



Civil society monitoring report on implementation of the national Roma integration strategies in Czech Republic

Focusing on structural and horizontal
preconditions
for successful implementation of the strategy

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on Implementation of the
National Roma Integration Strategy
in the Czech Republic**

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- IQ Roma servis (case study Brno),
- Liga lidských práv (chapter Anti-discrimination),
- Otevřená společnost (chapter Governance and overall policy framework),
- Romea (chapter Addressing antigypsyism),
- Romodrom (case study Bohumín),
- Slovo 21 (coordination and chapter Mainstream education policies).

Most of the above mentioned civic associations are affiliated under the umbrella organization **RomanoNet**, which was established to advocate for and monitor implementation of legal regulations and policies impacting Roma at the national, regional and municipal levels.

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Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the authors and it does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained therein.

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LIST OF ABBREVIATIONS

ASI	Agency for Social Inclusion
CASEL	Coordinated Approach to Socially Excluded Localities
CSI	Czech School Inspection
CVVM	Centre for Public Opinion Research
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court for Human Rights
EEA	European Economic Area
ESF	European Social Fund
ESIF	European Structural and Investment Funds
ESIF	European Structural and Investment Funds
FRA	EU Agency for Fundamental Rights
IROP	Integrated Regional Operational Programme
MP	Member of Parliament
NGO	Non-Governmental Organisation
NRIS	National Roma Inclusion Strategy
OP VVV	Operational Programme Research, Development and Education
OPE	Operational Programme Employment
RED	Racial Equality Directive
SEL	Socially Excluded Locality
SGEI	Services of General Economic Interest
UNDP	United Nations Development Programme
VPORH	Committee for the Redress of the Roma Holocaust

EXECUTIVE SUMMARY

Despite the EC's continuous interest in and support to the Member States for the development of Roma integration policy, this report demonstrates that in the key areas under review the measures adopted by the Czech Government remain insufficient. The ineffectiveness of the adopted measures is particularly evident at the level of municipalities, which tend to promote their own interests in the areas on which the Government measures focus.

Nevertheless, despite the general critical tone of this report, some progress can be acknowledged, for example: reforms of education aimed at better inclusiveness, the development of non-governmental organisations, local social housing initiatives implemented by some municipalities, and efforts to combat discrimination in education, housing and employment.

Governance and overall policy framework

The results of the most recent elections have shown that voter turnout among Roma is lower than that of the majority population and participation of Roma in politics and governance is minimal in comparison to their estimated proportion of the population.

The report demonstrates the weak position of the National Roma Contact Point, as well as the ongoing antagonism between two paradigms: ethnically-blind social inclusion on the one hand, and an emphasis on Roma emancipation and participation on the other. These two approaches are represented by different structures of central government (the Agency for Social Inclusion represents the former and the National Roma Contact Point, together with the Government Council for Roma Affairs represents the latter – those two camps are in long-term, more or less open conflict) and are quasi-randomly applied at lower levels of governance.

The dominance of the non-ethnically differentiated approach to social inclusion is linked to a lack of willingness (or rather, a refusal) to collect ethnic data (with few exceptions, see the initiative of the Czech School Inspection). It is thus not possible to deduce how effective the mainstream programmes that also focus on Roma are. Following the EC's request to monitor progress in Roma integration, the Czech Government adopted a "Methodology for monitoring and assessment of fulfilment of the Roma Integration Strategy by 2020", but the responsible authorities have not developed mechanisms for collection of the data envisaged by the methodology.

Antidiscrimination

This chapter discusses implementation of the Racial Equality Directive (2000/43/ES) and demonstrates that despite adoption of the Antidiscrimination Act, there are still serious reservations about the effective enforcement of the norm, and discrimination against Roma remains omnipresent in the Czech Republic. Instruments that could help effectively combat discrimination, such as the provision of free legal aid or the possibility of the Public Defender of Rights bring its own public interest lawsuits to court are missing.

Segregation in housing and education continue to be serious issues. An amendment to the Education Act from 2016 introduced several inclusive reforms, but 10 years after the *D. H. and Others vs. Czech Republic* judgment from the European Court of Human Rights, the number of Roma children educated according to reduced curriculum remains disproportionately high and every fourth Roma pupil is educated in a segregated setting. A Social Housing Act has yet to be adopted and the residential segregation of Roma is not being addressed.

Antigypsyism

Despite the term “antigypsyism” appearing in Government documents since approximately 2009, negative attitudes towards Roma in Czech society and anti-Roma speech seem to be increasing. There are some Government activities worth of acknowledgment, such as the large-scale *HateFree campaign*, implemented since 2014, or the Government’s decision to purchase the pig farm on the site of a former concentration camp for Roma during World War II so it can be transformed into a memorial.

The chapter further discusses Government programmes aimed at increasing safety in socially excluded localities where many Roma live and the problems with ensuring compensation for Roma victims of hate crime, despite the public authorities’ and NGOs’ efforts to systematically monitor these phenomena.

Impact of mainstream education policy on Roma

The chapter describes the current education system in the Czech Republic and explores the impact of inclusive education reforms on Roma communities. Roma children’s enrolment in kindergartens remains markedly less frequent in comparison with their non-Roma peers. Since the 2017/2018 school year, a compulsory year of preschool free of charge has been introduced that could yield positive results and increase the chances of school success for Roma children.

The chapter also examines the amendment to the Education Act that bolsters the elements of inclusive education in the school system, such as abandonment of the categorization of children, pupils and students according to types of disability, and the newly-introduced revisory workplace, the National Institute for Education. Despite these measures, the chapter cannot conceal the fact that no significant impact for Roma children in terms of their desegregation has been visible in the schools to date and, according to the Ministry of Education, the inclusive process is just beginning. Especially alarming, therefore, are the most recent statements by politicians that funding for inclusive education should be revised yet again.

Case Studies

The first case study on Brno describes practical experience with implementation of the ESIF through the special coordinated territorial approach focusing on socially excluded localities. The case study illustrates the positive effects of this approach as well its weaknesses. The second case study records local policies and practices in the town of Bohumín, which instead of properly using the available tools for supporting social inclusion and integration instead misuses them to reinforce the marginal position and segregation of its vulnerable population, particularly Roma residents. The case studies illustrate the fact that despite national policies and strategies, actual progress depends on their application and acceptance at the level of local authorities.

INTRODUCTION

According to the Report on the State of the Roma Community for 2016, the estimated population of Roma in the Czech Republic was 245,800, or 2.3% of the population. The Analysis of Socially Excluded Localities in the Czech Republic from 2015¹ shows that the number of socially excluded localities has doubled since 2006. While in 2006 there were 310 socially excluded neighbourhoods identified, in 2014 there were 606 socially excluded localities reported in 297 municipalities. The analysis further claims that “roughly half of the Roma in the Czech Republic are Roma who are integrated into society. The other half are socially excluded or are in danger of social exclusion.” As the analysis demonstrates, the concept of social exclusion/inclusion and a territorial approach focused on socially excluded localities dominate the policy discourse in the Czech Republic, including the policies aimed at Roma integration. It should not be ignored that Roma civil society, some parts of non-Roma civil society, and a significant part of the Roma population have continuously criticised the domination of this non-ethnic concept and have stressed that Roma integration policies should also take into consideration the specific situation of Roma as an ethnic group facing direct and indirect discrimination and lack of participation. The consequence of this non-ethnic approach is the vagueness of Roma-specific policies and regulations and a lack of monitoring of the effectiveness and impact of the support for Roma and the progress in their integration and inclusion.

Although the EC, through the EU Framework for National Roma Integration Strategies by 2020, has strengthened its monitoring of the Member States’ implementation of policies aimed at Roma integration and at the fight against discrimination, it is clear from the findings of this report that there are still serious shortcomings and pitfalls to the Roma integration policies and measures at national and local levels.

Methodologically this report relies on a broad range of sources and tools. It analyses existing data and introduces data and knowledge specific to the non-governmental organisations and individual experts participating in the report’s development. It further relies on a review of the existing relevant studies, on interviews with stakeholders, and on broad experience on the ground, including work with Roma clients and with Roma in general. It also presents case studies demonstrating the actual implementation of policies that affect the situation of the Roma minority in the Czech Republic.

¹ Čada, K. et al. 2015. *Analýza sociálně vyloučených lokalit v ČR*. Available at: <http://www.esfcr.cz/file/9089/>. Accessed 1.10.2017.

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma in the parliament

No Roma man or woman has been elected to either the lower house (Chamber of Deputies) or the upper house (Senate) of Parliament in recent years. The most recent Roma person elected to the national legislature was elected in 1998 – Monika Horáková of the Freedom Union (*Unie svobody*).

The latest parliamentary elections in the autumn of 2017, as well as the regional and Senate elections in the autumn of 2016, confirmed long-term trends: Roma vote less than non-Roma do. In the autumn 2017 elections the general average voter turnout was 60.84%.² In Chanov, for example, which is a predominantly Roma and socially excluded neighbourhood, only 4.41% of the local population cast their vote; in another Roma neighbourhood, Přívoz in Ostrava, turnout was around 17%; and in the socially excluded areas of Brno, which are mostly inhabited by Roma, voter turnout oscillated between 20 and 27%.³ Similarly, the number of Roma candidates is disproportionately low compared to the number of Roma living in the Czech Republic, and Roma candidates are not successful in elections.⁴ Persons who are visibly Roma do not customarily run for election, or Roma ethnicity of candidates is not usually openly expressed. According to media estimates, the highest number of Roma candidates for Parliament since 1990 (when the first elections after the Velvet Revolution took place) was in 2013, when approximately 20 Roma ran.⁵ Most were not listed in electable spots on the tickets. The highest-placed Roma candidate on the ticket of a mainstream political party during elections to the lower house was David Tišer, who ran in third place for the Green Party candidate list;⁶ the Green Party did not make it into Parliament.

During the October 2017 elections, there were seven openly Roma candidates:

Order	Name	Party (result in 2017)	Region	Spot on the ticket	Number of preferential votes	Share of the preferential votes
1.	Beňák, David	Social democrats (7.27%)	Praha	14	348	1.02%
2.	Tišer, David	Green Party (1.46%)	Praha	13	253	1.72%
3.	Karika, Karel	Green Party (1.46%)	Ústecký	26	73	1.45%

² Available at: <https://volby.cz/pls/ps2017nss/ps2?xjazyk=CZ>. Accessed 21 November 2017.

³ Available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/v-socialne-vyloucenych-lokalitach-byla-volebni-ucast-nizka-uspeli-kandidati-ano-spd-a-kscm>. Accessed 21 November 2017.

⁴ Available at: <http://www.romea.cz/en/news/czech/commentary-czech-regional-and-senate-elections-roma-didn-t-vote-romani-candidates-didn-t-win-2>. Accessed 25 September 2017.

⁵ Available at: https://www.tyden.cz/rubriky/domaci/volby-2013/do-snemovny-chce-20-romu-a-romek-nejvic-od-sametu_286791.html. Accessed 16 September 2017.

⁶ The territory of the Czech Republic is divided into 14 regions, and in each the parties set up a separate candidate list.

4.	Chvátlová, Anna	Green Party (1.46%)	Praha	32	68	0.46%
5.	Bajger, Martin	Green Party (1.46%)	Ústecký	25	62	1.23%
6.	Kelt, Vojtěch	Order of the Nation (0.17%)	Středočeský	9	13	0.96%
7.	Gožo, Vasil	Association for the Republic (0.19%)	Středočeský	12	6	0.49%

Available at: <http://www.romea.cz/en/news/czech/six-romani-men-one-romani-woman-running-for-the-czech-lower-house>, accessed 21 November 2017.

For example, David Beňák, who is professionally dedicated to social inclusion, was in 14th place on the (then-governing) Czech Social Democratic Party's candidate list, which was not enough for him to win a seat in the lower house. Several Roma candidates ran for the Green Party (then non-parliamentary), which did not win enough votes to enter the Chamber of Deputies. The remaining two candidates ran for marginal, conservative-nationalist parties (the Order of the Nation and the Association for the Republic). During the most recent elections no Roma political parties fielded candidates to Parliament; the preference for Roma parties has historically been in the tenths of a percentage point.⁷

A handful of Roma candidates were successful in the last local elections (2014); there are less than 10 openly Roma municipal council members nowadays in the Czech Republic.⁸ The highest position in local politics is held, according to our information sources, by Karel Karika, vice-mayor of the town of Ústí nad Labem.⁹

Three organisations systematically monitored vote-buying in the 2014 local elections.¹⁰ One case resulted in a court ordering a municipal department of Brno to repeat its local election because evidence of vote-buying had been documented.¹¹

Parliament essentially does not involve itself in the issue of Roma inclusion. The subject of inclusion *per se* is a controversial, fringe matter. As far as recently-discussed laws relevant to Roma inclusion go, these include amendments to the Education Act of 2015 and 2016 (for details see the chapter on impact of mainstream education policy on Roma below), which can be assessed as positive because they introduced measures for the

⁷ Available at: <https://www.volby.cz/pls/kz2016/kz61?xjazyk=CZ&xdatum=20161007>. Accessed 25 September 2017.

⁸ The Czech Government Report on the State of the Roma Minority in the Czech Republic for 2016 states that six Roma were elected or appointed to a political function during 2016. For more details on Roma municipal council members elected in 2014 see: https://chomutovsky.denik.cz/zpravy_region/vim-ze-ted-budu-behat-mezi-dvema-svety-20150205.html, <http://www.romea.cz/cz/zpravodajstvi/domaci/komunalni-volby-trmicti-romove-slavi-uspech-druhe-misto-a-3-kresla-v-zastupitelstvu> or <http://www.romea.cz/cz/zpravodajstvi/domaci/komunalni-volby-romske-strany-neuspely-fenomem-trmice-dsss-uspela-v-duchcove>. Accessed 8 December 2017.

⁹ See: <http://www.mesto-ul.cz/>. Accessed 8 December 2017.

¹⁰ Available at: https://www.oziveni.cz/nase-temata/manipulace-volebnich-vysledku/#Výsledky_monitoringu_2014. Accessed 4 December 2017.

¹¹ Available at: <http://domaci.eurozpravy.cz/zivot/106659-volby-v-brne-sever-jsou-neplatne-romove-volili-za-jidlo-a-piti-zdarma/>. Accessed 16 October 2017.

inclusive education of children with special educational needs (2015)¹² and a compulsory final year of nursery school (2016).¹³ A 2017 amendment to the law on aid in material need¹⁴ introduced an opportunity for municipalities to geographically restrict the disbursement of housing benefits such that the impact on Roma inclusion will be negative. A bill on social housing engendered a passionate public discussion involving implicit anti-Roma rhetoric (using the term “inadaptable” population) and was rejected by the lower house before the autumn 2017 elections.

Between 2013 and 2017 an openly anti-Roma, racist, xenophobic party called “Dawn” (*Úsvit*) was represented in the Chamber of Deputies, holding 14 of a total of 200 seats. Its leader, Tomio Okamura¹⁵ left in the interim and the party did not field a separate candidate list in the most recent 2017 elections. Okamura’s new party, “Freedom and Direct Democracy” (*Svoboda a přímá demokracie – Tomio Okamura*, or SPD) won 10.64% of the vote in the most recent elections, which corresponds to 22 seats. Other openly racist political groups exist and are marginal from the perspective of potential voter support.

Nevertheless, anti-Roma or racist speech appears abundantly from mainstream, standard parties and politicians. For example, the conservative Civic Democratic Party (ODS) exploited a video before the 2016 regional elections depicting an unemployed Roma gambler telling non-Roma labourers to get to work “so there will be money for welfare”.¹⁶ Some Czech politicians from mainstream parties have long profiled themselves through anti-Roma rhetoric – e.g., in 2016 Jiří Čunek, a politician famous for his anti-Roma remarks¹⁷ and measures,¹⁸ was elected both Governor of the Zlín Region and Senator for the Christian-Democrats. Ironically, he is a member of the Senate committee responsible for human rights, among other agenda items.

Generally, during the last two years the political and public discourse has been rather dominated by xenophobia against immigrants and Muslims, which has overshadowed antigypsyism a bit. Of course, antigypsyism has neither disappeared nor lost its intensity.¹⁹

¹² Act No. 82/2015, Coll., dated 19 March 2015, and amending Act No. 561/2004, Coll., on preschool, primary, secondary, higher vocational and other education (Education Act), as amended.

¹³ Act No. 178/2016, Coll., dated 20 April 2016, and amending Act No. 561/2004, Coll., on preschool, primary, secondary, higher vocational and other education (Education Act), as amended; and Act No. 200/1990, Coll., on misdemeanours, as amended.

¹⁴ Act No. 98/2017, Coll., dated 8 March 2017, and amending Act No. 111/2006, Coll., on aid to those in material need, as amended, and Act No. 117/1995, Coll., on state social support, as amended.

¹⁵ Okamura, for example, has said that the existence of the WWII-era concentration camp for Roma at Lety is a myth (available at: http://www.lidovky.cz/okamura-celi-trestnimu-oznameni-kvuli-svym-vyrokom-o-tabore-v-letech-12y-zpravy-domov.aspx?c=A140806_130901_ln_domov_ele, accessed 25 September 2017), and has scared his followers by claiming an unrealistic number of Roma in the Czech Republic, calling them a security risk (available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/okamura-opet-vyvolava-nenavist-proti-romum-tentokrat-pouziva-vymyslene-statistiky>, accessed 25 September 2017).

¹⁶ Available at: <https://www.seznam.cz/zpravy/clanek/gadzo-makej-at-je-na-davky-ustecka-ods-natocila-sporny-videoklip-rasisticky-pry-neni-2919>. Accessed 16 October 2017.

¹⁷ For example, this year (2017) in the spring he espoused “curing through labour” and systematically uses the term “Gypsies”. Available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/jiri-cunek-opet-utoci-na-romy-clenka-romske-rady-bude-zadat-okamzite-ukoncení-spoluprace-agentury-se-vsetinem>. Accessed 25 September 2017.

¹⁸ The most famous incident was Čunek’s relocation of Roma residents of the town of Vsetín into segregated substandard conditions, which he implemented as mayor. Available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/cunek-oslavoval-desetilete-vyroci-romskeho-ghetta-na-poschle-romove-tam-plati-az-12-tisic-mesicne-do-kontejneru-zateka-a-je>. Accessed 25 September 2017.

¹⁹ Yeseter. 2016. *Report 8. Mediální kampaň proti rasismu a násilí z nenávislosti. (Media campaign against racism and hate violence)* Praha: Agentura pro sociální začleňování / HateFree. Available at: https://www.hatefree.cz/images/blog/analiza_romove/Analiza_komunikace_Romove_11_2016.pdf. Accessed 25 September 2017.

Mainstreaming Roma inclusion across ministries and other national level public authorities

The approach of the public authorities to Roma inclusion is marked by different frames for addressing the situation of Roma living in social exclusion. One way of looking at this issue is through an ethnic lens, taking into consideration the fact that a large part of the people who live in social exclusion are of Roma origin. The other is a non-ethnic approach based on the concept of social inclusion. This variance is not unique to the public authorities and is essentially a leitmotif of both the expert and the public discussions of this issue.

The above-described antagonism can be illustrated by the differences in the approaches of the two most important public authority bodies active in Roma inclusion, the Department of the Office of the Government Council for Roma Minority Affairs (Office of the Government Council), which represents the ethnic framing approach, and the Agency for Social Inclusion (ASI), which represents the social inclusion framing. Both are administrative units of the Office of the Government and fall under the Minister for Human Rights, Equal Opportunities and Legislation (as far as the structure of the Government in office through November 2017 was concerned). Though both the Office of the Government Council and the ASI are administratively close, the two institutions are not always smoothly cooperating on Roma inclusion issues at all levels.

The Office of the Government Council serves both as the National Contact Point for implementing the Roma Integration Strategy and as the Secretariat of the Government Council for National Minority Affairs, the chair of which has been the Human Rights Minister. Other members of the Council come from the relevant ministries and from state organisations such as the ASI and the Museum of Roma Culture, the Association of Regions of the Czech Republic, and representatives of civil society. The Council is an advisory body to the Government, not an institution representing the Roma minority. The Council, among other matters, also creates the ASI Monitoring Committee as part of its agenda. From 2016 to 2017 the Office of the Government Council implemented a project (details below in the chapter on participation) creating a National Roma Platform as a forum for actors in the area of Roma inclusion. The Office of the Government Council finances the work of the Regional Coordinators for Roma Affairs. In addition, it oversees two other subsidy programmes, "Prevention of social exclusion and community work" and "Support for field social work". It is a small department (nine employees) and is neither a recipient of European Structural and Investment Funds (ESIF) funding nor a contributor in any significant way to ESIF implementation (e.g., it does not comment on draft calls for project proposals).

Unlike the Office of the Government Council, which has held a rather weak position (predominantly one of consultation), the ASI has actively contributed to the ESIF 2014-2020 programming. That may be one reason the ESIF 2014-2020 programmes are less explicitly aimed at inclusion of Roma than they were during the preceding period (2007-2013), and it may be the reason the inclusion of Roma is included as part of the general concept of social inclusion. During the 2007-2013 period the integration of Roma enjoyed dedicated measures in Operational Programme Education (OPV, managed by the Education Ministry), Operational Programme Human Resources (OP LZ, managed by the Labour and Social Affairs Ministry) and the Regional Operational Programme (ROP, managed by the Regional Development Ministry), but for 2014-2020 there is just one explicitly-targeted Roma investment priority (or "measure", to use the terminology of the previous period) in Operational Programme Research, Development and Education (OP VVV, managed by the Education Ministry).

During 2014-2020 the explicit targeting of Roma was replaced by a non-ethnic approach focused on addressing the spatial concentration of extreme poverty – the development of the so-called socially excluded localities (SELs). The following table provides an overview of the number of the SELs across the Czech Republic:²⁰

Region	Number of SELs	Number of inhabitants in the SELs	Average number of inhabitants per SEL
Prague	7	5,400-7,400	971
Central-Bohemian	64	4,000-5,500	98
Hradec Králové	36	2,500-3,000	75
Karlovy Vary	61	6,000-8,000	120
Liberec	48	3,000-4,000	77
Moravian-Silesian	72	19,000-23,000	317
Olomouc	62	3,000-5,000	63
Pardubice	24	1,500-2,000	79
Plzeň	42	2,000-3,000	60
South-Bohemian	38	2,000- 2,600	58
South-Moravian	28	8,000-9,500	61
Ústí nad Labem	89	36,000-38,500	471
Vysočina	13	600-1,000	92
Zlín	22	2,000-2,500	86

Even though an estimated half of the population of the SELs is Roma, the discourse of these measures is not explicitly ethnic. To aid the SELs, as part of the ESIF, a special integrated instrument has been created, the Coordinated Approach to SELs (CASEL), which is meant to be coordinated by the ASI, which has arranged for financing from the ESIF for that purpose, and in addition to involving the OP VVV, this involves the Operational Programme Employment (OPE, managed by the Labour and Social Affairs Ministry) and the Integrated Regional Operational Programme (IROP, managed by the Regional Development Ministry). The towns where the CASEL is implemented are chosen by the ASI Monitoring Committee, which is created by the Government Council for Roma Minority Affairs; the ASI facilitates the creation of strategic partnerships among stakeholders in towns that create Strategic Social Inclusion Plans. The Operational Programmes should then allocate finances for implementation of those plans.

In practice, however, there are coordination problems among the actors who are meant to support the CASEL. The ASI seeks more intense involvement in the preparations of the OPs' calls for proposals in order to secure sufficient finances to enable the towns included in the CASEL to smoothly implement their strategic plans, as several towns have endorsed a strategic plan but need more time to submit the relevant project proposals. The ESIF managing authorities, on the other hand, must ensure the timely spending of the allocations, and they therefore reportedly perceive it as risky to wait for these towns to develop their strategic plans and subsequent project proposals. There is, therefore, a risk

²⁰ An interactive map of the socially excluded localities is available at: https://www.esfcr.cz/mapa-svl-2015/www/index2f08.html?page=iframe_orp, accessed. 22 November 2017. The data are from 2014 and were gathered by GAC (for details see www.gac.cz) at the request of the Ministry of Labour in the framework of a European Social Fund-funded project.

as far as Roma inclusion is concerned that the ESIF managing authorities could allocate the funds unsystematically and inefficiently just to make sure they are actually spent. By the time the towns included in the CASEL would be ready to apply for the ESIF funding, not enough of it would be left.²¹ In addition to problems with coordination at Government level, critical voices from the NGO sector also allege that during the creation of the Strategic Social Inclusion Plans in the towns involved in the CASEL, the needs of socially excluded Roma are not being sufficiently accounted for, and that the strategic planning is disproportionately concentrated on other target groups at risk of social exclusion.

This dispute could be resolved if data on the overall policies' specific impact on Roma would be gathered. This issue is also connected with the criticism that local Roma organisations are not properly included in local partnerships and subsequently are kept from implementing projects.²² This is not to say that the ASI actively excludes Roma NGOs, but that the processes of strategic planning and project implementation are administratively complicated and require capacities that the small organisations lack. Small grassroots organisations also often lack an interest in strategic planning, which can be perceived by them as less important than their everyday work with their target groups. Another fact is that the ASI must, as part of its ESIF-financed project, guarantee the adoption of strategic plans by 70 towns (otherwise the project would fail, and the Office of the Government would have to return the ESIF subsidy). To achieve this aim, the Agency depends on collaboration with towns; therefore, it concentrates more intensively on communicating with municipalities than on involving local organisations and ensuring they are represented. The risk looms that the failure of the so-called "comprehensive approach to marginalised communities" piloted by Slovakia as part of its implementing EU funds from 2007-2013 will be repeated by the Czech Republic.²³

The implementation of two Operational Programmes (OP VVV and IROP) was conditioned by the EC on the fulfilment of the so-called thematic *ex ante* conditionality 9.2 'Integration of marginalised Roma Communities', which assumes the adoption of specific measures, including the creation of a system of indicators for measuring progress on including and involving Roma politically. As part of fulfilling these conditions, the position of the Office of the Government Council in relation to the ministries was beefed up: the Office of the Government Council submitted to the EC its draft indicators to be followed in relation to Roma inclusion in various areas, and a "Methodology for monitoring and assessing the fulfilment of the Roma Integration Strategy to 2020"²⁴ was adopted by the Government in October 2016. 2016 was the first year for which the implementation of the Roma Integration Strategy was evaluated based on the adopted indicators²⁵ and the Office of the Government Council has assessed their use as promising. The fact that the ministries were confronted with concrete questions meant that their answers had to be more exact (as opposed to the 2015 Strategy evaluation, where the relative openness left the ministries room for their own interpretations of the Strategy's implementation). However, as the Methodology was adopted only at the end of 2016, the ministries just evaluated their 2016 Strategy implementation with the new tool and did not actually have the

²¹ Information provided by a former Agency for Social Inclusion employee in September 2017.

