



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

*Assessing the progress
in four key policy areas
of the strategy*

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This report has been prepared by a coalition of NGOs led by *Slovo 21* and including also *Romodrom*, *Otevřená společnost*, *IQ Roma Servis*, *Romano Jasnica* and *Romea*:

- the chapters on employment and housing were developed by *Romodrom* (Mr. Jan Husák),
- the chapter on healthcare was developed by *Otevřená společnost*,
- the chapter on education was developed by *IQ Roma Servis*,
- case studies were developed by *Romano Jasnica*,
- the sections on discrimination and antigypsyism in each chapter were developed by *Romea*,
- *Slovo 21* (Ms. Selma Muhic Dizdarevic) contributed to all the chapters on gender aspects.

Mr. Jan Stejskal and Ms. Gwendolyn Albert edited the report.

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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 author and 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

APZ	Active Employment Policy
ASZ	Czech Government Agency for Social Inclusion
ČOI	Czech Trade Inspection
ČŠI	Czech School Inspectorate
ČTK	Czech News Agency
ERRC	European Roma Rights Centre
FRA	European Union Agency for Fundamental Rights
IROP	Integrated Regional Operational Programme
LMP	mild mental disability
MMR	Regional Development Ministry
MPSV	Ministry of Labour and Social Affairs
MŠMT	Ministry of Education
MV	Ministry of Interior
MZ	Ministry of Health
NMSDZ	National Monitoring Centre for Drugs and Addiction
NRIS	National Roma Integration Strategy
OECD	Organisation for Economic Cooperation and Development
OP VVV	Operational Programme Research, Development and Education
OSPOD	Child Welfare Protection Agency
PiN	People in Need
REF	Roma Education Fund
SMO ČR	Union of Towns and Municipalities
SÚIP	State Labour Inspectorate
SÚPM	Social Benefit Job
SZÚ	National Institute for Public Health
ÚP ČR	Labour Office of the Czech Republic
ÚZIS ČR	Institute for Health Information and Statistics of the Czech Republic
VOP	Public Defender of Rights
VPP	Publicly Sponsored Community Jobs

EXECUTIVE SUMMARY

Intersectional discrimination and segregation are the issues of greatest concern in all of the sectoral fields investigated here with respect to Roma in the Czech Republic, which is a wealthy European country ranked just ahead of Italy and just behind Spain on the Human Development Index. Age, ethnicity, financial solvency and gender are the parameters that intersect to render life dramatically difficult for the 3% of the population who are Roma. In the most extreme cases, Roma find themselves stuck in circumstances where they are not just disadvantaged, but exploited; the benefit for others to be had from their cheap labour or status as state-subsidised renters acts as a disincentive to their being able to extricate themselves from debt and poverty, as employers and landlords have incentives to exploit them and perpetuate the policy arrangements that render them exploitable.

Employment

While the National Roma Integration Strategy (NRIS) has identified ethnic discrimination as a problem, policy fails to address this, and very little demographic data disaggregated by ethnicity exist on which to base policy in any event. For example, the causal relationship between the perpetual under-education of Roma and their reduced employability has yet to be addressed in policy terms. This chapter of the report discusses how less employable Roma are rendered vulnerable to official labour market exploitation in tandem with their status as welfare recipients. Debtors whose creditors engage collections agents will have official reported incomes garnished and pay high fees to collections agents; this means the economically most viable strategy for them is to live on welfare and/or work informally, without contributing to the social security system. This is a situation to which disadvantaged Roma are disproportionately exposed.

Housing and essential public services

Spatial and structural segregation in housing, along the lines of both ethnicity and social status, are intensifying and there exist no policy measures to address this fact. Landlords discriminate against low-income tenants and those receiving welfare; until very recently, unscrupulous landlords had every incentive to charge disproportionately high rents to tenants qualifying for public housing benefits, since the state was picking up the tab. The right to housing is not explicitly addressed in Czech law and tenant protections barely exist; the failure to adopt a social housing law to better regulate the market for low-income renters means progress in this area is at a standstill.

Impact of health care policies on Roma

Spatial segregation necessarily has negative impacts on mental and physical health due to time spent in socio-pathological environments featuring long-term stress over financial solvency, the need to perform manual or other dangerous labour, and inferior housing (see above) including lack of adequate bathing and toilet facilities, indoor mould and parasites, poor heating, insulation and ventilation, and lack of personal space. As a consequence, Roma men live 19 years less than non-Roma men in the Czech Republic, and Roma women live 17 years less for than non-Roma women on average.

Education

The existence of schools with high Roma populations is an indicator of ethnic, spatial and social status segregation with the school system. The distribution of Roma in education has been somewhat monitored for a decade now, especially with regard to the kind of educational programmes Roma children enrol in, but the country does not yet adequately monitor the impact of its education policy on Roma in practice. Roma access to education and support for their needs largely depend on whether they live in social exclusion, on their de facto segregation from preschool onward, and on attitudes

towards the Roma as such, which are overwhelmingly negative. Roma remain disproportionately educated as disabled, and while the number of Roma incorrectly enrolled in education for the disabled is declining, the number of Roma attending mainstream primary schools with non-Roma is not growing. Non-Roma parents pressure schools to intensify ethnic segregation, and establishers and principals resist this pressure randomly. While there are a few local initiatives underway that are motivated by the aim of desegregating the schools or preventing ethnic discrimination in them, at a national level neither of those aims is driving either policy or practice.

Local case studies – local political will is everything

The exaggerated importance of local governments in the lives of Roma people in the Czech Republic cannot be emphasised enough. It is local governments that establish schools, hold their managements to account, and turn a blind eye to the bullying, ethnic and social segregation, and early tracking of Roma children into manual labour. It is local governments that decide whether to provide social housing or whether to make it impossible for welfare recipients to live on their territories. It is local governments that institute employment measures that keep welfare recipients in dead-end manual labour, and it is local governments that decide to bring in collections agents and escalate the insolvency of those who owe them unpaid fees. The case studies in the final chapter here conclude that where local political climates remain antigypsyist or anti-social inclusion, the social situation of Roma will never improve. As currently designed, national policies to eliminate social exclusion generally hinge entirely on the willingness of local administrations to participate. National authorities are wary of antagonizing local ones for fear of eventually paying the price at the ballot box, so antigypsyism goes unaddressed by all but the brave individuals who spend their energy complaining to authorities.

There are, fortunately, pro-Roma and Roma civil society organisations and social services providers attempting to ameliorate the negative impacts of unaddressed antigypsyism in Czech society. Roma in the middle class are also speaking up more forcefully and demanding better treatment from political representatives. However, it is a generally acknowledged fact that conditions of equality for Roma simply do not exist, as a combination of all the structural factors described above.

INTRODUCTION

The place where the EU framework and the Czech National Roma Integration Strategy (NRIS)¹ have contributed the most meaningful change is at the level of declared government strategy itself. Compared to previous iterations of Roma-related policy that focused exclusively on Roma in terms of security-related issues or social exclusion, the current NRIS clearly describes the Roma community and its needs in much more well-rounded terms. The existence of a Roma middle class, the need for members of the Roma community to achieve self-determination, and the need to address antigypsyism and discrimination have been recorded at government level for the first time ever. Unfortunately, the impact of the policies ostensibly implementing this NRIS in practice is far from unequivocally successful.

Intersectional discrimination and segregation are the issues of greatest concern in all of the sectoral fields investigated here. Age, ethnicity, financial solvency and gender are the parameters that intersect to render life dramatically difficult for the 3% of the country's population who is Roma. In the most extreme cases, Roma find themselves stuck in circumstances where they are not just disadvantaged, but exploited; the benefit for others to be had from their cheap labour or status as state-subsidised tenants acts as a disincentive to their being able to extricate themselves from debt and poverty, as employers and landlords have incentives to exploit them and perpetuate the policy arrangements that render them exploitable.

While the NRIS has identified ethnic discrimination as a problem, policy fails to address this, and very little demographic data disaggregated by ethnicity exist on which to base policy in any event. For example, the causal relationship between the perpetual under-education of Roma and their reduced employability has yet to be addressed in policy terms. The report discusses how less employable Roma are rendered vulnerable to official labour market exploitation in tandem with their status as welfare recipients. Debtors whose creditors engage collections agents will have official reported incomes garnished and pay high fees to collections agents; this means the economically most viable strategy for them is to live on welfare and/or work informally, without contributing to the social security system. This is a situation to which disadvantaged Roma are disproportionately exposed.

Spatial and structural segregation in education and housing, along the lines of both ethnicity and social status, are intensifying and there exist no policy measures to address this fact. Landlords discriminate against low-income tenants and those receiving welfare; until very recently, unscrupulous landlords had every incentive to charge disproportionately high rents to tenants qualifying for public housing benefits, since the state was picking up the tab. Spatial segregation necessarily has negative impacts on mental and physical health due to time spent in socio-pathological environments featuring long-term stress over financial solvency, the need to perform manual or other dangerous labour, and inferior housing including lack of adequate bathing and toilet facilities, indoor mould and parasites, poor heating, insulation and ventilation, and lack of personal space. As a consequence, Roma men live 19 years less than non-Roma men in the Czech Republic, and Roma women live 17 years less than non-Roma women on average.

The existence of schools with high Roma populations is an indicator of the ethnic, spatial and social status segregation within the school system. The distribution of Roma in education has been somewhat monitored for a decade now, especially with regard to the

¹ Office of the Government of the Czech Republic, National Roma Integration Strategy (NRIS) - *Strategie romské integrace do roku 2020* (Praha: February 2015), available at: https://ec.europa.eu/info/sites/info/files/roma_czech_republic_strategy2_cs.pdf

kind of educational programmes Roma children enrol in, but the country does not yet adequately monitor the impact of its education policy on Roma in practice. Roma access to education and support for their needs largely depends on whether they live in social exclusion, on their *de facto* ethnic, social and spatial segregation within the schools from preschool onward, and on attitudes towards the Roma as such, which are overwhelmingly negative. Roma remain disproportionately educated as disabled, and while the number of Roma incorrectly enrolled in education for the disabled is declining, the number of Roma attending mainstream primary schools with non-Roma is not growing. Non-Roma parents pressure schools to intensify ethnic segregation, and establishments and principals resist this pressure randomly. Nowhere is ethnic desegregation or the prevention of ethnic discrimination the engine of policy and practice.

The exaggerated importance of local governments in the lives of Roma people in the Czech Republic cannot be emphasised enough. It is local governments that establish schools, hold their managements to account (or not), and either turn a blind eye to the bullying, ethnic, social and spatial segregation, and early tracking of Roma children into manual labour, or decide to take measures to end such phenomena. It is local governments that decide whether to provide social housing or whether to make it impossible for housing benefit recipients to live on their territories. It is local governments that institute employment measures that keep welfare recipients in dead-end manual labour. It is local governments that adopt unconstitutional zero-tolerance policies, that encourage local police forces to disproportionately target Roma when enforcing the discriminatory provisions of those policies, and that then decide to contract collections agents and escalate the insolvency of those who owe unpaid fees. The case studies in the final chapter here conclude that where local political climates remain antigypsyist or anti-social inclusion, the social situation of Roma will never improve. As currently designed, national policies to eliminate social exclusion generally hinge entirely on the willingness of local administrations to participate. National authorities are wary of antagonizing local ones for fear of paying the price at the ballot box, so antigypsyism goes unaddressed by all but the brave individuals who spend their energy complaining to authorities, with mixed results.

The methodology for this report involved lead authors for each chapter being identified by the civil society organisations for the various sectoral fields. Those authors then did desk research; interviewed stakeholders from academia, the Roma community, the NGO sector and the state administration; and collected specific cases from the field. Each chapter has been authored by more than one civil society organisation, with the exception of the Case Studies chapter.

Romodrom, which specialises in providing social work to assist Roma community members with accessing and maintaining housing and jobs, engaged Mr. Jan Husák, a Roma community member who has long worked in municipal government, as the author for the housing and employment chapters. *Otevřená společnost*, an advocacy group, authored the health chapter, and *IQ Roma servis*, which assists Roma community members in accessing public services, authored the section on education. *Romano Jasnica* authored the Case Studies chapter based on its long-term provision of social work to two different Roma communities in the same region. *ROMEIA* contributed the sections on antigypsyism and discrimination to each chapter, as it has long performed a watchdog role in monitoring these phenomena; additionally, because *ROMEIA* administers several scholarship programmes, it contributed further content to the education chapter as well on the transition to secondary education. Dr Selma Muhic Dizdarevic of Charles University contributed an analysis of the gender-related aspects of the information available for each sectoral field. The process was coordinated by the *Slovo 21*.

EMPLOYMENT

The most critical issue in the field of employment is discrimination against Roma job seekers, including qualified ones. There has been little improvement in this respect since the adoption of the NRIS. The main issue is the failure of policy to address antigypsyist practices among employers and to motivate employers to hire and train less-qualified labour generally. A disproportionate number of Roma are comparatively unemployable and unskilled due to persistent under-education, which makes them vulnerable to official labour market exploitation in tandem with their status as welfare recipients, as will be described below.

Labour market statistics disaggregated by ethnicity are not collected, preventing the development of evidence-based policy. The Czech Government Report on the situation of the Roma Community in 2017 states the groundless assumption that employment rates for Roma must be rising because employment is rising overall.² This illustrates the Government's hesitancy to collect statistics so as to be able to actually report the effect of labour policy on Roma women and men. The Labour and Social Affairs Ministry (MPSV) has designed measures to focus on Roma while being fully aware there is no way to assess evidence of their progress.³ The European Parliament's Regional Development Committee has also expressed concern generally that there may be a misunderstanding among the Member States, including the Czech Republic, about the definition of the principle of a "clear but not exclusive" focus on a particular target group when it comes to delivering social cohesion measures.⁴

Research by the European Union Agency for Fundamental Rights (FRA) in 2014 found that "In the Czech Republic, 36% of Roma women and 33% of Roma men indicated some form of paid work as their main activity."⁵ While that study did not distinguish between formal and informal employment, as a first step toward contributing such information to the policy debate this data collection effort should be continued by the state itself, including refinements to better reflect the existence of the "grey economy" (i.e., officially unemployed persons who earn income informally). One of the biggest "push" factors encouraging unemployed persons to earn income informally, i.e., without reporting it to the state, is the fact that if their creditors have engaged collections agents, any officially reported wages will be garnished to pay their debts. When collections services become involved, their fees exponentially increase the amount owed,

² Úřad vlády České republiky, Sekce pro lidská práva, Oddělení kanceláře Rady vlády pro záležitosti romské menšiny a sekretariátu Rady vlády pro národnostní menšin, *Zpráva o stavu romské menšiny v České republice za rok 2017*. (Praha: 2018). Available at: <https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Zprava-o-stavu-romske-mensiny-2017.pdf>, (accessed 7 October 2018)

³ For example, in the document "Information on the implementation of the Government resolution on the integration of the Roma minority and the active approach of the state administration in implementing the measures adopted by the Government resolutions on 31 December 2017", available at: https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Informace-o-plneni-usneseni_2.pdf, (accessed 25 October 2018), the MPSV sets itself the task of supporting the monitoring and evaluation of the active employment policy programme by monitoring the extent to which programme respond to the specific needs of Roma job-seekers on the labour market, but the progress report on this objective finds evaluation of the impact of the tools on Roma is not possible because the ministry does not collect such data.

⁴ Committee for Regional Development, Report on Cohesion Policy and Marginalised Communities (2014/2247(INI)). In: European Parliament (2015), p.18. Czech translation available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2015-0314+0+DOC+PDF+V0//CS>, "Big differences among the Member States are described when it comes to whether they are applying the principle of partnership, ranging from regular consultations with social partners to absolutely ignoring and neglecting the codex on behaviour. Assessment of the projects during the previous programming period demonstrated *inter alia* that the financing is not always focused on the actual needs of recipients."

⁵ FRA. Analysis of FRA Roma survey results by gender. (2014) p. 7. Available at: <http://fra.europa.eu/en/publication/2013/analysis-fra-roma-survey-results-gender>, accessed 15 October 2018,

which makes it economically unsustainable for indebted persons to work formally, as the vast majority of their salaries would be taken to service their debt. Socially disadvantaged Roma disproportionately fall into the debt trap.

