14 and 19 March 2008.

¹⁰⁵ Some of these families had initiated the transfer themselves.

¹⁰⁶ ERRC interview with Mr František Kovář, Director of the Mladá Boleslav Mladá Boleslav Practical Primary School. Mladá Boleslav Mladá Boleslav, 5 March 2008.

¹⁰⁷ ERRC interview with Director Kellnerová, Practical Primary School U červeného kostela 110/29. Teplice, 11 March 2008.

In Trmice, the mother of a 12-yr-old Romani girl stated, “[...] getting an educational certificate is a road towards better possibilities in life, like an opportunity to be set free from these circumstances.”

In Usti nad Labem, the father of a 4th grade Romani boy said, “We understand that getting an educational certificate is a minimal condition for a dignified life, and I am willing to support my son in his studies.”

In Bilina, the mother of a 2nd grade Romani boy told the ERRC of his son, “I hope that he will continue his studies after Grade 9 and get the professional certificate, as this is the key for my son's life.”

These parents still, however, did not appear to hope for anything beyond vocational schooling for their child in the future.

5.6.1 Potential for Romani Children to Transfer from Practical to Standard Educational Settings

While according to Czech law there are no formal barriers for children in practical schools to transfer to standard schools and the standard curriculum, school officials from several locations visited by the ERRC indicated that practically, this transfer is not possible. While not out of the question, the transfer of Romani children from practical to standard schools indeed appears to happen in very few instances.

Among the 7 practical schools and 4 PPPCs visited by the ERRC in the Ústecký Region, there has not been a single transfer of a child from practical to standard schools since the Schools Act came into force.

Among the 5 practical schools and 3 PPCCs visited by the ERRC in the Středočeský Region, there was reportedly only 1 child transferred from a practical to standard school since the Schools Act came into force.

In the Moravskoslezský Region, the school director at the Ostrava-Poruba practical school indicated that one boy had been sent to a standard school in the period. At the practical school visited in Ostrava-Přivoz, the director indicated that 4 children had been transferred to a standard school in 2006 and 18 had been transferred in 2007 following a diagnostic stay. According to the director, there had been about 10 recommendations to transfer with which the parents had not agreed.¹⁰⁸

The Director of the Roudnice nad Labem PPCC stated that “there is no way back from special curricula because the child’s below-average intellectual skills change to the limit of mental retardation. The longer a student attends “special” or “practical” school, the worse his or her competencies are and the child can thus realistically not be transferred to standard curricula.”¹⁰⁹ Many of the other school directors and directors of the PPPCs expressed similar opinions. This suggests that apparent “disabilities” may arise solely as a result of placement in practical schools and following of a substandard curriculum.

¹⁰⁸ ERRC interview with Director Otzipka, Practical Primary School Ibsenova 36. Ostrava-Přivoz, March 2008.

¹⁰⁹ ERRC interview with Director Pokorna, Pedagogical-Psychological Counselling Centre. Roudnice nad Labem, 4 March 2008.

The possibility of transferring the child back to a standard school seemed to be unknown, or viewed as impossible, by many of the parents interviewed. Other parents, for example in the Moravskoslezský Region, indicated that they would not consider such an option because they wanted their child to stay in the same school; they did not see a reason for their child to transfer. For example, one parent, when asked by ERRC researchers if their child could transfer to a standard school, stated “Why? This school is very good.”¹¹⁰

At the same time, other Romani parents interviewed by the ERRC indicated that they were aware that they could transfer their child to a standard school, but that they would not. In some cases, the reasoning of the parents related to financial considerations¹¹¹ or to the fact that their children had gotten used to the practical school they were attending.¹¹² Other parents indicated that they felt it was useless to transfer their child to a standard school.

On a positive note, 3 of the parents interviewed by the ERRC stated that they would request the transfer of their child to a standard school: One after the PPCC had established that the son was exceptionally intelligent;¹¹³ one after talking to ERRC researchers;¹¹⁴ and one because the child’s teacher had recommended that she transfer her son to standard school.¹¹⁵

6. CONCLUSION

Three years after the entry into force of the 2005 Schools Act, one year after the ECHR decision in the D.H. and Others case, and despite assurances by the Czech government to the contrary, Romani children continue to be dramatically segregated in practical primary schools in the Czech Republic following a special curriculum for mentally disabled pupils. The educational opportunities for these children have not improved in any significant way from the years prior to January 2005.