²² Information provided by several NGOs active in Roma inclusion in November and December 2017.

²³ Salner, A. et al. (2013) *Lessons from Slovakia's Comprehensive Approach: Assessing the feasibility of designing and implementing integrated territorial programmes targeting marginalized Roma communities*. Bratislava: Slovak Governance Institute.

²⁴ *Metodika sledování a vyhodnocování naplňování Strategie romské integrace do roku 2020*. Available at: <https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/metodika-pro-sledovani-a-vyhodnocovani-naplnovani-strategie-romske-integrace-do-roku-2020-151719/>. Accessed. 3 October 2017.

²⁵ *Report on the 2016 Fulfilment of the Roma Integration Strategy to 2020*. 2017. Prague: Office of the Government of the Czech Republic, Human Rights Section, Department of the Office of the Czech Government Council for Roma Minority Affairs and Secretariat of the Czech Government Council for National Minorities. Available at: https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Informace-o-naplnovani-Strategie_1.pdf, Accessed 3 October 2017.

indicators in mind while planning and realizing the particular measures. Consequently, another improvement is expected by the Office of the Government Council for the 2017 evaluation. The effectiveness of the evaluation process as a tool for pressuring the ministries has been boosted by the creation of nine thematic working groups composed of civil society representatives who have provided critical feedback to the ministerial reports and who have also worked on the Strategy's revision.

For the activity of the ministries relevant to Roma inclusion (primarily the Ministry of Labour and Social Affairs, the Ministry of Regional Development, and to a great extent the Ministry of Education, Youth and Sport) what is typical is the above-mentioned approach to social exclusion/inclusion, without framing the specific experiences of Roma men and women in any way (similarly, the approach to pupils' special educational needs is described as necessitated either by cultural difference or by socioeconomic disadvantage, not by their experience as Roma).

Of the state institutions, the Czech School Inspection (CSI) must be mentioned for actively covering the discrimination of Roma children in education for quite some time and for being an authoritative, valuable source of information. In its latest thematic report, the CSI reflected on the state of inclusive education with regard to the recent changes in the legal framework. The CSI concluded that the number of special schools and classes is diminishing but that new issues have arisen, such as the administrative burden related to inclusion of pupils with special needs into mainstream schools; the ineffective purchase of new tools; or the underpayment of pedagogical assistants (and their common lack of qualifications, which is related). The consequent recommendations comprise: A need for clarification and consolidation of legal materials and recommendations dealing with inclusive education; for intensification of the methodological help available to schools; for broadening and making more effective the further education of pedagogical employees; and for simplification of the related administration.²⁶ At the same time, the CSI is very inspiring in terms of its stance on defending the use of anonymous data disaggregated by ethnicity.²⁷ The CSI used to perform data collection to monitor the situation of Roma pupils in the education system by means of qualified estimates.²⁸ As of the 2016/2017 school year that data collection was passed from the CSI to the Education Ministry.²⁹

An important role in supporting the inclusion of Roma in combating discrimination is played by the Office of the Public Defender of Rights (the Ombudswoman), which is also the national equality body. The ombudswoman has, in recent years, dedicated the work of her office more systematically to investigating the discrimination of Roma pupils³⁰ and discrimination against Roma in access to housing.³¹ At the same time the office provides

²⁶ Available at: <http://www.csicr.cz/getattachment/7734c437-a133-4411-b8b6-ed11776ad4fe/TZ-Spolecne-vzdelavani-16-10-2017.pdf>. Accessed 8 December 2017. In 2015 the Inspection also published a report on The Quality of Education in Socially Excluded Localities, which is available at: <http://www.csicr.cz/html/TZ2014-15-15/html5/index.html?&locale=CSY&pn=1>. Accessed 3 October 2017.

²⁷ See, e.g., <http://www.romea.cz/cz/zpravodajstvi/domaci/ceska-skolni-inspekce-namitky-proti-scitani-romskych-zaku-jsou-absurdni-a-zastupne>. Accessed 3 October 2017.

²⁸ See, e.g. its annual report on specific information about Roma pupils for the 2015/2016 school year, available at: http://www.csicr.cz/html/Priloha_VZCSI2015_2016/html5/index.html?&locale=CSY&pn=3. Accessed 3 October 2017.

²⁹ Available at: <http://www.msmt.cz/file/39658/>. Accessed 3 October 2017.

³⁰ In 2012 research into the discrimination of Roma was undertaken, available at: <https://www.ochrance.cz/aktualne/tiskove-zpravy-2012/vyzkum-potvrdil-nepriinou-diskriminaci-romskych-zaku/>, accessed 3 October 2017, and this area is continually focused on in practice.

³¹ E.g., a press release about activity in this area from 25 March 2015, available at: <https://www.ochrance.cz/aktualne/tiskove-zpravy-2015/chybuje-verejna-ochrankyne-prav-tim-ze-poukazuje-na-nezakonny-postup-realitnich-kancela/>. Accessed 3 October 2017.

counselling and support to individuals addressing various cases of discrimination.³² The work and outcomes of the ombudswoman's activities related to anti-discrimination are explained more in detail in the chapter on anti-discrimination in this report.

Data about the number of Roma men and women working in the state administration are not officially reported or tracked; this is currently less than 10 people, according to the authors of this report. David Beňák, the Deputy Minister for Human Rights, Equal Opportunities and Legislation, is the most highly-placed Roma person in the state administration who espouses his ethnic identity. Another visible figure is Jarmila Balážová, who worked from 2014-2015 as the press spokesperson for the Human Rights Minister and from 2015-2017 as the press spokesperson for the Education Ministry. Both Mr. Beňák and Ms. Balážová are political appointees, so their replacement is to be expected after the new cabinet emerging from the recent elections will be formed at the end of 2017. A handful of Roma men and women also work at the Education Ministry, at the Labour Ministry, and at the Office of the Government (both at the Department of the Office of the Government Council for Roma Minority Affairs and at the ASI).

Mainstreaming Roma inclusion across local authorities

Czech politics are defined by the significant autonomy of local governments. For example, municipalities are owners of public housing stock, and its use is solely their decision. They set the conditions of rent and sale, conditions which often exclude Roma living in social exclusion (see the Bohumín case study). Moreover the 2017 amendment to the law on aid to those in material need³³ introduced the opportunity for a municipality to geographically restrict the disbursement of housing benefits on the grounds of a location having an "increased incidence of socially undesirable phenomena". The use of this measure, unaccompanied by any housing support for the affected population, could lead to displacement and further exclusion.

Actions of municipalities aiming to expel unwanted populations are not new to Czech politics. Although the social system in general is still quite robust, local authorities often turn to a "zero-tolerance" policy³⁴ which deepens exclusion and commonly targets the Roma population living in social exclusion. Another example of local autonomy and its potential impact on Roma inclusion is the fact that municipalities are responsible for establishing school districts, and as the Bohumín case study shows, this can be used as a tool for deepening segregation. On the other hand, there are municipalities that cooperate with the ASI and are proactively fighting social exclusion (more on the work of the ASI can be found elsewhere in the Governance chapter of this report).

The regional coordinators for Roma affairs and the Roma municipal advisors should promote Roma inclusion and implementation of the Roma Integration Strategy at local level. The position of Regional Coordinators was introduced in 2001 by the Law on Regions³⁵ and the Law on Ethnic Minorities.³⁶ There is one coordinator at each regional structure who should, among other things, coordinate the work of the Roma Advisors at municipal level. The position of local Roma Advisor is not specifically financed and not that precisely defined; it was established in 1997 by a Government decree as a position at the

³² E.g., a case of refusing health care on the basis of ethnicity, available at: <http://eso.ochrance.cz/Nalezene/Edit/1472>, accessed 3 October 2017, or of discrimination in employment, available at: <http://eso.ochrance.cz/Nalezene/Edit/4632>, accessed 3 October 2017.

³³ Act No. 98/2017, Coll., dated 8 March 2017, and amending Act No. 111/2006, Coll., on aid to those in material need, as amended, and Act No. 117/1995, Coll., on state social support, as amended.

³⁴ See, e.g., the analysis by the SPOT association of "zero-tolerance" policy in two localities <http://centrumspot.cz/vyzkum-politik-nulove-tolerance-v-litvinove-a-duchcove-problemy-se-neresi-ale-vytesnuji/>. Accessed 3 October 2017.

³⁵ Section 67 of Act No. 129/2000, Coll., on higher-level territorial self-governing units.

³⁶ Section 6 of Act No. 273/2001, Coll., on the rights of members of national minorities.

district level but was not properly transferred into the structure of the so-called “municipalities with extended powers” which in some ways administratively replaced the districts in 2003. The work of the Coordinators is financed³⁷ by the Office of the Government Council for Roma Minority Affairs, which also provides them with methodological guidance.³⁸ However, the Coordinators lack more systematic training which would cover all the areas of their work in more depth, and they would appreciate more Roma trainers who are capable of passing on their experiences and viewpoints. Their concrete work conditions depend primarily on the situation and communications in each region. The Coordinators do exchange information and experiences among themselves, but in general they would appreciate more information about recent analyses, conferences, materials, meetings and training possibilities and, most importantly, improvement in their coordination with other relevant public institutions.³⁹

Promoting empowerment and participation of Roma

The Roma Integration Strategy includes a separate chapter dedicated to supporting Roma participation in public affairs. Currently that support is considered to consist of allowing the participation of two representatives of the Roma minority in the activities of the Government Council for National Minorities; the participation of Roma representatives in the activities of the local and regional committees on national minorities; and the operation of the Government Council on Roma Minority Affairs.

The Strategy aims to follow and support the representation of Roma men and women in Parliament, the Government, and the public administration⁴⁰ and to support the capacity of Roma civil society to participate in the oversight boards that contribute to implementing the ESIF investments. From 2016-2017, as part of the Office of the Government for Roma Minority Affairs, a project was run called *Activation and empowerment of Roma actors through the National Roma Platform*,⁴¹ as part of which a National Roma Platform was established, seminars were held, and a summary of recommendations on implementing the Strategy was published.⁴² The representatives of the Office of the Government for

³⁷ See: <https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dotace/podpora-koordinatoru/vyhlaseni-dotacniho-rizeni-na-rok-2018-v-dotacnim-programu-podpora-koordinatoru-pro-romske-zalezitosti-158783/>. Accessed 8 December 2017.

³⁸ The Office of the Czech Government Council reports that for 2016 its methodological guidance was performed by publishing two methodologies, “Recommended Job Description for Roma Advisors and its Dissemination and Presentation at Municipal Level” and “Performance of Monitoring of Delegated Powers in Relation to Roma Advisors Working for Offices of Municipalities with Extended Powers”. In: Report on the State of the Roma Minority in the Czech Republic for 2016. (2017. Prague: Office of the Government of the Czech Republic, Human Rights Section, Department of the Office of the Czech Government Council for Roma Minority Affairs and Secretariat of the Czech Government Council for National Minorities).

³⁹ Information provided by Regional Coordinators for Roma Affairs, December 2017.

⁴⁰ The guarantor of this task, the Human Rights Minister, dealt with analysing this in just a few sentences in his report on fulfilling the Strategy in 2016: “No Roma were members of the Parliament of the Czech Republic in 2016. No Roma were members of the Government of the Czech Republic in 2016. On the Government Council for Roma Minority Affairs there were 13 ethnic Roma members in 2016, on the Government Council for National Minorities there were two ethnic Roma members in 2016.” In *Informace o naplňování Strategie romské integrace do roku 2020 v roce 2016*. 2017. Praha: Úřad vlády České republiky, Sekce pro lidská práva, Oddělení kanceláře Rady vlády pro záležitosti romské menšiny a sekretariátu Rady vlády pro národnostní menšiny.

⁴¹ Information available at: <https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/aktuality/odbornici-pri-rade-vlady-pro-zalezitosti-romske-mensiny-resili--jak-ukotvit-pojem-antiqypsyvism-v-ceskem-kontextu-149324/> and <https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/aktuality/zaverecny-seminar-zhodnotil-vysledky-evropskeho-projektu-aktivizace-a-zmocnovani-romskych-akteru-prostrednictvim-narodni-romske-platformy-155335/>. Accessed 3 October 2017. The project was financed by the EU programme on Rights, Equality and Citizenship designed to finance support for National Roma Platforms (project number JUST/2015/RDIS/AG/NRP2/8808).

⁴² *Aktivizace a zmocňování romských aktérů prostřednictvím Národní romské platformy. Doporučení Národní romské platformy pro implementaci Strategie romské integrace do roku 2020*. 2017. Praha: Úřad vlády České republiky, Kancelář Rady vlády pro záležitosti romské menšiny. Available at:

Roma Minority Affairs stressed as the most important outcomes of these efforts the mediation of local dialogue between local activists and local governments as well as the engagement of new Roma figures willing to cooperate with the Office on inclusion issues.

The Government Council for Roma Minority Affairs and the Council for National Minorities publish information on their websites about their activities.⁴³ The Council for Roma Minority Affairs has been actively covering the field of education and communicating on an ongoing basis about the issues facing Roma pupils with the Ministry of Education and the CSI. It is not possible, however, to say that the subjects reported there arouse any greater political or societal interest, with the exception of the widely-reported buyout of the pig farm at Lety u Písku, located on the site of a former concentration camp for Roma. Another established initiative is the state-funded Museum of Roma Culture in Brno.⁴⁴

Traditionally, civil society activists and associations produce events for International Roma Day, which is usually the high point of the year in the context of the Roma emancipation movement.⁴⁵ Another significant event in the world of Roma culture is the annual international *KHAMORO* festival.⁴⁶ Supporting those who contribute to improving the living conditions of Roma has been the aim of the Roma Spirit award competition, which was, however, suspended in the Czech Republic in 2017 both for financial reasons and because of criticism from some Roma activists.⁴⁷

Worth mentioning in the context of empowerment and emancipation is the ARA ART⁴⁸ association, a Roma NGO initiative focusing on the experiences of Roma members of the LGBT+ minorities and providing that group with services that are made to order for them. ARA ART has initiated discussion about sexual minorities of Roma origin both at national and European level. In addition, the association is involved in general cultural output with a social scope, such as community theatre and other cultural activities that give disadvantaged groups a voice.

Another emancipatory action, this time in the area of visual art, was an exhibition in the autumn of 2016 at the *Nevan Contempo Gallery*, curated by Ladislava Gažiová and Ondřej Chrobák.⁴⁹ The exhibition was extended and was on display in the Moravian Gallery in Brno through the autumn of 2017.⁵⁰ Roma artists from the 20th and 21st centuries were displayed and discussed as artistic and social actors of their times.

<https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/brozura-aktivizace-a-zmocnovani-romskych-akteru-prostrednictvim-narodni-romske-platformy-155827/>. Accessed 3 October 2017.

⁴³ Rada vlády pro záležitosti romské menšiny, available at:

<https://www.vlada.cz/scripts/detail.php?pqid=490> and Rada vlády pro národnostní menšiny, available at <https://www.vlada.cz/scripts/detail.php?pqid=87>. Accessed 3 October 2017.

⁴⁴ See <http://www.rommuz.cz/>. Accessed 3 October 2017. The museum, in addition to its permanent exhibition on the history of Roma, annually prepares several temporary exhibitions. Since 2005 the museum has been a state-funded organization of the Czech Culture Ministry.

⁴⁵ An overview of events reported by the ROMEA news server is available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/mezinarodni-den-romu-2017-prehled-akci> . Accessed 3 October 2017.

⁴⁶ See: www.khamoro.cz. Accessed 6 October 2017. The festival is regularly financially supported by the Culture Ministry and Prague City Hall.

⁴⁷ See: <http://michaelkocab.com/roma-spirit/>, accessed 6 October 2017 and <http://www.romea.cz/en/news/czech/czech-republic-will-not-hold-a-roma-spirit-award-ceremony-this-year-due-to-lack-of-financing-and-criticism-by-some-romani> , Accessed 15 December 2017.

⁴⁸ See: www.araart.cz. Accessed 3 October 2017.

⁴⁹ More information available at: <http://artalk.cz/2016/11/03/tz-dzas-bare-dromeha-jdeme-dlouhou-cestou/>. Accessed 3 October 2017.

⁵⁰ See: <http://www.moravska-galerie.cz/moravska-galerie/vystavy-a-programme/aktualni-vystavy/2017/vesmir-je-cerny.aspx>. Accessed 8 December 2017.

In the area of Romanes language and Roma-authored literature there is the *Kher* publishing house, which publishes and promotes Roma literature.⁵¹

Guarantees for the effectiveness of programmes with the largest budgets

From the perspective of programmes specifically targeting Roma, the relevant Government institutions are the Ministry of Education, Youth and Sport; the Ministry of Culture; and the Office of the Government, specifically, the Office of the Government Council for Roma Minority Affairs. The following table presents an overview of the financing from the state budget for 2016 used explicitly to support Roma inclusion:⁵²

Chapters in the state budget	Year 2016	
	(in CZK)	(in EUR) ⁵³
Ministry of Education, Youth and Sport		
Support for integration of the Roma community	12,872,096	504,136
Support for socially disadvantaged Roma pupils of secondary schools, conservatories and higher technical schools	7,514,800	294,317
Support for education in the languages of national minorities and multicultural education	808,700	31,673
Ministry of Culture		
Support for the cultural activities of the members of national minorities	1,179,000	46,246
Support for integration of the members of the Roma minority	1,523,000	59,739
Support for disseminating and receiving information in national minority languages	3,203,000	12,552
Professional art of music	1,450,000	56,875
Support for developing important cultural activities of churches and religious societies	50,000	1,961
Library of the 21 st century	20,000	785
Museum of Roma Culture, Brno	13,115,766	514,458
Office of the Government of the Czech Republic – Office of the Czech Government Council on Roma Minority Affairs		
Events of the Czech Government Council on Roma Minority Affairs	87,052	3,415
Grant Programme – Support for Field Social Work	9,196,122	360,713
Grant Programme – Prevention of Social Exclusion and Community Work	11,950,420	468,748
Grant Programme - Support for the Roma Affairs Coordinators	5,235,520	205,360
Support for implementation of the European Charter on Regional and Minority Languages	955,000	37,459
TOTAL	69,160,476	2,712,779

All other state programmes relevant to the area of Roma inclusion are framed by social exclusion/inclusion or through a territorial approach focusing on socially excluded

⁵¹ See: www.kher.cz. Accessed 3 October 2017.

⁵² *Zpráva o stavu romské menšiny v České republice za rok 2016*. 2017. Praha: Úřad vlády České republiky, Sekce pro lidská práva, Oddělení kanceláře Rady vlády pro záležitosti romské menšiny a sekretariátu Rady vlády pro národnostní menšiny, page 7.

⁵³ This is an approximate sum, as the 2016 spending has been converted with the conversion rate for November 2017.

localities. Another area is combating discrimination, which the special chapter on addressing anti-discrimination reviews in this report.

In the area of social inclusion, the most significant activities are those of the Agency for Social Inclusion (ASI), a department of the Human Rights Section at the Office of the Government, which supports social inclusion at a general level throughout the entire Czech Republic.⁵⁴ Currently the operation of the ASI is assured by two projects from the European Structural Funds. One is the project called *Systematic provision of social inclusion*, implemented from 2016 until 2020 and financed from Operational Programme Employment with 10,184,022 EUR,⁵⁵ and the other is a project called *Inclusive and quality education in areas with SELs* implemented from 2016-2022 and financed from Operational Programme Research, Development and Education with 8,962,765 EUR.⁵⁶ Between 2014 and 2017 the ASI also implemented a project called "Campaign against racism and hate violence" that was supported by EEA Grants and the Czech state budget.⁵⁷ Its most visible output is the www.hatefree.cz website. The activity of the ASI is followed by and influenced by its Monitoring Committee, which is set up as a committee of the Government Council on Roma Minority Affairs and which has a say in the selection of localities for the (above-described) CASEL.

As far as drawing on other financing from the ESF goes, those relevant to the area of Roma inclusion are OP Employment; OP Research, Development and Education; and the IROP. In addition to other matters, these OPs finance municipal projects designed in collaboration with the ASI as part of the local partnerships it creates. The issue of ESF's use for Roma inclusion was discussed above in the part of this chapter on national level public authorities.

Civil society's access to funding for Roma inclusion activities

A specific feature of the Czech NGO sector is a certain stability caused by the fact that social services provided at the level of cities and municipalities are, to a great degree, privatised and provided by NGOs that have their financing arranged thereby. Grassroots NGOs provide field workers and preventive services in particular (e.g., social work, services for families with minor children, recreational activities for children and others), receive financing from local or regional governments, and therefore manage to exist in a stable way and also to dedicate themselves to additional activities such as community events or empowerment.

A negative phenomenon related to this privatisation of social services that has facilitated more stable financing of NGOs, including Roma ones, is that the provision of social services becomes subject to competition. The more professional NGOs have greater chances of obtaining financing for social services to the detriment of the local grassroots organisations that objectively have lower capacities and whose exclusion from financing and service provision restricts their opportunities for professional growth. This competition is often interpreted in terms of disadvantaging Roma and their organisations. The processes for issuing authorisations for the provision of social services are not fully transparent, which sometimes contributes to such suspicions. Since social services are provided as Services of General Economic Interest (SGEI), the providers, in addition to being registered as social service providers based on objective criteria established by law and receiving grants

⁵⁴ List of localities, see: http://www.socialni-zaclenovani.cz/index.php?option=com_k2&id=16&view=item&Itemid=2. Accessed 10 October 2017.

⁵⁵ See: <http://www.socialni-zaclenovani.cz/systemove-zajisteni-socialniho-zaclenovani>. Accessed 10 October 2017.

⁵⁶ See: <http://www.socialni-zaclenovani.cz/inkluzivni-a-kvalitni-vzdelavani-v-uzemich-se-svl>. Accessed 10 October 2017.

⁵⁷ See: <http://www.socialni-zaclenovani.cz/kampan-proti-rasismu-a-nasili-z-nenavisti>. Accessed 10 October 2017.

based on a rather transparent process, must additionally become part of the network of social service providers in a given territory and acquire a so-called SGEI entrustment. Decisions on acceptance to the network and being awarded the entrustment seem sometimes arbitrary and non-transparent to the NGOs. The process is particularly difficult for organisations that have not provided services before. Large professional NGOs providing social services in several regions are less vulnerable but still face the risk of losing their status as part of the network and therefore losing some funding. Among such large NGOs providing social services in multiple regions there is only one Roma NGO.

Most Roma or pro-Roma grassroots NGOs operate only in one town or village. Another significant negative impact of basing their financing on social services provision by means of contracts with public bodies is that NGOs become dependent on those public bodies. Out of concern that they might not win a contract in the future, these organisations believe they are unable to take critical stances toward the politicians and representatives of cities and regions.

Availability of reliable data on the situation of Roma

In connection with the above-mentioned approach of a non-ethnic approach to social inclusion and a lack of will, or rather, the refusal to collect data disaggregated by ethnicity (with the exception of the area of education, as already mentioned), it is very difficult to estimate the impact of different policies and programmes specifically on Roma men and women.

The trouble with measuring the impact of measures specifically for an ethnically-framed target group is acknowledged also by the Government-approved *Methodology for following and assessing the fulfilment of the Roma Integration Strategy to 2020*.⁵⁸ Nevertheless, it is necessary to appreciate the effort made by the Office of the Government Council on Roma Minority Affairs to elaborate at least an estimate of the number of Roma living in the Czech Republic and their social positions. The data collection has been carried out by Regional Coordinators for Roma Affairs and by local Roma Advisors.

A definition used to identify the Roma population was set by the Office of Government, which states:

"... we consider Roma every person who considers herself or himself Roma without necessarily endorsing such an identity on every occasion (e.g., during the Census) or who is considered Roma by a considerable part of those around the person, based on his or her real or supposed (anthropological, cultural or social) indicators."⁵⁹

Based on the coordinators' and advisors' estimates, the Office of the Government states that there are approximately 245,800 Roma living in the Czech Republic (or 2.3% of the Czech population) of whom 50% live in social exclusion.⁶⁰ The coordinators/advisors for Roma affairs suggest that the percentage of so-called integrated Roma could be even higher, as they become somehow invisible to the local authorities. This is due to the political (and wider social) discourse which associates social exclusion more and more closely with a person being of Roma origin, and therefore Roma who do not live in social exclusion are often not viewed as Roma by others.⁶¹ On the other hand, some NGOs are

⁵⁸ Available at: https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Methodika-pro-sledovani-a-vyhodnocovani-naplnovani-Strategie-romske-integrace-do-roku-2020_1.pdf. Accessed 10 October 2017.

⁵⁹ See: *Zpráva o stavu romské menšiny v České republice za rok 2016. (Report on the State of the Romani Minority for 2016.)* 2017. Praha: Úřad vlády České republiky, Sekce pro lidská práva, Oddělení kanceláře Rady vlády pro záležitosti romské menšiny a sekretariátu Rady vlády pro národnostní menšiny, p. 4.

⁶⁰ *Ibid.*

⁶¹ Information provided by a Regional Coordinator for Roma Affairs, December 2017.

disputing these estimates, saying that even more Roma than this live in social exclusion.⁶² This is a rough estimate, though, and the Office of the Government suggests that its value lies in uprooting the myth of an equation between Roma origin and social exclusion, as well as its indication of the regional distribution of Roma living in social exclusion. The Office of the Government is planning to explore the situation of Roma living in social exclusion more deeply in a planned qualitative study of the issue.