Based on the experiences of NGOs and on our interviews with and knowledge of the Roma communities, we can say that the number of Roma men working, whether formally or informally, probably exceeds the number of Roma women. Roma men are more often employed in the construction business, usually without formal contracts, while Roma women more often work formally in service provision. Roma men in socially excluded localities, according to NGOs, often work for small businesses under conditions that are illegal (including for Roma-owned businesses). Compared to Roma women, Roma men stay in such jobs for shorter periods of time, and because they do not pay into state social security schemes, the threat of poverty for Roma men in old age is greater than it is for Roma women, who are more likely to work under standard employment contracts. Policy makers should reflect on such gender disparities when designing labour market interventions for Roma.

Note on gendered (un)employment and labour discrimination overall

More women than men in the Czech Republic are unemployed, both officially and unofficially. In 2017, on average there were 1,534,000 men officially unemployed, 435,000 fewer than 2016. The average number of officially unemployed women in 2017 was 1,642,000, down by 449,000 from 2016. Their average increased slightly in 2017 to 51.7% of the officially unemployed.⁶

There were 417,000 persons considered underemployed in 2017 according to the International Labour Organisation methodology (i.e., working less than 40 hours a week although able and willing to work more), fewer than the year before. It is worth noting that this decline was due to women, whose underemployment numbers fell by 37,000 year-on-year.⁷ Given the predominance of men in seasonal employment, male unemployment is characterised by periodic unemployment, while women are more affected by constant long-term unemployment.⁸

The Labour and Social Affairs Ministry (MPSV) reports that women encounter employment discrimination in association with both their age and their gender; employers express preferences for women whose children are already grown, or for women who are not planning to become pregnant, or express preferences against female retirees. Women often are not paid the same wage for the same job (e.g., male food servers make more than female ones).⁹ The Czech Statistical Office has reported that the groups most at risk of unemployment are single parents (31.4% of whom are at risk of income poverty), followed by senior citizens (65 and over, 28.3% of whom are at risk of income poverty), followed by families with three or more children (17.4% of whom are at risk of income poverty).¹⁰

According to the Public Defender of Rights (VOP), generally speaking, women who return to employment from maternity leave frequently experience a downgrade in their work

⁶ Ministerstvo práce a sociálních věcí ČR, Č. j.: MPSV-2018/80062-401/1, *Věc: Analýza vývoje zaměstnanosti a nezaměstnanosti v roce 2017*, p. 43. Available at: https://portal.mpsv.cz/sz/politikazamest/trh_prace/rok2017/anal2017.pdf.

⁷ *Ibid.*, p 13

⁸ *Ibid.*, p 45

⁹ Press release of the MPSV, 19 April 2017, available at: <https://www.mpsv.cz/cs/30287>

¹⁰ Český statistický úřad, Brief Commentary, available at <https://www.czso.cz/documents/10180/61601872/16002118kc.pdf/bb1f2b64-07c7-47c8-a194-8f832c845a89?version=1.1>

conditions, unequal remuneration, and attempts by employers to fire them without cause.¹¹

Improving access to the labour market and effectiveness of employment services

Active Employment Policy (APZ) tools aim to: a) find jobs for those excluded from the labour market; b) remove barriers to excluded workers being hired; and c) match the supply of labour to the demand. APZ measures use the full range of tools for both employers and job-seekers: retraining, investment incentives, publicly-sponsored community jobs, socially beneficial jobs, “bridging” allowances, allowances when starting a new job, allowances when transitioning to a new business programme, counselling, affirmative action for people living with disabilities, and targeted programmes to address employment.¹² Ethnicity is not a criterion for any of the groups targeted. It is, therefore, impossible to assess how relevant these measures are for Roma due to a lack of ethnically disaggregated data, but civil society and other observers report that Roma do actively participate in and take advantage of these measures. However, the barriers to Roma employment described by the World Bank in 2008 remain in place despite the measures instituted.¹³

As the Report on the State of the Roma Community in 2017 indicates, the main tools available for socially disadvantaged people are publicly-sponsored community jobs (VPPs) and social benefit jobs (SÚPMs).¹⁴ In these programmes, employers (whether commercial, non-profit, or public institutions) receive subsidies for wages, if, through a contract with the Labour Office of the Czech Republic (ÚP ČR), they employ a disadvantaged job-seeker. According to the MPSV’s Analysis of the Development of Employment and Unemployment in 2017,¹⁵ VPPs (19,259 hires – see below for a gender breakdown) and SÚPMs (17,437 hires) were the tools most frequently used in 2017.

The labour activity performed in the VPP jobs is not the kind that is needed on the regular labour market. Employers are willing to hire less-educated persons as long as they know how to perform crafts or trades, and such persons must fulfil the condition of having achieved a minimum level of education and praxis in the activity required, but VPP jobs are not focused on increasing the attainment of accredited education or on acquiring praxis in a field that is in demand. A labourer employed by a VPP job mainly works on maintaining the cleanliness and greenery of public spaces. These activities are performed at the level of municipalities, which are the biggest provider of job opportunities to the long-term unemployed.¹⁶ The SÚPM jobs, on the other hand, are performed according to rules established by the MPSV as managed practicums. A graduate can acquire praxis in a field through an SÚPM job, which is designed for the worker to acquire theoretical knowledge in practice and to increase the worker’s competitiveness on the labour market.

¹¹ Veřejný ochránce práv, výroční zpráva o ochraně před diskriminací 2017 (Brno: 2018). p. 38, available at: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyrocní_zpravy/Vyrocní_zprava_o_ochrane_p_red_diskriminaci_2017.pdf

¹² Integrated Portal of the MPSV. Available at: https://portal.mpsv.cz/sz/politikazamest/realizace_apz

¹³ World Bank. Czech Republic: Improving Employment Chances of the Roma. (2008) Available at: <https://openknowledge.worldbank.org/handle/10986/18915>

¹⁴ Office of the Government, *Report on the State of the Roma Minority 2017*

¹⁵ MPSV, *Analysis of the Development of Employment and Unemployment in the Year 2017*

¹⁶ SMSČR: *Obce podporují veřejně prospěšné práce, žádají ale úpravy*. 6. 3. 2018 Available at: <https://www.smscr.cz/cz/62-aktuality/1545-obce-podporuji-verejne-prospesne-prace-zadaji-ale-upravu> Accessed 6 January 2019.

For employers, APZ measures are mainly a cheap way to hire less-qualified labour.¹⁷ The employer gets a subsidy not exceeding the cost of the market salary for such jobs, including the amount of the employer's social security and public health insurance contributions.¹⁸ According to the Government, "In 2017, 4.76 billion crowns [EUR 184 million] was spent on the active employment policy as a whole to support 59,925 individuals. Of this, 2.24 billion crowns [EUR 86.4 million] was spent on VPPs..."¹⁹ An amendment to the Employment Act in 2017²⁰ extended the period during which it is possible to subsidize SÚPMs from one to two years.²¹ These are jobs that employers establish or reserve by agreement with the ÚP for job-seekers who cannot find jobs another way and for whom the ÚP is taking extra care in mediating their employment.

Since 2004, the Integrated Information Portal of the MPSV has provided information about job services, welfare, the European Union (EURES), and local Labour Office information. Job seekers and employers can update their online profiles there as needed. The portal draws on data from central databases about job vacancies, schools, and employers who have filed for bankruptcy. It also facilitates communication with the authorities.²² There are also online private-sector resources about job offers, the social security system, funding, investment and other employment-related information. The NGO sector plays a significant role for socially excluded Roma (providing targeted employment counselling and aid with addressing cases of discrimination).

This online information is available in Czech and other EU languages, but it is provided in terminology that is incomprehensible to many of the less-educated persons for whom the texts are supposedly intended, which means essentially no usable information is being offered to such persons. Research shows that barriers to Roma absorbing information are among the most significant factors in their social exclusion and are related to their access to education. Roma who have long been segregated and socially excluded are those most likely to find this official job information to be incomprehensible and vague, which limits their labour market participation. In this respect the Czech state is still failing to facilitate the exercise of national minorities' right to disseminate and receive information in their own language.²³

This issue also concerns persons who, while they speak colloquial Czech, may not understand Czech jargon, legal terms, or written usage. The following example is an illustration: A young Roma woman visited a municipal official with a request for aid because her children had been taken into state custody. The official asked her who had done this and on what basis, and she showed him the document on the decision to take the children into care, which she had signed. He asked why she had signed it. She said she had not understood what was written on it, but had been instructed to sign it, so she did. The official then interpreted the text in a way she could understand. An example of an incomprehensible sentence in the text was the following: "There are no sanitary

¹⁷ "The allowance will be granted to job-seekers for a maximum period of 24 months who have been registered as job seekers for more than 24 months; for those with low or no qualifications (ISCED 0 - 2, i.e., the maximum level of completed education is compulsory education); and for those who are at risk of social exclusion or are socially excluded (e.g., people from a socio-culturally disadvantaged environment, persons discharged from prison, people in material distress)." National Programme of Reforms of the Czech Republic 2018, Office of the Government of the Czech Republic, 2018, p 18. Our translation. Available at: https://www.dataplan.info/img_upload/7bdb1584e3b8a53d337518d988763f8d/npr-2018.pdf

¹⁸ Originally provided for a maximum of 12 months.

¹⁹ National Programme of Reforms of the Czech Republic 2018, p 18.

²⁰ *Ibid.*

²¹ *Ibid.*

²² Navigation and content - Help for the Integrated Portal of the MPSV. Available at: https://portal.mpsv.cz/sprava/napoveda/navigace_a_obsah.htm

²³ Act No. 271/2001 Coll., on Rights of Members of National Minorities

facilities in the household.” She did not know what that sentence meant, but when the official asked her whether she lived in a place with a bathroom, sink and toilet, she said she did. Because the decision had been made on the basis of false information, the court then ordered the children returned to her.

The incomprehensible nature of official documents, including labour contracts and other legal documents, affects many Roma who ask NGOs for assistance. It is not possible to state how many Roma are affected because such organisations usually do not keep ethnically disaggregated statistics, but it can be assumed that Roma comprise a substantial number of the impoverished, less-educated persons who approach them.

While we do not have official statistics about the number of Roma women and men benefitting from the APZs, based on NGO experiences, field interviews and other observations, it can be said that VPPs are the measure Roma women and men most often encounter when in need of job assistance. For the population overall there were 19,259 men and 8,733 women working in VPPs in 2017.²⁴ We did not find any research on the question of how many Roma are among these VPP employees.

The failure to collect ethnically disaggregated statistics flagrantly ignores the clearly articulated requirement that EU-funded projects (such as the APZs) for the marginalised should be implemented and monitored effectively. APZ measures have been criticised by EU evaluators for being developed without consultation with the communities to whom they are offered, for being badly designed, and for being superficially implemented.²⁵ An absence of ethnically-disaggregated hiring and job-seeker data not only blocks the development of demonstrably effective measures preventing the long-term unemployment of vulnerable groups, it also prevents the development of support targeting Roma women and men to prepare them for new labour market challenges. Government documents also do not analyse how to motivate employers to hire Roma.

According to research into Roma women’s view of their job opportunities performed by the NGO *Slovo 21*, the respondents said they believe it is easier for them as women to find formal jobs because employers are “less afraid” of them than they are of Roma men, although they also noted it is easier for Roma men to find low-qualified manual labour jobs. They also claimed Roma men are not asked about their family situations by employers, who apparently do express concern that Roma mothers would have to give priority to childcare over their jobs.²⁶

Structurally, many Roma (and others) have lost jobs to technological change. Czech companies are gearing up for Knowledge Industry 4.0 challenges associated with technological standardisation and cyber security. Low-skilled workers will be hardest-hit by the shift of resources to such priorities, and Roma workers remain disproportionately low-skilled. One of the basic differences between Industry 3.0 and Industry 4.0 has to do with the modernisation of more than just production; Industry 4.0 is associated with the demand for an infrastructure that is able to collect and analyse bigger amounts of data and that requires new skills. In the Czech context, the debate about this transition does not have the fate of less-educated persons as its main subject of interest. Across-the-board robotisation, the deployment of artificial intelligence, and the “internet of things” could lead to more joblessness for the less educated. Knowledge Industry 4.0 and its impact on education and employment is generally very low, which means preparation of the education sector for it is not happening.

²⁴ MPSV, *Analysis of the Development of Employment and Unemployment in the Year 2017*, p. 53.

²⁵ European Parliament, Committee for Regional Development, *Report on Cohesion Policy and Marginalised Communities* (2014/2247(INI)).

²⁶ *Slovo 21, Postavení Romek v ČR*, (Praha: 2014), p. 28. Available at: http://www.slovo21.cz/images/dokumenty/DEF_VZKUM_O_POSTAVEN_ROMSKCH_EN_V_R_pdf_publikace9_2_014.pdf

If under-skilled Roma are never systematically prepared for the labour demands of the digital economy, they will continue to be disproportionately unemployed. No measures are currently being implemented in the key areas affecting the labour competitiveness of Roma women and men, and none can be piloted without actual knowledge of how many Roma men and women are on the labour market (and where). State institutions must overcome their unwillingness to collect ethnically disaggregated data on the Roma workforce in order to base their policy on evidence,²⁷ and their failure to collect such data is the reason the recommendations made a decade ago by the World Bank have not been fulfilled to the extent necessary or at the level of quality needed. The lack of knowledge is such that it is not even possible to propose measures.

Fight against discrimination in employment and antigypsyism in the workplace

According to the first Roma Civil Society Monitoring Report on the implementation of the NRIS in the Czech Republic, the term "antigypsyism" first began appearing in government documents back in 2009 to refer to a specific form of racism aimed at Roma; the occurrence of such anti-Roma attitudes is, therefore, officially documented. Government documents, research and surveys also acknowledge that job discrimination affects the Roma employment rate. For example, the Social Inclusion Strategy 2014-2020 states: "The area of life in which the most frequent occurrence of discrimination in the Czech Republic takes place is the sphere of employment and in the labour market. On the labour market, all socially disadvantaged groups are at risk. Prejudice is a very frequent cause of discrimination on the labour market."²⁸ However, these documents do not analyse discrimination against Roma, and there are no ethnically-disaggregated data about discrimination available.

There are, therefore, no official, systematically collected data at Government level on job discrimination against Roma, although widespread discrimination has been documented by NGOs and independent surveys. One example is an experiment conducted at the end of 2014 by researchers at the prestigious Centre for Economic Research (CERGE-EI).²⁹ They created three fictitious persons interested in renting flats and finding jobs (a (white) Czech, an Asian and a Roma), answered advertisements as these persons, and evaluated the responses. The Czech job seeker was 75% more likely to be invited to a job interview than the Roma candidate in an otherwise similar situation, with employers demonstrating direct discrimination quite strongly.

The Report on the Status of the Roma Community in 2017 finds that reported obstacles to officially employing Roma are:³⁰ discrimination/prejudice; allegedly negative prior experience with Roma employees; Roma applicants' low education/qualifications; Roma applicants' poor health, including physical disabilities; or Roma applicants' criminal records. Roma applicants' indebtedness is also a disincentive or disqualifying in some circumstances. These annual reports contain estimates of the numbers of Roma men and women and the findings of local research done by different organisations, communicated to the Office of the Government by the Regional Roma Coordinators, but there is no country-wide data to be presented. According to Mr. David Beňák, director of the Czech

²⁷ The Czech School Inspectorate (ČŠI) and Education Ministry have been researching the current number of Roma pupils in various educational programmes; the controversy over their methodology and its deficiencies are discussed in the chapter on Education.

²⁸ MPSV, Strategy of Social Inclusion 2014 - 2020, available at: https://www.mpsv.cz/files/clanky/17082/strategie_soc_zaclenovani_2014-20.pdf. Accessed on 9 October 2018

²⁹ ČTK and Kostlán, František. "CERGE-EI: Both the labour market and the housing market see a strong discrimination against minority candidates." Romea.cz, 3 November 2014. Czech original available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/cerge-ei-na-trhu-prace-i-na-trhu-s-bydlenim-je-silny-vyskyt-diskriminace-vuci-uchazecum-z-mensin>. Accessed on 9 October 2018.

³⁰ Office of the Government, *Report on the State of the Roma Minority 2017*

Government Agency for Social Inclusion (ASZ), official research into employers' prejudices against Roma men and women, including into whether such prejudices are gendered, has yet to be performed. As for the self-reported experiences of Roma men and women, while the *Slovo 21* research mentioned above gives the subjective views of female respondents, there is apparently no domestic research where Roma men exclusively are asked the same kinds of questions for comparison's sake.