ERRC research conducted in 2008 indicates that Romani children continue to be over-represented in practical schools. Of the total sample of practical schools visited by the ERRC, Romani children accounted for more than 80% of the student population in 42.11% schools. In 31.58% of schools, Romani children accounted for between 50 and 79% of the student population. In only 26.32% of the practical schools visited by the ERRC did Romani children account for less than 50% of the student population.

Out of 154 parents providing responses regarding multiple children, 91 (59%) indicated that they had more than 1 child attending practical school in the Czech Republic, which points to strong familial tendencies with regard to the school placement of Romani children.

¹¹⁰ ERRC interview with the parent of a 2nd grade Romani boy. Ostrava-Přivoz, March 2008.

¹¹¹ See, for example, ERRC interview with the parent of a 4th and 6th grade Romani boy. Králův Dvůr, 19 March 2008. Four of 6 children in this family attend the practical school.

¹¹² See, for example, ERRC interview with the Romani parents of a 4th grade girl and a 6th grade boy. Beroun, 12 and 19 March 2008.

¹¹³ ERRC interview with the parent of a 2nd grade Romani boy. Králův Dvůr, 19 March 2008.

¹¹⁴ ERRC interview with the parent of a 2nd and 4th grade Romani boy. Beroun, 12 and 19 March 2008

¹¹⁵ ERRC interview with the parent of a 2nd grade Romani boy. Kolin, 19 March 2008.

While the Schools Act of 2005 changed the name of schools from “special remedial” to “practical,” the curriculum taught in the schools has not changed. According to the directors of the practical primary schools visited by the ERRC, all children attending their schools follow the special curriculum for students with light (or greater degrees of) mental disabilities, and all children in their schools are categorised as having a mental disability. While there are no formal barriers for these children with regard to their future education, practically it is noted to be nearly impossible for these children to attend anything beyond a vocational secondary school where they may learn a trade.

With the introduction of the Framework Education Programme, the curriculum taught in Czech schools was modified beginning in the 2007/2008 school year. These modifications, however, do not bring the special curriculum taught in practical primary schools in line with the curriculum taught in standard primary schools, and therefore will not contribute meaningfully to the integration of Romani children in standard schools. Indeed, concerns have been raised that amendments under the Framework Programme will further limit the mobility of children between Czech schools by further individualising the curriculum of each school and making transfer more difficult.

In addition, there is no systematic programme for anti-racism and anti-discrimination training in the Czech school system targeting school authorities/teachers and students to reduce discrimination and harassment experienced by Romani children and parents in standard schools, to make standard schools a more welcoming environment.

The change of the name of schools from ‘special’ to ‘practical’ seems, however, to have somewhat reduced the stigma attached to them in the eyes of Romani parents. This however, only contributes to the continued segregation of Romani children in special school environments.

Indeed, it is alarming that an increasing number of Romani parents are requesting the placement of their children in practical schools, sometimes even against the recommendation of PPCCs. Many such children do not have any special learning needs but are nonetheless permitted to attend practical schools where they follow an inferior curriculum.

According to the judgment of the European Court of Human Rights, it is the responsibility of Czech educational authorities to ensure that Romani children have access to education of an equal standard as non-Romani children. However, given that, aside from their name, for all intents and purposes practical primary schools are identical to the former special schools and that Romani children continue to be massively over-represented in practical primary schools, the Czech government continues to fail spectacularly to ensure equal access to quality education for Romani children.

The category of socially/culturally disadvantaged student, which was introduced in 2005, is not used in schools. This may be seen as a positive development as this category tends to racialise disadvantage.

There are several significant deficiencies in the legal framework with regard to the pedagogical-psychological examination of Romani children. While the request and consent of the legal representative of children is paramount in the legal framework for the Czech school system, in many cases, parents seem not to be aware that the choice of testing and school placement is *their* choice alone. Once the choice of a practical school is made, structural impediments make a reversal of this choice almost impossible. There are no legal requirements for the repeated examination of children placed in practical schools, including for a diagnostic period, unless the

parent so requests. Therefore, most Romani children who enter practical schools continue today to remain there until they reach grade 9 and leave school..

Among the 3 regions targeted in this research, very few transfers of Romani pupils to standard schools had taken place since the introduction of the Schools Act in 2005. Despite the stated position of the Czech government, education policies at the central and local levels are not contributing to the desegregation of schools for the vast majority of Romani children.