The coordinators and advisors have identified other barriers they face while collecting data, such as: public institutions (mayors, schools, labour offices) refusing to provide such information and referencing personal data protection as the reason; the frequent migration of people living in social exclusion; difficulties in accessing the residential hotel tenants; and lack of cooperation from the Aliens Police (the immigration authority), which makes it difficult to estimate the numbers of Roma from Slovakia living in the Czech Republic. The General Directorate of the Labour Office has declined to provide such data to the Regional Coordinators / Office of Government and explained its refusal by saying the proposed data collection methodology was inadequate. This situation should be solved in the near future and the Labour Office, according to the Office of Government, should start providing the Office overall estimates about Roma social service users based on the Labour Office's own methodology (this will not be provided through the Regional Coordinators). Also, different institutions collect their own data on ethnicity without coordinating with others. Roma themselves either never declare their ethnicity or declare it differently in different circumstances, which does not make the situation of data collection any easier.

Moreover, the above-described method of data collection has been criticised, e.g., the Deputy Mayor of the City of Liberec refused to provide assistance with such data collection, citing doubts about its compliance with human rights principles, and was backed by a local Roma NGO in that refusal.⁶³ Critics primarily refer to the trap of third-party identification.⁶⁴ On the other hand, many activists and NGOs support data collection as the only way to measure the impact of public policies on the Roma population, although questions about appropriate methodology persist.⁶⁵

The discussion about framing programmes specifically around Roma inclusion and/or generally around social inclusion, like the discussion about collecting ethnic data, has been ongoing in the Czech Republic for years but has not yet led to any generally-accepted conclusions. The monitoring and evaluation of programme and project measures aiming at Roma inclusion, therefore, will apparently continue to depend on the practice of each individual institution.

Policies and measures addressing specific needs of Roma women, children and youth

The Roma Integration Strategy does not comprehensively review the specific situations of Roma women or of Roma children and youth.⁶⁶ However, it does specifically discuss the education of children, primarily as far as the segregation of Roma children in education is

⁶² Information from informal interviews, autumn 2017.

⁶³ E.g., see: <http://www.romea.cz/en/news/czech/czech-vice-mayor-says-czech-govt-s-method-for-collecting-data-about-romani-people-is-inhumane-2> . Accessed 10 October 2017.

⁶⁴ For similar reasons the collection of data about Roma pupil numbers by the Czech School Inspection has been criticized; as of the 2016/17 school year, the Education Ministry is doing this data collection.

⁶⁵ See e.g.: <http://www.romea.cz/cz/zpravodajstvi/domaci/cenek-ruzicka-ke-sberu-etnickych-dat-pokud-ma-romum-spolecnost-pomahat-je-nutne-aby-mela-data>, <http://www.romea.cz/cz/zpravodajstvi/david-benak-v-ankete-serveru-romea-cz-bez-etnickych-statistik-jsme-de-facto-slepi> or <http://www.romea.cz/cz/zpravodajstvi/patrik-banga-jsem-pro-sber-etnickych-dat-ve-vsech-oblastech-majorita-ale-nemuze-urcovat-kdo-je-rom>, all accessed 8 December 2017.

⁶⁶ In some cases – the area of discrimination and employment – it warns of the issue of multiple discrimination.

concerned and the differences between the education attained by Roma children and that attained by the rest of the population. The introduction of a compulsory final year of nursery school for all children can be considered an essential recent measure, along with the related increased capacities of nursery schools and the package of pro-inclusive measures collectively presented by the Education Ministry as “joint education”.⁶⁷ The adoption of these measures must be viewed in the context of the European Court for Human Rights (ECtHR) judgment in the case of *D.H. and Others versus the Czech Republic*, which was handed down ten years ago. The area of education is focused on in more detail in the chapter on the impact of mainstream education policy on Roma in this report.

The target group of Roma youth is focused on by the NRIS primarily in the area of education by supporting the participation of Roma youth in secondary and tertiary education. The most widespread instrument in this area is the provision of scholarships to students. The Education Ministry implements the subsidy programme “Support for socially disadvantaged Roma pupils of high schools and conservatories, and for Roma students of higher vocational schools”,⁶⁸ from which around 700 students are annually supported. Beyond the state support, privately-funded scholarships are administered for Roma students by the *ROMEIA* organization,⁶⁹ the *Open Society Fund Prague*,⁷⁰ and the *Verda Foundation*.⁷¹

The specific experience of Roma women is not discussed by the NRIS and no measures in that area can be found in it. The Office of the Government Council for Roma Affairs, as the Contact Point for the implementation of the Strategy, devotes part of its Report on the State of the Roma Minority for 2016 to the position of Roma women by describing an NGO project co-financed by the Office of the Government supporting the emancipation of Roma women, *Jileha*, implemented by the NGO Slovo 21.⁷² The project coordinator has stressed the activating dimension of the project activities and its thoroughly bottom-up operation; the approximately 120 women who meet in ten groups throughout the Czech Republic have gained self-confidence and have become active not only inside the Roma community but are more active in their localities in general.

No progress has been made in recent years in the area of compensating illegally sterilised Roma women.⁷³ In 2015 the Human Rights Minister submitted a bill on compensating the victims of forced sterilisations, but the Government did not approve it.⁷⁴ As part of the Government Council for Roma Minority Affairs, a Working Group on the subject of compensating Roma women who were sterilised against their will continues to function.

⁶⁷ See: <http://www.msmt.cz/vzdelavani/spolecne-vzdelavani-1>. Accessed 10 October 2017.

⁶⁸ See: <http://www.msmt.cz/vzdelavani/zakladni-vzdelavani/roma-ss-a-vos>. Accessed 10 October 2017.

⁶⁹ ROMEIA administers scholarships for college students provided by the Roma Education Fund and also provides scholarships for students of secondary schools and higher vocational schools, primarily through the financial support of the Velux Foundation, but also through support from individual donors. See www.romskastipendia.cz. Accessed 10 October 2017.

⁷⁰ See: <http://osf.cz/cs/jak-pomahame/stipendia/>. Accessed 10 October 2017.

⁷¹ See: <http://www.verda.me/>. Accessed 10 October 2017.

⁷² For the *Jileha* project, see: <http://www.slovo21.cz/index.php/extensions/jileha-romske-zenske-skupiny>. Accessed 10 October 2017.

⁷³ Despite the fact, that there have been individual court judgments awarding compensation to some of these victims in the past. Available (in Czech) at: <http://www.romea.cz/cz/zpravy/soud-priznal-dvema-zenam-stotisicove-odskodne-za-sterilizaci> Accessed 5 December 2017.

⁷⁴ See: <http://www.romea.cz/en/news/czech/czech-government-rejects-bill-to-compensate-victims-of-illegal-sterilizations> . Accessed 10 October 2017. The Czech Republic had to answer questions about illegal sterilizations before the UN Committee in February 2016. Available at: <http://www.romea.cz/en/news/world/live-online-czech-government-to-answer-questions-about-illegal-sterilizations-mostly-of-romani-women-from-un-committee> Accessed 5 December 2017.

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

Council Directive 2000/43/ES (hereinafter, the "RED") is implemented in the Czech Republic by Antidiscrimination Act No. 198/2009, which was adopted in 2009. The law was adopted in the Czech Republic under considerable time pressure, without enough discussion of it by experts and the public. The Antidiscrimination Act is frequently perceived in the Czech Republic as an unnecessary dictate of the EU. Convincing the public that the Antidiscrimination Act is not something forced on the country from outside is a barrier that must still be overcome, according to an interviewee from the ombudswoman's Office.

The fact that the RED was implemented as a stand-alone law, according to the ombudswoman's office, represents an advantage on the one hand, because it is a clear piece of legislation, but on the other hand the office staff encounter the fact that the state bodies (e.g., the Labour Inspection) work mainly with the regulations for their particular field (e.g., the Education Act for the schools) and the existence of an overarching Antidiscrimination Act that they might also apply is something they ignore.

There are still serious reservations about the systemic enforcement of the Antidiscrimination Act itself to date, and discrimination against the Roma remains simply omnipresent in the Czech Republic.⁷⁵ As agreed by the authors of this report, this fact stems pre-eminently from three key factors: negative attitudes of the public towards Roma, a lack of ability and will among state bodies to apply existing legislation properly, and several institutes that are missing in the Czech legal system.

According to many surveys of the Czech public, respondents like Roma the least of any group; typically, some three quarters (75 %) of the general public dislike Roma⁷⁶ or would not agree to have a Roma neighbour, which obviously strongly affects day-to-day practices across the whole society, including the occurrence of discriminatory situations involving all Roma citizens.⁷⁷ Furthermore, as implied by exclusively-focused research on the "Position of Roma Woman in the Czech Republic", it is not exceptional that a considerable part of the Roma population faces multiple discrimination.⁷⁸

⁷⁵ According to FRA findings, 85 % of Roma in the CR felt discriminated against because of their ethnic origin. Available at: <http://www.romea.cz/en/news/world/eu-fra-80-of-roma-in-europe-at-risk-of-poverty-85-of-roma-in-the-czech-republic-are-discriminated-against>. This unequivocal conclusion is not only based on many interviews with grassroots Roma NGOs and their clients but is also mentioned, e. g., in an interview with Roma social workers available (in Czech), at: <https://zpravy.aktualne.cz/regiony/jihomoravsky/diskriminace-je-vsudypritomna-romum-ale-chybi-vzory-na-vzdel/r~bb315f9cf44e11e68af8002590604f2e/?redirected=1487595555> Accessed 10 December 2017.

⁷⁶ One recent poll conducted by the Public Opinion Research Centre (CVVM) and published in March 2017 is available at: https://cvvm.soc.cas.cz/media/com_form2content/documents/c6/a4301/f77/ov170425_ENG.pdf

⁷⁷ As demonstrated by a situation reported to news server Romea.cz by a reader reporting a case of discrimination in access to services at the branch of the "Potrefená husa" restaurant located inside of Prague's main train station. A Roma citizen invited several of his relatives to have dinner with him and a friend there before they travelled back to Slovakia. The manager, however, refused them service, justifying his decision by saying one of their party was improperly dressed. The Roma man contacted the Staropramen Brewery (owner of the chain) after the incident and the manager of the network apologized to him by telephone. The whole story is available at: <http://www.romea.cz/en/news/czech/czech-republic-Roma-family-allegedly-refused-service-in-restaurant-owned-by-staropramen-brewery> Accessed 10 December 2017.

⁷⁸ The research was published by Slovo 21 and its main findings are available at: <http://slovo21.cz/images/dokumenty/POSITION%20OF%20ROMA%20WOMEN%20IN%20THE%20CZECH%20REPUBLIC%20-%20RESEARCH%20RESULTS.pdf> Accessed 11 December 2017.

Apart from the above-mentioned public attitudes and persisting prejudices towards Roma, for many Roma victims of discrimination various obstacles hinder access to justice and undermine the impact of the Antidiscrimination Act. Among the barriers that significantly complicate more efficient enforcement of the already existing legislation are barriers about lack of information (victims having low legal awareness and lack of knowledge about the Antidiscrimination Act), barriers about individual decision-making (low self-esteem and/or lack of pride in their identity mean many Roma consider discrimination to be a routine part of their lives), barriers at the larger societal level (human rights are marginalised in Czech society generally) and barriers about the Antidiscrimination Act itself and court decisions based on it (the protracted character of court proceedings and the lack of a stable interpretation of the law, along with a low number of cases involving it).⁷⁹

In this regard, the interviewed Roma NGOs also stress the deep concerns of many Roma citizens who do not wish to resolve the situation of discrimination in question, with the most-frequently given reason being a fear that things “do not turn even worse”. Indeed, Roma have low trust in court decisions in discrimination trials, as judges often demonstrate not just a lack of sensitivity, but also the same prejudices as the rest of society.⁸⁰

Nevertheless, there are even more reasons why practical enforcement of anti-discrimination legislation fails, and the widespread disbelief that authorized state bodies would be able or willing to resolve the situation of these victims is only one reason leading to the under-reporting of discrimination. In its extensive research, the Office of the Public Defender of Rights admits anti-discrimination is still a rather recent field in the Czech Republic so it is necessary to educate those who are tasked with enforcing the right to equal treatment and with protecting the victims of discrimination.⁸¹

Another issue is that several institutes are missing in the Czech law. In January 2017, the Czech Government refused to submit a law extending the powers of the Public Defender of Rights, arguing that giving that body the power to bring public interest lawsuits (so called *actio popularis*) in cases of discrimination would never pass the Czech lower house.⁸² This means, as stated by the European Commission against Racism and Intolerance (ECRI) already in 2015, that the Public Defender of Rights still does not possess the necessary powers and responsibilities to combat racial discrimination effectively.

The required extension of the Czech equality body’s powers (which, according to the interviewed NGOs, could preferably include the option of representing clients in litigation and/or the authority to impose financial sanctions) is also associated with access to free legal aid by discrimination victims. Discrimination proceedings are subject to court fees, and plaintiffs cover the expenses of the defendant if the lawsuit is lost, which can be devastating for unsuccessful plaintiffs. Although there are some NGOs and *pro bono* lawyers in the Czech Republic,⁸³ the Czech legal system has not implemented the systematic provision of free legal aid.

⁷⁹ Office of the Public Defender of Rights: Discrimination in the CR: Victims of Discrimination and Obstacles Hindering their Access to Justice, 2015, available at:

https://www.ochrance.cz/fileadmin/user_upload/ESO/EN_Discrimination_in_CZ_research_01.pdf
Accessed 11 December 2017.

⁸⁰ As the case study from the town of Bohumín below illustrates, this applies to discriminatory practices of municipalities, too.

⁸¹ Office of the Public Defender of Rights: Discrimination in the CR: Victims of Discrimination and Obstacles Hindering their Access to Justice, 2015

⁸² According to former Human Rights Minister Jiří Dienstbier, this actually means the Government has abandoned its own policy statement in the field of human rights. Available (in Czech) at: http://zpravy.idnes.cz/vlada-vzdava-plan-aby-odmbudsman-mohl-dat-antidiskriminacni-zalobu-1f1-/domaci.aspx?c=A170125_110456_domaci_kop Accessed 12 December 2017.

⁸³ Such as *Pro bono* alliance: <http://www.probonoalliance.cz/en>

Despite the above-mentioned barriers, there are several anti-discrimination cases worth mentioning. The problem of the systematic enrolment of Roma children into special education arose in a case dealt with by the Czech Constitutional Court in 2015. The complainant claimed he had been subjected to discrimination because he had been enrolled into a special school due to his Roma ethnicity. The Czech Constitutional Court had rejected his claim by stating, surprisingly, that segregation only exists if the percentage of Roma pupils in a school is above 50%.⁸⁴

In April 2017 the District Court in the city of Ostrava found that the Pěší Primary School in Ostrava-Muglinova discriminated against two Roma pre-schoolers when it refused to enrol them into first grade in 2014. In its ground-breaking verdict, the court stated – for the first time in the Czech Republic – that the school was attempting to unjustifiably regulate the number of Roma children in the first-grade class, and the judge even stated in his reasoning that the discrimination of Roma children during enrolment leads to the creation of segregated schools.⁸⁵

Since discrimination against Roma children is a persistent problem in the Czech context (even 10 years after the *D. H. judgement*), in 2014 the EC started an infringement procedure (no. 2014/2174) against the Czech Republic, targeting the existence of the “special” schools or classes where some 30 % of Roma children are still educated.⁸⁶ The EC stated that the enforcement of Education Act No. 561/2004 is still creating indirect discrimination, as 15 times more Roma children attend the “special” schools than non-Roma children.⁸⁷ The infringement procedure is currently pending. The EC did not state in its infringement procedure what exactly should be changed with respect to the discrimination of Roma pupils, but since 2014 the Czech Republic has adopted several measures, mostly addressing the problem of indirect discrimination, that are supposed to improve the situation of Roma children (these measures are also described in the chapter on Impact of mainstream education on Roma, as they are relevant for both themes), as follows:

- *Priority for education in the mainstream schools* (2016):⁸⁸ By Decree no. 27/2016, Coll., the educational and psychological counselling centres must examine whether a pupil is able to study in a mainstream school with the use of support measures and, if the pupil is, then the centre should not recommend the pupil’s enrolment into a “special” school or class.
- *Prohibition of placement of pupils with a social impairment into the “special” schools* (2014):⁸⁹ through this amendment to Decree no. 73/2005 Coll., in 2014 it is no longer possible to place children into a special school because of social impairment (even temporarily). Special classes can still be established for pupils with intellectual or physical impairment, severe speech impairment, serious developmental learning disorders, severe developmental behavioural disorders, concomitant multiple disabilities, or autism. For enrolling into such class, the

⁸⁴ Press release of the European Roma Rights Centre, available at: <http://www.errc.org/article/disappointing-constitutional-court-judgment-still-opens-opportunities-to-fight-segregation/4416>. Accessed 5 December 2017.

⁸⁵ More information available (in Czech) at: https://ostrava.idnes.cz/ostravska-skola-se-musi-omluvit-za-diskriminaci-romskych-zaku-pri-zapisu-152-/ostrava-zpravy.aspx?c=A170301_152557_ostrava-zpravy_iog. Accessed 6 December 2017.

⁸⁶ *EduIn* 2014: 6.

⁸⁷ *Ibid.*

⁸⁸ *Vyhláška o vzdělávání žáků se speciálními vzdělávacími potřebami a žáků nadaných č.27/2016 Sb. (Decree No. 27/2016, on the Education of Pupils with Special Education Needs and Gifted Pupils.)*

⁸⁹ *Vyhláška o vzdělávání dětí, žáků a studentů se speciálními vzdělávacími potřebami a dětí, žáků a studentů mimořádně nadaných č. 73/2005 Sb. (Decree No. 73/2005, on the Education of Children, Pupils and Students with Special Education Needs and Exceptionally Gifted Children, Pupils and Students.)*

recommendation of an educational and psychological counselling centre and the consent of the parent (legal guardian) is required and the enrolment must be in the interest of the pupil (Education Act). Strict definition of the conditions under which a pupil can be enrolled into a "special" school is the first step against indirect discrimination, but for real change to happen it is necessary to achieve adherence to these conditions in practice.

- *Regular re-testing of pupils diagnosed with mild intellectual disabilities* (2016):⁹⁰ Decree no. 27/2016 established that pupils enrolled into a "special" class because they have been diagnosed with mild intellectual impairment must be annually re-tested. This requirement represents the acceptance of the idea that children's mental conditions can improve, which is a very important change.
- *Mandatory usage of dynamic diagnostics to test mild intellectual disabilities* (2016):⁹¹ Decree no. 27/2016 established that educational and psychological counselling centres must use dynamic diagnostics when deciding whether to recommend prolonged enrolment into a "special" school or class for intellectually impaired pupils. Dynamic diagnostics is a method of testing able to measure an individual's potential instead of just measuring performance, and therefore this method of testing is appropriate for testing pupils who are socially impaired.⁹² Due to their social deprivation, the performance of such pupils can be less than their potential. The acceptance of the idea that the potential of a pupil is more important than the pupil's performance is a very important change.
- *Mandatory preschool year* (2017): Since 2017 the Education Act has established a mandatory preschool year in kindergarten for all five-year-olds. The intention of this provision is to help those least likely to attend preschool, such as children from socially excluded areas, to better adapt to the educational process.
- *Significant increase in financing of support measures for students with special needs* (2016): Since 2016 schools have significantly more funds available for support measures⁹³ such as teaching assistants, and therefore pupils with intellectual or social impairment can easily get support to study in mainstream schools. This financial support for inclusive education is criticized in the media⁹⁴ as a waste of money and therefore there is a risk that due to populist politics this financing will be stopped or limited, as the recent statements of the newly-appointed Education Minister, Mr. Robert Plaga, who intends to revise the funding of inclusive education.⁹⁵

⁹⁰ *Vyhláška o vzdělávání žáků se speciálními vzdělávacími potřebami a žáků nadaných č.27/2016 Sb. (Decree No. 27/2016, on the Education of Pupils with Special Education Needs and Gifted Pupils.)*

⁹¹ *Ibid.*

⁹² Available (in Czech) at: <http://katalogpo.upol.cz/metodika-identifikace-socialniho-znevychodneni/1-dynamicka-diagnostika/>

Morávková Krejčová, L. (2017): *Dynamická diagnostika*. Available from: <http://katalogpo.upol.cz/metodika-identifikace-socialniho-znevychodneni/1-dynamicka-diagnostika/>. Accessed 6 December 2017.

⁹³ ČSI (2017): *Společné vzdělávání v roce 2016/2017* Available from: <http://www.csicr.cz/getattachment/7734c437-a133-4411-b8b6-ed11776ad4fe/TZ-Spolecne-vzdelavani-16-10-2017.pdf>. Accessed 5 December 2017.

⁹⁴ Blesk (2014), *Peníze na inkluzi budou, slibuje Valachová. A neziskovky větří miliony...*; available at: <http://www.blesk.cz/clanek/zpravy-politika/384551/penize-na-inkluzi-budou-slibuje-valachova-a-neziskovky-vetri-miliony.html>. Accessed 15 December 2017.

⁹⁵ Robert Plaga issued those statements shortly after being appointed in December 2017. Available (in Czech) at: <http://www.romea.cz/cz/zpravodajstvi/domaci/novy-ministr-skolstvi-plaga-chce-resit-financi-revizi-inkluzivniho-vzdelavani> Accessed 20 December 2017

Although the EC has stated that the problem of overrepresentation of Roma children in “special” schools is a problem of the enforcement of the law rather than a problem of its wording, without statistical data it is still impossible to evaluate whether the legal changes presented are sufficient to eliminate indirect discrimination.⁹⁶ It must be researched over the next few years whether the described changes have led to a minimisation of the percentage of Roma children educated in “special” schools.

We find disturbing the statement of former Education Minister Stanislav Štech who, on the one hand, argues that the Czech Republic has adopted necessary measures every year since the *D. H. judgment* to implement it, but on the other hand admits that “these are all just the first steps in a process which, according to all experts, will take years to implement and, for Roma pupils especially, is a process for which legislative, organizational and pedagogical measures alone will not produce success.”⁹⁷ We are convinced that many people, not just Roma grassroots organisations, could have expected more tangible results ten years after the *D. H. judgment*.

Although the above-described plan to reduce the number of Roma children educated in “special” schools does exist, there are also primary schools where almost only Roma children study because of municipal ordinances stating that children from specific catchment areas are entitled to attend specific schools. This system leads to a situation in which children from all the socially excluded areas attend the same school. Roma children are then studying in segregated schools that are legally considered equivalent to other mainstream schools, but the data regarding whether the quality of their education is equal to that of other mainstream schools is not collected.

The adoption of the Antidiscrimination Act has given Roma an instrument for defending themselves against discrimination, but to what degree that institution is actually accessible to them and made use of by them is a question for further and even more detailed research. In 2016, the Office of the Public Defender of Rights addressed 69 complaints of discrimination on the basis of ethnicity and/or race, which is certainly just a fraction of the cases of discrimination that happen in the Czech Republic. According to the Public Defender’s annual reports, the Office does encounter cases of multiple discrimination, typically a combination of ethnic (racial) discrimination with discrimination on the grounds of citizenship (nationality). Nevertheless, according to our interview with the staffers of the Office of the Public Defender of Rights, addressing such cases is exponentially more difficult; most of the time, a primary, single ground for discrimination is sought and the case is addressed with that focus.⁹⁸

The Antidiscrimination Act also established the remit of the Public Defender in the area of the right to equal treatment and protection from discrimination, and for that purpose the Equal Treatment Department has been created at the Office. In this area, the Public Defender informs the public through recommendations and statements about instances of discrimination in society, educates both the lay public and professionals, and aids victims of discrimination. Of the activities that the Public Defender is developing specifically in the area of discrimination, one is so-called “situational testing”, where the Office of the Public Defender of Rights aids victims of discrimination with demonstrating that the treatment to which they have been subjected is actually discrimination. This is done in the field with the aid of paid “actors” who test whether a specific person behaves one way towards persons who display some trait on the basis of which they might be discriminated and

⁹⁶ Some available data, along with our observations from regional work, suggest that the legal changes are not sufficient. See more below and in the chapter on education.

⁹⁷ The minister made these statements on the occasion of the 10th anniversary of the *D.H. judgment*; available at: <http://www.romea.cz/en/news/czech/czech-edmin-necessary-measures-for-educating-all-children-together-not-just-roma-adopted-annually-since-the-d-h-judgment>

⁹⁸ Ochrance.cz (2017): *Diskriminace*. Available from: <https://www.ochrance.cz/diskriminace/>. Accessed 29 September 2017.

another way toward persons without that trait.⁹⁹ Currently, according to our interview with the staffers of the Office of the Public Defender of Rights, there are 12 staffers in the Equal Treatment Department, some of whom work less than full time.

The capacity of the Public Defender to act independently and more efficiently is important because only 11% of discrimination victims report their experiences to the authorities¹⁰⁰ and racial or ethnicity-based discrimination is perceived as the most frequent type of discrimination in the Czech Republic. Almost two thirds of respondents believe such discrimination is widespread and one-fifth even believes it is extremely widespread.¹⁰¹

Educational and residential segregation

Education and housing are two areas where it is crucial to combat discrimination. Currently, however, in the Czech Republic it is still plain to see there are deficiencies in this area and that segregation in education and housing continues to persist – because of this the Czech Republic is regularly targeted for criticism by international organisations which, exactly with a view to education above all, regularly warn the Government of its deficiencies in working with vulnerable groups (including Roma) (e.g., the Recommendations of the Council on the National Programme of Reforms 2015 and 2016 and the Recommendations for Recommendation to the Council on the National Programme of Reforms for 2017), and the Council Recommendations must then be reflected by the state in its subsequent strategies, which should be gradually adapted and reflected upon for these essential areas. As far as the Office of the Public Defender of Rights is concerned, it is ideal when Council Recommendations are transposed into the strategies of the institutions themselves because it is then possible to use them to argue in support of desegregation and inclusion in education.