Job discrimination is monitored by the State Labour Inspectorate (SÚIP), which studied it in 2014 and 2017, albeit generally, not monitoring or issuing statistics on Roma discrimination. In the context of a low unemployment rate, in 2017 the SÚIP recorded the highest number of discriminatory advertisements since 2014 in which employers *a priori* excluded foreign-born or Roma candidates from applying.³¹ According to Richard Kolibáč, SÚIP spokesperson, employers advertised openings for lower-skilled jobs such as shop assistants, food servers or bricklayers directly stating that Roma applicants need not apply.³²

Description of violation	Number of violations	
	2014	2017
Discrimination in the exercise of the right to employment	58	55
Discriminatory employment offers	45	68
Total	103	123

Source: *Annual summary report on the results of inspections carried out by the SÚIP for the year 2017*. Prague: SÚIP (2018)

A translated example of such an anti-Roma ad reads like this: *"I'm looking for two people to work on a building – a mason and assistant. Best would be somebody with experience in mechanical plastering. I require reliability and self-sufficiency. The work is year-round in the areas of Blansko, Brno and Vyškov. No Roma please."*³³

The SÚIP report for 2017 found some examples of discrimination on the basis of age, disability, race, sex (including unequal pay between men and women for the same work), sexual orientation and union membership. The ban against discrimination in terms of sex is taken less seriously than the ban against discrimination on other grounds, especially for professions typically performed by women (e.g., retail sales). Employers reportedly mention the preferred sex of applicants in ads because they do not believe members of the other sex would even be interested in applying for such work. Inspectors said employers argue they should be able to choose whom to hire based on their own criteria, as they can best assess what the job requires, and that employers should be able to post ads worded as they please on their own premises.³⁴ Cases of discrimination against Roma in employment have also previously been addressed by the VOP, but that office has not recently published the final outcomes of any such cases.

³¹ Votavová, Jitka. "Czech Labor Inspection discovers highest numbers of discriminatory want ads in four years", Romea.cz, 11 April 2018. Available at: <http://www.romea.cz/en/news/czech/czech-labor-inspection-discovers-highest-numbers-of-discriminatory-want-ads-in-four-years>. Accessed 9 October 2018.

³² *Ibid.*

³³ "Romové mají smůlu. Diskriminačních inzerátů je stále více", Tyden.cz, 6 April 2018. Available at: https://www.tyden.cz/rubriky/domaci/romove-maji-smulu-diskriminacnich-inzeratu-je-stale-vice_474631.html. Accessed 9 October 2018.

³⁴ Státní úřad inspekce práce, *ROČNÍ SOUHRNNÁ ZPRÁVA O VÝSLEDČÍCH KONTROLNÍCH AKCÍ ZA ROK 2017*, State Authority for Labour Inspection, *Summary Report on Audits During 2017*, p. 42, available at: <http://www.suip.cz/files/suip-f8430a051a6eab838f616a95e862660e/rocni-souhrnna-zprava-o-vysledcich-kontrolnich-akci-za-rok-2017.pdf>

The 2014 research by the NGO *Slovo 21* reports that Roma women say they are keen to work, are willing to commute for work, and would work either full-time or part-time, but they are plagued by feelings of helplessness and disappointment at the barriers they encounter, mainly those due to their Roma origin. The reason most respondents gave for their unemployment was a lack of jobs, followed by maternity leave, health problems, or discrimination.³⁵ Respondents said they frequently were told jobs were no longer open after the employer realised their Roma identity, telling them “We don’t hire Roma”, or being rejected in person after initially being told the job was open on the phone, or even of being fired after an employer believed third-party allegations that they were Roma.³⁶ Respondents expressed the fear that mistakes made by individual Roma would reflect badly on all Roma and be generalised onto the whole Roma population - Roma women were aware that the failure of one Roma damages the whole community in non-Roma eyes.³⁷ Also, as the FRA research mentioned in the previous section indicates, the scope of labour discrimination is also related to kinds of labour and may display gender disparities.³⁸

One of the flagship initiatives raising public awareness about discrimination against the Roma in employment could have been (and may yet prove to be) the “HateFree Culture” campaign, implemented by the ASZ since 2014 with Norway Grants/EEA funds. The NGO ROMEA has monitored the campaign and found that over time the topic of job discrimination against Roma has become just one of many subjects covered by it - and not a particularly visible one.

An example of good practice is that of the NGO *IQ Roma servis*, which promotes hiring Roma and has been giving the “Ethnic Friendly” employer award since 2007 to employers who have demonstrated respect for the principle of the equal treatment of an ethnically diverse workforce over the long term and who have ensured that principle is adhered to. The award is given to employers who do not discriminate against Roma, who are open to hiring them, and who perceive the problems Roma face. The project influences the atmosphere in society by demonstrating that Roma want to work, do work when hired, and are worth hiring full-time.

In addition to the quite modest nature of the civic initiatives and Government tools aimed at combating antigypsyism and discrimination against Roma in employment, many politicians at all levels greatly aggravate the situation and bolster prejudices against Roma by alleging that Roma “simply do not want to work”. The Czech President made just such a groundless statement in October 2018,³⁹ later erroneously adding that 90% of the Roma in the country do not work.⁴⁰ Fortunately many Roma, including Czech or Slovak-speaking Roma working in other EU countries, protested against his

³⁵ *Slovo 21*, 2014. Position of Roma Women in the Czech Republic, p 26

³⁶ *Ibid.*, p 28

³⁷ *Ibid.*, p 26

³⁸ Furthermore, the survey shows that among the EU Member States surveyed, the Czech Republic, Hungary and Slovakia show the highest shares of labour market participation of Roma women; they also have a high proportion of Roma women in full-time work: 93 % of Roma women who are in paid work in Slovakia have full-time work, followed by 89 % in Hungary and 83 % in the Czech Republic. However, the same survey found that Czech Roma women reported the highest rates of discrimination when looking for work. FRA, 2014, Analysis of FRA Roma survey results by gender, p. 7

³⁹ Ryšavý, Zdeněk, “Zeman attacks Roma again. They don’t want to work. It’s a good method to slap them in their face”, Romea.cz, 25 September 2018. Czech original available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/zeman-opet-utocil-na-romy-nechteji-pry-pracovat-a-nafackovat-jim-je-dobra-metoda-ktera-se-osvedcuje>. Accessed 9 October 2018.

⁴⁰ ČTK and Ryšavý, Zdeněk, “Zeman offends Roma again: What kind of nation doesn’t admit their nationality, Nazism is far away”, Romea.cz, 5 October 2018. Czech original available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/zeman-znovu-urazi-romy-co-je-to-za-narodnost-ktera-se-nedokaze-prihlasit-ke-sve-narodnosti-nacismus-je-pry-uz-daleko>. Accessed 9 October 2018.

statements, in part by posting photos of themselves at work to online social media.⁴¹ This protest was widely covered by big Czech media outlets, which reported on it extensively, on the basis of information provided by news server Romea.cz.⁴² For example, public broadcaster Czech Television's newsroom chose those photos as their "Photos of the Week".⁴³ The Czech News Agency reported on the photos⁴⁴ and their wire service article was reprinted by other media outlets.

Employment alternatives in areas with limited primary labour market demand

In the Czech context, the drawing of unemployment benefits influences the amount of other welfare benefits for which job seekers can apply.⁴⁵ Unemployment benefits are considered "income" for the purpose of calculating welfare. The correlation between the income-generation or the job-seeking activity demonstrated by the unemployed person and the amount of welfare benefits s/he is entitled to is relevant with respect to benefit applications under the Act on Aid to Those in Material Distress, section 25 of which stipulates that a job-seeker demonstrably seeking work shall have, for the purposes of calculating this welfare benefit, their living allowance increased by 40% of the difference between a subsistence-level income and a living wage.

Analysts very frequently associate the monetary value of welfare benefits with decreasing job-seekers' motivation to accept formal employment. The fact that the current welfare system is not optimal is demonstrated by ongoing attempts to gradually merge different benefits together, to reduce the benefits' monetary value, and to tighten restrictions on eligibility. Despite all these efforts, reduction of unemployment among the least qualified is not succeeding absolutely effectively. Market developments probably have more of an effect on reducing unemployment than welfare measures do. What should be created to reduce unemployment, therefore, should be a motivation system for employers to hire and train less-qualified persons, Roma included, and for the persons so trained to earn formal certification.

One criterion for those administering the unemployment benefit system to assess how well a job seeker is attempting to find work or generate income is the degree to which s/he is willing to take advantage of the existing opportunities on offer. This means motivation is assessed by job-seekers' willingness to participate in "public service" jobs or VPP work. Such "employment motivation measures" in effect increase the supply of cheap, unskilled labour. Although the number of Roma welfare recipients in such schemes is not known, it can be argued that they and others have become a permanent

⁴¹ Ryšavý, Zdeněk, "European Roma flood Facebook with hundreds of photos of themselves at work, tell Czech President to stop insulting them," 25 October 2018, available at:

<http://www.romea.cz/en/news/czech/european-roma-flood-facebook-with-hundreds-of-photos-of-themselves-at-work-tell-czech-president-to-stop-insulting-them>

⁴² *Ibid.*

⁴³ Česká televize, ČT24. Newsroom ČT, "Vkaz Romů", 7 October 2018. Available at: <https://www.ceskatelevize.cz/ivysilani/11030967025-newsroom-ct24/218411058170030/obsah/648677-fotografie-vkaz-romu-prezidentovi>. Accessed 9 October 2018.

⁴⁴ ČTK, "Řadu Romů pobouřily Zemanovy výroky, zveřejňují své fotky z práce", Ceskenoviny.cz, 3 October 2018, available at: <https://www.ceskenoviny.cz/zpravy/radu-romu-pobourily-zemanovy-vyroky-zverejnuji-sve-fotky-z-prace/1669969>. Accessed 9 October 2018.

⁴⁵ A job seeker is entitled to unemployment benefit who has not been recruited for suitable employment or retraining within the statutory time limit from the date of filing an application for inclusion in the register of job seekers. Persons are eligible for unemployment benefits who were employed for at least 12 months over the past two years before filing the application, in addition to fulfilling other conditions. The duration of the unemployment benefit is graduated by the age of the job seeker, categorised as below 50, between 50 and 55, or 55 +. The amount of the allowance is equal to a percentage based on the earnings from the person's last job. The amount of unemployment benefit can be increased by the person's participation in so-called non-concessional employment, i.e., where the earnings do not exceed half-time at minimum wage.

source of cheap labour as a result. For “public service” jobs, the remuneration is paid as a welfare benefit supplement, and the amount of that supplement may not exceed 20 hours of minimum wage remuneration. The minimum wage is CZK 73 [EUR 2.83] per hour; 20 hours of work would result in a supplement worth CZK 1,464 [EUR 56.86].

Unemployed Czech Roma welfare recipients are likely to be one of the cheapest part-time workforces in Central Europe as long as they retain their welfare eligibility.⁴⁶ The cities of the Moravian-Silesian and the Ústí nad Labem regions, which have the country’s highest populations of Roma, offer many examples of unemployed Roma welfare recipients serving as cheap labour in this way. In the city of Ústí nad Labem, according to those familiar with the situation, the Roma women and men employed in VPP jobs (in urban areas with higher concentrations of Roma) also comprise the majority of all Roma employed, although this is not an officially recorded finding.

Data about income is not disaggregated by ethnicity nationally. While statistics do show that women make less than men, more research is needed to specify whether Roma earnings show gender disparities.

Addressing barriers and disincentives of employment

Strictly speaking, the only study of note on this to date has been the comparative FRA study on employment, poverty and Roma,⁴⁷ which found that Roma women in the Czech Republic reported formal employment at levels that were equivalent to or greater than that of Roma men, and that young Roma women (between 16 and 24) enjoy a significantly higher level of employment than do young Roma men, which could indicate that when Roma women are educated it is a better return on investment for them from an employment standpoint than it is for Roma men. However, the lack of data generally must be emphasised here as a major barrier to policy development.

⁴⁶ “Which bills and benefits will affect minimum wage growth in 2018?” Finance.cz, 5. 10. 2018, Accessed on 10 October 2018. Czech original available at: https://www.finance.cz/496590-minimalni-mzda-2018/?gclid=Cj0KCQjwxyvdbRC0ARIsAKmec9Z8JwsxxrALeFrwxxCnumbt7FrG8fZT8KdVLUWUkI3yx6_MHW-RVdQaAlaNEALw_wcB

⁴⁷European Union Fundamental Rights Agency, *Poverty and employment: The situation of Roma in 11 EU Member States. Roma survey – Data in focus*, available at: <https://fra.europa.eu/en/publication/2014/poverty-and-employment-situation-roma-11-eu-member-states>

HOUSING AND ESSENTIAL PUBLIC SERVICES

The most critical issue in housing is discrimination by landlords against low-income tenants and welfare recipients as tenants, among whom Roma are disproportionately represented, as well as the lack of affordable rental housing available to low-income persons generally. This is associated with the market exploitation of all tenants who draw public housing benefits, among whom Roma are disproportionately represented. Ethnic discrimination by landlords against Roma tenants regardless of income is another problem.

There are no data about the gendered nature of discrimination in Roma access to housing. The experiences of single mothers, including Roma single mothers, on the rental housing market have not been studied. According to data from the Czech Statistical Office for 2017, 23.2% of households generally have financial difficulty covering their basic needs, and most of these households are single mothers with minor children and women aged 65 and older living alone.⁴⁸

Improving access to secure and affordable housing

The Ministry of Regional Development (MMR) is responsible for regional policy, housing policy, the development of housing stock, rental regulations, territorial planning, construction codes, expropriation, investment policy, travel and tourism land use, and the zoning of cemeteries. Municipalities bear just superficial legal responsibility for housing provision and planning, and their powers are defined by their type of scope, but in practice they wield enormous influence over who rents housing, as will be described below.

Under current law, municipalities enjoy either autonomous powers or extended powers. Municipalities with autonomous powers are able to manage housing, and for that reason the "right to housing" *per se* is implemented by municipalities voluntarily meeting their residents' housing needs. The right to housing is not explicitly anchored anywhere in the Czech legal code, and the state's international law obligations in this regard are addressed by a regime for providing housing that meets just a minimum definition of adequacy. The Czech Constitutional Court has ruled more than once in relation to the right to housing that the state is able to guarantee this right by providing housing of a minimum standard, and jurisprudence has paid attention to the welfare benefits intended to help those who are eligible access housing, especially the housing supplement, which is designed to cover the cost of the lowest-quality form of housing – which does not mean it is the least expensive housing, as will be described below.

In addition to this benefit to renters, the state provides support through the State Fund for Housing Development and the MMR to uphold the right to adequate housing through programmes such as Housing Support and its Sub-programme for Blocks of Flats without Barriers, or the Sub-programme Supported Flats; and through subsidies called Nursing Flats and Community Homes for Senior Citizens; and by covering some costs associated with the acquisition, construction, modernisation and repair of single units, blocks of flats and single-family homes by providing credit.

Currently the right to housing, or rather the right to an adequate housing standard, is insufficiently satisfied, without any apparent legal remedies available. What is necessary for the actual fulfilment of this right in practice are more effective legal parameters guaranteeing that illegal behaviour by property owners providing housing of poor quality will be prosecuted. In addition to defining the procedural and substantive parameters of

⁴⁸ Český statistický úřad, "Příjmová chudoba ohrožuje 9,1 % Čechů", 10 April 2018, available at: <https://www.czso.cz/csu/czso/prijmova-chudoba-ohrozuje-91-cechu>

social housing, it is necessary to establish an effective system for financing social housing, including all of the accompanying social work activities associated with helping tenants to maintain adequate, dignified social housing. Those parameters were meant to be defined by the Social Housing Act submitted to the lower house in 2017. Discussion of that bill was interrupted and the MPSV, which submitted it, was harshly criticised for it. The bill has not been taken up for discussion since.