In a welcome shift of the official government position concerning the education of Romani children in the Czech Republic, in 2008 the Minister of Education, Youth and Sport, Ondrej Liska, acknowledged the failure of the transformation of the former special schools into practical primary schools.¹¹⁶ The Ministry of Education, Youth and Sport began, in March 2008, to introduce plans to improve the position of Romani children and children from socially disadvantaged backgrounds in the Czech educational system. It is hoped that this shift in the official position of the Czech Ministry of Education will finally yield the long-awaited improvements for Romani children in the Czech education system.

7. RECOMMENDATIONS TO THE CZECH GOVERNMENT

On the basis of this study, the Czech government is recommended to undertake the following urgent interventions:

1. Enabling legal, policy and financial factors

- i) Abolish practical primary schools, and transfer all children currently studying in these schools to standard primary schools employing standard curricula;
- ii) Formulate and adopt a comprehensive, multi-year and multi-dimensional strategic plan with clear two year and four year targets to eliminate school segregation of Romani children in a nation-wide consultation process involving Romani organisations, educators and representatives of central, regional and local authorities. This strategic plan should include a realistic cost estimate and be implemented with adequate funding;
- iii) Allocate in the national budget targeted funding for the implementation of the plan, including for academic and social support of children who transfer from practical to standard primary schools;
- iv) Enact in national legislation an enforceable duty to desegregate schools, and declare publicly that, in light of the D.H. judgment, it is a goal of the Czech government by 2015 to achieve desegregation of its school system and to ensure equal access to educational opportunity for all by 2015;
- v) Allocate in the national budget targeted funding for the implementation of the plan, including for academic and social support of children who transfer from practical to standard primary schools and that may be required to enable the foregoing measures;

¹¹⁶ Ministry Press Release “Heading to more open educational system” dated 26 June 2008. Available online at: <http://www.msmt.cz/pro-novinare/smerem-k-otevrenejsimu-skolstvi>. See also: <http://www.msmt.cz/ministerstvo/ministr/cro-radio-cesko-dostupnost-vzdelani-pro-deti-ze-socialne-slabsich-rodin>.

vi) Prohibit the enrolment of children without mental disabilities in schools designed for children with mental disabilities, regardless of parental consent or request, and provide the opportunity for parents to take legal action against school officials who enable the wrongful placement of non-disabled children in such schools;

vii) Design a system of incentives for standard schools that accept children from practical schools in order to facilitate transfer of children from practical to standard schools;

viii) Provide targeted financial support to civil society organisations to carry out information campaigns among Romani parents about their roles and rights as the primary decision makers regarding their child's education and the benefits of integrating children from practical into standard schools, and to provide assistance to Romani parents in enrolling their children in integrated schools;

ix) The category "social disadvantage" must be clearly defined and used only to refer children and families to appropriate social services. This category must not be used to determine school placement. Careful guidelines must be developed as to what constitutes care that requires highly specialised support that ordinary teachers and schools may find it difficult to provide;

2. Reliable data collection

Reliable and regular data is essential both for effective policy and tracking progress towards school segregation. While indeed the protection of privacy in data collection is important, the European data protection laws do not outlaw ethnic data collection outright and their collection is permissible under strict safeguards.¹¹⁷

Data collected at school level by education authorities:

- i) Data on school entry and school performance should be collected and disaggregated by school, type of school, class, grade, gender, home language and ethnicity;
- ii) All data should be integrated into the regular Education Management Information System (EMIS) that also reflects learning outcomes and other data that enable effective quality monitoring in the schools; i.e. there needs to be a broad yet coherent framework for monitoring education quality that allows for diversity and difference; and
- iii) Progress made integrating children from practical schools into standard primary school should also be reported on annually and assessed.

Census data by government statistical services:

- i) While census and population data should also be disaggregated by ethnicity, religion and language, this should also be provided voluntarily and self-reported;
- ii) Collaborate fully with Romani and other minority communities to develop effective ways to research and provide this information on a regular and systematic basis; and

¹¹⁷ EU Directive on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of Such Data, 95/46/EC, 24 October; CoE, Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (1981) and Recommendation No. R (97) 18 of the Committee of Ministers Concerning the Protection of Personal Data Collected and Processed for Statistical Purposes (1997).

- iii) Central services should provide yearly monitoring and publication of anonymous, school by school, and district by district, data capable of demonstrating tangible progress toward the goal of desegregation.