The Czech Republic is undergoing infringement procedures in the area of education. The procedure initiated by the EC was welcomed by NGOs since its aim was to draw attention to the deficient situation in the area of discrimination of Roma children, which does not fulfil the idea of Directive 2000/43/ES.¹⁰²

In 2016 an amendment to the Education Act took effect that should support, in a more intensive form, the fulfilment of inclusive ideals and promote desegregation in education. However, the data from the Ministry of Education reveal that, as of 3 September 2016, only 205 of the 18,000 pupils diagnosed with mild mental disabilities and attending practical schools were transferred to mainstream schools.¹⁰³ In January 2017 the Ministry of Education published estimates that indicate that for academic year 2016/2017 Roma pupils account for 3.7% of all primary school pupils but 30.9% of all pupils being taught according to curricula for children with mild mental disabilities.¹⁰⁴

Therefore, in our opinion, the Czech Republic is still failing to resolve the segregation of Roma children in education. This was actually confirmed by the Ministry of Education itself,

⁹⁹ *Ibid.*

¹⁰⁰ Ochrance (2014): *Diskriminace v ČR: oběť diskriminace a její překážky v přístupu ke spravedlnosti*. Available from: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/CZ_Diskriminace_v_CR_shrnuti.pdf. Accessed 6 December 2017.

¹⁰¹ Office of the Public Defender of Rights: *Discrimination in the CR: Victims of Discrimination and Obstacles Hindering their Access to Justice*, 2015.

¹⁰² *EduIn* (2014): *Formální upozornění k infringement procedure*. Available at: <http://www.eduin.cz/wp-content/uploads/2014/11/INFRINGEMENT-PROCEEDINGS-LETTER.pdf> (accessed 2017-09-15).

¹⁰³ Available (in Czech) at: <http://www.msmt.cz/ministerstvo/novinar/zhruba-200-zaku-prejde-z-takzvaných-praktických-do-beznych> Accessed 6 December 2017.

¹⁰⁴ Available (in Czech) at: <http://www.msmt.cz/ministerstvo/novinar/vysledky-kvalifikovanych-odhadu-poctu-romskych-zaku-v-zs> Accessed 5 December 2017.

which provided estimates showing that approximately every fourth Roma pupil is educated in segregated settings, i.e., in schools where Roma amount to between 75 and 100% of the pupils.¹⁰⁵

Unfortunately, it seems that even a mandatory preschool year introduced recently by the Ministry of Education is being misinterpreted by educators¹⁰⁶ and its intended inclusive aim could be rather limited in practice. No data has been reported yet about its impact on Roma children.

According to the Public Defender of Rights, there is still no decision by a national court¹⁰⁷ stating that segregation is a form of discrimination in the Czech Republic – in reality that conclusion must be deduced from international conventions.¹⁰⁸ The Public Defender says such a decision could be crucial to moving this issue forward, but also mentioned the probability of social unrest arising in the context of such a domestic ruling that could form a barrier to the implementation of any such ruling. A conciliatory, gradual way forward is perceived (by the Public Defender) as a long-term effort. At the same time, however, there are already two examples of good practice when it comes to desegregation, one from the town of Krnov and one from Sokolov (the most successful example mentioned in general discussions is that of Krnov¹⁰⁹).

In connection to education, the question of housing is also important and is associated with segregation in education. According to recent research from 2014/2015, the number of socially excluded localities is growing and their number has doubled since 2006 (from approximately 300 to approximately 600), and the number of localities has grown in all regions across the country.¹¹⁰ Roma in social exclusion often face obscure rules and discriminatory practices in accessing municipal housing. Testing carried out by the Public Defender of Rights in 2012 and 2013 confirmed discriminatory practices towards Roma are present in the commercial rental market, too.¹¹¹ The 2013 Government housing report also confirmed that Roma cannot access the Czech housing market as a result of their ethnicity and lesser economic status.¹¹²

¹⁰⁵ Available (in Czech) at: <http://www.msmt.cz/ministerstvo/novinar/vysledky-kvalifikovanych-odhadu-poctu-romskych-zaku-v-zs> Accessed 5 December 2017.

¹⁰⁶ In the Education Act there is currently the possibility of home schooling. In September 2017, Czech Television broadcast a reportage about educators explaining to Roma parents from Chanov (a socially excluded area) the option of home schooling so a child does not have to attend kindergarten. According to the Education Ministry and ČOSIV (the Czech Expert Platform on Inclusive Education), this would contradict the aim of the mandatory preschool year. ČT24 2017): *Povinný rok školky je důležitý hlavně pro děti z ghett. Jejich rodičům se dojíždět nechce*. Available from: <http://www.ceskatelevize.cz/ct24/domaci/2095520-povinny-rok-skolky-je-dulezity-hlavne-pro-deti-z-ghett-jejich-rodicum-se-dojizdet> (accessed 2017-12-05) Accessed 7 December 2017.

¹⁰⁷ The “D.H.” judgment stated that in the Czech Republic Roma children are placed into “special schools” based on their alleged “disability” disproportionately more often than other children are. The current situation is more about mainstream schools that are 50% attended by Roma children only. There are currently around 80 such majority-Roma schools in the Czech Republic. (MŠMT 2017) MŠMT (2017): *Zpráva ze zjišťování kvalifikovaných odhadů počtu romských žáků v základních školách ve školním roce 2016/17*. Available from: <http://www.msmt.cz/file/39658/> (accessed 2017-12-05)

¹⁰⁸ The ruling of the District Court in Ostrava mentioned earlier focused on discrimination that could lead to segregation, not on the segregation itself.

¹⁰⁹ The town of Krnov was nominated for Roma Spirit award in 2014 for its inclusive approach in the fields of housing and education. Available at: https://bruntalsky.denik.cz/zpravy_region/v-integraci-romu-je-krnov-prikladem-pro-ostatni-mesta-20141215.html Accessed 4 December 2017.

¹¹⁰ GAC spol. s r.o. (2015) *Analýza sociálně vyloučených lokalit v ČR*. Available from: http://www.gac.cz/userfiles/File/nase_prace_vystupy/Analiza_socialne_vyloucenych_lokalit_GAC.pdf.

¹¹¹ Available (in Czech) at: <https://www.ochrance.cz/aktualne/tiskove-zpravy-2015/chybuje-verejna-ochranky-ne-prav-tim-ze-poukazuje-na-nezakonny-postup-reálnitních-kancela/>

¹¹² Available at: <http://www.romea.cz/en/news/czech/czech-gov-t-report-finds-roma-cannot-access-ordinary-housing>

The Public Defender of Rights also emphasised that the area of housing lacks a strong imperative for action in the public interest that would be comparable to that of compulsory school attendance in the area of education. In the Act on Municipalities, the area of housing is dealt with just in a single sentence, which is commonly interpreted as a declaratory one:

"A self-administering municipality also takes care, on its territory, to create conditions for the development of social care and meeting the needs of its citizens in accordance with local assumptions and customs. This is primarily to do with satisfying the need for housing ...". (Section 35, Act on Municipalities)¹¹³

Roma NGOs welcomed the Government adopting the Social Housing Concept of the Czech Republic 2015-2025 in October 2015. The concept would have covered a large number of Roma families in socially excluded environments and was planned to come into the force in January 2017. Based on the concept, the first draft of the social housing law (which would have tackled the residential segregation) was introduced in September 2016 and met with positive feedback from NGOs.¹¹⁴ The later versions of the bill introduced by the Government in February 2017 were reduced significantly and would not have prevented the geographic segregation of Roma in the future.¹¹⁵ Nevertheless, the former Government failed to convince Parliament to pass the law due to political disagreements, and the Czech Republic therefore has no law on social housing.

At the same time, a very questionable amendment has been approved to the scheme for housing benefits that means local authorities can designate areas (specific properties or streets) where the Labour Office will no longer award housing benefits to tenants who newly apply for them. We consider this practice absolutely wrong and as not leading to any improvement, as Roma residing in such areas will not be able to find any other housing because of discrimination against them on the real estate market. We believe such a measure can only lead to further impoverishment of Roma families and that it actually extends the opportunities for "trafficking in poverty" that already exist in such places.¹¹⁶

What is more, 20 Czech Senators are turning to the Constitutional Court regarding this option for restricting the disbursement of housing benefits. They have sent the court a motion to abolish that part of the law on aid to those in material distress according to which local councils can declare so-called "areas with increased incidence of undesirable phenomena" on their territories. According to Czech Senator Jiří Dienstbier (the former Human Rights Minister) the town of Kladno wants to declare its entire territory such a problem area. "Kladno has probably conceived the most absurd form of the opportunity to enact such measures. It has proposed declaring the entire territory of the town as such a ghetto. I do not believe the residents of Kladno think they are living in a ghetto," he said in December 2017.¹¹⁷ Nevertheless, the restrictions are already in place in 12 cities and towns, while another 30 are considering them,¹¹⁸ and therefore several Roma NGOs, including authors of this report, decided to undertake legal steps against the measure.

¹¹³ Zákon o obcích. Available at: <https://www.zakonyprolidi.cz/cs/2000-128>. Accessed on 29 September 2017.

¹¹⁴ Available (in Czech) at: http://www.mitsvujdomov.cz/domains/mitsvujdomov.cz/dobry-zakon?field_navrh_zakona_value=zari2016

¹¹⁵ Available (in Czech) at: http://www.mitsvujdomov.cz/domains/mitsvujdomov.cz/dobry-zakon?field_navrh_zakona_value=unor2017

¹¹⁶ According to our information, many municipalities deliberately set criteria for access to social housing that poor people – often Roma – cannot meet or provide poor people with housing only in such segregated areas where the housing benefits can now be banned by municipalities.

¹¹⁷ Available at: <http://www.romea.cz/en/news/czech/czech-senators-want-constitutional-court-to-address-housing-benefit-legislation>, Accessed 4 December, 2017.

¹¹⁸ *Ibid.*

Forced evictions

The issue of forced displacement in the Czech Republic is not widespread but is a matter of individual, specific cases, usually happening when, in a segregated area, a private person (natural or legal) buys already-occupied buildings. Many socially excluded Roma face desperate uncertainty as a result of substandard housing conditions. It is important to stress that the number of people living in substandard residential hotels has significantly increased, from 11,027 persons in 2008 to 27,000 persons in 2014.¹¹⁹ Usually, people staying in such residential hotels only have short-term leases from month to month, which mean these tenants are highly dependent on the willingness of the owner to accommodate them and must rapidly move out if evicted.¹²⁰

A nationally notorious case mentioned by the Office of the Public Defender of Rights was the displacement of tenants in the Cejl Street area of Brno after a new owner bought several buildings there.¹²¹ The Association of Roma in Moravia mentioned a case involving the area of Rýmařovsko and Olomoucko where four Roma families had to move out of the building because the owner said he was reconstructing it but a female non-Roma pensioner was allowed to continue to use her apartment unit in that building and was not required to move out.

Discriminatory behaviour by police, misconduct by prosecutors or courts

A recent poll published in April 2017 showed that 45 % of Roma ghetto residents do not trust police (and only 42% do trust them).¹²² Even Czech Police experts admit their project aiming to improve Roma citizens' faith in the police is a marathon, not a sprint.¹²³

Cases in which police have committed wrongdoing against Roma persons have happened in the Czech Republic, e.g., in the case of the Roma man Vladimír Pecha.¹²⁴ The European Court of Human Rights found that his right to life had been violated because the circumstances of his death, which was caused by his falling from a police station window, were never satisfactorily explained. However, the court also ruled there was not any evidence to prove that any specific wrongdoing by the state authorities had been motivated by the citizen's ethnicity in this case.

Another area for discrimination against minority persons is the opportunity for the Czech Police to ask people to identify themselves just by referring to the fact that the specific individual looks like a wanted person. The police can, therefore, ask a person to identify herself merely on the basis of appearance, not on the basis of behaviour, as was demonstrated by a case in which police asked a man to identify himself solely on the basis

¹¹⁹ GAC report available at: http://www.gac.cz/userfiles/File/nase_prace_vystupy/Analyza_socialne_vyloucenych_lokalit_GAC.pdf Accessed 3 December, 2017.

¹²⁰ Agentura pro sociální začleňování (2013). Available from: <http://www.socialni-zaclenovani.cz/ubytovny-nemohou-dlouhodobě-resit-situaci-socialne-slabych-uvadi-vyzkum>. Accessed 6 December 2017.

¹²¹ More information available under: https://brno.idnes.cz/ukonceni-najmu-romum-z-domu-kolem-cejlu-v-brne-fo8-/brno-zpravy.aspx?c=A161102_2283352_brno-zpravy_krut, accessed 5 December 2017, and at <http://www.romea.cz/en/news/czech/czech-republic-protest-march-planned-in-brno-over-eviction-of-100-mostly-romani-families> Accessed 5 December, 2017.

¹²² Available at: <http://www.romea.cz/en/news/czech/czech-survey-finds-45-of-Roma-ghetto-residents-don-t-trust-police-42-do>

¹²³ Available at: <http://www.romea.cz/en/news/czech/czech-police-expert-project-to-improve-Roma-citizens-faith-in-the-police-is-a-marathon-not-a-sprint>

¹²⁴ Judgment of the European Court of Human Rights in the matter of Eremiášová Pechová dated 16. 2. 2012, Application No. 23944/2014. Available at: <http://hudoc.echr.coe.int/eng?i=001-109139>

of his hairstyle.¹²⁵ According to recent Europe-wide FRA findings, police had reportedly stopped 14% of respondents in the 12 months preceding the survey (including stops in a private vehicle, stop-and-search incidents on the street, or stops in public transport). Of those stopped, 40% believe that the most recent stop was because of their ethnicity or immigration status, including Roma.¹²⁶

Access to clean water and sanitation

A difference in access to potable water and sanitation between marginalized Roma and the mainstream population can be seen in the fact that privately-owned residential hotels, where a high percentage of the tenants are Roma, have significantly worse access to clean water and sanitation than is customary for average housing conditions (Report on the State of the Roma Minority for 2013). In the residential hotels,¹²⁷ for example, there are usually showers and toilets that are shared by an entire floor of tenants, while the rents charged per room correspond to the rents charged for an average apartment in the same locality (iDNES.cz 2011).¹²⁸

The worse access by Roma to potable water and sanitation compared to others in the Czech Republic manifests as a secondary impact of the discrimination against Roma in their access to rental housing. This is visible especially if we look at the Roma Health Report, where we find that 70% of Roma live in households with severe material deprivation compared to 21% of non-Roma, and 15% of Roma live in households without at least one basic amenity (indoor kitchen, toilet, shower, bath or electricity) compared to only 3% of the non-Roma population.¹²⁹

Additionally, a 2016 FRA report indicates that 42% of Roma surveyed suffer from living in areas contaminated by polluted water, smoke or dust.¹³⁰ Another extensive report mentions that as a result of often-inadequate housing conditions in residential hotels, Roma families with children suffer from hepatitis A, bacillary dysentery, bed bugs or scabies.¹³¹

Right to free movement

This subject is not generally applicable to the Czech Republic. Nevertheless, we can discuss the measure mentioned above (so-called “areas with increased incidence of undesirable phenomena” introduced by municipalities based on an amendment to the law on aid to those in material need) and also ordinances that have a very problematic basis and limit persons in their free use of public space. These ordinances restricted sitting outdoors, primarily in certain areas (which are also frequently Roma neighbourhoods), and the Public

¹²⁵ Lidovky.cz (2017): *Dredatého šéfa Pirátů lustrovala policie. Bylo to kvůli vzhledu, stěžuje si*. Available at: https://www.lidovky.cz/bartose-lustrovala-policie-dfs-/zpravy-domov.aspx?c=A170724_165908_In_domov_jho. Accessed 29 September 2017.

¹²⁶ Available at: <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>

¹²⁷ Roma living in private residential hotels live at risk of water cuts despite paying for those services. If the owners do not pay the suppliers for several months, the Roma families are cut off from water for several months. Roma families are, therefore, hostages of these predatory practices because such facilities are their housing of last resort, due to discrimination against them on the commercial housing market. Those incidents are reported in the media: Romea.cz (2017), *Vzájemné soužití* (2013), Šebelka (2010), Fialová (2009).

¹²⁸ iDnes (2011): *Pardubické ubytovny s kasárenským režimem na neplatiče zabírají, je klid*. Available at: [http://zpravy.idnes.cz/pardubicke-ubytovny-s-kasarenskym-rezimem-na-neplatice-zabiraji-je-klid-10a-/domaci.aspx?c=A110920_1654660_pardubice-zpravy_meb_\(accessed 2017-09-29\)](http://zpravy.idnes.cz/pardubicke-ubytovny-s-kasarenskym-rezimem-na-neplatice-zabiraji-je-klid-10a-/domaci.aspx?c=A110920_1654660_pardubice-zpravy_meb_(accessed 2017-09-29))

¹²⁹ EU (2014): Roma Health Report. Available at: https://ec.europa.eu/health/sites/health/files/social_determinants/docs/2014_roma_health_report_en.pdf Accessed 9 December 2017

¹³⁰ Available at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>

¹³¹ Analysis of Socially Excluded Areas in the Czech Republic, 2015, available (in Czech), at: https://www.esfcr.cz/mapa-svl-2015/www/analiza_socialne_vyloucenych_lokalit_gac.pdf

Defender of Rights spoke out against them, calling them absurd because sitting somewhere other than on a bench is not an activity that is harmful in and of itself, which means the measures are disproportionate.¹³²

The ordinances (wherever introduced) were abolished on the basis of a motion by the Public Defender of Rights to the Constitutional Court, which in its finding under file no. Pl. ÚS 34/15 dated 14 July 2017 stated that the town of Varnsdorf had exceeded its powers by issuing such an ordinance.

Another illustration of the restriction of freedom of movement of Roma in a public space is the situation of a café in Brno that placed “reserved” signs on all of its tables and then freed the tables up for majority-society persons only. The café management did its best through this approach to prevent what it referred to as “inadaptable customers” from accessing the services there.¹³³

¹³² Vokurka (2017): *Zákaz sezení venku má už pár tisíc porušení*. Available at: <http://www.denik.cz/regiony/zakaz-sezeni-venku-ma-uz-par-tisic-poruseni-20170525.html>. Accessed 29 September 2017.

¹³³ Romea (2015): *Café says it will only serve “adaptable” customers*. Available at: <http://www.romea.cz/en/news/czech-republic-cafe-says-it-will-only-serve-adaptable-customers> Accessed 29 October 2017.

ADDRESSING ANTIGYPSYISM

Institutional settings for fighting discrimination and addressing antigypsyism

Roma are officially recognized as a national minority in the Czech Republic.¹³⁴

The concept of antigypsyism as a specific form of racism against Roma has appeared in Government documents approximately since 2009. The concept was used, for example, in the *Roma Integration Concept 2010-2013*.¹³⁵ In that Government document it just appears once and is essentially used in relation to the activities of neo-Nazis.¹³⁶ The *Programme Declaration of the Government of the Czech Republic 2013-2017*¹³⁷ deploys the concept of antigypsyism and does not restrict its use solely to describing the behaviour of right-wing extremists.¹³⁸

The presence of this concept in Government documents, especially in the actual NRIS, can be comprehended as an acknowledgment of the existence of this phenomenon. However, in these documents, antigypsyism is considered just one of many factors, and it is mostly grasped not as a cause of Roma's comparatively worse living conditions, but rather as the outcome of an exacerbated, negative reaction to problematic coexistence between Roma and the rest of society. Neither the *Government's Concept on Combating Extremism* nor its Annual Reports on extremism mention the concept of antigypsyism.

Specific Government documents aiming at preventing and combating antigypsyism in the forms of discrimination and social exclusion are the NRIS (developed by the Department of the Office of the Government Council for Roma Minority Affairs at the Czech Government Office) and the *Strategy against Social Exclusion* (developed by the Department of the Agency for Social Inclusion (ASI) at the same Czech Government Office). The latter does not explicitly mention combating antigypsyism but the fight against the exclusion of Roma, one of the factors affecting antigypsyism.

The ASI, supported from the Norway/EEA Grants, has run a large-scale "HateFree Culture" campaign since 2014. This originally arose as a reaction to numerous anti-Roma demonstrations that played themselves out in various towns around the Czech Republic during 2013. The campaign aims to primarily impact online social networking users and to lead them to reflect critically on the content of media, refuting hoaxes and breaking down stereotypes that stem from fear of difference. Based on long-term monitoring of the campaign's topics, ROMEA has discovered that some of the most burning subjects in this

¹³⁴ For more details, see Article 3 of the Statutes of the Czech Government Council for National Minorities, approved by Government resolution on 10 October 2001, no. 1034, as amended. Available at: https://www.vlada.cz/assets/ppov/rnm/141120_iii_statut_rada_nm_zmena_listopad.pdf, Accessed 1 December, 2017.

¹³⁵ Úřad vlády České republiky. 2010. *Koncepce romské integrace na období 2010 – 2013*. Praha: Úřad vlády České republiky

¹³⁶ "A specific and more or less typical subject of Czech right-wing extremists is anti-gypsyism as a special form of racism oriented against the Roma minority." [2010. Available at: <https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/koncepce-romske-integrace-na-obdobi-2010---2013-71187/>. Accessed 2 December 2017.

¹³⁷ Vláda České republiky. 2014. *Programové prohlášení vlády České republiky*. Praha: Vláda ČR. Available at https://www.vlada.cz/assets/media-centrum/dulezite-dokumenty/programove_prohlaseni_unor_2014.pdf. Accessed 28 September 2017.

¹³⁸ "The government will seek to create a tolerant society. It will consistently act against all forms of violence and manifestations of racial intolerance, such as antigypsyism and antisemitism 2014 Available at: <https://www.vlada.cz/cz/media-centrum/dulezite-dokumenty/programove-prohlaseni-vlady-cr-115911/> . Accessed 2 December 2017.

area – the constant anti-Roma atmosphere in society, the growing number of socially excluded localities, etc. – have been mixed up with other topics through this approach.

Minister for Human Rights, Equal Opportunities and Legislation Jan Chvojka (in office in 2016 and 2017) was not supportive of this agenda. In September 2017, for example, he said he considered the Human Rights Section unnecessary in its current form and that it would be enough to just have a specialized institute on human rights.¹³⁹ He also criticised the Government's "*HateFree Culture*" campaign as incomprehensible and ineffective – in February 2017 he was heard to say that he is not certain whether the *HateFree* was correct because he thinks the impact of the campaign is difficult to measure.¹⁴⁰ He also did not comment when his party colleague, Deputy Industry and Trade Minister Karel Novotný, posted to Facebook that "gypsies are like jellyfish – poisonous and good for nothing".¹⁴¹

In the Czech Republic since 2009 a *Programme for the Prevention of Crime and Extremism* has been implemented by the Prevention Department of the Interior Ministry. The stated aim of the programme is "increasing security in social excluded localities and their surroundings, elimination of socially risky phenomena, prevention of assaults committed with extremist motivation, and support for non-repressive methods in the work of the local and state police".¹⁴²

One component of the programme are *Crime Prevention Assistants*. We are mentioning this here because these assistants work primarily in socially excluded localities, and one of the main prerequisites for performing this job is a good knowledge of the conditions in socially excluded localities and of the Roma minority in a given location. To choose appropriate candidates, local and state police collaborate with Roma advisors or local social departments and ASI staffers. Roma nationality is not a condition to be hired for this job. According to the Report on the State of the Roma Minority for 2016 approximately 500 Crime Prevention Assistants worked in the Czech Republic.

Another project doing its best to positively influence the situation primarily in socially excluded localities is the preventive project "Caretakers as Prevention". That has been running with the support of the Ministry of the Interior since 2013. The position of caretaker/prevention worker is tasked with contributing to addressing situations in the areas where a local authority administers housing stock, primarily in socially excluded localities, where thanks to regular contact with a mentor and authorized person from the local housing department, the caretaker works preventively in cases of disputes between neighbours, violations of residency rules in a particular building, or violations of the rules of civil coexistence. At the same time, the caretaker is meant to aid with increasing security and the maintenance of public order in a given locality for any building that is "municipally administered". The project also aids with addressing, at least in part, the employment of persons who have long been unemployed. The prerequisite for performing this job is a

¹³⁹ ryz. 2017. „Ministr pro lidská práva Chvojka zaútočil na své vlastní ministerstvo a na kampaň *Hate Free Culture*. Resort je prý v této podobě zbytečný“. Romea 11 September 2017. Available at: <http://www.romea.cz/en/news/czech/czech-human-rights-minister-says-he-believes-his-department-and-the-hate-free-culture-campaign-are-unnecessary> Accessed 2 December, 2017.

¹⁴⁰ ČTK, 2017. „Zeman s Chvojkou se shodli v podstatě na všem. Probrali sociální podnikání i bydlení, *HateFree* se dotkli okrajově“. 18 February 2017. Available at: <http://www.romea.cz/en/news/czech/czech-human-rights-minister-and-czech-president-discuss-changing-the-constitution-and-other-laws> Accessed 2 December, 2017.

¹⁴¹ Lipold, Jan. 2017. "Cikáni jako medúzy". ČSSD se zmítá mezi Corbynem a Le Penovou, špičky mlčí. Aktuálně.cz 18 September 2017. Available at: https://nazory.aktualne.cz/komentare/cikani-jako-meduzy-cssd-se-zmita-mezi-corbynem-a-le-penovou/r~8a60f9489c7011e78c78002590604f2e/?_ga=2.112854279.244714049.1505942448-1352085822.1494745424 Accessed 29 September 2017

¹⁴² Jiránek, Radek, Koníček, Tomáš. 2011. *Informace o projektu Asistent prevence kriminality*. Praha: MV ČR. Available: <http://www.mvcr.cz/clanek/informace-o-projektu-asistent-prevence-kriminality.aspx>. Accessed 29 September 2017.

basic orientation in the social field, in situational prevention, in the law and public order, communications skills, and an understanding of how to prevent and cope with conflicts, etc. Roma nationality is not a condition for this position either.