The failure to adopt the Social Housing Act can be attributed to a conflict of opinion over specific aspects of it. The obligation for municipalities to implement social housing was considered especially problematic, as was its definition of target groups and its proposed mechanisms for financing social housing, including the support activities associated with providing social housing. In a draft version of the bill, Roma were mentioned among the target groups, only to be removed from the future versions. The drafters backed down on other controversial areas of the bill as well, arguing that it was first necessary to get the law adopted and then to try to amend it after adoption. The current Government has said it will not adopt it.⁴⁹

Security of tenure

When the Civil Code was revamped in 2012, it stated that the relationship between a landlord and tenant should be based on contractual freedom - in other words, it is up to the landlord and tenant what rules they agree to in a rental contract. The amount of rent can differ from what is customary at that place and time, and the customary market rate is just one indicator on which to base a rent – it is not established as a maximum rent that cannot be exceeded, and no legal norm establishes a cap or ceiling on rent. The only circumstance under which a cap is voluntarily established is if a rental property owner is voluntarily participating in a social housing support programme, where the subsidizing of rent follows such rules. There are few incentives for such participation. On the regular market, rent is up to the contracting parties, and there is no authority empowered to audit landlords' behaviour or to prosecute overpriced housing and services. Tenants do have the right to disagree with a contract or to declare it invalid by suing, where the issue of whether the rent contravenes good morals can be raised. Impoverished persons are highly unlikely to have the energy, funding, or time to sue.

The Czech Statistical Office has reported that profits grew for the housing market between 2010 and 2017 by approximately 60%.

Recent research reports that 118,564 people generally nationwide are housing insecure.⁵⁰ The NGO Platform for Social Housing estimates that even more people, approximately 200,000, are already homeless or in inadequate, insecure housing, while others are in danger of homelessness.⁵¹

In the case of low-income Roma, NGOs report that most live in socially excluded localities (or in low-income areas) in rental properties paying market rents in privately-owned flats or residential hotels. This is partly confirmed by the Analysis of Socially Excluded Localities in the Czech Republic, from which it is apparent that up to 115,000 people live in socially excluded localities, most of whom are Roma.

Landlord discrimination against Roma renters means Roma are forced to relocate more frequently than non-Roma and to accept poorer-quality housing, often under extremely unfavourable conditions, because their only other option is homelessness. Based on

⁴⁹ ČTK, "Zákon o sociálním bydlení asi nevznikne, vláda má jiný plán", 10 September 2018, Eurozpravy.cz, available at: <https://eurozpravy.cz/domaci/politika/234337-zakon-o-socialnim-bydleni-asi-nevznikne-vlada-ma-jiny-plan/>

⁵⁰ *Evaluation of homelessness survey in municipalities with extended powers*. Survey for MPSV. Praha: 2015

⁵¹ See the website of the Platform for Social Housing at <https://socialnibydeni.org/zakon>

information from NGOs, municipal social workers and housing organisations, we can state that the housing rented to poor/socially excluded Roma generally does not meet the hygienic or technical standards for occupancy and the fittings of such housing (flooring, heating units, etc.) do not correspond to the normal standard of living required for occupancy. The same applies to the location of such housing and its relative distance from amenities such as grocery stores, hospitals, schools, etc.

Despite these shortcomings, the rents charged for such substandard housing are higher than the market rate, including rates charged for related services (building maintenance). Landlords also overcharge tenants who are eligible for housing welfare benefits. This speaks volumes as to the desperate predicament of the impoverished Roma forced to accept such conditions. The Government's most recent response to this dilemma of unscrupulous landlords overcharging tenants because they know the state will pick up the tab is discussed in more detail below.

Landlords are only entitled to terminate leases on legally established grounds. Since 2013, if a rental contract is lawfully terminated (or expires), the tenant is not entitled to have the landlord arrange for the provision of other comparable housing to that tenant. In general, tenants, especially those who have no detailed knowledge of their rights (among whom Roma are overrepresented) easily become overdependent on the good will of landlords, rendering them vulnerable to unscrupulous practices.

Bearing in mind the ethnic discrimination on the housing market, it should be emphasised that the availability of affordable, secure housing to Roma renters became even more endangered after the new Civil Code was adopted, Section 2243 of which states that a property is considered habitable if it is clean and in a state that would normally be considered "good". Rental contracts usually describe properties as "good". Interviews and observations conducted in the neighbourhoods of Nové Přeblice and Mojžíř in Ústí nad Labem, for example, have found that poor Roma families have signed contracts falsely stating that the properties they were renting were "good" under the threat of landlords refusing to rent to them, despite the fact that the quality of the housing clearly was not "good".⁵² There are no measures designed at national level to combat this phenomenon.

Social Housing Concept

Prior to the adoption of the current Social Housing Concept, what existed was the Housing Concept of the Czech Republic till 2020 (approved by the Government in 2011). That previous concept listed just one task regarding social housing: "*Prepare a proposal for comprehensively addressing social housing using so-called 'emergency housing'. It is necessary to define emergency housing, or rather, the state in which persons are eligible for emergency housing because of their unmet housing needs.*"⁵³ The MPSV was then tasked with drafting the Conceptual Solution for Social Housing in the Czech Republic (the Social Housing Concept 2015-2025) in 2014.⁵⁴ The Social Housing Concept 2015-2025⁵⁵ established the basis for the drafting of the Social Housing Act described above.

⁵² Husák, Jan, unpublished observations made from 2014 to 2016.

⁵³ The *Housing Concept of the Czech Republic until 2020* approved by Government Resolution No. 524/2011.

⁵⁴ MPSV, *Social Housing Concept of the Czech Republic 2015-2025*. Praha: 2016, available at: https://www.mpsv.cz/files/clanky/27267/Koncepce_socialniho_bydleni_CR_2015-2025.pdf, accessed 20 December 2018.

⁵⁵ On 12 October 2015 the Government approved the *Social Housing Concept of the Czech Republic 2015-2025* by Government Resolution No. 810/2015.

The 2015 Report on Fulfilling the Social Housing Concept 2015-2025 found that of 10 objectives, nine were fully met and one was met partially.⁵⁶ The 2016 Report on Fulfilling the Social Housing Concept 2015-2025 found that of 21 objectives, eight were fully met and 13 were met only partially, due to the failure to find an optimal balance between MMR requirements and those of local governments.⁵⁷ All the partially-fulfilled objectives were relying on future legal support through the Social Housing Act, but the law was not passed and the fulfilment of its main objective – i.e., to ensure conditions for decent, non-segregated housing, including for Roma – clearly have yet to be met.

The MMR ostensibly focuses on promoting the development of affordable rental social housing. State support is provided for either commercial or municipal developers to buy flats or renovate either non-residential or residential buildings to meet social housing needs. Members of the target groups for a specific tender must demonstrate that they have no access to housing and are capable of fulfilling their obligations as tenants.⁵⁸

ESIF for social housing

In the ERDF-funded Integrated Regional Operational Programme (IROP) 2014-2020, the issue of housing is addressed as part of Specific Aim 2.1 – Improving quality and accessibility of services leading to social inclusion. This facilitates building up the infrastructure for the provision of social services and accompanying programmes for supporting social inclusion. Supported programmes must be either networks for providing field services, drop-in facilities for children and youth, shelters, or absolutely newly built social housing capacity. Specific aim 2.5 (Reduction of energy demand in the housing sector) is also partially associated with social housing, because when housing is not energy-efficient it is more expensive to occupy. The social housing fulfilling the parameters established by the IROP is designed for persons who, as a consequence of their unfavourable circumstances, cannot afford housing even though they are otherwise able to meet the obligations of being a tenant.

The IROP calls specifically target municipalities with socially excluded areas and there is a special allocation for support of the rental housing development in these; out of 205 municipalities with extended powers (except Prague) in the country, 144 are considered to have a socially excluded area and are thus eligible for this special allocation.⁵⁹ In other words, 70% of municipalities with extended powers are considered socially excluded, according to the MMR. This raises reasonable doubts as to whether this support will manage to actually prioritise locations with higher proportions of impoverished Roma. This setup means the MMR is actually allowing EU subsidies targeting “socially excluded localities” to also flow beyond such localities as defined by the MPSV and the authoritative Analysis of Socially Excluded Localities in the Czech Republic. This significantly reduces the efficiency of this investment. While the programme design is ostensibly an attempt to support the development of social housing throughout each municipality’s entire territory in an attempt to end the reproduction of spatial segregation, and while the new IROP calls for proposals do prohibit construction

⁵⁶ MPSV, *ZPRÁVA O PLNĚNÍ KONCEPCE SOCIÁLNÍHO BYDLENÍ 2015 – 2025 ZA ROK 2015*, Praha : June 2016, available at: https://www.mpsv.cz/files/clanky/29293/Zprava_o_plneni_koncepcce_socialniho_bydleni_v_CR_za_rok_2015.pdf

⁵⁷ MPSV, *ZPRÁVA O PLNĚNÍ KONCEPCE SOCIÁLNÍHO BYDLENÍ 2015 – 2025 ZA ROK 2016*, Praha : June 2017, available at: https://www.mpsv.cz/files/clanky/31328/Zprava_o_plneni_koncepcce_socialniho_bydleni_v_CR_za_rok_2016.pdf

⁵⁸ MMR, IROP Call No.80, “Social housing for socially excluded localities II”, available at: <http://www.irop.mmr.cz/cs/Vyzvy/Seznam/Vyzva-c-80-Socialni-bydleni-pro-socialne-vylouceni>

⁵⁹ MMR, IROP, “Map of Socially Excluded Localities”, available at: <http://www.irop.mmr.cz/cs/Zadatele-a-prijemci/Dokumenty/Dokumenty/Dokumenty-k-jednotlivym-vyzvam/Vyzva-c-80-Socialni-bydleni-pro-socialne-vylouc/Mapa-socialne-vyloucenych-lokalit>

of social housing inside socially excluded localities, there are no mechanisms ensuring that impoverished Roma renters now living in socially excluded localities will actually be able to access this new social housing, raising the serious concern that socially excluded Roma will continue to be marginalised in their access to affordable housing despite this investment.

The purpose of eliminating housing segregation is served under this programme by its refusal to fund either the construction or purchase of social flats in the selected socially excluded localities listed as an appendix to the calls for proposals. A significant change, compared to previous social housing tenders, is that the maximum number of social flats allowed per building has been increased from eight to 12; each unit must have its own entrance and must be sustainable for what is now a longer period of 20 years.

Local initiatives

In addition to the national Social Housing Concept, city-level concepts for providing access to affordable housing have emerged (e.g., in Brno, Jindřichův Hradec, Ostrava, the Prague 6 Municipal Department, etc.). These are implemented in cooperation with NGOs (e.g., *Romodrom*, Platform for Social Housing, People in Need, Caritas Czech Republic) and by municipalities, including in cooperation with the ASZ. A variety of methodological procedures used locally have achieved varying degrees of success, and this uneven approach to addressing the social housing issue may be one reason why it may become even more difficult to pass the Social Housing Act in future, because no consensus has been established country-wide about social housing methodology.

The current implementation of social housing, therefore, is not just fragmented, but also subject to the vagaries of competition among commercial and NGO entities trying to convince municipalities, Regional Authorities and the Government that their particular methodology is the one to scale up nationally. These approaches vary from the concepts of Transparent Housing Assistance, to the Housing First approach and its related concept of Housing Ready, to the provision of housing through Social Real Estate Agencies. Each concept has advantages and risks and represents a certain degree of experimentation with renters' lives.

Local authorities and NGOs cooperating with property owners clearly have positive results to show for their efforts, although much depends on the professionalism of the services provided and the scope of cooperation with property owners. Therefore, it is not possible to say unequivocally that one of these concepts is better than the other, although the Platform for Social Housing, for example, won the *SozialMarie* international social innovation prize in 2018 as well as first prize for the Best Housing Shortage Crisis Project in the European Union for all of 2010-2017.

The following are examples of the concepts being piloted:

- **The "Housing First" and "Rapid Re-Housing" programme in Brno**

This programme was financed by the ESF with 10 million CZK [388,000 EUR]. Co-financing in the amount of 5% was originally to have been covered by the city but was actually paid by the city and the other project partners together.

The programme is aimed at persons needing intensive social support who are homeless according to the ETHOS homelessness typology.⁶⁰ Two basic conditions must be met for families to join the programme – they must be homeless, and they must be willing to accept social service support. Access to the programme was offered to all 421 homeless families in Brno contacted during April 2016.

⁶⁰ FEANTSA, "ETHOS typology on homelessness and housing exclusion", 2005, available at: <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

The mid-term evaluation of the Rapid Re-Housing pilot for families with minor children in 2018⁶¹ measured the progress of that project for 49 randomly-chosen families who had been provided with social work interventions (as compared to 84 control families⁶² who received no interventions) over the course of six months from their moving into the housing. The report focuses on the impacts of housing on the homeless children and their parents.⁶³ Significant changes related to the families' homelessness occurred – their housing security increased, the level of psychosocial stress declined among the mothers, and the families' use of ambulances and other emergency medical services declined.⁶⁴ In addition to these primary impacts, the quality and stability of their housing increased, as did their subjective perceptions of their own safety, their health (both for children and parents), and the frequency of their antibiotic use declined. The report finds this progress was more significant among the families who accepted interventions. Six months after moving into the housing, these families were mainly enjoying improved quality and stability of housing, improved health (both adults and children), greater faith in institutions and society, and a higher-quality, safer living environment. After one year, 96 % of the families were still in the housing and just two families had left the project. Despite the fact that improvements did not occur in some of the areas tracked (such as a hoped-for decline in break-ins or drug use near the housing itself), it is anticipated that the future analysis of programme impacts will yield the following information: administrative data about the children's school attendance and success; administrative data about welfare benefits disbursements; a more exact record of the control group families' movements; and more relevant data about the adults' employment. Significant statistical impacts are not anticipated for employment given the demographics of the target group (which is 60% mothers on parental or post-natal leave).

- **Transparent Housing Assistance – Litvínov**

In November 2009 the ASV, the City of Litvínov and the *CPI byty* property company introduced a Transparent Housing Assistance programme offering three housing levels: emergency short-term housing; housing in city-owned residential hotels; and housing in standard flats. The programme involves residential hotels, social flats built by the city as part of recreational developments,⁶⁵ housing in senior citizens' facilities, and shelter housing in the nearby towns of Most and Osek, including capacities administered by an NGO called "The Way of Hope" (*Cesta naděje*).⁶⁶

Transparent Housing Assistance is meant to improve the competencies of tenants; the lowest housing level, so-called shelter housing, is provided (e.g., as part of the UNO residential hotel) for a fee of 40 CZK per night (1.55 EUR) per person.⁶⁷ People are able to bathe and cook for themselves there, but they can only be there between 7 PM and 7 AM. The shelter is monitored by the Municipal Police's CCTV system, which has a monitoring office there. The UNO is in a spatially excluded locality and is comprised of three single-story buildings built beyond the city limits without any public transit access

⁶¹ Černá, Eliška, Ripka, Štěpán, Kubala, Petr and Staněk, Rostislav. *Průběžná evaluační zpráva 2: „Pilotní testování rychlého zabydlení rodin s dětmi (Rapid Re-Housing)“*. Ostravská univerzita: 2018.

⁶² There were 15 families in the control group who could not be reached for interviews yet.

⁶³ According to the ETHOS typology on homelessness.

⁶⁴ Thanks to the project, 25 fewer ambulance calls were made and 19 hospitalisations were prevented for the 50-family sample over the course of six months.

⁶⁵ On Vodní and Podkrušnohorská Streets, the Šumná residential hotel and the Hotelový dům on Mostecká Street.

⁶⁶ MOSTECKÝ deník cz, "Litvínov podpoří byty pro chudé. Ale jen ty místní: Litvínov - Radnice začne rozhodovat o sociálních bytech. Odmítne cizí dávkaře", 26 January 2019. Available at: https://mostecky.denik.cz/zpravy_region/litvinov-podpori-byty-pro-chude-ale-jen-ty-mistni-20171107.htm

⁶⁷ Per person fees are typical of residential hotels, which have great incentives to house as many people as possible in the smallest amount of space; there are no regulations restraining this practice.

or other infrastructure. The second level of housing is provided in the city-owned residential hotel *U Bílého sloupu*. The third level is represented by rental flats of a standard type owned by *CPI byty*. From the information presented in the city's Strategic Plan for Social Inclusion 2018-2010,⁶⁸ we can see that in 2017 there were 48 clients in this system: three at level one, 24 at level two, and 12 at level three (of whom three were still waiting for a flat).