4. Extend and prioritise early childhood provision for the most disadvantaged children

Children who participate in quality early education are more likely to succeed in school and less likely to need special education or other remedial supports. These benefits are strongest for the most disadvantaged children, even though they are less likely to attend quality kindergarten than children who are better off. Most OECD countries provide at least two years of access to free early education and care before school entry. The 2002 Barcelona targets call for EU Member States “to provide childcare by 2010 to at least 90% of all children between 3 years old and the mandatory school age and at least 33% of all children under 3 years of age.”¹¹⁸

- i) The Government should entitle all children from disadvantaged backgrounds, including Romani children, to two years of free early education in integrated kindergartens in standard schools.
- ii) Target young children in socially and economically disadvantaged communities in general, rather than only Romani communities, to promote integration and reduce stigma. To reach this goal, the range of early childhood provision may need to be expanded to include not only formal kindergartens in standard schools, but also part-day play groups and caregiver support for children aged 3 – 6. Regardless of the setting, it is important to ensure that disadvantaged children are exposed to rich learning environments and individualised pedagogical approaches and receive home language support.

5. Teacher, school, and classroom support for Romani children

- i) Full integration and inclusion at the national level and clear legal frameworks for fair assessments must be backed up by a system of monitoring and support for educational quality at the local government, school and teacher levels. This requires deeper attention to attitudes prevalent in the education system, teacher training, teacher assistants, curricula, classroom materials and practices;
- ii) School systems must be prepared to develop and implement attitudes and practices that support inclusion of children from diverse backgrounds with special educational needs, whether through physical disadvantage, learning difficulty or social disadvantage. Anti-bias training should be part of the professional development of all educators, administrators, relevant local education authorities and school inspectors including adjustments to pre-service training as well as in-service teacher and administrator training systems;
- iii) Preparatory classes should be expanded in standard primary schools, enrolling both Romani and non-Romani children and promoting strong early childhood pedagogy (child-centred, individualised approaches) rather than provide a “crash course” based on the curriculum and formal instructional practices of primary school;
- iv) Romani teaching assistants should be employed in all standard schools as a general strategy to facilitate the transition of Roma into standard schools and assist children in adapting to the higher demands of the standard curriculum;

¹¹⁸ Council of the European Union. (2002). Communication from the Commission to the Spring European Council in Barcelona: "The Lisbon Strategy – Making Change Happen." Brussels, 25 January 2002 (28.01).

- v) The Ministry of Education should encourage and foster respect for diversity through multicultural curricula and anti-bias approaches. Given that attitudes about ‘others’ form at an early age, early childhood and primary teachers need to start early to promote social inclusion values among all children before deep prejudices form; and
- vi) The Czech education system should foster inclusive classrooms that impart positive messages about minorities through:
- activities and materials in classrooms that support differences and diversity;
 - children's books and textbooks that clearly include Romani culture, but also Romani and Czech children and families together; and
 - provision of additional assistance in home language and second language acquisition.

Annex 1:

The research team:

European Roma Rights Centre

Tara Bedard: Ms Bedard coordinated the research conducted for this study, the analysis of the data and authored this report. Ms Bedard is Programmes Coordinator at the ERRC and is the Executive Editor of the ERRC journal *Roma Rights*. She has over 7 years of experience conducting and coordinating multi-national research projects and developing policy documents on the situation of Roma in Europe. Past research projects in which Ms Bedard has been involved have addressed education, health care, housing, social assistance, women's rights issues and child protection.

Stanislav Daniel: Mr Daniel contributed to the data analysis, and reviewed and amended various drafts of this report. Mr Daniel is the ERRC country monitor for Slovakia and the Czech Republic. For over 4 years, he has been conducting research on the education of Romani children for international and local organisations, and advocating for improvements in educational standards for Roma.

Tatjana Peric: Ms Peric analysed a portion of the interviews collected in the course of the field research, and provided commentary on the draft report. Ms Peric has worked on human rights and development issues since 1994, in association with a number of inter-governmental and governmental agencies, as well as both international and grassroots NGOs. Her research has mainly focused on ethnic minorities and forced migration issues. Ms Peric recently joined the ERRC as Senior Research Coordinator.

Zřvule prava o.s.