The activity of the crime prevention assistants and of the caretaker/prevention workers is generally very positively received and is included among examples of good practice.¹⁴³ The projects are having demonstrably positive impacts on the situation both inside and outside the socially excluded localities and are aiding with reducing the number of crimes/misdemeanours and disputes between neighbours in any given area.

For the Czech state to fully, officially acknowledge the Roma Holocaust and come to terms with the historical facts – primarily with the fact that persons who were ethnic Czechs citizens also contributed to implementing the Nazi persecution of Roma – what is crucial is this year's agreement by the Government to buy out the pig farm located at the site of the former concentration camp at Lety u Písku.

The fact that a pig farm is located on the site of a former World War II-era camp for Roma has been discussed for more than 20 years. The Czech Republic has been continually criticised over the farm on this remembrance site and has been called on to remove it by the European Parliament. The handover of the farm to the state was approved at the end of July 2017 by the general shareholder meeting of the AGPI Company, which owns the facility. The Government then decided to buy the farm on 21 August 2017. The purchase contract was signed on 23 November 2017.¹⁴⁴ The role of the Museum of Roma Culture in Brno is crucial here, as it will take care of the premises and its task is to supervise the design of a remembrance site there now, including erecting new structures.

Another symbolic display of respect for the Roma victims of the Holocaust is the flying of the Roma flag by city hall buildings (traditionally by municipal departments of Prague)¹⁴⁵ on Roma Holocaust Memorial Day, which is not officially recognized by the Czech Republic as a national holiday or even as an important day. The Senate of the Parliament of the Czech Republic decided not to support the inclusion of that day among the important days in the calendar of national holidays.

To reflect on past history, it is also crucial that Roma Holocaust survivors be compensated. In addition to the Committee for the Redress of the Roma Holocaust (*VPORH*), which is a civic organization, a Working Group for Roma Compensation has been established as an advisory body to the Government Council for Roma Minority Affairs. Both are chaired by Mr Čeněk Růžička, a relative of the Lety victims. Financial compensation for Roma Holocaust victims has been provided in the Czech Republic in recent years thanks to the VPORH, in collaboration with the German Finance Ministry and the Czech Foreign Ministry.

Currently there is still a lack of integrated data about the Roma victims of the Holocaust, and information about them and other historical connections is a subject of research activity (e.g., by the Terežín Initiative Institute). There are no official records of the total number of Roma Holocaust victims compensated so far. According to Mr. Růžička, as of 19 September 2017 the VPORH has records of 32 Roma Holocaust survivors compensated for whom he facilitated compensation and another three people are still waiting for their claims to be decided.

¹⁴³ Lukešová, Kateřina. 2014. *Manuál dobrých praxí. Koordinace sociálních služeb v obcích se sociálně vyloučenými lokalitami*. Praha: Agentura pro sociální začleňování

¹⁴⁴ Available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/bleskova-zprava-smlouva-o-odkupu-veprina-v-letech-u-pisku-byla-podepsana>

¹⁴⁵ Gálová Adéla 2017. „ZÁZNAM: Vyvěšování vlajek u příležitosti připomínky Dne romského holocaustu“. Romea 2 August 2017. Available at: <http://www.romea.cz/cz/kalendar-akci/primy-prenos-vyvesovani-vlajek-u-prilezitosti-pripominky-dne-romskeho-holocaustu>

The Czech public knows nothing about this part of Czech history. The compensation processes, moreover, are taking a disproportionately long time, and many Roma surviving victims of Nazi persecution did not live long enough to be compensated. A fair comparison with the past is also not aided by the fact that Roma Holocaust victims are not awarded the same financial satisfaction as that provided to Jewish Holocaust victims. "In this area Roma are still second-class if not third-class citizens," Mr Růžička has summarized the situation. Czech Government efforts to raise awareness of this subject in order to arrange for the dignified, permanent commemoration of the Roma victims of the Holocaust, therefore, appear to be deficient.

Paradoxically, at the same time the Czech Government financially supports entities promoting anti-Roma sentiments. An example of such an entity disseminating negative stereotypes about Roma is the Krušnohor Housing Construction Cooperative (*Stavební bytové družstvo Krušnohor* – hereinafter "SBD Krušnohor"). Its chair, František Ryba, is one of the most influential persons in the towns of Litvínov and Most. He either administers or owns most of the apartment units in Most and, through his systematic, biased statements¹⁴⁶ about Roma and his campaigns against them, he bears part of the responsibility for the level at which intercommunal, interethnic and interpersonal relationships function in that region.¹⁴⁷ Ryba also initiated a petition of self-described "*decent people*" stating that the "*gypsies*" were looting housing estates, setting apartments on fire, etc. A printed circular from SBD Krušnohor, published by Ryba, features content aimed against Roma inhabitants, and not just those at the Janov housing estate in Litvínov. At the same time, the company received financial support from EU sources aimed at supporting the integration of marginalized neighbourhoods (from the 2007-2013 Integrated Operational Programme within intervention area 5.2 "Improving the environment of problematic housing estates"). SBD Krušnohor received a subsidy in the dozens of millions of Czech crowns – approximately 1.9 million EUR.¹⁴⁸

Another subsidy from EU funds in the amount of roughly 5.5 million EUR was acquired for various projects by the municipality of Obrnice (Most District).¹⁴⁹ Along with Děčín, Jirkov and Most, Obrnice is yet another municipality in the Ústecký Region that has decided to exploit the amendment to the law on aid to those in material need¹⁵⁰ in order to halt the disbursement of housing benefits in so-called "*areas with increased incidences of socially negative phenomena*". Representatives of the municipality, led by the Mayor of Obrnice, Drahomíra Miklošová (Civic Democratic Party, ODS) also removed benches from public spaces in the summer, saying that by doing so they wanted to resolve a problem with "*inappropriate behavior and noise caused by small groups of young Roma.*"¹⁵¹

¹⁴⁶ For instance available at: <http://www.romea.cz/cz/zpravy/predseda-uskupeni-severocesni-cz-zachovejme-ghetta-integrace-romu-je-nesmysl> Accessed 1 December 2017.

¹⁴⁷ Šimáček, Martin. 2016. „Martin Šimáček: Donášejte na Cikány". Romea.cz 12 October 2016. Available: <http://www.romea.cz/cz/zpravodajstvi/martin-simacek-donasejte-na-cikany> Accessed 1 December 2017.

¹⁴⁸ The list of the actions there funded by EU funds and by the state budget of the Czech Republic is available online at: <http://www.sbdkrušnohor.cz/dotace/>. Accessed 2 December 2017.

¹⁴⁹ ČTK, 2017. „Obrnice odstraní lavičky na sídlišti. Schází se na nich mladí Romové a obyvatelé si stěžují". Romea.cz 7 July 2017. Available at: <http://www.romea.cz/en/news/czech/czech-village-that-won-council-of-europe-s-roma-integration-award-removing-benches-used-by-romani-youth> Accessed 2 December 2017.

¹⁵⁰ The amendment to the Act on Assistance in Material Need is available online at: <https://www.podnikatel.cz/zakony/zakon-o-pomoci-v-hmotne-nouzi/uplne/> Accessed 4 December 2017.

¹⁵¹ ČTK, 2017. „Obrnice odstraní lavičky na sídlišti. Schází se na nich mladí Romové a obyvatelé si stěžují". Romea.cz 7 July 2017. Available: <http://www.romea.cz/en/news/czech/czech-village-that-won-council-of-europe-s-roma-integration-award-removing-benches-used-by-romani-youth> Accessed 2 December 2017.

Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media

At a general level, an essential barrier to accessing justice in the Czech Republic is the fact that the hate crimes that are committed there are not sufficiently recognized as such by police, prosecutors and judges. For the Roma population of the Czech Republic it is quite common that they encounter hate crimes¹⁵², but due to the above-mentioned reasons they do not contact police unless they are physically assaulted or until the attacks are repeated. People subjected to hate violence also do not contact the police or the courts because they fear the perpetrators will take revenge, or because they generally do not have enough faith in the criminal justice system. It is also possible to encounter cases where the police refuse to address an assault motivated by bias. In 2016 the NGO *In IUSTITIA* dealt with the case of a Roma children's choral camp coming under attack. The assailant first verbally threatened the camp organisers and then began to fire a weapon near the camp.¹⁵³ Police did not respond to repeated telephone requests for intervention. Later the accused perpetrator was ultimately convicted of committing a crime motivated by racism. The police have never sufficiently apologized to the victims for their inaction.

From the research on "Lifecycle of a Hate Crime" undertaken by *In IUSTITIA*, the findings of which will be published by the end of 2017, it follows that from the standpoint of prosecuting hate crimes, including antigypsyist ones, prosecutors and judges form two distinct groups procedurally. The activity of the prosecutors is legislated by the General Instruction of the Supreme Prosecutor dated 27 July 2009, No. 4/2009 – Sample Organizational Order. That instruction entrusts the supervising state prosecutor at municipal and at regional level with, among other things, establishing a criminal specialisation in the area of crimes committed because of a victim's race, nationality, or any other hateful motivation. In addition, according to the state prosecutors surveyed by *In IUSTITIA*, there is a duty to report in hate crime cases. The state prosecutors supervising the investigation of these cases always inform the prosecutor who is their superior about them, and some of those superiors will take over the supervising roles for various cases.

The activity of judges is not legislated by any such document. Despite that fact, there does exist, at least for some courts, criminal specialisation for such cases. Compared to state prosecutors, however, judges have rather limited opportunities to encounter hate crime cases professionally. Among the informants who spoke to *In IUSTITIA* there were judges who had dealt with just one such criminal case during the last five years. That, understandably, influences their awareness and knowledge of the legislation about hate crime, as it does not represent a subject they would otherwise be specifically involved with.

In the Czech Republic there is just one counselling centre for hate crime victims, including victims of antigypsyism. The organization *In IUSTITIA* provides victims with counselling and representation by attorneys and lawyers for the duration of any criminal proceeding they begin. The services are provided to people free of charge anywhere on Czech territory. Proceedings frequently take a very long time, up to several years. The organisation also systematically monitors hate crimes in this area.

The findings of that monitoring have been presented in the organisation's "*Report on Hate Violence in the Czech Republic for 2014*" and will be presented in its future reports. The

¹⁵² According to a 2009 FRA survey, one in five Roma respondents were victims of racially-motivated personal crime, including assaults, threats and serious harassment, at least once in the course of 12 months. Available at: <http://fra.europa.eu/en/publication/2012/european-union-minorities-and-discrimination-survey-main-results-report>

¹⁵³ Trachtová, Zdeňka. 2016. *Muž střelbou vyhrožoval dětem na romském táboře. Policie nepřijela.* iDNES.cz 27 August 2016. Available: http://zpravy.idnes.cz/muz-vyhrozoval-romskym-detem-a-strilel-do-vzduchu-fws-/domaci.aspx?c=A160827_131050_domaci_zt Accessed 5 December, 2017.

monitoring does not focus exclusively on incidents that rise to the level of a felony, but on all incidents of hate violence.

"Hate violence is any assault sparked by prejudices and stereotypes against a certain group."¹⁵⁴ Various kinds of incidents fall into this category that the criminal justice authorities assess in different ways. *In IUSTITIA* also monitors incidents that victims do not ever report to police or file lawsuits over. They also collect data about perpetrators, whether non-state actors or representatives of the state.

Among the state organisations, monitoring is done by the Interior Ministry, which annually publishes its *Report on Extremism on the Territory of the Czech Republic* presenting police statistics on such crimes, including those motivated by hatred of Roma. To create the report, the authors use the police statistics provided by the Police Presidium of the Czech Republic. Misdemeanours are not monitored in that report. For 2013, 2014 and 2015, the information about such felony offenses was listed in a special sub-chapter called "Criminal Activity Motivated by Anti-Roma Hatred".¹⁵⁵ For 2016 the information provided is briefer and is presented in a subchapter on "Criminal Activity Motivated by Hatred against Selected Groups".

The fundamental barrier to access to justice is the lack of recognition of hate crimes as crimes. A number of incidents meeting the definition of a hate crime are not described as such by the criminal justice authorities for the sole reason that the police, state prosecutors or judges do not consider them to be such.

Misdemeanour offenses are addressed by administrative procedures handled at the local authorities. Judges never encounter such cases. In practice, state prosecutors come into the picture when they oversee police investigations, unless a case is sent to the relevant body for handling as a misdemeanour. In the law on misdemeanours, Act No. 251/2016,¹⁵⁶ antigypsyist motivation is listed as part of misdemeanours against civil coexistence.

Some verbal attacks against Roma can be prosecuted as felonies. Victims can also defend themselves by suing in civil court. The Criminal Code recognizes three felonies that can be committed verbally. They are the felony of "Violence against a group of inhabitants and against individuals" (Section 352 para. 2 Criminal Code),¹⁵⁷ "Defamation of a nation, race, ethnic or other group of persons" (Section 355 Criminal Code)¹⁵⁸ and "Incitement to hatred against a group of persons or to restricting their rights and freedoms" (Section 356 Criminal Code).¹⁵⁹ Applicable legislation explicitly protects persons against assault on the grounds of race, ethnicity, nationality, faith or political convictions. Attacks against Roma are generally considered to be assaults on the grounds of the victim's ethnicity or nationality.

The official sources of information about hate attacks against Roma persons or persons considered Roma are the above-mentioned sources, the *Report on Extremism* and *Report on Hate Violence*. A basic difference between these information sources is that the *Report*

¹⁵⁴ In IUSTITIA 2015. National analysis on Hate Violence in the Czech Republic 2014-2016. Available: <http://en.in-ius.cz/dwn/ec-analysis/20150306-national-analyses-final-cze.pdf>

¹⁵⁵ The Interior Ministry, 2014, 2015, 2016. "Report on Extremism on the Territory of the Czech Republic". Available: <http://www.mvcr.cz/clanek/extremismus-vyrocní-zpravy-o-extremismu-a-strategie-boje-proti-extremismu.aspx>

¹⁵⁶ Available at: <https://www.zakonyprolidi.cz/cs/2016-251>

¹⁵⁷ Násilí proti skupině obyvatelů a proti jednotlivci, § 352: available: <http://zakony.kurzy.cz/40-2009-trestni-zakonik/paragraf-352/> Accessed 4 December 2017.

¹⁵⁸ Hanobení národa, rasy, etnické nebo jiné skupiny osob, § 355: available: <http://zakony.kurzy.cz/40-2009-trestni-zakonik/paragraf-355/> Accessed 4 December 2017.

¹⁵⁹ Podněcování k nenávisti vůči skupině osob nebo k omezování jejich práv a svobod, § 356: available: <http://zakony.kurzy.cz/40-2009-trestni-zakonik/paragraf-356/> Accessed 4 December 2017.

on Extremism is just based on police statistics, while the *Report on Hate Violence* takes advantage of other sources of data – please see the methodological section of the report.¹⁶⁰ Another deficiency of the *Report on Extremism* is that it does not describe how the police statistics are elaborated. For that reason, interpretation of that data is problematic, and comparing it with other data is also difficult.

The overall number of recorded hate assaults on Roma or persons considered Roma is presented in the following table. These attacks comprise a significant proportion of recorded felonies with an extremist subtext and hate incidents. As can be seen from the *Report on Hate Violence in the Czech Republic for 2014* and from the forthcoming *Report on Hate Violence in the Czech Republic for 2015*, Roma comprise one of the groups most at risk of hate violence in the country. In 2015 the three most endangered groups were Roma (22% of all cases), Muslims (19% of all cases) and people expressing certain political opinions (15% of all cases).¹⁶¹

Number of recorded hate assaults aimed at actual Roma or persons assumed to be Roma					
		2013	2014	2015	2016
Crimes motivated by hatred of Roma (<i>Report on Extremism</i> , Czech Interior Ministry)	N	42	53	33	25
	% of all felonies with an extremist subtext	20%	26%	19%	17%
Incidents motivated by hatred of Roma (<i>In IUSTITIA</i> monitoring)	N	x	34	34	34*
	% of hateful incidents	x	39%	22%	23%*
*Findings of preliminarily processed data.					

Sources: *Reports on Extremism on the Territory of the Czech Republic in 2016, 2015, 2014, 2013* (Interior Ministry 2017, 2016, 2015, 2014); *Report on Hate Violence in the Czech Republic in 2014* (*In IUSTITIA* 2015), *Report on Hate Violence in the Czech Republic in 2015* (forthcoming), own processing of data from 2016

The absolute and relative numbers of recorded felonies motivated by hatred against Roma in the official reports on extremism changes a great deal over time, relatively speaking (see table above). The trend is apparent from 2014, when there is both an absolute and a relative decline in recorded felonies motivated by hatred of Roma. To assess this trend and whether it is a reflection of the actual situation or an artefact of the data collection process is difficult, primarily because there is no further information provided about how the official data are handled. According to the NGO reports about hate violence in the Czech Republic, the absolute number of recorded hate attacks targeting Roma or persons considered Roma has not changed, but there has been a relative decline which can be explained by the growth in incidents targeting other groups.

A significant difference between the absolute number of felonies and incidents recorded in 2014 in both kinds of reports probably is due to different methods of data collection. The

¹⁶⁰ In *IUSTITIA* 2015. National analysis on Hate Violence in the Czech Republic 2014-2016. Available: <http://en.in-ius.cz/dwn/ec-analysis/20150306-national-analyses-final-cze.pdf>

¹⁶¹ *Ibid.*

*Report on Hate Violence in the Czech Republic in 2014*¹⁶² did not include police statistics on felonies charged per Section 404 – Manifestation of sympathy for movements aiming at suppressing human rights and freedoms.

In cases of extraordinarily serious violations of human rights of Roma community members that could rise to the level of crimes against humanity, there are currently no proceedings underway in the Czech Republic. The forced sterilisations of Roma women are being addressed through negotiations about compensation.¹⁶³

As far as hate speech in cyberspace goes, Czech IT companies are not paying any kind of intensive attention to the subject of hate speech online. In the Czech environment, the most frequently-used social networks are Facebook and YouTube. Twitter goes almost unused by ordinary people and serves as a communication platform for journalists and politicians. It is not clear how Facebook trains its employees to recognize hate speech against Roma, but there is no detailed information about these trainings.

Since May 2017 *In IUSTITIA* has been considered what is termed a “trusted flagger” by Facebook. The organisation became so considered as a consequence of pressure from the EC, which is striving to improve the online environment. In 2016 a “Code of Conduct on Countering Illegal Online Hate Speech” was concluded with social networking sites and monitoring of the upholding of that code was undertaken in collaboration with NGOs.¹⁶⁴ The ROMEA organization was also invited to become a “trusted flagger” in the summer of 2017.

The underlying problem with monitoring the Internet environment is that a significant amount of hate speech happens there. From this it can be concluded that the amount of hate speech recorded rather corresponds to the opportunities institutions have for investing human resources into following it.

We will not find any information about assaults against Roma using the Internet environment in the Annual Reports. In the *Report on Extremism*¹⁶⁵ the environment of the recorded felony is not specified. The *Report on Hate Violence in the Czech Republic for 2014* also does not specify the location of incidents per category of hate attack.

Number of hate incidents motivated by Roma ethnicity/nationality in the Internet environment recorded by <i>In IUSTITIA</i> monitoring.			
	2014	2015	2016
N	11	6	5
% (100 % = number of hate incidents motivated by Roma ethnicity/nationality)	32%	18%	15%

Source: Archive of *In IUSTITIA*.

¹⁶² In IUSTITIA 2015. National analysis on Hate Violence in the Czech Republic 2014-2016. Available: <http://en.in-ius.cz/dwn/ec-analysis/20150306-national-analyses-final-cze.pdf>

¹⁶³ ERRC. 2016. „Nucené a kruté: Zpráva Evropského centra pro práva Romů. Sterilizace a její důsledky pro romské ženy v České republice (1966-2016)“. Budapest: ERRC. Coercive and Cruel: A Report by the ERRC: Sterilisation and its Consequences for Romani Women in the Czech Republic (1966-2016). Available at: <http://www.errc.org/cms/upload/file/coercive-and-cruel-28-november-2016.pdf> Accessed 2 October 2017.

¹⁶⁴ Available at: http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300

¹⁶⁵ The Interior Ministry, 2014, 2015, 2016. “Report on Extremism on the Territory of the Czech Republic”. Available: <http://www.mvcr.cz/mvcren/article/documents-on-the-fight-against-extremism.aspx> Accessed 7 December 2017.

On the basis of testing done by *In IUSTITIA* in 2017, (i.e., the reporting of hatefully motivated posts on social networking sites to administrators) it was discovered that Roma are one of the most frequent targets for hatred on the Internet and that the posts that were least frequently deleted were in the category of Roma ethnicity/nationality. It was also discovered that hate speech disseminated through social networks is generally underappreciated by criminal justice authorities and that their assessment of it is controversial in some cases.

In 2013, anti-Roma rhetoric and hatred culminated in a series of marches targeting Roma.¹⁶⁶ Now that the hysteria around the so-called migration wave of 2015 is receding, the right-wing extremist scene and populists are returning their attention to the Roma minority with even greater intensity.

The body that creates the principles of Czech state policy in relation to broadcasting and the concept of its development is the Council on Radio and Television Broadcasting, which contributes proposals and statements as the central body of the state administration for the area of radio and television broadcasting. The Council notifies broadcasters of any breach of their statutory obligations and sets time limits for remedies. The Council may intervene (for instance, impose a sanction) only when a broadcaster breaks the law somehow, not if the broadcaster violates its own internal code of conduct. However, for the public broadcaster Czech Television, this regulatory power is enjoyed by the Council for Czech Television, which reports to the Chamber of Deputies of the Parliament of the Czech Republic.

In the area of journalistic ethics, the most important position is held by the independent institution of the Ethics Commission established by the Journalists' Syndicate. Its mission is to follow the upholding of the Constitution of the International Federation of Journalists and the declarations of the World Congresses of that federation, which have been adopted as norms for professional journalism. The Ethics Commission publishes general recommendations and specific statements, as well as expressing its view of various cases in which journalistic ethics have been violated. However, it only takes such steps if a complaint has been filed by somebody with the Syndicate requesting their statement. The Syndicate does not review cases of its own accord.

According to Radio and Television Broadcast Act No. 231/2001,¹⁶⁷ the Council for Radio and Television Broadcasting will not extend the validity of a license for a broadcaster if that broadcaster repeatedly is subjected, by means of a decision that has taken effect, to an administrative punishment for serious violations of its duty, such as including programmes in a broadcast that incite hatred on the grounds of sex, race, skin colour, language, faith or religion, political or other convictions, national or social origin, affiliation with an ethnic or national minority, wealth, ancestry or other social position.

Furthermore, the broadcaster, according to this law, is obliged to make sure the broadcast programmes do not incite hatred on the basis of sex, race, skin colour, language, faith or religion, political or other convictions, national or social origin, affiliation with an ethnic or national minority, wealth, ancestry or other position. The broadcaster is not allowed to include programmes that could confirm prejudicial stereotypes about ethnic, racial or religious minorities.

As far as we are aware there are no organisations represented on these media councils that are focused specifically on following the presence of antigypsyist media content.

¹⁶⁶ The Interior Ministry, 2014. Zpráva o extremismu na území České republiky 2013. Praha: MV. Available: <http://www.mvcr.cz/clanek/extremismus-vyrocní-zpravy-o-extremismu-a-strategie-boje-proti-extremismu.aspx>

¹⁶⁷ Available at: <https://www.zakonyprolidi.cz/cs/2001-231>

An example of a complaint filed to the Council is the one filed over the performance by the *Ortel* band during the oldest and the most prestigious Czech singing competition *Golden Nightingale* in 2015, broadcast by TV Nova, which was filed by Czech MP Jan Chvojka, from his position as a member of the Electoral Committee of the Chamber of Deputies (he later become Human Rights Minister):

"I consider contemptible and shocking the public appearance by the Ortel band, which espouses the legacy of Rudolf Hess, Adolf Hitler and other criminals and is openly anti-Semitic and anti-Muslim in the lyrics of its songs, and also espouses fascism and neo-Nazism."

After the Roma singer Radek Banga, frontman for the *Gipsy.cz* band, expressed a similar rejection of the outcome of the *Czech Nightingale* audience survey in 2016, in which Ortel won second place, he faced racist commentaries and threats from fans of the xenophobic music group. Those same fans posted a threat to Facebook to set the offices of the ROMEA organisation on fire.¹⁶⁸

ROMEA filed 11 reports of suspected crimes during the first half of 2017 involving racist, threatening Internet posts in which some social network users verbally assaulted Roma and members of other minorities and threatened them with physical destruction. Four of those 11 reports were sent by the Prague 1 District State Prosecutor to the criminal police at the Prague 1 District Police Directorate. Two of those 11 reports are still being investigated by the criminal police, while for the other two the police found no facts that, in their view, would indicate a crime had been committed. Three of the 11 reports were directly dismissed by the prosecutor.

As for the remaining four of the 11 reports filed as of this writing the prosecutor has yet to inform ROMEA what kind of measures have been taken regarding them (if any). By law, those who report suspected crimes are supposed to be informed by the authorities as to the status of their reports within one month.¹⁶⁹

Anti-Roma rhetoric also repeatedly appears across the political parties, including the traditionally big political groups. Of course, such remarks are still not necessarily a guarantee of their success during elections. Of the anti-Roma or extremist entities running during the elections to the regional assemblies and to one-third of the Senate in 2016, the group that had the most success was the "*Freedom and Direct Democracy*" party of Tomio Okamura (SPD). Those candidates mostly ran in coalition with the Czech President's party, the "*Citizens' Rights Party*" (SPO). Tomio Okamura in 2014 made remarks doubting the Roma Holocaust when he spoke of the existence of a concentration camp at Lety u Písku as a "lie" and a "myth". In 2015, on the basis of non-existent statistics, he released a video blog in which he alleged that the rapid growth of the Roma population is one of the two biggest security risks for the Czech Republic. Through his fabricated, manipulative allegations he has been inciting hatred against Roma and labelling that entire group as dangerous and "inadaptable".