This approach is becoming the subject of increasing criticism with respect to its effectiveness or lack thereof. From statistical reports about such programmes it has long been apparent that the numbers of participants who end up renting flats are very low compared to the numbers at the lower levels. The ASZ finds that reports "indicate that despite combining offers of standard housing and social work with people at the lowest levels of housing, Transparent Housing Assistance systems in practice do not have the supportive force they claim and do not function as effective 'elevators' bringing an ever-growing number of persons away from temporary housing and into standard housing."⁶⁹

- **Social Real Estate Agency – *Romodrom***

The crucial steps of Social Real Estate Agency collaborations take place among three stakeholders: Housing owners, social service users, and social service providers. Housing owners receive an offer from service providers to work with social service users/tenants in order to minimize the risks associated with renting to them. There are three phases: First, collaboration is established with the tenants, who are "vetted" in terms of key aspects to determine their competence at maintaining standard housing.⁷⁰ Next, appropriate housing is sought for them and collaboration is established with the housing owner. The final phase involves moving the service user/tenant into the housing and then implementing the social services, which involve many communicational, legal, social welfare and other activities to benefit and protect both the housing owner and the social service user/tenant.⁷¹

The NGO *Romodrom* is an implementer of many such programmes aimed at helping tenants access housing and supporting them in maintaining it. Their Standard Housing Programme⁷² has been implemented in Bohumín, Karviná and Orlová since 2013 and has involved 162 clients. Between 2014 and 2018 they managed to find standard housing for 68 families. During the course of the project, collaborations were established with approximately 120 property owners, as well as long-term cooperation with five real estate agencies and several owners of individual rental units. It is apparent from this project that when Roma families live in standard housing, they do not pose a higher-than-acceptable risk to landlords than non-Roma do, and they manage to acquire the necessary competences to maintain their housing. The added value of the project is that it is piloting Social Real Estate administration so that this concept can be one day be introduced on a broader scale.

⁶⁸ Material produced with the financial support of the ESF through the Operational Programme Employment as part of the project on "Systemic provision of social inclusion"

⁶⁹ Kocman, David and Klepal, Jaroslav, *Prostupné bydlení: Evaluce*. Praha: Agentura pro sociální začleňování, 2016.

⁷⁰ Work with the family's budget, analyzing incomes and expenditure, investigating service users' debt burden, establishing payment plans, addressing collections proceedings, motivating saving up for the fees associated with relocation, auditing the state of the existing household and its maintenance, following relations with neighbours and the surrounding environment, verifying the service users' collaboration and motivation in practice.

⁷¹ Pospíšil, David and Smutková, Lucie. *Podpora člověka v jeho přirozeném prostředí: Support of Person in Community*. Praha: Ministerstvo práce a sociálních věcí, 2017.

⁷² See the website of Romodrom at: <http://www.romodromcz.cz/new/projekty.php>

Romodrom is led by Roma community members who have convinced all the stakeholders involved that Roma men and women are able to implement effective, high-quality social housing and social work programmes. In comparison with programmes where Roma men and women are involved just as clients, *Romodrom* actively demonstrates that Roma can be the leading implementers of programmes that benefit their fellow Roma.

Effectiveness of housing benefits and social assistance to access and maintain housing

The current system of housing benefits as implemented through the welfare system is inadequate to resolve the problems associated with impoverished Roma tenants' access to housing. In the case of welfare benefits intended for housing (housing supplements and housing allowances), the MPSV has been overpaying for the housing rented by those receiving its benefits, tenants who have been charged rents beyond the market or real value of the properties involved, which has contributed to rental market inflation.⁷³

The MPSV has been managing this flawed housing benefits scheme for years despite this shortcoming and even though it acknowledges there is ethnic and social discrimination in the housing sector. The ministry has not taken any effective, positive measures to correct the housing inequalities experienced by the recipients of its benefits. Rather, its decisions have been contrary to the principles of fair, impartial and independent decision-making. The entire system whereby the MPSV has failed to adopt any effective measures to correct such imbalances has ended up working against the most vulnerable groups, to which the Roma undoubtedly belong.

The Government justifies its current policy – capping the monetary value of the housing supplement – by arguing that because its value was not previously capped, the number of people living in inappropriate housing (i.e., in residential hotels) has been increasing as a result of their receiving this supplement. Although needy tenant numbers are growing (and many of them are Roma), the MPSV has also tightened eligibility requirements and decreased the overall volume of housing benefits disbursed.

The Government's most anti-inclusive, anti-social action has been its recent institution of the option for municipalities to declare an area a "housing benefit-free zone". On the basis of amendments to the Act on Aid to those in Material Distress, after a municipality declares the existence of such a zone, tenants who are newly concluding rental contracts in those zones will not be eligible for housing benefits at those addresses. The Union of Towns and Municipalities (SMO ČR) lobbied for this amendment, which took effect in June 2017, in order to prevent the potential relocations of Roma tenants eligible for housing benefits in particular. The SMO ČR also opposed adopting the Social Housing Act on more than one occasion, especially in association with the proposed wording on municipalities' obligations to provide social housing. The group insisted on its opposition despite changes to the wording that eventually emphasised the still-voluntary nature of the municipalities' approach to providing such housing.⁷⁴

A number of lawyers and legislators consider these amendments unconstitutional and a breach of basic human rights principles. The constitutionality of the amendments will be decided by the Constitutional Court. Civil society members of the Czech Government's Council on Roma Minority Affairs protested the adoption of this measure in 2017.

⁷³ ČTK, 24 May 2018, "Lowering social benefits will lead to drop in housing prices for poor, according to Němcová", Czech original available at: <https://www.ceskenoviny.cz/zpravy/snizeni-davek-dle-nemcove-povede-k-poklesu-cen-bydleni-pro-chude/1625034>

⁷⁴ Svaz měst a obcí České republiky: Změna v návrhu řešení problematiky sociálního bydlení, press release, 26 September 2018, available at: <http://www.smocr.cz/cz/oblasti-cinnosti/bydleni/zmena-v-navrhu-reseni-problematiky-socialniho-bydleni.aspx>, accessed 29 January 2019.

Fight against discrimination, residential segregation and other forms of antigypsyism in housing

The segregation of Roma renters on an ethnic basis was never sufficiently addressed until the adoption of the Social Housing Concept 2015-2025,⁷⁵ which identified insufficient policy emphasis on the growing danger of social and spatial segregation, as well as a failure to design instruments preventing segregation, as a social problem in need of solving. The Concept is not, however, a law. As discussed above, MPSV was tasked with designing a law to regulate the provision of social housing in 2014.⁷⁶ The current Concept⁷⁷ formed the basis for designing the Social Housing Act that has yet to be adopted.

According to the Concept, the main aim of social housing is to contribute to the social inclusion of households by arranging their access to housing that is qualitatively standard and spatially integrated. The Concept identifies the current market failure, which in the case of social housing represents, according to the European Commission, the limited ability of disadvantaged and less advantaged persons especially to access housing under market conditions, mainly because of their limited incomes. Market failure can be particularly seen in low-income persons' inability to afford housing and in the subsequent development of their social and spatial segregation. As described above, the implementation of this Concept is at a standstill because the Social Housing Act has yet to be adopted.

The Act on Equal Treatment and Legal Protection against Discrimination⁷⁸ has not yet proven very effective for defending access to housing, as the VOP makes clear in her reports, which describe it as "difficult" to prove discrimination in the field of housing under existing law.⁷⁹ Her reports do not reveal the extent to which housing discrimination targets Roma, so there remains a need for the production of specific data on discrimination against Roma so that this discrimination – which is observed by NGOs and experienced by their clients on a daily basis – can be prevented or at least rigorously resisted.

Some cases have been documented by NGOs such as *IQ Roma servis*,⁸⁰ which undertook a test case in 2014. Staff called the brokers of two real estate agencies and had no problem communicating with them - until the brokers learned the prospective clients were Roma. After the brokers learned the callers were a young Roma couple, they would not agree to show them the rental property they were interested in, even after the couple insisted that they had no criminal records and were employed. The brokers defended their decision by alleging that neither the landlord nor the other tenants in the building wanted Roma neighbours.

According to the Czech Trade Inspection (ČOI) the real estate agent broke the consumer protection law in this case. The agent defended itself by alleging it had just accepted the wishes of the property owner as binding. The agent's attorney considered it unacceptable

⁷⁵ MPSV, Social Housing Concept for the Czech Republic 2015-2025

⁷⁶ *Ibid.*

⁷⁷ Approved on 12 October 2015 by Government Resolution No. 810/2015

⁷⁸ Czech Republic, Act No. 198/2009 Sb., on Equal Treatment and Legal Protection against Discrimination

⁷⁹ Šabatová, Anna, et al., *Discrimination in the Czech Republic: Victims of discrimination and their obstacles to accessing justice* Office of Public Defender of Rights, 2015. Czech original available at: https://www.ochrance.cz/fileadmin/user_upload/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf, accessed 18 October 2018

⁸⁰ Ryšavý, Zdeněk, "Brněnská realitní kancelář nechtěla Romům pronajmout byt. Dostala 20 tisíc pokutu.", *Romea.cz*, 17 March 2016, available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/brnenska-realitni-kancelar-nechtela-romum-pronajmout-byt-dostala-20-tisic-pokutu>. Accessed 9 October 2018.

that recordings of the phone conversations were the basis for the allegations, as they had not been taken with the brokers' permission, and argued that the tester's activity bordered on illegal and that NGOs should not hire *agents provocateurs* to undertake this kind of activity with the aim of discovering illegal behaviour. In its decision, the ČOI said that if the evidence acquired by situational testing is not information of a personal nature, then it is absolutely legitimate to use it.

Another case was documented in July 2017 by news server Romea.cz, which found that the A Property company in Prague had discriminated against Roma tenants.⁸¹ The CEO violated the Civil Code when he failed to deliver a written eviction notice to a tenant and forced her to relocate (with her three children) from one day to the next without giving her the legally-required three months' notice. The company also failed to return the tenant's deposit. Other former tenants of properties managed by the company said this was common practice. The firm would ask for a "returnable" deposit from new tenants and then unjustifiably evict them a few months later without returning the deposit. The firm apparently is not afraid that the people it treats this way will sue, as most of them are impoverished families for whom evictions represent an existential threat and who do not have the resources to sue.

News server Romea.cz also documented cases of housing discrimination in 2017 in the towns of Teplice⁸² and Přerov.⁸³ The case in Teplice involved recording a phone conversation between a real estate agency and a social worker looking for rental housing for Roma clients. When the social worker "admitted upfront" that the housing sought was for a Roma family, the agency began to refuse cooperation. The case from Přerov described the attempt of a college-educated Roma man to rent a one-room flat advertised on the Basos.cz website with the message "Roma, please do not call". The Roma man called and, after explaining that he is a college-educated, employed person, asked whether it mattered that he is Roma. The contact person reacted by saying "Don't be angry, I don't want Roma there."

Slovo 21's 2014 research on Roma women found that almost all respondents reported experiencing direct discrimination in access to housing, most commonly when they were refused because of their Roma origin. Respondents said that very often such discrimination is open, with brokers, landlords and property managers reportedly telling prospective tenants that it is not the property owner's policy to rent to Roma, or that the owner is afraid that if s/he does so, his/her non-Roma tenants will move away. Condominium associations or cooperatives reportedly also require higher fees from Roma than from non-Roma, or their non-Roma members launch petitions to the board against renting property to Roma, a common technique. Some allegations involved municipalities discriminating against Roma tenants.⁸⁴

It is discriminatory for landlords to refuse to rent to tenants on the basis of their receiving child support allowances from the welfare system, as discrimination on the basis of either fatherhood or motherhood is considered discrimination on the basis of sex. The child support allowances made available by the state should also be considered

⁸¹ Votavová, Jitka, „Byznys s chudobou v Praze: Romka se třemi dětmi skončila ze dne na den neoprávněně na ulici. Majitel jí navíc zadržuje kauci.“ Romea.cz, 13 July 2017, available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/byznys-s-chudobou-v-praze-romka-se-tremi-detmi-skoncila-ze-dne-na-den-neopravnene-na-ulici-majitel-ji-navic-zadrzuje-kauci>, accessed 9 October 2018.

⁸² Gálová, Adéla, „Romům nepronajímat! Další nahrávka dokazuje diskriminaci realitní kanceláře v přístupu k bydlení“ Romea.cz, 19 September 2017, available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/romum-nepronajimat-dalsi-nahravka-dokazuje-diskriminaci-realitni-kancelare-v-pristupu-k-bydleni>, accessed 9 October 2018.

⁸³ Kandráč, Ivan, „Ivan Kandráč: Hledáte podnájem a jste Rom? Smůla. Nemáte šanci aneb Romové nevolat“, 8 October 2017, available at: <http://www.romea.cz/cz/zpravodajstvi/ivan-kandrac-hledate-podnajem-a-jste-rom-smula-nemate-sanci-aneb-romove-nevolat>, accessed 9 October 2018.

⁸⁴ *Slovo 21*, Position of Roma Women in the Czech Republic (2014), p. 31

relevant income sources by landlords assessing a tenant's financial ability to afford to rent housing. According to the ASZ, when municipalities use the number of children or household members as a criterion for assessing rental housing applications, it is very likely to be an indirect, proxy method of discriminating against Roma, as the bias is to assume Roma households are larger than non-Roma ones and have more dependent minors.⁸⁵

A methodology for identifying housing segregation has been developed by Professor Sýkora of Charles University.⁸⁶ His study describes the group endangered by segregation as a relatively small one, mostly of Roma, and describes this as a gradual development in which it is important to identify the social differences that cause social inequality and therefore segregation. He identifies these as differences of 1) socioeconomic position, 2) ethnicity, nationality or race, 3) demography (age, family size), and 4) cultural specificities (customs, lifestyles, religions). The different positions of people in the social hierarchy directly reflect their social inequality.

Sýkora found that segregated Roma neighbourhoods are those with high concentrations of Roma who are the descendants of people brought to Bohemia and Moravia from the settlements in Slovakia after the Second World War as part of Czechoslovak communist policy. These areas frequently have poor infrastructure and an insufficient range of commercial services available. Market rentals in these areas are mostly unaffordable for socially vulnerable Roma, as property owners are unwilling to rent to them, with the exception of the overpriced housing in residential hotels or dilapidated blocks of flats whose owners exploit Roma renters' unequal position on the market as tenants who have no choice but to accept the disadvantageous conditions of renting such substandard housing.

NGOs *Otevřená společnost* and *Romodrom* conducted interviews in 2017 with Roma respondents who warned them that frequently those offering housing for rent, whether cities, municipalities or private landlords, are contributing to the creation of ghettos and socially excluded localities and thereby intensifying social exclusion. According to these reports, there is essentially a parallel housing market in the Czech Republic aimed at people living in social exclusion and being of Roma ethnicity is an aggravating factor in that context. Overpriced rents have to do not just with the proportion of renters' incomes that must be spent on housing, but also with a disproportion compared to the rents paid by other renters within the same locality, where the poorest renters pay the highest rents.

The most frequent type of inappropriate housing the respondents described was that of the residential hotels. Residential housing in socially excluded localities was also described as inappropriate. According to the reports, it is difficult to identify all the reasons why regular commercial rentals are inaccessible to Roma tenants given the complexity of the problem, and it is very often difficult to distinguish causes from effects. The most frequent barriers determined, however, are a) economic (rents are too expensive); b) ethnic discrimination; c) not enough rental housing on offer.

As far as discrimination goes, Roma encounter this when communicating with brokers, landlords and municipalities. The respondents especially pointed out that many municipalities and private landlords will just offer Roma renters – in the best-case scenario – flats in a certain excluded locality or flats of the lowest housing category. In the worst-case scenario they absolutely refuse to rent any property to the Roma tenant. Respondents said some landlords reject prospective tenants on the basis of ethnicity

⁸⁵ Czech Government Agency for Social Inclusion, "Pravidla přidělování obecních bytů", available at: http://www.socialni-zaclenovani.cz/index.php?option=com_k2&view=item&id=340&Itemid=111

⁸⁶ Sýkora, Luděk, (editor), *Rezidenční segregace*, Univerzita Karlova v Praze, Přírodovědecká fakulta / Ministerstvo pro místní rozvoj České republiky: 2010, available at: http://prfdec.natur.cuni.cz/~sykora/pdf/Sykora_ed_2010_Rezidenčni_segrecace.pdf

while using pretexts to do so, such as claiming they will rent only to non-smokers, or to full-time employees, or to persons without minor dependents living with them, etc.