Kateřina Hrubá: Ms Hrubá worked on the theoretic analysis of the issue of integration activities undertaken by the Czech state. She has been systematically focused on the problems of equal access of Romani children to education in the Czech Republic since 2005. Ms Hrubá works at Zřvule prava as a lawyer.

Edita Stejskalová: Ms Stejskalová conducted the field research in Středočeský region and worked on the evaluation of the collected data. She has been working on the issues of equal access of Romani children to education in the Czech Republic since 2005. Ms Stejskalová works at Zřvule prava as a social worker and political scientist.

Jan Stejskal: Mr Stejskal, a lawyer and sociologist, conducted field research in Ústecký region and participated in the evaluation of the collected field data. Ms Stejskal works with the organisation Zřvule prava since its establishment.

David Tiřer: Mr Tiřer is a student of Romani Studies at the Faculty of Philosophy of Charles University. Mr Tiřer conducted the interviews with Romani families in Středočeský region. Mr Tiřer has been cooperating with Czech Television as a consultant for several years for the multicultural programme Kosmopolis.

Michal Miko: Mr Miko is a student of Romani Studies at the Faculty of Philosophy of Charles University. Mr Miko conducted the interviews with Romani families in Ústecký region. For

several years, Mr Miko worked as a coordinator at the non-profit organisation Athinganoi, which conducts activities for young Romani intellectuals.

Life Together

Martina Sadivová: Ms Sadivová conducted interviews in the practical schools visited in the Moravskoslezský region, and also conducted interview with the Romani families PPCC representatives in Ostrava. Ms Sadivová processed the final research report on behalf of Life Together. Ms Sadivová works in the Civil Association Life Together, in the Helpale team as a social worker.

Miroslava Kokyová: Ms Kokyová conducted interviews in the Moravskoslezský region and assisted in the preparation of the final research report on behalf of Life Together. Currently, Ms Kokyová works as a Romani Advisor in Ostrava-Vítkovice.

Sri Kumar Vishwanathan: Mr Vishwanathan provided methodological guidance and oversight for the Life Together research team. He communicated with both practical schools and the PPCCs in order to facilitate the interviews. Mr Vishwanathan is the director and chairman of the civic association Life Together. He has worked on the problem of unequal access of Romani children to education in the Czech Republic for almost 10 years and is a member of the working group on education of Romani children and pupils at the Czech Ministry of Education.

Annex 2

Information on the schools visited and the interviews conducted per school:

| Region | School | Interviews Conducted With: | | | | |
|---------------|-------------------------------------|-----------------------------------|-----------------|--------------|----------------|---------------------------------|
| | | Director | Teachers | Grade | Parents | Grades of their Children |
| Ústecký | Roudnice nad Labem, Jungmannova 667 | Yes | Yes | 2 | 10 | 2, 4, 6 |
| Ústecký | Trmice, Fugnerova 232 | Yes | Yes | 6 | 10 | 2, 4, 6 |
| Ústecký | Ústí nad Labem, Karla IV 34/12 | Yes | Yes | 6 | 10 | 2, 4, 6 |
| Ústecký | Jirkov, Mostecká 309 | Yes | Yes | 6 | 10 | 2, 4, 6 |
| Ústecký | Teplice, U červeného kostela 110/29 | Yes | Yes | 4 | 10 | 2, 4, 6 |
| Ústecký | Chomutov, Listopadu 17 | Yes | Yes | 4 | 10 | 2, 4, 6 |
| Ústecký | Bílina, Kmochova 205/10 | Yes | Yes | 4 | 10 | 2, 4, 6 |
| Středočeský | Mláda Beloslav, No Celne 2 | Yes | Yes, | 2, 4, 6 | 8 | 2, 4, 6 |
| Středočeský | Beroun, Karla Čapka 1457 | Yes | Yes | 4 | 8 | 2, 4, 6 |