The winner of the final round of the 2016 regional and Senate elections in the city of Ústí nad Labem, Jaroslav Doubrava (*Severočeši.cz* [North Bohemians.cz]) is also known for his anti-Roma remarks. The newly-elected Governor of the Zlín Region is Jiří Čunek of the Christian Democrats (KDU-ČSL), who became infamous in 2006 for his repressive steps

¹⁶⁸ Votavová, Jitka. 2017. „Vyhrožoval vypálením organizaci ROMEA. Podle policie ani státního zastupitelství nejde o trestný čin“. Romea.cz, 8 June 2017. Available: <http://www.romea.cz/en/news/czech/czech-prosecutor-agrees-with-police-that-threat-to-burn-down-romea-is-not-a-crime>, Accessed 5 December, 2017.

¹⁶⁹ Votavová, Jitka. 2017. "Rasistické nadávky, výhrůžky smrti na Facebooku. Státní zastupitelství případy shazuje ze stolu. Nejde o trestné činy". Romea.cz, 1 August 2017. Available: <http://www.romea.cz/en/news/czech/czech-prosecutor-says-death-threats-and-racist-abuse-committed-through-facebook-not-necessarily-crimes> Accessed 5 December, 2017.

against Roma residents of Vsetín¹⁷⁰ and for the anti-Roma remarks in which he has described Roma as avoiding work and accustomed to stealing and lighting bonfires on town squares.¹⁷¹

The overall winner of the 2016 regional and Senate elections was the ANO movement, which is under the leadership of Andrej Babiš, who prior to the elections said the following about how the so-called "Gypsy Camp" at Lety u Písku functioned: "There used to be a time when all Roma worked. What those idiots are writing in the newspapers about the camp at Lety being a concentration camp is a lie – it was a labour camp. Whoever didn't work - bam! – he was sent there."¹⁷² Babiš also did his best to get Čunek to collaborate with his party.

There are very few examples of public officials being sanctioned for their hate speech against Roma compared to the proportion of such remarks made.

Former Czech MP Otto Chaloupka was given a six-month suspended sentence in September 2014 for his anti-Roma remarks posted to Facebook.¹⁷³ According to the District Court, he incited hatred of a group because, in his post, he alleged that all Roma commit socio-pathological behaviour (stealing, aggression, etc.). The Supreme Court rejected Chaloupka's complaint that he should not be subjected to the power of either the police or the courts because he has immunity as an elected representative. Controversial posts to Facebook, according to the Supreme Court, are not posted as part of executing political office and are not afforded the protection of speech undertaken as part of competition between political forces.

A more recent case in which a political representative was sanctioned for his anti-Roma remarks is that of Deputy Industry and Trade Minister Karel Novotný, who recently was a candidate for the Czech Social Democratic Party (ČSSD) in the Ústí nad Labem Region. He compared Roma to "jellyfish", calling them "poisonous and useless", in a Facebook post. He is losing three months' salary as a result and Industry and Trade Minister Jiří Havlíček (ČSSD) also issued him a warning according to the Labour Code, as the remark was a violation of the Code of Ethics for Employees.¹⁷⁴

Analysing and forming narratives and attitudes towards Roma

As far as the opinion of the public about the coexistence of non-Roma and Roma goes, a representative survey of high school students performed by an NGO in 2017 investigated¹⁷⁵ what kind of relationship young people have toward foreign nationals and minorities and how they perceive the question of equal opportunities in society. The findings of the survey indicate that students' attitudes correspond to the majority

¹⁷⁰ ČTK. 2017. *Ústavní soud odmítl stížnost Vsetína v letitém sporu s vystěhovanými Romy*. Romea.cz, 1. June 2017. Available: <http://www.romea.cz/en/news/czech/czech-constitutional-court-rejects-complaint-from-municipality-defending-its-2006- eviction-of-romani-residents> Accessed 5 December, 2017.

¹⁷¹ Leinert, Ondřej. 2016. „Byty pro Romy ve Vsetíně byly akt milosrdenství“. Praha: Mladá fronta DNES. Available: <https://www.pressreader.com/czech-republic/dnes-prague-edition/20161021/281706909215256> Accessed 3 December 2017.

¹⁷² ČT 24. 2016. *Babiš zpochybnil existenci koncentračního tábora v Letech, píše Aktuálně*. 2 September 2016. Available: <http://www.ceskatelevize.cz/ct24/domaci/1894538-babis-zpochybnil-existenci-koncentracniho-tabora-v-letech-pise-aktualne> Accessed 3 December 2017.

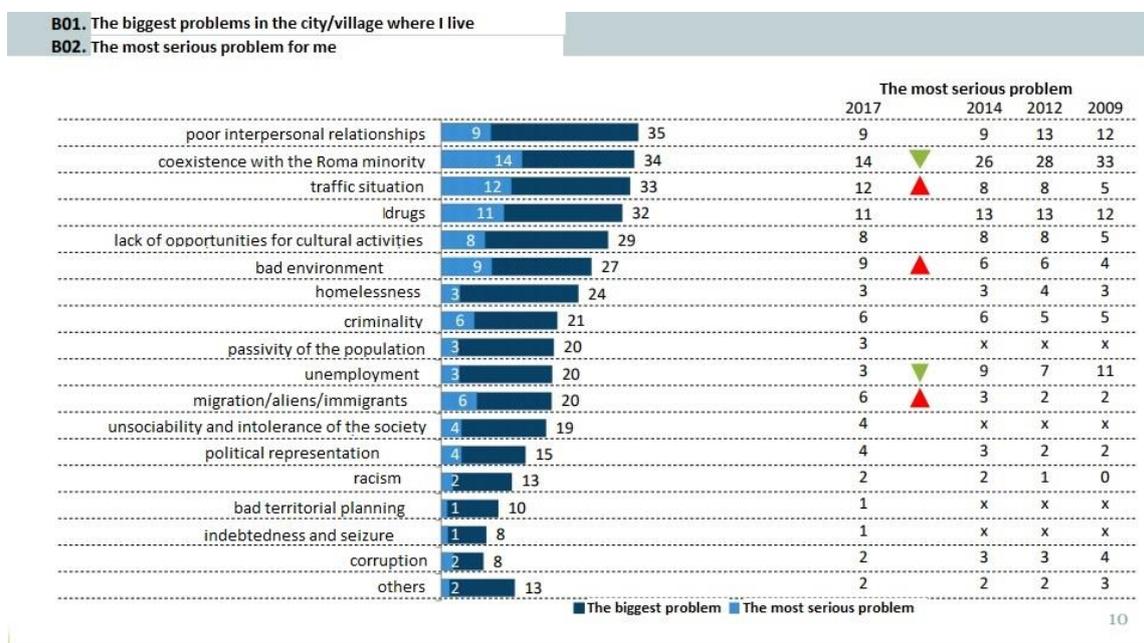
¹⁷³ Available at: <http://www.romea.cz/en/news/czech/czech-constitutional-court-says-mp-s-anti-romani-remarks-not-covered-by-immunity> Accessed 3 December 2017.

¹⁷⁴ ČTK, iDNES.cz. 2017. „Havlíčkův náměstek přirovnal Romy k medúzám, přijde o odměny“. iDNES.cz. 15 September 2017. Available: https://zpravy.idnes.cz/novotny-namestek-facebook-vyrok-romove-odmeny-havlicek-p2z-/domaci.aspx?c=A170915_091322_domaci_pmk Accessed 3 December 2017.

¹⁷⁵ Člověk v tísni. 2017. „Zpráva o dotazníkovém šetření na středních školách z roku 2017 včetně porovnání s rokem 2014, 2012 a 2009“. Praha: MEDIAN s.r.o. Available: <https://www.clovekvtsni.cz/media/publications/765/file/vyzkum-2017.pdf>. Accessed 2 October 2017.

tendencies of society. Young people have the most negative relationships toward homeless people, prisoners, drug addicts and Roma.

Major problems perceived at municipal level include poor interpersonal relationships and coexistence with the Roma minority. Compared to 2012 and 2014 there was a significant decrease in the perception of cohabitation with the Roma as the most serious problem (from 26% to 14%).



Source: Source: Člověk v tísní. 2017. „Zpráva o dotazníkovém šetření na středních školách z roku 2017 včetně porovnání s rokem 2014, 2012 a 2009“. Praha: MEDIAN s.r.o.

A similar survey was published in 2016 by the Centre for Public Opinion Research (CVVM) of the Sociological Institute of the Academy of Sciences of the Czech Republic. That survey analysed coexistence between non-Roma and Roma inhabitants of the Czech Republic, the opportunities Roma have in mainstream Czech society, and the public's attitude toward how the Government and local authorities address issues related to the Roma minority. According to the CVVM findings, more than three-quarters of respondents consider coexistence between non-Roma and Roma inhabitants problematic, with 50 % of respondents labelling it "somewhat poor" and another 28 % perceiving it as "quite poor". Less than one-fifth of respondents assessed such coexistence as "good" (with 18 % choosing the answer "somewhat good"), while 4 % said they did not know.¹⁷⁶ According to the CVVM, these findings confirm the trend of the last two years in which, after the decline in positive perception of coexistence to its historic low point in 2013 (a maximum number of negative perceptions), the assessment of coexistence is returning to the level documented by surveys during the previous decade.

The organisation Slovo 21 has conducted research on the status of Roma women in the Czech Republic. A total of 600 Roma from 23 Czech cities participated in it. The research showed, for example, that most Czech Roma women consider their children's education to be very important. Roma women in the Czech Republic usually attain a primary education (through grade nine) or a secondary education without a certificate. They encounter

¹⁷⁶ CVVM. 2016. „Romové a soužití s nimi očima české veřejnosti – červen 2016“. Available: <https://cvvm.soc.cas.cz/tiskove-zpravy/ostatni/vztahy-a-zivotni-postoje/2069-romove-a-souziti-s-nimi-ocima-ceske-verejnosti-cerven-2016> Accessed 4 December, 2017.

discrimination at work and in finding housing. Most often they live with their family in a sublet. They usually marry between age 18 and 21.¹⁷⁷

Many NGOs are doing their best, through outreach, to change the perception of Roma in the Czech Republic, which is that of a homogenous group endangering the social stability of society and living as "parasites" on the social welfare system, a group in which just a few exceptional individuals do not share those characteristics. With respect to state institutions or state-funded organisations, we can name the work of the Museum of Romani Culture, which does its best, through cultural events, lectures, exhibitions, public discussions and programmes for the schools, to display the richness of Roma culture and history as well as the context of the current situation. We can also highlight the academic activities of the Roma Studies Seminar at the Department of Central European Studies of the Faculty of Arts at Charles University in Prague.

The Kher publishing house has also functioned in the Czech Republic for several years now as an NGO association. It defines its activity as follows: "The publishing activity of the Kher association, in addition to publishing books by Roma authors, concentrates on collecting oral histories and making them accessible, publishing both expert and popular works (dedicated both to literature and to other subjects concerning Roma), to literature in translation, and other thematically-focused publications."¹⁷⁸

¹⁷⁷ SLOVO 21. 2014 „Výzkum o postavení romských žen v České republice“. SLOVO 21, 2014. Available: <http://www.slovo21.cz/index.php/aktuality/352-exkluzivni-vyzkum-slova-21-naprosta-vetsina-romek-povazuje-vzdelani-svych-deti-za-velmi-dulezite> Accessed 4 December, 2017.

¹⁷⁸ Available at: http://www.kher.cz/projekty_duch.html

IMPACT OF MAINSTREAM EDUCATION POLICY ON ROMA

Access to quality early childhood education and care services, especially kindergarten

There is no long-term monitoring of the participation rates of Roma children in kindergartens. According to a report resulting from the *Methodology for Monitoring and Evaluating the Roma Integration Strategy to 2020* adopted by the Government on 24 October 2016, there has not yet been any investigation into the number of preschool-age Roma children being educated in preschool, so a baseline number for their enrolment into preschool education will be established on the basis of the first investigation into this area, which it is assumed will take place during the 2017/2018 school year as part of monitoring the introduction of the compulsory final year of preschool.¹⁷⁹ Nevertheless, according to the interviewed NGOs, Roma children's enrolment in preschool education is still markedly less frequent in comparison with their non-Roma peers.

In 2009 an authoritative study of the educational progress of Czech Roma children was carried out and found that some form of one-year pre-primary preparatory education (kindergartens or preparatory classes established for children from disadvantaged backgrounds in mainstream basic schools) is attended by approximately 48% of Roma children compared to 90% of the majority population.¹⁸⁰

The UNDP 2011 study of 750 Roma households in socially excluded areas and 350 non-Roma households in the same neighbourhoods showed that 57% of Roma had never attended kindergarten (compared to 18% of non-Roma) and concluded that kindergarten attendance prepares children for further education and increases the chances of school success.¹⁸¹

A qualitative study¹⁸² focused on analysing the barriers to preschool education was a research area of the state-wide project *Sociological monitoring of educational inputs and outputs of children and pupils, including children and pupils with special educational needs in the Czech Republic*,¹⁸³ which demonstrates that there are both external and internal barriers to preschool attendance. The internal barriers concern parents/legal guardians and correspond to issues of finances, lifestyle, personal experience, and a low perception of the importance of this level of education. The external barriers are caused by the institutions themselves, by educators' attitudes toward Roma families, or by the accessibility of facilities. In this regard, the latter study confirms the findings of the previous studies identifying the following as the key causal issues for low preschool attendance: economic reasons; different parental priorities of socially excluded families in comparison with more affluent groups in society; directly and/or indirectly discriminatory barriers in the preschool institutions.

Roma grassroots NGOs have repeatedly emphasised that the shortage of available kindergarten places has a significant impact on Roma pupils, due to kindergartens' lack of motivation to accept Roma children. This was also confirmed by a 2015 study on the issue

¹⁷⁹ Česká republika. 2016. *Metodika pro sledování a vyhodnocování naplňování Strategie romské integrace do roku 2020*. Praha: Vláda České republiky.

¹⁸⁰ GAC: 2009.

¹⁸¹ Available at: https://issuu.com/undp_in_europe_cis/docs/roma_at_a_glance_web

¹⁸² Kolaříková, Marta. 2015. *Dítě předškolního věku v prostředí sociální exkluze* Opava: Slezská univerzita v Opavě.

¹⁸³ Kaleja, Martin, Zezulková, Eva. 2015. *Sociologická analýza zaměřená na porovnání dosažených výsledků žáků se speciálními vzdělávacími potřebami v různých typech škol. Závěrečná zpráva klíčové aktivity 1*. Opava: Slezská univerzita v Opavě.

of preschool education and early childhood care for Roma children in the Czech Republic, *Inclusion of Roma children of preschool age: Special report on the inclusion of Roma children into preschool care and education*, which warned of a dramatic lack of places at nursery schools, a shortfall estimated at 27,000.

According to the key findings of that study, lack of capacity in nursery schools has a very essential impact primarily on many Roma parents, especially those who live in remote rural areas where the offer of nursery schools is minimal or non-existent. This difference has not been reduced much during the past decade and the Czech Republic has been criticized for not creating effective mechanisms to introduce preschool education across the board.

Therefore, we welcomed the compulsory preschool year introduced by the Ministry of Education. As of September 2017, following the amendment of the Education Act in 2016, preschool preparations of one school year in duration become compulsory for all five-year-olds prior to beginning primary education. According to the law, this can involve not just attending nursery school, but also attending a preparatory class at a primary school, or the preparatory level of a "special primary school", or individual education at home. The number of hours spent in these different kinds of institutions for preschool-aged children vary from four to approximately eight hours daily: preparatory classes in elementary schools offer four hours, while kindergartens (known also as nursery schools) offer eight hours. The other difference between the two forms of pre-school preparation is in their prescribed curricula. These two forms of preschool education are therefore not of the same quality.

The 2016 amendment to the Education Act instituted changes to the rules for assigning children into the preparatory classes of primary schools. Beginning with the 2017/2018 school year, children can be educated in preparatory classes at primary schools only if it is assumed that their enrolment in the preparatory class will equalize their development and would simultaneously allow them to delay their compulsory attendance of primary school. Children who have not been allowed to delay their compulsory attendance of primary school will not be allowed to be enrolled into the preparatory classes. This form of preschool preparation should not become a substitute for the activity of a nursery school, at least according to the law.

On the other hand, in 2014 Roma children accounted for almost one third of all children attending preparatory classes in the Czech Republic (more than 4,000 Roma children out of 15,000 children totalled in some regions preparatory classes were not only segregated, but also commonly known as "Roma classes". Also, the *Czech Longitudinal Study of Education 2014* found that children with delayed school enrolment¹⁸⁴ often come from families with a lower socio-economic status, which applies (not exclusively, but markedly) to marginalised Roma families.

Moreover, according to the *Report on the State of the Roma Minority for 2016*, Roma parents prefer to enrol their children into preparatory classes at primary schools for preschool education. Among the reasons why Roma parents do not send their children to regular nursery schools are: A lifestyle of keeping young children together with the family that is said to be traditional; parental unemployment;¹⁸⁵ a lack of appreciation of the importance of preschool preparation to children's future educational and professional careers; and costs associated with meals, transportation and tuition.¹⁸⁶ Many Roma

¹⁸⁴ The Czech Republic has one of the highest rates of school enrolment postponement in Europe (15%). Available at: http://osf.cz/wp-content/uploads/2015/11/RECI_Czech_Republic_report_ENG-online-WEB-11-12-2015.pdf

¹⁸⁵ These parents do not need their children staying in kindergarten for eight hours and can save the costs associated with paying for meals in kindergarten.

¹⁸⁶ Roma parents of preschool-aged children are not financially motivated for their children to attend education at an institution in the preschool system. EU funds have not been oriented toward this kind of

parents, as we learnt in our additional interviews with Roma families, are also afraid of bullying and harassment; they have no guarantee their children will feel safe and welcomed in Czech nursery schools. The reasons nursery schools do not accept Roma children are said to be lack of vacant places; lack of willingness to work with Roma parents where there are vacant places; concerns about higher numbers of Roma children and the subsequent creation of a so-called "Roma nursery school"; and the related unpreparedness of educational staffers to work with Roma.¹⁸⁷

Therefore, even if according to the letter of the Education Act preschool education in a preparatory class of a primary school is meant to be accessible to all children currently, we are afraid that the institution of preparatory classes could actually promote further segregation of Roma children, especially in regions with a higher proportion of Roma communities.¹⁸⁸ The same unfortunately applies to individual education at home, which obviously has not been designed for marginalised Roma families but, as the media have reported, is currently being misinterpreted by educators as an option, which contradicts the original aim of educating non-Roma and Roma children together beginning in preschool.¹⁸⁹

Indeed, the legislative change will bring about the need to address the capacities for implementing preschool education, to monitor children not enrolled into nursery school and to intervene in their cases, to improve collaboration with parents, to enforce the fulfilment of parental responsibilities, and to budget financial support for children's needs and for schools. Besides, just as with primary education, there are also catchment areas for nursery schools. The catchment districts concern just those children who are eligible for prior acceptance per the Education Act, i.e., not merely any child obligated to attend preschool, but as of September 2017 children four years of age and older, from September 2018 children three years of age and older, and from September 2020 children two years of age and older. From our point of view, it is not clear how the persistent segregation stemming from the legal principal of the catchment area (and other factors such as prejudices of non-Roma parents who are not willing to enrol their children in facilities together with Roma families) will be addressed.

Another unclear issue is the shortage of available kindergarten places. During the last school year (2016/2017) over 40,000 children were rejected from preschool. For example, in Brno there were about 12,000 preschool children and 1,000 places were missing. There are 7,000 missing preschool places in Prague.¹⁹⁰ Although attendance at nursery schools is free, the costs associated with paying for meals (currently some 25 EUR per month) and other related expenses still represent a significant burden for poor Roma families.

Although we believe that the systemic change of mandatory preschool education could bring some positive results and increase the chances of school success for Roma children, there are many remaining barriers that should be addressed so access to quality early childhood education and care services would be ensured for Roma children.

problem yet. This phenomenon should be changed, especially nowadays when the law requires at least one school year in compulsory education in the preschool system.

¹⁸⁷ Kaleja, Martin. 2015. *(Ne)připravený pedagog a žák z prostředí sociální exkluze*. Opava: Slezská univerzita v Opavě.

¹⁸⁸ Moravian-Silesian Region and Ústí nad Labem Region.

¹⁸⁹ In September 2017, Czech Television broadcast a reportage about educators explaining to Roma parents from Chanov (which is a socially excluded area) the option of home schooling (individual education at home) so a child does not have to attend kindergarten. According to the Education Ministry and ČOSIV (Czech Expert Platform on Inclusive Education) this would go against the aim of the mandatory preschool year. (ČT24 2017)

¹⁹⁰ <https://www.ceitec.cz/2-wlb-konference-plskova/f1110>

Promoting integrated education

The amendment to the Education Act especially bolsters the elements of inclusive education in the school system as follows:

- The amendment has annulled the existence of “practical primary schools” where pupils with “mild mental disability” have been educated and where, as has been followed by the relevant school entities in recent years, a high percentage of Roma pupils were being educated. The rule has been created that priority should be given to educating pupils with special educational needs through integration into mainstream schools.
- The amendment has abandoned the categorisation of children, pupils and students according to types of disability or disadvantage and has begun to follow the degree of support the child needs, which is defined as ranging from level 1 to level 5, and has introduced a definition for the concept of a “pupil with special educational needs”, which is comprehended to mean a pupil who, in order to fulfil his or her educational potential and realize his or her right to an education on an equal basis with his or her peers, needs support measures meant to aid his or her education. Support measures are divided among the levels according to their degree of cost and organizational sophistication, and in case of need they can be combined from different levels in order fulfil the requirements of a quality education; they establish the right of a pupil with special educational needs to the provision of support measures by the school at no charge to the parents. They will be chosen to correspond to the pupil’s state of health, cultural environment, or other conditions.
- The amendment introduced the institution of a revisory workplace, the National Institute for Education, which provides those who apply for counselling services, such as schools and public administrative bodies (especially child welfare authorities) with the opportunity to ask for a review of the recommendations made for a pupil’s education should educators or parents be dissatisfied with the services provided by an educational counselling facility.
- The recommendations of a counselling facility for a pupil with special educational needs will propose specific support measures and adjustments to the pupil’s education. The recommendations will be delivered not just to the legal guardian of the pupil and to the pupil herself, but also to the school attended by the pupil should the legal guardian/parent consent.
- The Education Act is newly counting on a system of monitoring mechanisms for education so that pupils will not be reassigned outside of mainstream education without authorisation or justification, which is to say, pupils will not be inadequately provided an education according to a curriculum with a lower level of educational ambitions. The Czech School Inspection performs this monitoring and the educational counselling facilities play a role in it.

The *Report on the State of the Roma Minority 2016* states that official data collected by the Ministry of Education reveal there are 83 primary schools in the Czech Republic where more than half of the pupils are of Roma origin. At another 136 schools, more than one-fourth and fewer than half of the pupils are of Roma origin. According to these estimates, 24.3% of all Roma pupils were educated during the 2016/2017 school year in primary schools with 50% or more Roma pupils.¹⁹¹ This proportion – one in four Roma pupils

¹⁹¹ On the basis of data from the reports on the situation of the Roma minority in the regions for 2016, the most schools in which the total number of Roma children, pupils and students exceeds 30% are located in the Moravian-Silesian and Ústecký Regions. Overall, 26 of the 83 schools with more than 30% Roma pupil representation are located in socially excluded localities.

attending segregated education – clearly shows the extent of segregation in the Czech Republic, as ordinary Roma people and Roma NGOs experience it.

In autumn 2016, the Education Ministry implemented a survey¹⁹² in which principals of schools were electronically asked for the number of Roma pupils educated according to the *Framework Curriculum for Primary Education*, the *Framework Curriculum for Mild Mental Disability*, and the *Framework Curriculum for Special Schools*. The findings for the 2016/2017 school year came, as they did for the 2015/2016 school year, from all primary schools recorded in the registry of schools and school facilities. Overall, 4,141 primary schools were involved in the detection of this information.

According to the findings, during 2016/2017 a qualified estimate of 33,858 Roma pupils attended primary school, which comprises 3.7% of the overall number of 906,188 pupils. In programmes for pupils with “mild mental disability” during the 2016/2017 school year there were 4,318 Roma pupils being educated, or 30.9% of all 13,983 pupils educated according to that curriculum. During 2015/2016, there had been 4 539 Roma pupils educated according to that curriculum, or 30.6% of the 14,810 pupils so educated. Year-on-year, therefore, a reduction happened to the overall number of Roma pupils and all pupils educated according to that curriculum, but a slight increase happened to the proportion of Roma pupils so educated. The above-mentioned results suggest that inclusive ideas and their corresponding legal changes have only a very limited practical impact on equal access to education for Roma children, even 10 years after the *D. H. and Others vs. Czech Republic* judgment.

During 2016/2017 the number of Roma pupils in lower primary school who were educated according to the new *Framework Curriculum for Support Measures* (RVP UV) was 1,683, while the number of Roma pupils in upper primary school continuing their studies as per the *Framework Curriculum for Mild Mental Disability*, which is being phased out, was 2,635. We believe it is important in the case of these pupils to work not just by informing their parents as to why this is happening, but also by informing the broader public so that the opportunities and rights afforded these children are understood. There were 611 Roma pupils being educated according to the *Framework Curriculum for Special Education* during 2016/2017, or 9.4% of all 6,534 pupils educated according to this curriculum for pupils with more profound disabilities. Altogether, therefore, there were 4,929 Roma pupils being educated according to a programme with reduced educational ambitions, or 14.6% of all 33,858 Roma pupils in the primary schools.

Educating pupils according to school curricula based on the *Framework Curriculum for Mild Mental Disability for Primary Schools* is being allowed to continue in upper primary schools for pupils who were diagnosed by educational counselling facilities as having that condition prior to 1 September 2016. During 2016/2017 this means 2 635 Roma pupils in upper primary school were still being educated according to that curriculum. If we look, for example, at 2009, when the GAC sociological study reported that just 30% of Roma boys and 50% of Roma girls who had originally been enrolled into mainstream primary schools completed their educations with the same cohort into which they had originally enrolled, we can assume that this is no short-term matter. This phenomenon in the Czech schools has been persisting for a rather long time for various reasons indicated above. Still, we strongly believe that the Ministry of Education is obliged to resolve this issue in a much more convincing, consistent way.