The reports found that Roma respondents said they had a range of experiences with brokers, sometimes positive ones, but that even brokers who treated them courteously ultimately reported that the landlords they represented had refused to rent to them. In other cases, Roma would be directly rejected by the brokers themselves, who justified their actions by alleging that the landlord does not want Roma tenants.

IMPACT OF HEALTH CARE POLICIES ON ROMA

The most critical issues in the area of health for Roma are a) the impacts of impoverishment and b) discrimination. Roma health is negatively affected by living in an environment featuring sociopathology, by long-term stress, and by performing physically demanding work. The risks specific to living in social exclusion have essentially not changed during the last decade. Some risks are associated with inferior housing – lack of adequate bathing and toilet facilities, mould in the indoor environment, parasites (bedbugs, cockroaches, lice, scabies), poor insulation (lack of heating increases respiratory diseases in children), and lack of personal space, which affects mental health. Infectious diseases persist, including epidemics of impetigo and Type A jaundice. The stress of social exclusion can lead to poor lifestyle choices: alcohol and drug consumption, lack of exercise, poor eating habits and smoking tobacco (often since childhood) all contribute to diabetes, heart attacks, high blood pressure, high cholesterol and obesity. Dental problems are associated with affordability of care, and health-social workers report there is a fear factor involved: "Roma parents do not take children to the dentist because ... they do not want the stress or pain, or they go only when the situation is urgent and the children have neglected problems."⁸⁷

People in social exclusion often suffer from chronic psychological problems, especially depression. In children, psychological problems can display as hyperactivity and even suicide attempts. The overall context of mental health for Roma children must consider the fact that NGOs, including Roma parents' associations, report that Roma children are subjected to bullying in the schools by both adults and children (see the education chapter).

Other health risks involve being unable to afford prescribed medicines, failing to complete medical treatment regimens, neglecting preventive care, or refusing to comply with treatment regimens. It is common for socially excluded Roma to seek medical help only when a problem is acute.⁸⁸ The incidence of cancer diagnoses among socially excluded Roma is reportedly also increasing in one specific area.⁸⁹

David Beňák, the director of the ASZ, sees a clear link between the comparatively poorer health status of Roma and their unequal access to healthcare: "The average life expectancy in the Czech Republic is 76 years for men and 82 for women, but for Roma it is on average 19 years less for men and 17 years less for women. Among the Roma, the mortality rate for newborns is twice as high as the national average."⁹⁰

The core information on the current situation of Roma in the area of healthcare as described in this chapter comes from *DROM*, an organisation with a dedicated budget line from the City of Brno, and from their health-social workers active in the Olomouc and South Moravian Regions. Information from other regions of the Czech Republic comes from Regional Roma Coordinators and Roma advisors based at municipalities with extended powers. We also conducted an interview with a representative of the National Institute for Public Health (SZÚ) and with the ASZ, which implements the Strategy to Combat Social Exclusion. Health Ministry (MZ) representatives also responded to our questions in writing.

⁸⁷ DROM, *Data for the Report on the Situation of Roma Communities in the Olomouc Region in 2017 - Health and Social Aid*

⁸⁸ Information from Regional Coordinators for Roma Affairs, September 2018.

⁸⁹ DROM, *Data for the Report on the Situation of Roma Communities in the Olomouc Region in 2017*

⁹⁰ Beňák, David, "Health inequality is finally a topic in the Czech Republic", *Romea.cz*, 8 July 2017, available at: <http://www.romea.cz/en/news/czech/david-benak-health-inequality-in-the-czech-republic-a-topic-now-that-romani-infant-mortality-double-the-national-average>, accessed on 10.10.2018

Ensuring equal access to public health care services

Reducing inequalities between non-Roma and Roma is a general NRIS aim, and the concepts and terminology the NRIS uses⁹¹ are meant to be similar to Council of Europe and EU usage, where "Roma" is an umbrella term for groups with similar cultural and social characteristics that are meant to be determinative for the NRIS. According to the Office of the Government, about 50% of Roma live in socially excluded localities.⁹² The NRIS notes that if measures were to exclusively target those localities, then half of the Roma in the country would not be impacted by them. Roma who do not live in social exclusion, however, are still impacted by antigypsyism and discrimination in healthcare.

Health-related content is the least-developed area of the NRIS and there is little data available on which to base policy design. One reason may be that the government and state administration are not proactive about Roma integration; rather, they mainly focus on Roma-related subjects raised by civil society, and few civil society groups pay systematic attention to public health issues and the Roma. There are, therefore, no nationwide, systematic programmes dealing with the health of Roma in the Czech Republic.

The NRIS lists the following health-related measures as being of strategic importance: support for addiction prevention programs; support for socially excluded Roma accessing care; support for anti-discrimination measures in health care; systematizing the education of health care workers about Roma; support for disease prevention among Roma; researching Roma health; and supporting health-social services. The MZ, under point 8.3, "Specific aim: Equal Access of Roma to Healthcare", commits to "elaborate into strategic documents ... possibilities of support with the aim of ensuring availability of healthcare and services for inhabitants of socially excluded localities" for the year 2017.⁹³ This point includes the effective, sustainable, systematic promotion of disease prevention and increasing Roma health literacy.

The annual report on NRIS fulfilment illustrates how the Government's aims have yet to be met in this area.⁹⁴ The MZ is planning a project on health care for the homeless, those at risk of poverty and those living in urban social exclusion through combined delivery of health and social services that are inaccessible or less accessible.⁹⁵ Until 2017 the MZ annually financed a smaller-scale SZÚ project on reducing health inequalities in excluded localities.⁹⁶ Its new project on Effective Support for Health is more extensive and aims to root the piloted methods in the public administration system in a systematic way. As far as NRIS aims 8.3.(d) and (e) on disease prevention go, the MZ refers to these SZÚ projects and to its support for two general health care advisory centres at regional level, although specific Roma-related outreach by them is not mentioned. The MZ also reports that the existing mandatory course on the basics of communications, education and law meets the strategic need to educate physicians about anti-discrimination and how to serve Roma, but the communications part of the course is just

⁹¹ NRIS, pp 10-11

⁹² Office of the Government of the Czech Republic, *Report on the State of the Roma Minority in the Czech Republic for the Year 2017*

⁹³ Office of the Government of the Czech Republic, Section for Human Rights, Office of the Government Council for Roma Minority Affairs and the Secretariat of the Government Council for National Minorities, *Information on the Implementation of the Roma Integration Strategy for 2020, in 2017*. (Prague: 2018), available at: <https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunitu/dokumenty/Informace-o-naplnovani-Strategie-romske-integrace.pdf>

⁹⁴ *Ibid.*

⁹⁵ Written information provided by the MZ in October 2018.

⁹⁶ SZÚ, "Podpora zdraví ve vyloučených lokalitách - snižování zdravotních nerovností" [Support for health in excluded localities – reducing health inequalities], available at: <http://www.szu.cz/tema/podpora-zdravi/podpora-zdravi-ve-vyloucenych-lokalitach-snizovani>, accessed on 11 September 2018.

two hours long. The MZ also mentions, both in the report on NRIS fulfilment and in answers to our questions, that health care is meant to be accessible to all irrespective of ethnicity, and that therefore the ministry supports the health of Roma as a matter of course. These statements imply the MZ has not yet reflected on Roma-specific health access and outcomes in a way that has impacted policy.

The most recent mention of Roma children's health in a national document is in the 2009 Report on Roma Health in the Czech Republic.⁹⁷ Roma children aged 15 or younger are said to suffer most from headaches/migraines, followed by allergies, chronic bronchitis, asthma and depression. Almost half of the respondents mentioned dental problems. Lack of exercise is widespread among Roma children.

When evaluating the gendered impact of healthcare policies on Roma, there is a lack of data. Roma report being generally discriminated against and facing racial prejudice in healthcare from staff whose anti-Roma prejudices lead them to assume Roma patients will behave in ways that might make staff and other patients uncomfortable.

Examining Roma access to healthcare more closely reveals the degree to which all the priority areas of the NRIS and the Strategy to Combat Social Exclusion are interconnected: Living in low-standard housing implies higher health risks; limited access to education is connected with low functional literacy, which is important to accessing healthcare; and unemployment and a related lack of finances are barriers to accessing proper, quality healthcare.

Access to insurance coverage

Healthcare insurance is necessary to access healthcare, and the mandatory public insurance scheme secures care for most of the population. If people fail to pay into the scheme, they incur debts with compounding interest, which can trigger collections proceedings. The manipulative recruitment of socially excluded customers by health insurers is also problematic from a consumer protections perspective.

Most Roma without health insurance⁹⁸ have lost their coverage due to emigration and/or immigration, although ethnically-disaggregated data does not exist about this phenomenon, which involves people living in the Czech Republic without either Czech citizenship or permanent residency – among Roma, mainly citizens of Slovakia.⁹⁹ The second-largest group of uninsured people is probably Czech citizens who emigrate (mainly to Great Britain), who stop paying for health insurance at home while abroad, and who then fail to resume payments after they return home.

⁹⁷ Nesvadbová, L., Šandera, J., Haberlová, V. 2009. *Romská populace a zdraví. Česká republika – Národní zpráva 2009.*

⁹⁸ According to FRA data, 79% of Roma in the Czech Republic have healthcare insurance – see *Fundamental Rights Report 2018*, European Union Agency for Fundamental Rights. This number may, however, be inaccurate due to respondents' insufficient knowledge of their own status or lack of clarity about it (e.g., the state could be paying their health insurance without their being aware of it; they could be in debt with insurers and consider their insurance status threatened even when it is not; they could have to pay for some treatments in cash and not understand why their insurance does not cover the treatments, etc.). They may also lose track as to which company is insuring them. Reliable gender-disaggregated data in this regard is not available.

⁹⁹ As Zuzana Marhoulová from DROM further explains, "Very often Slovak citizens living in the Czech Republic (and their family members) do not have permanent residency in the Czech Republic and employment, both of which are conditions for participation in the public healthcare system. If they do have the right to participate in the public healthcare system, they often run into complications when looking to acquire all the requested documents (including from authorities or insurance companies in Slovakia). Sometimes these can be numerous (lease agreements, electricity bills, registration with a doctor, benefits confirmations, current evidence of actual residency, confirmation regarding a child's custody, etc.); collection of all these documents may take months, and during this time the person can be treated only in acute cases, or they have to pay the costs out of pocket. This causes clients to stop seeking health treatment to avoid high payments (this can be a big problem for pregnant women who do not undergo necessary examinations)." Information provided in writing, September 2018.

Debt affects all low-income persons.¹⁰⁰ Since health insurance is mandatory, failing to pay does not lead to denial of insurance, but it does incur debt. The state itself pays the health insurance¹⁰¹ of children without guardians; pensioners; women on maternity leave and persons on parental leave; recipients of parental welfare benefits; mothers drawing financial aid (as defined by sickness benefit insurance); job-seekers; persons drawing aid to those in material distress and their dependents; persons caring for children age 10 and younger dependent on Category 1 care; persons caring full-time for at least one child age seven or younger or for at least two children age 15 and younger; juveniles in institutional care and protective custody; long-term volunteers working 20 hours or more weekly for Interior Ministry-accredited organisations; registered partners or spouses of state employees; foreign nationals with temporary protection; asylum-seekers and their children born on Czech territory; and doctoral candidates age 26 and older.¹⁰² If eligibility to be insured by the state is somehow cancelled or expires and the person cannot afford insurance, then they fall into the debt trap.

Health insurance debt is frequently incurred by the following scenarios:

- 1) The Labour Office (ÚP) de-lists a job seeker, usually as a sanction for the job-seeker refusing a job offer or missing a job interview or other appointment, so the state stops paying their health insurance, but the ÚP, according to DROM, usually does not inform the job seeker of this change. The ÚP expects job seekers to be proactive about keeping track of their eligibility for benefits. If the ÚP wanted to, it could systematically warn people that their health insurance is no longer being covered by the state, but in practice this does not happen. If the ÚP were to clearly, systematically instruct and warn clients about this issue, and if the administration of these matters were to be centralised and simplified, that could help;
- 2) People working without full-time contracts (whether illegally, or legally but just temporarily) do not have employers to pay their health insurance contributions. If they are ineligible for the state to pay their insurance, then according to DROM and the regional Roma Coordinators, they go uncovered;
- 3) People emigrate without officially suspending their Czech health insurance contracts and stop paying their Czech insurance premiums, which incurs debt; exact numbers of how many Roma people do this are not available;
- 4) People fail to inform their employer, the ÚP, or the state when they change health insurers and incur debt with the insurer that goes unpaid.

Health insurers target the socially excluded, probably assessing them as easily manipulatable due to their presumed lack of education, and offer incentives for switching insurers such as immediate cash rewards (or make false promises). Changing plans is risky, as local doctors may not have contracts with the new insurer. Customers who do not report the change of insurers to those paying their insurance incur debt. DROM reports this practice peaked among clients in their area around 2010.¹⁰³ When DROM's health-social workers presented these insurers with evidence of their unfair practices, they denied any wrongdoing.¹⁰⁴

¹⁰⁰ See <http://mapaexekuci.cz/>, accessed on 3 October 2018.

¹⁰¹ As per Section 7 para. 1 of Act No. 48/1997, Coll.

¹⁰² Online description of state-sponsored coverage provided by the *Všeobecná zdravotní pojišťovna* [Universal Health Insurance Company], available at: <https://www.vzp.cz/platci/informace/stat/za-koho-plati-pojistne-stat>

¹⁰³ DROM, *Data for the Report on Situation of Roma Communities in Olomouc Region in 2016 and 2017*

¹⁰⁴ *Ibid.*

Health insurers are obligated to play a role when there are no doctors locally or if the existing doctors have no room, but they do not always do this.¹⁰⁵ Legally,¹⁰⁶ “accessibility” is defined by Government decree in terms of travel time by car (which is problematic), and in terms of waiting time at a health care facility. Insurers must contract doctors who are accessible in both senses and if they do not, they can be fined, according to the VOP.¹⁰⁷

In 2016, public monies – from the public health insurance scheme, direct payments from the state budget, and direct payments from municipal and regional budgets – covered 83% of healthcare-related costs in the country.¹⁰⁸ Private funds covered 14.8% of costs, usually co-payments for medications.¹⁰⁹

DROM reports that socially excluded Roma cannot afford co-payments for medication, or for medication not covered by insurance, or for treatment not covered by public healthcare (e.g., dentists), or for disability-related equipment, or for Emergency Room fees. Travel costs also prevent access to care.¹¹⁰

Areas with large Roma populations and health care accessibility

Areas with high concentrations of Roma are also socially excluded. In 2017 the Ústecký, Moravian-Silesian, South Moravian and Liberec Regions had the largest Roma populations.¹¹¹ Geographical distribution is also described by the 2014 Analysis of Socially Excluded Localities, and the time it takes to access health care is part of social exclusion.

Doctors and pharmacies are rare in some regions.¹¹² The numbers of General Practitioners (GPs) and paediatricians vary greatly geographically, with less-populated, more remote places lacking the most care. Dentists, psychiatrists (especially child psychiatrists) and psychologists are also in short supply. One Roma Coordinator summarised a regional situation as follows: “In general, there is a lack of psychiatrists, mainly child psychiatrists, and dentists. There are also long waits at the offices of neurologists. Psychiatric care is unavailable for many clients because it practically does not exist and, if so, only in larger cities. People in border areas have minimal access to specialised healthcare (and for financial reasons, the clients cannot afford to travel to see a doctor whenever they need to, and so they postpone medical appointments, etc.).”¹¹³

¹⁰⁵ Cases registered by DROM and by Regional Coordinators for Roma Affairs and Roma municipal advisors.

¹⁰⁶ Section 40, para. 7 Act No. 48/1997, Coll.