| | | | | | | |
|---------------------------|---|-----------|-----------|-----|------------|----------------------------------|
| Středočeský | Králův Dvůr, Preislerova namesti 28 | Yes | Yes | 2 | 8 | 2, 4, 6 |
| Středočeský | Kolin, KutnoHorská 179 | Yes | No | no | 7 | 2, 4, 6 |
| Středočeský | Neratovica, Byskovicka 85 | Yes | Yes | 4 | 6 | 1, 2, 4, 6, 9 |
| Moravskoslezský | Ostrava-Poruba, Čkalovova 942 | Yes | No | N/A | 10 | 2, 3, 4, 6 |
| Moravskoslezský | Frýdek-Místek, Hálková 927 | Yes | No | N/A | 9 | 2, 3, 4, 5, 6 |
| Moravskoslezský | Ostrava- Vítkovice, Halasova 30 | Yes | No | N/A | 10 | 2, 4, 6, 7, 9 |
| Moravskoslezský | Ostrava-Přívov, Ibsenova 36 | Yes | Yes | 4 | 10 | 1, 2, 3, 4, 6, 7 |
| Moravskoslezský | Mariánské Hory, Karasova 6 | Yes | No | N/A | 10 | 2, 4, 6, 7, 8, 9 |
| Moravskoslezský | Ostrava-Zábřeh, Kpt. Vajtdy 1a | Yes | No | N/A | 8 | 2, 4, 5, 6, 9, |
| Moravskoslezský | Ostrava- Hrabůvka, U Haldy 66 | Yes | No | N/A | 9 | 3, 4, 5, 7, 8, 9 |
| Moravskoslezský | Slezská Ostrava, Na Vízině 28 | yes | yes | 2 | 10 | 2, 3, 4, 5, 6, |
| Total Interviewed: | | 20 | 15 | | 183 | At least 164 children |

In addition, the ERRC conducted interviews in the following pedagogical-psychological counselling centres: Roudnice nad Labem, Usti nad Labem, Teplice, Chomutov, Mladá Boleslav, Králův Dvůr, Kolin, Frýdek-Místek, Ostrava (director filled in questionnaire; refused personal interview) and Prague (telephone interview only).

Annex 3

The interview guidelines were as follows:

Guidelines for interviews with school directors

Please specify the name of the director and the date of the interview.

Basic data about the school.

Data for former special remedial schools:

- How many children are in the school in total:
- How many new children were enrolled in 2004-2005, 2005-2006, and 2006-2007?
- What is the estimated number of Romani children?
- Among the teacher staff, are there any Romani teachers, how many, what are their positions in the school (ex. teacher, assistant teacher, pedagogical counselor, etc.)

For regular schools:

- How many children are in the school in total in school year 2007-2008:
- How many children were enrolled in 2004-2005, 2005-2006, and 2006-2007?
- What is the student capacity of the school?

Questions about the Curriculum:

- What is the current curriculum in the school – special or regular? If special, in which year was it introduced?
- Do all classes in the school teach special curriculum or just part of the classes?
- What are the special educational needs of the children educated in this school?
- Are there children with social disadvantage? Who and how categorized the children with social disadvantage? Are these children educated according to a special curriculum?
- Were there any changes in the school curriculum after the Schools Act came in force in 2005? If there are such changes, please describe.
- If the school teaches special curriculum, what criteria and methods are used to identify children who need to be educated by a special curriculum?
- What is the period of time in which children are educated by a special curriculum and what criteria are used to define whether a child can be transferred to the regular curriculum?
- Were any Romani children (or any children at all Romani and non-Romani) from this school transferred (either on their own initiative or on initiative of the educational authorities) to schools which were not formerly special schools in the past 2 years?
- Do teachers at that school have qualifications to teach children with special educational needs?
- Have teachers in that school participated in any training and what kind of training, in the past 2 years?

Questions about the educational career of children from that class/school:

- Can children who were enrolled in this school when it was a special remedial school (for example in the school year 2003-2004) and studied for 2 years, enroll in a class/school with a regular curriculum? Under what conditions? Are there such students in this school? Give concrete examples if any.

- Can children who finished the 4th grade in this school when it was a special remedial school, enroll in a school with a regular curriculum? Under what conditions?
- Are there children from this school who transferred to schools with a regular curriculum in the past 2 years? How many?
- How do children who finished the 4th grade in the special remedial school continue their education?
- How do children who finish the 9th grade in this school (if relevant) continue their education?

School integration programmes

- Are there preparatory classes and teacher assistants in this school? If yes, when were they introduced?
- Are there Romani children in preparatory classes?
- What other projects (if any) related to the education of Roma are being implemented or have recently been implemented in that particular school? Please provide a detailed description. Ask about the results from these projects – have they been successful or not and why?

Guidelines for interviews with teachers

Please specify the name of the teacher and the date of the interview.

Basic data about the class this teacher teaches:

- How many children are in the class and how many of them are Romani?
- Has the number of Romani children in the school increased or decreased? What are the reasons?