As already mentioned in the previous chapter, we find rather disturbing the statement of former Education Minister Stanislav Štech, who admits, when summarising the adopted inclusive measures, that:

¹⁹² Zpráva ze zjišťování kvalifikovaných odhadů počtu romských žáků v základních školách ve školním roce 2016/17. Available (in Czech) at: <http://www.msmt.cz/ministerstvo/novinar/vysledky-kvalifikovanych-odhadu-poctu-romskych-zaku-v-zs> Accessed 5 December 2017.

*"These are all just the first steps in a process which, according to all experts, will take years to implement and, for Roma pupils especially, is a process for which legislative, organisational and pedagogical measures alone will not produce success."*¹⁹³

As agreed by the interviewed Roma NGOs, no significant impact has been visible so far in terms of desegregation and equal access to education for Roma children; especially alarming, therefore are the recent statements of the newly-appointed Minister of Education, Robert Plaga, who intends to revise the funding for inclusive education.¹⁹⁴

Avoiding early determination of school career (early tracking)

With regard to tracking children into special education, the special curriculum for education of pupils with "mild mental disability" was abolished in 2016 and the education of pupils with such disability must be carried out according to an individual education plan¹⁹⁵ on the basis of recommendations of a counselling facility. If a pupil completes primary education at a primary school (ISCED 2) of "special" education for pupils with moderate to severe mental disability concurrent with multiple other defects or autism, the law counts on extending the length of primary education to 10 years. In such a case, education is differentiated between two levels, the lower level of grades one through six and the second level of grades seven through 10. If the pupil prepares for education at a "special" primary school, the preparatory level lasts three years.

The system of contemporary secondary schooling in the Czech Republic facilitates selection in relation to the focus and sophistication of the concept of the education provided and in relation to the level and outputs of the education acquired. Secondary education (ISCED 2) with a professional orientation is implemented at secondary school or higher vocational school. If a pupil has more severe and combined forms of disability, this is provided in a "practical secondary school".¹⁹⁶ In both cases, the maximum length is two school years. Secondary education with an apprenticeship certificate (ISCED 3) lasts a maximum of three school years at higher vocational schools with professional focuses and with differentiated curricular content that reflects either the potential for further studies leading to the completing of school-leaving examinations or is provided without that option. Secondary education with a school-leaving examination (ISCED 3) implemented at a higher vocational school has a professional focus, lasts four standard school years, is tied to the performance of professional activity, and its successful completion includes competency to perform lower management functions. Depending on the type of field studied, one component of the curriculum can be professional training. College preparatory education leading to the same level of education, unlike these other types of secondary schools, is of a general focus, not a professional one. Successful completion of school-leaving examinations is the prerequisite for study at college, university, or conservatories with the relevant education programme.

By completing conservatory, a student develops the knowledge, skills, and other abilities acquired when attending a primary school or primary school for the arts. Conservatory includes preparation for the performance of demanding artistic or arts education activities in the fields of music, dance, singing and the art of drama involving music. Depending on

¹⁹³ The minister made these statements on the occasion of the 10th anniversary of the "D.H." judgment; available at: <http://www.romea.cz/en/news/czech/czech-edmin-necessary-measures-for-educating-all-children-together-not-just-roma-adopted-annually-since-the-d-h-judgment>

¹⁹⁴ Robert Plaga issued those statements shortly after being appointed in December 2017. Available (in Czech) at: <http://www.romea.cz/cz/zpravodajstvi/domaci/novy-ministr-skolstvi-plaga-chce-resit-financi-revizi-inkluzivniho-vzdelavani>

¹⁹⁵ It is important to mention that the individual plan can be a reduced one (compared to the curriculum followed by pupils without disability) and if it is reduced, it would affect a pupil's educational career.

¹⁹⁶ These are not the same as the abolished "practical primary schools".

the length of education, the pupil completes studies either by passing the school-leaving exam (a minimum of four school years) and acquiring a general secondary education, or by attending a college programme (six years minimum) thanks to which the student achieves higher professional education (ISCED 6).

Statistical evidence providing a synopsis of actual attendance, including the issue of the drop-out of Roma pupils and students at different levels of education and from different types of primary, secondary and tertiary education, including conservatories and higher technical schools in the Czech Republic, is not undertaken. This fact prevents the necessary beginning of desirable measures that would lead to equal, fair, guaranteed access to education for Roma pupils and students. The absence of this crucial data supports state inaction in this matter. In some cases, this further diversifies the implementation of ineffective strategies created from approaches and concepts that not only maintain the educational attainment of ethnic Roma citizens of the Czech Republic at a low level, but also are immediately connected with the issues of employability and housing and are linked to other important questions of Roma social inclusion/integration.

Almost 39% of Roma children from socially excluded localities leave school before the ninth year (the last year in primary school).¹⁹⁷ Early school leavers are about eight times more likely to be Roma than non-Roma. The most frequent reason for early school leavers to drop out of high school is the social environment (the impact of peer influences, home duties, pregnancy, poor adaptation to a new school environment), absenteeism (during study or if the child does not begin school), and economic reasons (difficulty in financing study costs, the need for financial security). Academic performance is not, according to the secondary schools, the primary reason Roma students leave early. A high percentage of such children will be unqualified and with, an unfinished education, seem to be copying the fate of their parents.¹⁹⁸ Early school leaving affects more men than women and there is an excessive representation of migrants and other disadvantaged groups of people, e.g., Roma.¹⁹⁹ One means for successful completion of secondary education is high-quality vocational training, according to European experts.

Eliminating grade repetition

Early departure from mainstream primary education is approximately 13-times more likely for children from socially excluded localities than for the state-wide average.²⁰⁰ The problem of the segregation of Roma pupils in primary schools has also been pointed out by the Public Defender of Rights in her annual report for 2016. From that report it can be seen that Roma children are frequently unofficially rejected by school facilities. Many interviewed Roma parents confirmed that principals do not issue a written decision of their

¹⁹⁷ http://www.nuv.cz/uploads/Predcasne_odchody_12_2013.pdf

¹⁹⁸ Gabal et. al. 2009. *Vzdělanostní dráhy a vzdělanostní šance romských žákyň a žáků základních škol v okolí vyloučených romských lokalit. Závěrečná zpráva projektu MŠMT ČR Sociologický výzkum zaměřený na analýzu podoby a příčin segregace dětí, žákyň, žáků a mladých lidí ze sociokulturně znevýhodněného prostředí* [Educational Pathways and Educational Chances of Roma Pupils of Primary Schools in the Area of Excluded Localities. Final Report of the Project of the Ministry of Education – Sociological Research Focused on the Analysis of the Form and Causes of Segregation of Children, Pupils and Young People from Socio-culturally Disadvantaged Backgrounds]. Available at: <http://www.msmt.cz/ministerstvo/novinar/jake-jsou-vzdelanostni-sance-deti-ze-socialne-znevychodnujiciho> Accessed 5 December 2017.

¹⁹⁹ http://www.nuv.cz/uploads/Predcasne_odchody_12_2013.pdf

²⁰⁰ Gabal et. al. 2009. *Vzdělanostní dráhy a vzdělanostní šance romských žákyň a žáků základních škol v okolí vyloučených romských lokalit. Závěrečná zpráva projektu MŠMT ČR Sociologický výzkum zaměřený na analýzu podoby a příčin segregace dětí, žákyň, žáků a mladých lidí ze sociokulturně znevýhodněného prostředí* [Educational Pathways and Educational Chances of Roma Pupils of Primary Schools in the Area of Excluded Localities. Final Report of the Project of the Ministry of Education – Sociological Research Focused on the Analysis of the Form and Causes of Segregation of Children, Pupils and Young People from Socio-culturally Disadvantaged Backgrounds]. Available at: http://www.msmt.cz/fi/le/1627_1_1/

rejection but just say they cannot accept the pupil because the school is full. Such rejections happen at nursery schools, too.

In 2015, the Ministry of Education launched an ESIF call to submit projects on one of two topics, preschool education and/or prevention of school failure. The intention was to fulfil the specific aim of "Social integration of children and pupils including the inclusion of Roma pupils in education", which placed an emphasis on preparing nursery schools, parents, and NGOs for the legislative change introducing compulsory preschool education in 2017. The financial allocation to the call was 27.42 million EUR and 120 applications were accepted for support with a total volume of some 107.68 million EUR.

Targeting disadvantaged schools

In 2015 the Ministry of Education announced a subsidy programme for the 2016 calendar year to support school meals for primary school pupils. The purpose of the subsidy programme is to support school meals for primary school pupils whose families are in a financial situation that is unfavourable over the long term. Pupils can be supported from this subsidy programme with the consent of their legal guardians and the primary school they attend, or the support can be requested by an NGO. During 2016 almost 1.18 million EUR was awarded for this purpose.

The same subsidy programme has been repeated in 2016, when the Ministry of Education allocated another EUR 1.1 million to cover the cost of providing school lunches to socially disadvantaged children free of charge.²⁰¹ The recipients of the subsidy programme for 2017 are again NGOs who will arrange payments for school lunches for pupils at primary schools whose parents are unable to afford them. Lunches for children endangered by poverty who attend nursery and primary schools are also paid for by the Ministry of Labour and Social Affairs from its Operational Programme for Food and Material Aid.

In our view there is no question that there are many marginalised Roma families who cannot afford to buy their children a hot school lunch. Therefore, we find the subsidy programme useful since it can contribute to children's concentration and to their socialization as part of the school collective to some extent. On the other hand, there is a question of its sustainability and it is clear that the given subsidy programme can resolve the problem of disadvantaged Roma children only very partially.

²⁰¹ Available (in Czech) at: <http://www.romea.cz/cz/zpravodajstvi/domaci/ministerstvsvo-skolstvi-vcylenilo-dalsich-30-milionu-na-obedy-zdarma-programme-se-osvedcil>

COMPREHENSIVE LOCAL CASE STUDIES – BRNO AND BOHUMÍN

Brno

Introduction

This case study is based on the perspective of the NGO involved, which saw a particular methodological approach as an opportunity to coordinate the course of its actions to resolve the many problems for Romani people stemming from their life in socially excluded localities. *IQ Roma servis* has been one of the partners from the beginning that has openly negotiated about cooperating with and supporting working group activities with many of our staffers. Simultaneously, *IQ Roma servis* is an official partner in several joint projects of the City of Brno.

The Coordinated Approach to Socially Excluded Localities (CASEL)²⁰² is a tool of the Agency for Social Inclusion (ASI),²⁰³ which is managed by the Office of the Government of the Czech Republic. The goal of this tool is to help towns with a socially excluded locality (SEL) on their territories. These are further specified in the Analysis of Socially Excluded Localities.²⁰⁴ CASEL has mainly provided personnel for the coordination of local partners, the creation of networks and the design of local strategic social inclusion plans. To be able to realize these projects and other activities, CASEL is also connected to financial resources from the European Structural and Investment Funds (ESIF). The main resources for financing activities in CASEL are Operational Programme Employment (OP Employment), Operational Programme Research, Development and Education (OP VVV) and the Integrated Regional Operational Programme (IROP).²⁰⁵

Municipalities can apply to be part of CASEL. First, they fill in a survey, on the basis of which they go through a first selection for relevance. Subsequently they present their vision for a solution to social exclusion on their territory. Afterwards, the ASI committee provides personnel for coordination of these activities and help with the creation of the strategic plan. The ASI also plays an important role in coordinating the drawing of finances. Part of the ASI activities includes negotiation with ministries about financial allocations for individual cities and about the form and conditions of project calls meant especially for cities in the CASEL.

Cooperation at the level of the CASEL is divided into several phases: Negotiation with the city, creation of working groups, creation of the strategic plan of specific measures, preparation and submission of project requests, implementation of the projects, and finally, their evaluation.

CASEL in the city of Brno

Cooperation with the ASI as part of CASEL started in Brno in the spring of 2015. First there were negotiations at the political level that led to the signing of a contract on cooperation around June 2015. The opening meetings were held to which potential partners and members of the collaborating network were invited. Among those partners and members were relevant local departments (of Education, Social Services, etc.), state-funded organizations, NGOs working in the socially excluded areas, the Labour Office, and experts

²⁰² See website www.socialni-zaclenovani.cz for more information.

²⁰³ *Ibid.*

²⁰⁴ Gabal, I. *Analýza sociálně vyloučených romských lokalit a absorpční kapacity subjektů působících v této oblasti*. Praha: Gabal Analysis & Consulting, 2006.

²⁰⁵ More information (in Czech) about CASEL in the City of Brno can be found here: <https://socialnipece.brno.cz/texty/337/koordinovany-pristup-k-reseni-problematiky-socialne-vyloucenych-lokalit/>

from fields selected as important (housing, education, etc.). Six Working Groups were established to focus on priority areas – education, housing, employment, health and family, safety, and prevention of social pathologies. Later in the autumn of 2015 another Working Group on foreign nationals and migrants was added. Apart from these thematic groups a coordination Working Group was also established.

The relevant partners (from the municipality, local NGOs, experts from universities and other entities) were invited to the Working Groups' meetings. The main objective from the beginning was to agree on basic goals and to create the Strategic Plan. The Plan was then approved by the municipal council and became the groundwork for the creation of project proposals. The purpose of the Plan was to integrate the activities implemented in the socially excluded areas; to effectively target financial and human resources toward common solutions for problems; to create a partnership between the city, NGOs and other institutions; and to evaluate the implemented measures (with a focus on how they contribute to the integration goals of the particular activities).

The original idea was that the Strategic Plan would be created in the fall of 2015 and that at the beginning of 2016 it would be possible to apply for projects. However, the creation of the plan was postponed, and it was not approved until the spring of 2016. The period in which it was possible to apply for projects was then rescheduled to the beginning of 2017.

Beginning of the Working Groups' work and the creation of the Strategic Plan

The work of each Working Group was different and changed over time. Important factors were the groups' composition and how were they convened and coordinated. There were also differences in the systems for leading and coordinating the Working Groups. Some groups were led by people employed by the municipality (Working Group on Education), others by experts (Working Group on Housing), and some by ASI employees (Working Group on Employment). The activities and form of the work of each group were also different. There were no clear, long-term goals, and that influenced the activity (or inactivity) of some members.

The Strategic Plan for Social Inclusion in the City of Brno 2016-2019²⁰⁶ is a crucial document of the Coordinated Approach. Its content is an analysis of the situation in the City of Brno and suggestions for specific measures and solutions. The Plan is divided, apart from a general introduction, into chapters according to the Working Groups. After the analysis in each area there is a package of measures and priorities presented that contributes solutions to the defined problems. It also contains the expected outcomes and the partners who will fulfil the suggested priorities. Several appendices also exist – for example, a list of the members involved in the Local Partnership (which is, however, more than incomplete), and a table of indicators (the creation and evaluation of which is not at all clear to us as members).

The Strategic Plan should have been an outcome of the Working Groups. However, its timing and creation was unclear to some members. Some parts were created in the first half of 2015, with the original vision of the plan being issued in the fall of 2015. The argument of time pressure was used to defend not all members being involved in its creation. For example, in the Working Group on Education, the Plan was created by the local Department of Education and was sent to the rest of the group for commentary with the possibility to add suggestions during only a short period of time. On the other hand, some parts of the plan were written in 2016. Also, some parts were written by ASI employees themselves with very little involvement of the group members (for example,

²⁰⁶ Available here: https://socialnipece.brno.cz/useruploads/files/kpsvl/spsz_m%C4%9Bsta_brna_2016-2019_final.pdf

the part on the Family and Health). The original idea of the work and meaning of the groups dissipated and the transparency of the processes was reduced. There were also personnel changes at the ASI. Thanks to the postponement of the Plan's approval to March 2016, the drawing of CASEL resources by applying to OP Employment and OP VVV was also delayed. The postponement of the Plan (allegedly due to adding the new group on Foreign Nationals and Migrants, but viewed by some involved as due to poor management of the coordination process) led the city to apply for project funding without using the CASEL system (for example, a project for preschool education from the OP VVV and a project for ending the homelessness of families from the OP Employment's call for social innovation).

In the middle of 2016 the personnel capacities of the ASI were increased so that every group had its own leader from the ASI. Also, other experts were invited to collaborate to strengthen the ASI's advisory activities.

Project preparation in CASEL

One of the often-mentioned advantages of CASEL was meant to have been the negotiated allocations of finances from the Operational Programmes at particular ministries (Ministry of Labour and Social Affairs, Ministry of Education). In the ideal scenario, joint planning by all the involved members should have been done and the projects should have been applied for subsequently. This would have guaranteed that the projects with the most chances of succeeding, thanks to their accordance with the Plan and the negotiated allocation of finances, would have been those for which applications were submitted. Unfortunately, this did not happen. In addition, at the beginning of the cooperation, the ASI misinformed us that organisations operating in the CASEL areas would not also be able to apply for the open call projects of the Operational Programmes – fortunately, this turned out not to be true. However, such ambiguities and the ASI's lack of ability to clearly describe the future process for the project applications complicated any strategic planning of activities and projects by organisations relying primarily on project financing.

The project plan should have been created using the so-called "project fiches"²⁰⁷; the ASI insisted on devising these. The situation was the worst for those most active group members who had cooperated from the beginning. As such, we had prepared the "project fiches" in August 2015 at a time when no Strategic Plan had been created or approved. The reason was the necessity to negotiate the allocations (the reserved finances) with particular ministries. It was also said that those organisations, which did not present "fiches" for particular topics would not have opportunities to draw on finances and implement projects. In the Plan, each specific measure was ascribed to an implementer of the activities.

Because the Plan was created later, we had to create new "fiches" again. In August 2016 we received a new form, and we had to rework all the "fiches" by September. The requirement was to at least partially fulfil the original allocations because the allocated resources were reportedly already negotiated at the ministries. After that, we came to know in group meetings that even those organizations who never presented "fiches" could also apply for projects. Those who had helped the allocation process by providing project proposals were put in an unfair position. Not only was the original allegation that "whoever does not make a 'fiche' will not be able to implement a project" not valid, but active members had created "fiches" which became the backbone of the Strategic Plan and now other partners, without ever being active or commenting on the plans (even those who had previously announced that they did not want to implement activities) could now also compete for the proposed resources. Separate meetings by some members held outside of the transparent Working Group meetings also distinctively aided this.

²⁰⁷ Project intent defining the most important project outputs and outcomes, its sustainability etc.

Our previous active work was in fact undervalued and, strictly speaking, it was counterproductive for us because we had transparently described our intentions to all the members and created allocations that were subsequently made available to the other members. At the same time, the ASI was not able to issue clear information about the form of the project calls, which influenced the room available for project planning by particular organisations. Advantage was given to the partners and members who had not been active since March 2015 and had not created the "fiches", allocations and plan, but who had separately negotiated opportunities to get involved during the second half of 2016 despite their original lack of interest.

Systemic and joint projects

The project process was not clear from the beginning, even though this should be an advantage of cooperation through CASEL. One goal at the start of the cooperation was for projects from the city, NGOs and other relevant partners to be coordinated. This was not always the case. The city planned systemic projects to which organisations were meant to add their complementary projects or in which they were supposed to become partners. Not all Working Groups achieved this.

One successful project raised by a Working Group is, for example, "Rapid Re-housing" – the pilot testing of the rapid re-housing of families without children being implemented by Brno Municipality with *IQ Roma servis* and the University of Ostrava as partners. The project was carried out by housing experts was a main goal of the Working Group on Housing. Due to the delay of the CASEL, this project was applied for outside of CASEL and implemented within the open call for social innovation by OP Employment. Subsequently, another project in the field of housing was created in the group.

Another systemic project was in the area of education. The projects for kindergartens and primary schools had the ambition to involve all kindergartens and schools in the city, but those kindergartens and schools did not have much say about their involvement in the projects. The invited NGOs could not influence the form of their involvement in the project or the planned project activities. Large, systemic projects were thus created which have not yielded any obvious impact. Furthermore, they placed any other organisation at a disadvantage because no other projects with schools as partners could be funded. Schools could not, in fact, be partners in the same activity with more than one partner, and at the same time they did not receive the comprehensive support they often needed (due to the strictly limited hours for personnel resources in the projects, etc.).

Some Working Groups changed plans constantly as to whether they would apply for systemic projects or not. In the area of employment, an unclear project plan involving NGOs as partners was created at first and was then changed several times. In the end, a systemic project was created without NGO partners.

In the Working Group on Health and Family, the project was created without several members being invited. It was not clear whether this was done with the intention to eliminate NGOs that are not also municipally established and funded, or whether this was done based on a different and even less transparent choice of those who would be invited to cooperate on the project.

Current situation

Since 2017 it is possible to propose projects in accordance with the Strategic Plan. Project proposals must be consulted with and approved by ASI, particular municipal departments, and in some cases the whole district. This system was established outside the work of the Working Groups and all the energy invested into CASEL did not pay off, with a few exceptions (basically, only those projects created in the Working Groups are being implemented, but under open, not restricted, calls).

The Working Groups in their original forms no longer exist in practice. Despite our expression of interest for the Working Groups to serve continually for the coordination of

activities and evaluation of the Plan's fulfilment, they do not. If the relevant partners meet, it is in those groups involved in particular projects. Therefore, this is more about project management than it is about thematic groups going beyond the framework of project activities. It is not clear how and with what partners the Strategic Plan and its components will be evaluated.

Overall appraisal of the contribution of CASEL in Brno so far

Although the ASI perceives its impact as positive and successful, from our point of view this cannot be said. The main goal was to implement a project and draw allocations. This became evident right at the beginning when the Strategic Plan was being designed on the basis of project proposals, not on the basis of analysed needs and determined goals. The overall considerable delay of the process disrupted the work of organisations and their strategic planning. CASEL right now is just a tool for project proposals and involves no effort to reflect on and evaluate its impact on the socially excluded areas. The original call from some members (mainly NGOs) for clear intentions (for example, in the Working Group on Education, what inclusion would mean for particular partners, what the main line of the plan would be, etc.) or for an effort to set the goals of the Working Groups and their purpose was set aside due to time pressures without any effort to return discussion to such matters.

The ASI workers tried to negotiate with everyone and accommodated their wishes. They initiated separate meetings with particular partners and seemingly agreed with the points of view expressed during those meetings. This was done at the expense of the transparency, clarity and credibility of the information presented to all involved.

Summary and evaluation of the case

From our point of view, the ASI has failed its vision of coordinating and evaluating the impact of these efforts on the socially excluded localities. Even though Working Groups were created at the beginning and space for clear and united coordination was created, the ASI did not manage to fulfil its role. Lack of clarity and transparency about the process and in the strategy creation for the area of social exclusion should have been eliminated thanks to CASEL and been open to all relevant partners. This did not happen. The ASI just reiterated the ailments of all the previous local working groups and platforms that came before it.

It does have to be stated that Brno had and still has a political leadership that is one of the most open in the country to setting up meaningful systemic changes supporting social inclusion. Such a political constellation might not happen again in the future. That makes it all the more disappointing that the ASI did not manage to take advantage of such an opportunity.

Strengths:

- Effort to coordinate activities of the City, NGOs, institutions and experts,
- Creation of Working Groups for priority topics, thus creating space for discussion
- Involvement of experts and a wide spectrum of partners,
- Negotiation at a political level and approval of the Plan by politicians, thus ensuring support for particular measures,
- Possibility of accessing financial resources meant for socially excluded areas,
- Creation of a cohesive plan focused on priority areas to support people living in socially excluded areas, naming of involved partners and implementers.

Weaknesses

- A system which was neither coordinated nor run professionally,
- Unclear competences of the ASI and the other members of the Working Groups, including municipal employees,

- Demanding activities, the alleged purpose of which was contradicted later (and therefore the activity of the group members was wasted),
- The strategic plan was reduced to just a list of measures for projects,
- Time delay postponed project proposals for one year compared to the original plans; simultaneously, organisations were erroneously prevented from applying for open calls,
- Meaningful work of the Working Groups has not continued as originally declared and they exist for project activities only.

Bohumín

Introduction

The municipality of Bohumín was chosen for this case study because, on the basis of data provided by the Romodrom non-profit organisation and an analysis of policies implemented locally there, it is possible to conclude that this municipality takes decisions that can be called discriminatory, especially in the areas of housing and education.

Information sources

With regard to the scope of this assignment, the background materials for this case study included data from the following sources: The website of the town of Bohumín, articles reporting problems in this chosen area, selected legal norms, and the experiences and findings of the Romodrom organisation, which provides social services and other support programmes targeting persons at risk of social exclusion or persons who have ended up in an unfavourable life situation irrespective of their ethnicity or nationality. The organisation is based in Prague and works there also, but primarily works in a total of eight regions of the Czech Republic. Its activities involve three areas: Programmes for children and youth, programmes for inhabitants of socially excluded localities, and programmes for prisoners.

Description of the locality

Bohumín is in the Ostrava basin, approximately five kilometres from the City of Ostrava. According to the findings of the most recent census in March 2011, there were about 22,000 people living in Bohumín.²⁰⁸

The town of Bohumín implemented projects with ESIF funding from 2014-2017 in these areas:

- Integrated Regional Operational Programme, Priority Axis 2 – Improving the quality of public services and living conditions for regional inhabitants, Specific Aim 2.5 – reduction of energy consumption in the housing sector.
- Operational Programme Environment, Priority Axis 4 – Care and protection of the landscape and nature, Specific Aim 4.3 – Strengthening natural landscape features

Projects aimed at social inclusion were implemented by the town of Bohumín during the previous programming period (2007-2013) rather sporadically. None of the implemented projects focused on aiding or supporting Roma.