¹⁰⁷ VOP, press release, “Za nedodržení časové a místní dostupnosti zdravotní péče hrozí až desetimilionová pokuta”, 24 January 2013, available at: <https://www.ochrance.cz/aktualne/tiskove-zpravy-2014/za-nedodrzeni-casove-a-mistni-dostupnosti-zdravotni-pece-hrozi-az-desetimilionova-pokuta/>

¹⁰⁸ Czech Statistical Office, “Výsledky zdravotnických účtů ČR - 2010 až 2016”, [Results of Health Accounts of the Czech Republic - 2010 to 2016], available at:

¹⁰⁹ OECD/European Observatory on Health Systems and Policies, *Czech Republic: Country Health Profile 2017, State of Health in the EU*, OECD Publishing, Paris/European Observatory on Health Systems and Policies, Brussels: 2017.

¹¹⁰ Information provided in writing by DROM, September 2018.

¹¹¹ The *Report on the State of the Roma Minority in the Czech Republic for 2017* lists estimates for the number of Roma per region (the methodology is discussed in the first Roma Civil Monitor report).

¹¹² OECD, *Czech Republic: Country Health Profile 2017, State of Health in the EU*. For further detail about the localities, see the MZ’s *List of Areas with Limited Accessibility to Healthcare Services Provided by General GPs or GPs for Children and Youth for 2018* and details about the subsidy programme here: http://www.mzcr.cz/Odbornik/obsah/dotacni-programy_3521_3.html, accessed on 3 October 2018.

¹¹³ Information provided in writing by a Regional Coordinator for Roma Affairs, September 2018.

Doctors prefer bigger urban hospitals, and some immediately emigrate after graduation because their labour conditions are better abroad. GPs/paediatricians are aging and retiring without being replaced, so further decline is expected.¹¹⁴ Public policies are addressing this by providing subsidies to GPs and paediatricians¹¹⁵ and by financing an increase to medical schools' capacities.¹¹⁶

Socially excluded Roma living on the periphery have the least access to healthcare of anyone, and this is only getting worse.¹¹⁷ As a recent ASZ analysis of the situation in the Frýdlant area shows,¹¹⁸ the legal definition of health care "accessibility" is based on travel time by car, but for families without personal vehicles living in areas with less public transportation, a visit to a doctor who would be "accessible" for a car owner can easily become a day-long trip, and that time investment can incur other costs. This leads to patients postponing care, which does not promote health.¹¹⁹

Besides an objective lack of doctors, there is also the issue of physicians' offices falsely claiming to be unable to register new patients. According to the health-social workers of *DROM* and the Roma Coordinators, when Roma first call a doctor's office to enrol as a new patient, they are told there is room, but when they arrive in person and their ethnicity is seen, they are told there is no room for new patients.¹²⁰ The suspicion that claims of no room are just a pretext is raised by the fact that doctors have refused to give Roma patients written confirmation of their lack of capacity as the reason they have not enrolled them (see more below).¹²¹

As for emergency care, *DROM* has registered "less willingness" of ambulance staffs to serve "bad" addresses (i.e., socially excluded Roma areas), alleging "bad experiences" there. Examples involve patients calling an ambulance to go to the Emergency Room and staff suspecting them of having called in order to avoid the fee they would otherwise pay as walk-ins. They also suspect the Emergency Room is being abused for acute but preventable dental problems.¹²²

Roma awareness of their rights as patients

The *Liga lidských práv* (League of Human Rights)¹²³ NGO and a private initiative called the Ombudsman's Office for Health¹²⁴ both focus on patients' rights, but neither pays

¹¹⁴ OECD, *Czech Republic: Country Health Profile 2017, State of Health in the EU*.

¹¹⁵ See also the MZ's List of Areas with Limited Availability of GPs or Paediatricians for 2018 (note 112 above), which reports that: "These are subsidies under the programme to support the availability of GPs and Paediatricians. Applications for subsidies can be made by physical or legal persons who plan to provide or have provided a medical service in the field of general practical medicine (VPL) of Practical Medicine for Children and Adolescents (PLDD) in the three months prior to submission of an application for this subsidy."

¹¹⁶ MŠMT, press release, "Long-term Financial Measures to Increase the Capacity of Medical Faculties of the Czech Republic for the Period 2019-2029", available at: <http://www.msmt.cz/ministerstvo/novinar/vlada-posle-na-reseni-nedostatku-lekaru-temer-7-miliard>, accessed on 10 October 2018.

¹¹⁷ *DROM, Data for the Report on the Situation of Roma Communities in the Olomouc Region in 2016 and 2017*

¹¹⁸ Baltag, Tereza, *Frýdlantsko - dostupnost zdravotní péče*, Agentura pro sociální začleňování: 2018.

¹¹⁹ *Ibid.*

¹²⁰ *DROM, Data for the Report on the Situation of Roma Communities in the Olomouc Region in 2016 and 2017*; information from Regional Coordinators for Roma Affairs and from the ASZ.

¹²¹ *DROM, Data for the Report on the Situation of Roma Communities in the Olomouc Region in 2016 and 2017*. The obligation to issue confirmation of the reason a physician has refused to take a patient into care is established by Section 48, para. 5 Act No. 372/2011, Coll., on healthcare services.

¹²² Information provided in writing by *DROM*, September 2018

¹²³ See the website of their "Fair Hospital" project, <http://ferovanemocnice.cz/>, accessed on 10 October 2018.

particular attention to Roma. Health-social workers help socially excluded Roma navigate healthcare, but there are too few of them and they are not part of a systematic support programme aiming to ensure patients' rights.

Most patients do not know their rights or how to complain, which is a complex process.¹²⁵ The VOP handles discrimination of patients in court-ordered protective custody (while protecting the rights of the incarcerated or institutionalised).¹²⁶ The VOP can also review the way complaints of discrimination are handled by public authorities tasked with supervising health care provision.¹²⁷

Example of promising practice: Health Promotion Project in Excluded Localities

The SZÚ implements awareness-raising and prevention programmes aimed at increasing health literacy and positive interventions into individuals' lifestyles. The programmes target children and women, discouraging smoking, informing about the prevention of HIV transmission, and promoting healthy diets.

Assistants and campaigns targeting Roma

Health-social assistants are meant to be improving Roma access to care, and health mediators are meant to be focusing on the culturally appropriate communication of health information, but these services are understaffed and work on a project basis. Their long-term sustainability and systematisation have yet to be arranged.

Such NGO initiatives are rare (less than 20 country-wide), with fluctuating numbers of staff. *DROM* hired five health-social assistants in 2017, most of whom were not Roma.¹²⁸ While social workers generally are predominantly female, gender-disaggregated data about the members of this profession over time is not available.

*DROM*¹²⁹ provides such services in the South Moravian and Olomouc regions, while the NGO *Spolu pro rodinu* (Together for the Family),¹³⁰ *Centrom* in Ostrava, and individual health-social workers working for various municipalities offer these services in the Moravian-Silesian Region.

Example of promising practice: DROM – Health-social assistance

Health-social assistance is a registered social service, and *DROM*'s health-social workers aid clients in enrolling with doctors, registering for disability benefits, and solving their health problems. Their biggest contribution is to connect patients to the healthcare

¹²⁴ See the website of the Ombudsman's Office for Health, <https://www.ombudsmanprozdravi.cz/>, accessed on 10 October 2018.

¹²⁵ The complaint procedure in the healthcare system is as follows: Addressing issues directly with the doctor; then via a complaint to the health service provider (the doctor's supervisor); then via a complaint to the service provider's founder (generally, a Regional Authority); or via a complaint to a professional organisation or contracted health insurer. For more details, see https://www.mzcr.cz/Cizinci/obsah/postup-podani-stiznosti-na-poskytnuti-zdravotni-pece_2623_22.html, accessed on 10 October 2018.

¹²⁶ VOP, general information about persons in custody or detention and health care facilities, available at: <https://www.ochrance.cz/ochrana-osob-omezenych-na-svobode/zdravotnicka-zarizeni/>, accessed on 10 October 2018.

¹²⁷ See the VOP's Frequently Asked Questions about health care, available at: <https://www.ochrance.cz/stiznosti-na-urady/chcete-si-stezovat/zivotni-situace/zdravotnictvi-nejcastejsi-dotazy/>, accessed on 10 October 2018.

¹²⁸ See *DROM*, *Data for the Report on the Situation of Roma Communities in the Olomouc Region in 2017*, and the description of localities at <http://www.drom.cz/stranka/cz/50/zsp---popis-lokalit/>

¹²⁹ Online description of these services published by *DROM* at <http://www.drom.cz/sluzba/cz/10/zdravotne-socialni-pomoc/>, accessed on 11 September 2018.

¹³⁰ Association of Social Assistants in Ostrava, <http://www.socialniasistence.cz/zdravotne-socialni-pomoc.html>, accessed 11 September 2018.

system.

These professionals consider the greatest obstacles to doing their work to be "low motivation of the target group, dissuasive practices of the health care system, low awareness about health-social workers, negative reactions from bureaucrats or health care facilities to health-social workers accompanying clients to appointments (remarking on the 'deficiencies' of clients who need tax-funded social work) - or, on the contrary, cases where the care is absolutely dependent on a health-social worker (a client can only be registered when accompanied by a health-social worker)."¹³¹

Health-social assistance was created as a pilot project financed by the ESF, which DROM currently operates from subsidies for social services administered by the regions.¹³²

The ASZ is conducting health literacy research in socially excluded localities in cooperation with the SZÚ and creating a methodology for the position of "health promotion mediator"; there is also a survey underway of healthcare staff numbers on which to base the future expansion of health promotion mediators in socially excluded localities. The ASZ is also preparing documentation for introducing compulsory education on intercultural and inter-social communication for the medical profession and, with the Institute for Health Information and Statistics (ÚZIS ČR), is looking at how best to use the data collected about healthcare provided to the socially excluded. The ASZ has helped municipalities design projects on the prevention of addiction to gambling or to habit-forming substances; these projects are mostly implemented by NGOs.

The SZÚ implemented a project for several years focused on health promotion in excluded localities,¹³³ which until 2017 was funded by the MZ. The same institution has implemented a different project since 2018, Effective Support for the Health of Persons at Risk of Poverty and Social Exclusion, with funding from Operational Programme Employment.¹³⁴ This is by far the largest healthcare project related to social exclusion, and through 2022 it will bring together all the most important measures that the public administration has to offer in this area. Its aim is to increase health literacy, to research health literacy at the beginning and end of the project to measure impact, and to systematize the health mediator position and programmes for health promotion. A centre to promote the health of the socially excluded will open in each of the country's 14 regions, running 66 programmes. The target group will be persons aged 15 and older who are at risk of social exclusion as socioeconomically defined, not involving any ethnic indicators.

Specific health risks for Roma in the Czech context

Research points to cigarette use as the top health risk for Roma in the Czech context. Roma women smoke tobacco more than non-Roma women, including during pregnancy. Roma women also consume fewer of the nutritional supplements designed to be taken during pregnancy. Researchers also report Roma women deliver prematurely more often

¹³¹ Information provided in writing, September 2018.

¹³² Specifically, "Since 2007 health and social aid has been provided under the field programme as a registered social service subsidised by the state using social services subsidies (in the past it came directly from MPSV, now through the regions). Financing of these services is rather unpredictable: subsidies are always just for one calendar year, in unpredictable amounts, and the first instalment comes in March at the earliest (for the relevant year), which means that the services must be financed by the provider from other sources for a few months every year." (Information provided in writing, September 2018).

¹³³ SZÚ, Support for health in excluded localities – reducing health inequalities

¹³⁴ The project is described at http://www.szu.cz/uploads/documents/czsp/seminare/2018/3_nejedla_projekt_RCPZ.pdf, accessed on 11 September 2018. The investment is more than 240 million CZK [9.35 million EUR], of which the Czech state is contributing 54,144,415 CZK [2.1 million EUR].

and give birth to children that weigh less than non-Roma children. Such behaviour is likely caused by socioeconomic factors.¹³⁵

Cigarette use is not confined to Roma women, as reportedly the highest number of smoking adult Roma men (age 16+) in the Central European region are in the Czech Republic (77%). The European Health Interview Survey (EHIS20 - 2012) reported that 24.9% of the Czech Republic as a whole smoke tobacco.¹³⁶

Fight against discrimination and antigypsyism in health care

Discrimination in healthcare

The principle of equal access to healthcare is set forth in Article 31 of the Charter of Fundamental Rights and Freedoms of the Czech Republic, which states that: "Everyone has the right to the protection of their health. Citizens shall have the right, on the basis of public insurance, to free medical care and to medical aids under conditions provided for by law."

The Ethics Committee of the MZ approved a Code of Ethics for Patients' Rights in 1992 based on the Charter. There is also binding legislation in relation to healthcare as part of the Anti-Discrimination Act, adopted by Parliament in 2009 and transposing the EU Race Equality Directive into domestic law. On 28 November 2016, the Government approved an Action Plan on specific measures of the Strategy for Combating Social Exclusion 2016-2020, requiring the position of Health Promotion Assistants to provide health mediation in socially excluded localities. Pilot testing of these positions will continue till the end of 2018. In 2017, the ASZ commissioned health literacy research in excluded localities (see above), but the findings have yet to be published.

The introduction in 2008 of a CZK 30 (EUR 1.17) co-payment for doctor's visits and filling prescriptions as well as a CZK 90 (EUR 3.51) fee for Emergency Room visits was problematic. The measure aimed to reduce allegedly "high" numbers of doctor visits and excessive prescription of medication but was rightly criticised for its negative impact on the socially vulnerable. In 2014 these fees were cancelled except for the Emergency Room fee.

Healthcare accessibility and quality include the doctor-patient relationship. When local doctors reject Roma as new patients, in addition to wasting their time, this means Roma patients must seek care located further away. Even when doctors enrol Roma patients, the reportedly do so reluctantly. Roma patients may encounter mistrust and prejudice from staff and non-Roma patients.

Cases of unequal treatment by health professionals are generally difficult to prove. The media have reported on the case of a Mr. P., whose family a dentist refused to treat in 2010 due to their Roma origin. Mr. P. contacted the NGO *IQ Roma servis*, which conducted situational testing of the dentist and accused her of discrimination. Since oversight institutions (the Regional Authority, the Czech Medical Chamber) failed to act, Mr. P. sued the dentist. Under the weight of the evidence, the dentist admitted she had discriminated against his family. In 2015 they finally received a written apology and compensation for moral damages. The protracted nature of this process is not unusual and illustrates why Roma choose to suffer discrimination in silence rather than seeking to fight it in court.

¹³⁵ Rambousková, Jolana et al., *Health Behaviors, Nutritional Status, and Anthropometric Parameters of Roma and Non-Roma Mothers and Their Infants in the Czech Republic*, *Journal of Nutrition Education and Behavior*, Volume 41, Issue 1, 2009, pp 58 – 64.

¹³⁶ Mihailov, Dotcho. *The health situation of Roma communities: Analysis of the data from the UNDP/World Bank/EC Regional Roma Survey 2011*. Roma Inclusion Working Papers. Bratislava: United Nations Development Programme: 2012, p 58, available at: <http://www.undp.org/content/dam/rbec/docs/The-health-situation-of-Roma-communities.pdf>

A private organisation called the Office of the Ombudsman for Health has been in existence since 2015 and since 2017 has been a registered association offering free legal aid. According to an October 2018 statement by its director, Kateřina Havelková, this office responds to as many as 50 requests monthly but has yet to be contacted with a case involving allegations of refusal of care on the basis of ethnicity or religion. The question is how aware socially excluded Roma are of this new institution, as well as what confidence they might have that their situation can be remedied by legal means.

This issue of legal certainty in the Czech Republic is very much related to the issue of compensation for women sterilised without their informed consent, which remains unresolved (see below). Challenges brought by the VOP and a 2015 proposal to compensate the victims of these harms by adopting legislation have not yet succeeded. In August 2018, the Prime Minister promised to support a new proposal for compensation, tasking the Justice Minister with the issue. Civil society estimates the number of claims under such a procedure would be exponentially fewer than the estimates referred to in the 2015 bill and that the cost of compensation would therefore also be much less than was estimated at that time.¹³⁷ Most victims are unable to sue due to statutes of limitations.