Questions about the Curriculum

- What curriculum she/he teaches? If it is a special curriculum, when was it introduced?
- Were there any changes in the school curriculum after the Schools Act came in force in 2005? If there are such changes, please describe.
- If the teacher teaches special curriculum, what criteria and methods are used to identify children who need to be educated by a special curriculum?
- What is the period of time in which children are educated by a special curriculum and what criteria are used to define whether a child can be transferred to the regular curriculum?
- Were any Romani children (or any children at all Romani and non-Romani) from this school transferred (either on their own initiative or on initiative of the educational authorities) to schools which were not formerly special schools in the past 2 years?
- Does she/he have qualifications to teach children with special educational needs?
- Has she/he participated in any training and what kind of training, in the past 2 years?

Questions about the educational career of children from that class/school:

- Can children who were enrolled in this school when it was a special remedial school (for example in the school year 2003-2004) and studied for 2 years, enroll in a class/school with a regular curriculum? Under what conditions? Are there such students in this school? Give concrete examples if any.
- Can children who finished the 4th grade in this school when it was a special remedial school, enroll in a school with a regular curriculum? Under what conditions? Are there

children from this school who transferred to schools with a regular curriculum in the past 2 years? How many?

- How do children who finished the 4th grade in the special remedial school continue their education?
- How do children who finish the 9th grade in this school (if relevant) continue their education?

School integration programmes

- Has this teacher participated in projects (if any) related to the education of Roma in this school? Please provide a detailed description. Ask about the results from these projects – have they been successful or not and why?

Guidelines for interviews with Romani parents and children

Researchers should interview parents of children/children who are currently in:

- *Grade 2.* These children were enrolled in school year 2006-2007, i.e. when the former special remedial school was transformed into a regular basic school;
- *Grade 4.* These children were enrolled in school year 2004-2005, i.e. when the school still had the status of a special remedial school;
- *Grade 6.* These children have enrolled in school year 2002/2003 and have completed the first stage of primary school in a special remedial school.

Information about the school:

- Specify the grade of the child and the age of the child.
- Does the child have any siblings in this same school?

Numbers of Romani children in the school:

- Are there any other Romani children in that school?
- Are the Romani children more than the non-Romani children in that school?
- Are the Romani children in the class of your child more than the non-Romani children?

Type of school:

- Is there any difference between this school and other schools around?
- Describe the differences: is it in the curriculum, is it in the ethnic background of the children?

Enrollment of the child:

- How was the child enrolled in this school?
- Did the parent choose the school, was it recommended by a friend, was it recommended by the pedagogical-psychological centre?
- Did the parent have information about the school before they enrolled their child, who gave them this information?
- Did the parent try to enroll the child in other than special remedial school (or former special remedial school)? What was the outcome?
- Were there any obstacles to enroll the child in another school? If, yes, please describe these obstacles.

Testing of the child:

- Was the child tested before she/he was enrolled in this school?
- Describe the test procedure.
- Who recommended the testing of the child?

Transfer to another school:

- If the child was transferred from special remedial school to a regular school, did she/he have to pass some test?
- In the regular school, does the child attend a mixed class or a class with many other Romani children?
- What is the curriculum in the regular school – for children with special needs or standard?

Changes in the school in the past 2 years:

- Has anything changed in the school in the past two years (school years 2006-2007 and 2007-2008)?
- Were the parents informed about some changes by the school authorities?
- Has the curriculum changed and how?
- Are there new educational services for the children?

Schooling after grade 4:

- How did the parent decide in what type of school the child will go after grade 4?
- Can the child go to gymnasium or secondary vocational school?
- Was the parent informed about the possibilities for education of the child after grade 4?

Schooling after grade 9:

- How will the child continue her/his education after they finish grade 9?
- Are there any exams after grade 9 for all students?

Guidelines for interviews with pedagogical-psychological counselling centres

- Describe the role of the centre?
- How often do they test children?
- What tests are used?
- Once a child is categorized as a child with special educational needs, how often, according to the law, the child should be re-assessed to determine whether the child should continue to be provided with special education or the child can be placed in regular education?
- How often re-assessment of children categorized as children with special educational needs takes place in reality?
- What is the period of time in which children are educated by a special curriculum and what criteria are used to define whether a child can be transferred to the regular curriculum?
- How many transfers to regular curriculum have they recommended in the last two years? Were there Romani children among them?