Social exclusion

According to the Analysis of Socially Excluded Localities in the Czech Republic, there is one socially excluded locality recorded in the district of the so-called “municipality with extended powers” (ORP) of Bohumín with an estimated number of socially excluded

²⁰⁸ In 2008 there were 22 976 inhabitants.

persons between 1,000 and 1,300.²⁰⁹ The socioeconomic situations of families living in the localities monitored show, within the ORP as a whole, a higher proportion of persons drawing aid in material need and the highest proportion of juvenile criminal activity²¹⁰ in comparison with other socially excluded localities.²¹¹

Based on Romodrom's observations and information, the relationships between non-Roma and Roma there can be considered tense. This situation is also reflected in the measures that have been adopted by the town leadership. Recently anti-Roma sentiment has been rather increasing there. It cannot be ignored that during the previous period, efforts were implemented there to enforce a so-called "zero tolerance" policy, especially aimed at the area of housing and the targeted relocation of Roma households to a territory defined for them. The problem of latent racism, xenophobia and discrimination is still very current there.

Representation of Roma in municipal bodies

Roma have no representatives on the commissions of the City Council, the Municipal Assembly of Bohumín, or the 17 advisory bodies to the City Council.²¹²

The law on municipalities does not establish any obligation to just appoint elected political representatives to the advisory bodies to the City Council. The character and number of local commissions is also not limited by law. There is, therefore, normatively a great deal of latitude in staffing commissions, and they could include representatives of minorities living in a given municipality, especially on crucial commissions with decision-making influence over the economic and territorial development of, for example, impoverished localities, or improvements to the economic and social position of impoverished or segregated groups. Roma, in relation to the municipality, do not enjoy a symmetrical position from which they might more effectively advocate for their rights.

In Bohumín the position of a Roma advisor in localities with a higher representation of Roma residents has been "tested" in the past (2004). Newspaper reports from that time indicate that this "testing" ran for one year with the promise that if the position proved effective it would be staffed full-time with an open-ended contract. Currently, according to Romodrom, there is no Roma advisor position established by the city, and it is not apparent whether the agenda of the Roma advisor has been reassigned to another position dealing with the social prevention agenda. Based on the Act on the Regions, the position of Coordinator for National Minorities and Roma Affairs has been established at the relevant regional level by the Moravian-Silesian Regional Authority. In addition to the

²⁰⁹ *Mapa sociálně vyloučených nebo sociálním vyloučením ohrožených romských lokalit v ČR.* Available at: https://www.esfcr.cz/mapa-svl-2015/www/index2f08.html?page=iframe_orp Accessed 4 December, 2017.

²¹⁰ 2007-2013

²¹¹ Gabal, I. *Analýza sociálně vyloučených romských lokalit a absorpční kapacity subjektů působících v této oblasti.* Praha: Gabal Analysis & Consulting, 2006.

²¹² The constitutive session of the 23-member municipal assembly for 2014 – 2018 was on 3 November 2014. There were 14 seats held by the Czech Social Democratic Party (ČSSD), four by the ANO 2011 party, two by the Communist Party of Bohemia and Moravia (KSČM), one by the Independents (Nezávislí), one by the Civic Democratic Party (ODS) and one by the coalition of the Christian Democrats (KDU-ČSL) and the TOP 09 party. The City Council has seven members and is comprised of ČSSD representatives. The City Council, through its advisory body, established the following City Council Commissions: 1) culture, 2) sport, 3) child-rearing and education, 4) property, 5) environment and housing, 6) territorial development, business and employment, 7) social, 8) civic affairs, 9) development of bicycle transportation in the city, 10) crisis management, 11) security, 12) for the Starý Bohumín Municipal Department, 13) for the Skřečůň Municipal Department, 14) for the Záblatí Municipal Department, 15) for the Pudlov Municipal Department, 16) for the Vrbice Municipal Department, 17) for the Šunychl Municipal Department.

services of Romodrom, work with Roma in Bohumín is done by Caritas Bohumín,²¹³ NGO Bunkr²¹⁴ or Diaconia Silesia (*Slezská diakonie*),²¹⁵ for example.

There was a decline in local unemployment during 2007 and 2008, after which followed, as a consequence of the economic crisis, a sharp growth in unemployment until the beginning of 2010. Since then, unemployment has stagnated or slightly declined for the entire Czech Republic. As of 1 March 2017, the percentage of unemployed persons recorded by the contact workplace of the Labour Office in Bohumín was 7 %. Compared to the rest of the country, during the past 10 years at least Bohumín has fallen behind other cities and is now among those cities with the highest percentages of unemployment reporting an above-average unemployment rate.

Analysis

While data about the unemployment of Roma living in the afflicted municipality are not available,²¹⁶ it is possible to infer the conclusion from the reports of Romodrom that along with positive developments in unemployment rates, year-on-year the estimated proportion of unemployed Roma has also been improving. This positive trend in the case of Roma, however, cannot be considered as corresponding to the general trend or as sufficient. Despite the fact that there are no official statistical data known to us that follow developments in Roma unemployment, it can be presumed that this positive trend in the area of employment is connected with a higher number of jobs now provided as part of public benefit work programmes (*veřejně prospěšné práce* – also only “public work”) or with short-term employment lasting a maximum of one year (given the lack of data about Roma unemployment or about Roma being removed from Labour Office rolls as a sanction). With respect to the latter, it must be stated that the number of new indicators of unemployment (since 2013) for the “proportion of unemployed persons aged 15-64” is calculated on the basis of the number of applicants for employment registered with the workplaces of the Labour Office of the Czech Republic. From this it logically follows that a rejected bidder for employment will never appear in the calculation of those who are unemployed, because such a person is not considered to have “registered”. For all of these reasons, it is possible, with a certain degree of prudence, to infer the conclusion that the unemployment rate of Roma is still several times higher than the rate reported by the statistical data generally.

Because of the lack of ethnically-focused statistical data, it is not possible to unequivocally attribute any positive trend in the area of employment to active employment policy measures. It has not been conclusively demonstrated to what degree these measures have effectively impacted the active involvement of Roma on the standard labour market.

Work opportunities

BM servis is a company owned by the municipality of Bohumín (the 100 % shareholder) which offers comprehensive services in the area of waste management, transportation, construction, tire servicing, and managing the recycling and waste collection yards on the territory of the City of Bohumín. This company is the biggest employer of persons employed as part of the public work programme offered by the relevant local Labour Office

²¹³ The Day Centre of Caritas Bohumín provides aid in rejoining regular life to people who are homeless due to their unfavourable social situations.

²¹⁴ Bunkr runs a drop-in center for children and youth that provides aid and support to young people at risk of social exclusion.

²¹⁵ The Diaconia Schools department of Diaconia Silesia (*Slezské diakonie*) runs two schools that combine child-rearing and education with the social services of Diaconia Silesia. The children are provided comprehensive social services along with their education. The organisation also runs a drop-in facility for children and youth, KANAAN Bohumín, and a fieldwork programme.

²¹⁶ Due to the absence of legislative authorisation of record-keeping about job seekers' ethnicities.

of the Czech Republic to job-seekers for a minimum of five months.²¹⁷ This is especially unqualified labour consisting of maintaining public spaces, cleaning and maintenance of public buildings and roads, or other similar activity benefiting the municipality, or the state, or other generally beneficial institutions.²¹⁸ "public work" job opportunities are time-limited, negotiated for a maximum of 12 months or up to 24 months in exceptional cases. In 2017, *BM servis* employed 130 persons compared to as many as 230 in 2015. The proportion of Roma employed as part of the public work programme is not known, as this company and the Labour Office of the Czech Republic do not keep data about Roma employment specifically.

BM servis negotiates its labour contracts just for half a year,²¹⁹ repeatedly, which in and of itself causes many problems for the labourers:

1. An unemployed person is entitled to unemployment benefit if the job-seeker has acquired, during the period of employment,²²⁰ a pension insurance period under a special legal regulation of at least 12 months' duration. The necessary period of insurance can also be obtained through substitute periods, which include, among other things, public work performance time. It follows from this that a person working a public work job for just six months does not qualify for unemployment benefit (Section 39).
2. It is necessary to emphasise that the relevant Labour Office does not at all assess any of the measures designed to prevent job loss. The subject of its assessment is merely whether a job seeker repeatedly displays interest in being employed, including by a public work job. This contravenes the meaning and purpose of active employment policies. The way the public work is offered here, especially to Roma, does not contribute systematically to any of the following aims:
 - Eliminating social exclusion,
 - Acquiring standard employment,
 - Earning corresponding remuneration for the labour performed (rather, this is exploitation of cheap labour,²²¹)
 - Reintegration of unemployed persons into regular working life.

Rather, the public work is perceived as a means of coercing labour²²² by persons who have already demonstrated their ability to work habitually.

The "*Principles of the City of Bohumín for Negotiating Rental Contracts for Municipally-owned Apartment Units*" indicate that auction organised to acquire a rent contract can be attended only by persons who "has employment or is self-employed on the territory of the Czech Republic for at least one year" and "for the purposes of assessing employment, the time during which public benefit work has been performed shall not be included."²²³

²¹⁷ The Labour Office may establish a shorter time also, i.e., records show durations of a minimum three months.

²¹⁸ *Zákon č. 435/2004 Sb., o zaměstnanosti.*

²¹⁹ Bohumín; press releases: *Bohumín budou od května uklízet přes dvě stovky nezaměstnaných* 2015. Available at: <https://www.mesto-bohumin.cz/cz/zpravodajstvi/tiskove-zpravy/17861-bohumin-budou-od-kvetna-uklizet-pres-dve-stovky-nezamestnaných.html>. Accessed on 4 October 2017.

²²⁰ The decision-making period for assessing eligibility for unemployment support is the last two years prior to the worker being enrolled in the job-seeker records.

²²¹ Bulletin of the town of Bohumín, available at: <https://www.mesto-bohumin.cz/cz/zpravodajstvi/ptejte-se/17498-mzdu-plati-verejne-prospesnym-pracovnikum-stat.html> Accessed on 4 October 2017.

²²² Bulletin of the town of Bohumín, available at: <https://www.mesto-bohumin.cz/cz/zpravodajstvi/ptejte-se/20855-na-kvalitu-prace-vpp-muzete-upozornit-jejich-predaky.html> Accessed on 4 October 2017.

²²³ Město Bohumín: *Zásady města Bohumín pro sjednávání nájemních smluv na obecní byty platné od 28.02.2017* Available at: https://www.mesto-bohumin.cz/data/zasady/odbor_majetkovy/maj_05B-17.pdf. Accessed on 28 September 2017.

Public work opportunities fulfil the indicators of “dependent labour” in the sense of Section 2 of the Labour Code. public work jobs in any given case are not, in the current state of affairs, possible to connect with an effort to “renew” one’s work habits. The public work is not a measure related to the active creation of new job opportunities or to the activation of persons who have turned to the state with a request for aid with acquiring a new job opportunity, as the public work does not include in its repertoire an offer of job opportunities that workers might aim to perform full-time. When looking at labour market demand, the applicability of such job-seekers is significantly limited. From the perspective of an offer listed as a putatively “proactive employment element”, we must not rule out the discriminatory effect of doing public work. This can be traced, for example, to the predominant number of people for whom public work is often their only job opportunity. In the standard labour market, even after their participation (even their repeated participation) in public work employment, these workers are not admitted to the regular labour market. People with public work jobs in their history are not sufficiently skilled and lack the skills needed on the regular labour market.

It is important, in connection with these “proactive employment elements”, to realise that they are designed just to support those seeking jobs of a public benefit character. Elements should be designed also for persons (according to the law on employment) who have the capability and gift for employment in other branches of work as well. The aim of active employment policy is ostensibly to balance labour market demand with labour force supply, and that cannot be fulfilled under this state of affairs. The public work, which offers all job seekers without distinction “aid” just in one segment of job opportunities, i.e., those of a public benefit nature, cannot, in short, stand up to the test of actually benefiting the labour market.

A no less essential risk associated with public work jobs is connected with the assumption that they will drive remuneration down, as a person employed in a limited segment of work is not competitive on the regular labour market. The implementation of the public work in this municipality is just as a kind of job that does not change an unemployed person into a long-term employed one, but which continually, repeatedly employs the person temporarily. In addition, it is not possible to overlook the degrading,²²⁴ inadequate position of a public work programme participants when it comes to applying his or her rights to access housing, because the internal regulations of the municipality about awarding housing contracts also contravene the legal analysis of the public work as seen through the lens of employment law. The contradiction in the municipality’s “Principles” can be seen in the opportunities for apartment unit leases to be awarded²²⁵ “in a case where the applicant is demonstrably beneficial to the town.”²²⁶ Despite the fact that public work is demonstrably created in the spirit of the public interest, the opportunity to access municipally-administered housing is not applicable to the case of a public work programme participant (i.e., to Roma).

Housing

Some provisions of the Act on Aid in Material Need are being used by municipalities to adopt “measures of a general nature” designating areas on their territories as demonstrating an “increased incidence of socially undesirable phenomena” (hereinafter “measures of a general nature”). Should such a designation be announced, persons who

²²⁴ In the information sources reviewed, participants of the public work programme were presented especially in connection with Roma, which may significantly solidify the public’s conviction that the persons without work habits targeted by the public work opportunities are either especially or just Roma.

²²⁵ The City Council decides about the public interest of providing one of its apartment units for lease “at the suggestion of the Property Department after previous recommendations by the Housing Commission.”

²²⁶ Město Bohumín: *Zásady města Bohumín pro sjednávání nájemních smluv na obecní byty platné od 28.02.2017* Available at: https://www.mesto-bohumin.cz/data/zasady/odbor_majetkovy/maj_05B-17.pdf. Accessed 28 September 2017.

want to take up residence in a locality so designated are no longer entitled to housing benefits. Entitlement to housing benefits will not arise for anybody who concludes a new contractual relationship regarding an apartment where that person did not reside prior to the announcement of the measures of a general nature for that location. An overview of the territorial areas for which measures of a general nature have been announced so far makes it apparent that they are inhabited predominantly by Roma.²²⁷

It is possible to attribute this state of affairs in part to the general interpretation of the relevant wording of the Act on Aid in Material Need. These legal measures intentionally aim their justification just at those socially excluded localities as defined in the Analysis of Social Exclusion. This situation is no accident since a measure of general character is, according to law, focused on socially excluded locations defined by the Analysis of Socially Excluded Locations in the Czech Republic (2015). At these locations, according to the amendment, it is necessary to monitor the rate of negative phenomena in cooperation with the Police and child welfare authorities. In addition, we cannot overlook the vague justifications used to defend the “measures of a general nature”.²²⁸ Especially politicians defend the amendment with the justification that the measures are related only to preventing the targeted movement of poor persons into socially excluded location and to combat those who rent accommodation to poor people (who traffic in poverty). If we take a deeper look at the amendment, however, we see that the power of those who rent property to poor people has been increased by the amendment. The law says that in case, for example, a family wants to move to a new house within a location to which the measure of a general nature applies, that family will not be allowed to claim housing benefits. The only way these renters can escape their bondage and not lose their claim to housing benefits would be to move away from the location for which the proclaimed measure of a general nature is valid, but various governmental institutions and others dealing with housing market resources have demonstrated that housing in non-segregated locations is out of the reach of most Roma.

There was some hope that the adoption of a new Social Housing Law could change this, but the law has yet to be adopted. In addition, it cannot be ignored that the justifications used by politicians to defend the “measures of a general nature” are imprecise. These measures are absolutely, purposefully, solely connected to an emphasis on preventing the moving of impoverished persons into socially excluded localities and the “fight” against those trafficking in poverty. The law does not absolutely clearly state the fact that such measures impact only the victims of this business. In other words, the provisions of the Act on Aid in Material Need force persons drawing housing benefits to either remain in the location where they now live or to move beyond the borders of the locality for which the measures have been designated. If we acknowledge how the regular rental housing market actually functions, it cannot be assumed that Roma living in socially excluded localities will succeed in acquiring a rental apartment outside of the socially excluded localities.

The municipality of Bohumín provides the apartment units that it owns for rent or for sale according to its “Principles”. From the wording of that document, it follows that an applicant for such an apartment must not have a permanent residential address on the territory of the Czech Republic that is identical to the address of a local authority. Homeless persons or those without the possibility of registering as residents in their dwellings (for different reasons – for example, because they live in substandard conditions or the landlord has refused to register them) have the right to register their permanent address at the address of a local authority. The City of Bohumín, however, does not recognize the

²²⁷ The first area is demarcated by the streets of Čs. Armády, Nádražní and 9. května (the buildings numbered 135, 139, 140, 239, 297, 384, 394, 395, 396, 397, 442, 464, 465, 765, 718); the second area is comprised of building no. 267 on 9. Května Street and Jeremenkova and Příční Streets; and the third is the area of Tř. Dr. E. Beneše and its adjacent buildings (numbers 709, 1160, 231, 131, 885, 98, 101, 99, 107, 102, 109, 182, and 341).

²²⁸ See note 224 above.

kind of permanent residency that makes use of the address of a local authority (instead of an actual residential address) and does not make it possible for persons with that kind of permanent residence address to apply to the bidding process to be awarded a contract to buy or lease a municipally-owned apartment. Residential hotel tenants who have accommodation contracts with such facilities are also not allowed to apply to the bidding process, and those who do apply are not allowed to have repeatedly drawn on aid to those in material need uninterruptedly for six months preceding the date of the auction proceedings (this does not apply to citizens who draw social care benefits for equipment if they are severely medically disabled, or to those who draw the state social support benefits disbursed by the Labour Office, or to those who draw benefits from insurance in case of sickness).

Education

In 2015 the Bohumín municipal council established school districts for primary schools in the town according to each Municipal Department, defined by either a building number or street name. From this decree it can be seen that buildings predominantly inhabited by Roma have been excluded from certain school districts (catchment areas) by means of this decree. With respect to this measure it is possible to conclude that it was intentionally established preventatively to restrict the attendance of impoverished children (Roma ones) in the mainstream schools and to arrange for these children to enrol into schools that focus on serving this ethnic minority.

Summary and evaluation of the case

This case study was focused on the conditions stated by the town of Bohumín for accessing municipal housing and securing a non-segregated education. The case study clearly shows the indirectly discriminatory effect of the adopted measures. As the Constitutional Court has stated in its judgments, indirect discrimination stems from the fact that “a certain general legal measure, which formally contains no prohibited discriminatory classification, in fact causes discrimination by its application.”²²⁹

This case study clearly shows that ordinances and orders by the town of Bohumín that are acceptable at a general level produce an evident, targeted, unequal impact in reality on persons who are, in this case, Roma. The integration of Roma in the situation of the described discriminatory practices by the town of Bohumín is being suppressed with regard to fundamental rights, namely, the right to equal treatment and to dignified education and housing. In the case of the town of Bohumín it is possible to conclude that the town is committing irregular violations of the personality rights of Roma (citizens of Bohumín) by exposing them, based on their Roma nationality, to discrimination and segregation when it comes to meeting their needs for housing and education. However, it remains to be seen if the relevant courts will see this behaviour as legally punishable.

Strengths:

- The city of Bohumín employs long-term unemployed persons through its company.

Weaknesses:

- The political party representatives on the governing bodies of the City of Bohumín are not fulfilling certain public functions that they are obliged to fulfil by law. While they constantly rant about Roma (as can be determined from the city council's

²²⁹ Available at:
https://www.usoud.cz/fileadmin/user_upload/Tiskova_mluvci/Publikovane_nalezky/I_US_1891_13_an.pdf
Accessed 5 December 2017.

goals for 2014-2020)²³⁰, they are also not providing, within their own bodies, the space for participation by Roma residents in fundamental political and decision-making issues.

- The City of Bohumín does not systematically create conditions focusing on the competitiveness and functionality on the job market of the persons employed locally within the Public Work Programme.
- The towns' ordinances and orders in the areas of housing and education have an indirectly discriminatory effect.

²³⁰ The Town of Bohumín: *Commitments and Goals: Specific goals of the town for period 2014-2018* [online]. <https://www.mesto-bohumin.cz/cz/samosprava/zavazky-a-cile/>

RECOMMENDATIONS

Governance and overall policy framework

- The political parties should formulate their positions on addressing the area of Roma inclusion and provide opportunities to involve Roma men and women in party life. A positive vision, one of development, as opposed to the current discourse of restrictions, would support voter participation by Roma men and women. Primarily, however, it is necessary that the political parties expand their candidate lists to include Roma politicians, female and male, at all levels. As inspiration for activities to empower and involve Roma in political action, the European activities of the US-based National Democratic Institute for International Affairs can be of service.²³¹
- The state administration should focus on accepting Roma students as interns. This would not just bolster and increase Roma participation in public affairs but would potentially contribute to the aim of increasing the number of Roma employees in the public administration.
- The state bodies responsible for implementation of the Roma Integration Strategy to 2020 should accept and use a common methodology for collecting data disaggregated by ethnicity so that reliable information about the number of Roma in the Czech Republic and their socioeconomic situations can exist. The Office of the Government Council for Roma Minority Affairs, or rather, the Human Rights Minister (or whoever chairs the Council in future), should advocate for such data collection at cabinet level with a view to the effective, regular monitoring and evaluation of the fulfilment of the Strategy according to the methodology approved by the Government. The need to collect data disaggregated by ethnicity, its use, and its risks must be the topic of broad discussion with pro-Roma and Roma organizations, public institutions, the media, and politicians in order to dispel concerns about the abuse of such ethnic data and to create a consensually-used methodology for its collection and use. In this context it is necessary to promote the mainstreaming of Roma inclusion measures. The collection of data disaggregated by ethnicity should not be, in the context of Roma inclusion, aimed at creating "Roma" measures, but should serve as a source of information about the specific impacts of mainstream measures on Roma men and women, or rather, for following whether general policies are just as effective for Roma as they are for non-Roma.
- The Monitoring Committee of the Agency for Social Inclusion (ASI) should begin a critical assessment of the ASI's activities with a view to their impact specifically on the situation of Roma. Apparently, it will be necessary to reassess the ASI project financed by the ESF so the ASI can act independently of municipal collaboration, or so municipalities will be required to submit their strategic plans for Roma inclusion as a condition to draw ESIF subsidies.
- The Operational Programmes involved in the Coordinated Approach to Socially Excluded Localities (CASEL) should have a special allocation for their projects that would be made available flexibly given the time demands of planning within the CASEL. The risk exists that the available funds will be exhausted for other projects before the CASEL projects can be submitted.
- The ministerial subsidy schemes (funded by the state budget) and those funded by the ESIF should reserve subsidies for small (grassroots) organizations involved in community activities so that they do not have to compete for resources with

²³¹ For the NDI Regional Roma Initiative see <https://www.ndi.org/regional-roma-initiative>.

professional NGOs. The subsidy calls should support partner projects between experienced NGOs and small grassroots organisations so that organisations big and small do not have to compete for financing for their activities but have the opportunity to collaborate.

Anti-discrimination

- Establish officially that segregated mainstream schools are a form of discrimination and municipalities should strive to desegregate the schools.
- Ensure implementation of the pro-inclusive changes to the Education Act in practice and empirically prove that these changes were sufficient to minimise the percentage of Roma pupils in “special” schools. Ensure that financing of inclusive education will not be cancelled due to populist policies.
- Adopt an effective social housing law that will facilitate access to dignified housing for the persons who are now reliant on living in residential hotels.
- Strengthen the position of the Public Defender of Rights in the field of discrimination by empowering the office to independently file antidiscrimination actions in the public interest.

Addressing antigypsyism

- An important, specific appeal must be made for the need to improve the opportunities for Roma Advisors working in localities by arranging for them to work more. An effort should be considered to amend the law so that it would require municipalities with extended powers to hire workers for such positions and establish by law the minimum number of hours such a position requires.
- A more general recommendation is to bolster Government efforts to raise awareness of the Roma Holocaust and to expand the learning requirements in the primary schools to include subjects such as Roma history and literature.
- We are also of the opinion that, given the impact that media and social networking sites have in the contemporary world on forming public opinion, it is essential that Roma be represented on media councils and in organisations involved with monitoring whether anti-Roma stereotypes are present in media content. It is possible to nominate potential members to such media councils and therefore it is important to follow when calls for new members are announced and to take advantage of that opportunity.
- In the same context it is essential that political representatives more clearly condemn the anti-Roma, xenophobic, racist remarks made by their fellow politicians and public officials.
- We also agree with ECRI on the need to bolster the powers of the Office of the Public Defender of Rights as described above.
- We also call for an effort to overcome the long-time stance by some state prosecutors who have given up on bringing hate crimes to justice (we see a very alarming resignation especially in the approach to hate-speech in cyberspace). It is essential to change the perception of hate violence cases that prevails among the criminal justice authorities, primarily the state prosecutors and various units of the Police of the Czech Republic. We also emphasise that the police should use more sources published by experts from the non-governmental sphere when processing data on cases of non-violent offences.

Impact of mainstream education policy on Roma

- Remedy the absence of a legislatively-anchored parameter for identification of a personal nature in the education system (i.e., indicators involving sensitive data such as ethnicity), with the aim of guaranteeing equal, fair conditions to all by monitoring such parameters on an objective, reliable and valid basis.
- Implement, at the level of legislative regulations, such indicators of a personal nature, including those related to nationality, ethnicity, or other significant characteristics of the socio-educative qualities of an individual in the system of institutionalized education for the purpose of the targeted monitoring of relevant data and applying the subsequent implications of that data into effective measures assuring equal conditions, a fair approach, and real support for social inclusion in education.
- At the level of the Government of the Czech Republic, the values of these indicators of a personal nature should be regularly monitored in a standardised scheme, critically assessed, and binding recommendations should be issued for each ministry to establish desirable intervention procedures, including the application of effective instruments and measurable results, for all areas of social inclusion.

Comprehensive local case studies

- Introduce measures aiming to bolster workers' applicability and competitiveness on the labour market, expand the job opportunities on offer for participants of public work programme and tie them to practical education in a particular work skill, introduce work internships, and systematically link public works to the demands and needs of the labour market.
- Advocate for and bolster the effectiveness of anti-discrimination legal regulations.
- Consistently monitor and eliminate displays of hatred and intolerance against Roma.
- Effectively fulfil the aims in the area of Roma integration through the active, dignified participation of Roma, and create a sustainable system for financing inclusive activities.

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