Antigypsyism as a barrier to healthcare

Anti-Roma prejudice is widespread among doctors. Stereotypical expectations mentioned by *DROM* in its report¹³⁸ are that Roma will not communicate, have little interest in a "healthy lifestyle" or working on their health, are unwilling to undergo treatment, neglect preventive care, seek help just in acute situations, are unable to stick to treatment schedules and check-ups, and live in conditions not conducive to maintaining personal hygiene. An interview with a cardiac surgeon and dentist working in Prague yielded the following assumptions about Roma: That they neglect even covered preventive care and require more costly, demanding acute care, which makes doctors feel "disrespected"; that they release themselves from care at their own risk before doctors consider appropriate, which doctors take as "personal rejection"; that they will be visited in hospitals by people who do not respect the rules; and lastly, that they exaggerate complaints to become eligible for disability benefits.

DROM reports that socially excluded Roma do not have enough "education and functional literacy to be able to process information. ... [doctors] from different cultural backgrounds to their Roma patients do not take this into account at all, which results in mutual animosities between medical staff and Roma patients (the parties do not understand each other and are unable to communicate together satisfactorily)."¹³⁹

DROM has described testing patient registrations and finding that even after a Roma patient seeking to register is turned away in person (with a claim that the doctor has no room), the same doctor will tell a new, non-Roma caller immediately thereafter that there is room.¹⁴⁰ Similar cases are described by many Roma Coordinators.¹⁴¹

¹³⁷ Dienstbierová, Kristina, Romea.cz, "Czech PM meets with forced sterilisation victims and their representatives about compensation", available at: <http://www.romea.cz/en/news/czech/czech-pm-meets-with-forced-sterilisation-victims-and-their-representatives-about-compensation>, accessed 10.10.2018

¹³⁸ *DROM, Data for the Report on Situation of Roma Communities in Olomouc region in 2016 and 2017.*

¹³⁹ *DROM, Data for the Report on Situation of Roma Communities in Olomouc region in 2017, Footnote 1.*

¹⁴⁰ *DROM, Data for the Report on Situation of Roma Communities in Olomouc region in 2017*

¹⁴¹ Information from Regional Coordinators for Roma Affairs, September 2018.

The DROM report lists the following examples of antigypsyist communications from health care staffs that Roma patients have reported or that health-social workers have witnessed:¹⁴²

- Degrading, dismissive, humiliating behaviour, including use of an overly familiar form of address, or examining Roma patients in front of others in the waiting room and not in a private examination room;
- Inappropriate, irrelevant questions or assumptions about the patient's employment, financial situation or personal habits;
- Negative reactions to the health-social worker, asking if their presence means the Roma patient is deprived of legal capacity, or negative remarks about the profession and those being assisted ("Our taxes pay you to escort the 'gypsies'"), as well as dismissive behaviour or claims that care is provided just because a witness is there ("I'm only writing this prescription because you [the health-social worker] are here!").
- Oversensitivity to Roma seeking confirmation of their eligibility for disability benefits, including groundless refusals to issue medical confirmations or to release medical records.

As noted above, the education of health workers about communication with Roma has been identified as a priority by the NRIS.¹⁴³ However, the course the MZ refers to when reporting its compliance offers just two hours of education about communication with patients in general.¹⁴⁴ There is also a multicultural nursing course offered to assistants to obstetricians, emergency rescue workers, and general nurses; other programmes are said to be in development.¹⁴⁵

Since there is no systematic effort underway to improve Roma access to healthcare, we asked *DROM* what factors could contribute to improving access, and they answered: "...doctors willing to register Roma patients without any problems or without subjecting them to a poor communication experience, etc., behaving toward them in a proper, unbiased way, such as not approaching them as 'others' compared to the majority population."¹⁴⁶ There is no agency, whether private or public, that is following cases of Roma patient discrimination in a countrywide, systematic way. Information may be reported by NGOs, the VOP, the Office of the Government in its annual Report on the Situation of Roma Communities, or by news server www.Romea.cz.

Interviews with Roma NGO clients reveal that healthcare staffs apparently share the prejudice against Roma that generally prevails in the country and this is reflected in their care, as described above. The practice of segregating Roma patients during hospital stays is acknowledged to exist but is not much discussed. Sociologist Edit Szénássy from Charles University in Prague observed the segregation of Roma women in a maternity ward in a Czech hospital but has yet to publish her findings.

¹⁴² DROM, *Data for the Report on Situation of Roma Communities in Olomouc region in 2017*

¹⁴³ *Všeobecné praktické lékařství. Věstník MZ, částka 3*, March 2018. Available at: <http://www.mzcr.cz/legislativa/Soubor.ashx?souborID=33112&typ=application/pdf&nazev=Vestnik-MZ-2018-03.pdf> (*General Practical Medicine, a Bulletin of the Health Ministry*).

¹⁴⁴ *Ibid.*

¹⁴⁵ Office of the Government of the Czech Republic, *Information regarding implementation of the National Strategy for Roma Integration by 2010 in 2017*

¹⁴⁶ Information provided in writing by DROM, September 2018.

Addressing needs of the most vulnerable groups among Roma

As noted above, children in social exclusion are negatively affected by unhealthy lifestyles and substandard housing. Lifestyle factors include alcohol and tobacco use, lack of exercise and poor diet.¹⁴⁷ Housing factors have been described in the chapter on housing above; Roma in the Czech Republic disproportionately reside in poor housing as defined by UN General Comment No. 4 on the right to adequate housing (Article 11 (1) of the Covenant). The influence of such housing on children in the Czech Republic generally means they are almost twice as likely to suffer health conditions related to frequent relocations, lack of living space and lack of money, even when controlling for other regional and sociodemographic factors.¹⁴⁸ The measures targeting such children are mainly the SZÚ's health promotion programmes described above, focused on discouraging smoking, preventing HIV transmission, and promoting exercise and a healthy diet. Health-social assistants also help adult clients address their children's health problems and access to care.

For Roma women, healthcare unavailability includes gynaecological, prenatal and postnatal care. It is not uncommon for socially excluded Roma not to visit an obstetrician or gynaecologist during pregnancy. Research in 2009 found Roma women consume alcohol, tobacco and other drugs less than Roma men.¹⁴⁹ Interviews conducted for this report found that Roma women display more interest in general health than Roma men, attending health-promotion programmes more and working more closely with healthcare staffs. A 2012 comparative study found Roma women report higher access to gynaecological testing in the Czech Republic than do Roma elsewhere (96%).¹⁵⁰ Accessing Pap smears to test for cervical cancer was reported more by Roma in the Czech Republic (75%).¹⁵¹

The EC's 2014 Roma Health Report found the Czech Republic has higher rates of infant mortality among Roma compared to non-Roma, especially among Roma who are less educated, who live in poor housing, or who are migrants.¹⁵² That same report found Roma women in the Czech Republic are more vulnerable to the socioeconomic determinants of health than are Roma men.¹⁵³ It also found a relationship in the Czech Republic between higher infant mortality among Roma, their socio-economic conditions, and a high incidence of pregnancy risk factors, especially smoking tobacco during pregnancy (57% of Roma women reported doing so), and poor environmental conditions, especially of housing.¹⁵⁴

Slovo21's 2014 research among Roma women found most respondents (58%) expressed satisfaction with the accessibility of health care, and 427 of the 455 respondents said all

¹⁴⁷ Nesvadbová, L., Šandera, J., Haberlová, V. 2009. *Romská populace a zdraví. Česká republika – Národní zpráva 2009*; and Janata, H.. *Podpora zdraví ve vyloučených lokalitách – snižování zdravotních nerovností*, Státní zdravotní ústav: 2015).

¹⁴⁸ *Analýza dopadů nedostačujícího bydlení na školní a další problémy dětí v ČR*, Median: 2016. Available at: https://gallery.mailchimp.com/c482d6cb2eac9ea12beec027f/files/d1873f55-21f6-485b-bec3-425dc75bc98a/Dopady_nevyhovujiciho_bydleni_na_deti.pdf.

¹⁴⁹ For comparison of the risk factors of men and women see Nesvadbová, L., Šandera, J., Haberlová, V. 2009. *Romská populace a zdraví. Česká republika – Národní zpráva 2009*

¹⁵⁰ Mihailov, Dotcho, *The health situation of Roma communities: Analysis of the data from the UNDP/World Bank/EC Regional Roma Survey 2011*

¹⁵¹ *Ibid.*, 59

¹⁵² European Commission, Roma Health Report: Health status of the Roma population. Data collection in the Member States of the European Union, p 37. EC: 2014, available at: https://ec.europa.eu/health/sites/health/files/social_determinants/docs/2014_roma_health_report_en.pdf

¹⁵³ *Ibid.*, 38.

¹⁵⁴ *Ibid.*, 41.

their children were registered with paediatricians, with most (63%) claiming to take their children for preventive check-ups regularly. Most (60%) claimed to undergo regular gynaecological examinations, but most also said they do not go for regular mammograms (59%). The vast majority reported using contraceptives (83%), but when asked whether they planned their pregnancies, most said they do not (72%). These respondents were said to be well-informed about patients' rights.¹⁵⁵

Roma women aged 50 and older are said to be especially vulnerable in terms of health. The Fundamental Rights Agency survey from 2014 found that 77% of Roma women in the Czech Republic reported being hampered in their daily life due to disease or injury, compared to just 53% of non-Roma women.¹⁵⁶

DROM's health-social workers report that family planning and reproductive health services are not used by their female Roma clients due to a lack of availability of such services and a reported lack of interest in them among such clients. While sexual health is part of the SZU's HIV/AIDS prevention programme, a representative said the institute remains uncertain about how to talk about contraception or family planning with socially excluded Roma women and men due to a lack of capacity to map how different target groups approach these subjects.¹⁵⁷ It remains to be seen whether and how the health mediator project will approach contraception and family planning. It would be good if programmes for health promotion among Roma were to be better financed and to receive better institutional support so they could run more systematically and have the flexibility to plan the more intensive involvement of Roma.

Family planning and reproductive health in the Czech context has been impacted by sterilisations of women without their informed consent over the course of 40 years. While these violations have been condemned by authorities as illegal¹⁵⁸ and have been somewhat researched,¹⁵⁹ the issue remains alive because the state has yet to provide compensation and redress to all of the victims.¹⁶⁰ Until 1992, the state offered financial incentives to women agreeing to tubal ligation, and social workers are said to have threatened women with removal of their existing children into state care when they refused (most recently in 2007). Women were misled to believe the procedure was reversible or were falsely told it had to be performed on them during Caesarean delivery as a "life-saving" measure. While the decades of these practices could play a role in the approach to family planning taken by Roma men and women, who were disproportionately impacted by these past approaches, there has been too little research into this phenomenon to make such a claim. Nevertheless, Roma women's historical experiences as targets of family planning and reproductive health policies should be considered when developing programmes and policies in this area.

¹⁵⁵ *Slovo 21*, Position of Roma Women (2014), p 30

¹⁵⁶ Analysis of FRA Roma survey results by gender (2014), p. 16

¹⁵⁷ As an example, she states that within the programme they hand out condoms, but not in socially excluded localities because they are not sure how they would be received.

¹⁵⁸ The VOP produced a detailed report on this, see *Final Statement of the Public Defender of Rights with Respect to Illegal Sterilisations and Proposals for Remedial Measures from 2005*, available at: <https://eso.ochrance.cz/Nalezene/Edit/2596>, accessed 30 October 2018.

¹⁵⁹ See for example *Coercive and Cruel: Report of the European Roma Rights Centre. Sterilisations and Their Consequences for Romani Women in the Czech Republic (1966 – 2016)*. ERRC: 2016. Available at: http://www.errc.org/uploads/upload_en/file/nucene-a-krute-28-november-2016.pdf, accessed 30 October 2018.

¹⁶⁰ No remedy procedure has been made available by the state; however, discussion with members of the Government has continued. See <http://llp.cz/2018/08/premier-andrej-babis-se-setkal-se-zastupci-obeti-nedobrovolnych-sterilizaci/>, accessed on 3 October 2018.

Drug use among Roma

In 2017 the National Monitoring Centre for Drugs and Addiction (NMSDZ) conducted two surveys of relevance to this particular health vulnerability, "Health and addictive substances among the Roma"¹⁶¹ and "Drug use in socially excluded localities"¹⁶² in collaboration with the Office of the Czech Government Council on Roma Minority Affairs. This was a questionnaire-based study with a sample of 612 respondents living in localities where the Council's Roma field worker programme has long been active. The questions asked were about health; life satisfaction; use of alcohol, gambling, illegal drugs and tobacco; and the use of addiction-related services. Some of the data reported are disaggregated by gender.

The findings are that most Roma (more men than women) say they smoke tobacco daily, but very few report consuming alcohol daily (11% of men and 3.3% of women), although binge consumption (five or more glasses on a single occasion) at least once a month was reported by 50.2% of men and 21.7% of women. Illegal drug use at least once in their lives was reported as most often involving cannabis (52.4% of all respondents) followed by unprescribed tranquilizers, amphetamines and methamphetamine, ecstasy, glue, mushrooms, anabolic steroids, LSD, heroin and other opioids, cocaine, "new synthetic drugs", and Subutex® or Suboxone®. When comparing these findings with those for the general population, the Roma respondents reported higher usage of both illegal and legal habit-forming substances, with the highest difference reported in methamphetamine use, which Roma reported using 10 times more than non-Roma did.¹⁶³

Problems associated with addiction are mainly addressed by specialised clinics and other organisations, none of which specifically focus on Roma or socially excluded localities. Organisations operating among Roma living in social exclusion refer their clients to these specialised facilities if needed.¹⁶⁴

¹⁶¹ "Health and Addictive Substances among Roma", research implemented in 2017 by the National Monitoring Centre for Drugs and Addiction in cooperation with the ppm factum agency and the Office of the Czech Government Council on Roma Minority Affairs. Conclusions published on page 6 of the *Annual Report on the Drug Situation in the Czech Republic in 2016*. National Monitoring Centre for Drugs and Addiction. Prague: 2017, available at: https://www.drogy-info.cz/data/obj_files/32733/787/Z5_2017.pdf, accessed 22 December 2018.

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ Information provided in writing by DROM, September 2018. See more details also in the *Annual report on the Drug Situation in the Czech Republic in 2016*. National Monitoring Centre for Drugs and Addiction. Prague 2017

EDUCATION

The main problem Roma face in school is discrimination resulting in segregation. Since the Roma population is estimated at below 3% of the Czech population, the existence of schools with high Roma populations is an indicator of their ethnic segregation.

In December 2018 the Education Ministry unveiled its Action Plan for Inclusive Education 2019-2020 in anticipation of its adoption by the Government and approval by the European Commission.¹⁶⁵ The plan was drafted by the Expert Platform on Common Education, which was convened as part of a ministerial project on "Support for Common Education in Pedagogical Practice". It proposes analysing the education provided in preschools and primary schools with higher representations of Roma pupils, as determined by the regular qualified estimates of the number of Roma pupils enrolled. Together with the Technological Agency of the Czech Republic, the ministry will research the barriers to enrolling children from socially excluded localities into mandatory preschool and will make recommendations on that basis; ask the Czech School Inspectorate to investigate and report on schools with more than 50% Roma pupils; and described the academic achievements of those attending such schools. During the 2018/2019 school year the aim was said to be to find schools that have managed to eliminate disadvantaging factors in order to help pupils achieve academically and to use their experience to design instruments, methodologies and organisational approaches for the following school year, when the aim would be to identify measures that can achieve such results. The report is meant to assess the cause of Roma pupil concentration and ethnic homogeneity in the schools, the consequences of this social spatial segregation, the quality of the education provided in such schools, the educational programmes of such schools, the ethnic composition of classrooms, the pupils' academic achievements, the number of such pupils matriculating to secondary school, the number dropping out of education and how to prevent such dropout, the use of teaching assistants, collaboration with external entities, the state of the educators' own continuing education during the previous three years, the support measures being used, the kinds of disabilities being addressed, and the school's use of development and subsidy programmes. The ministry will then design further measures for these schools in collaboration with these schools' establishers. It is too early to assess whether this approach will motivate behaviour by establishers, parents and school administrations that will alter the long-entrenched patterns now resulting in Roma segregation that will be described below.

The NRIS includes indicators on education.¹⁶⁶ Roma in education have been monitored for a decade,¹⁶⁷ but despite the declared fulfilment of the NRIS indicators, the Czech Republic does not yet adequately monitor the impact of its policy on Roma in practice. This chapter analyses whether policy is based on the actual needs of Roma in compulsory education and beyond. Roma access to education and support for their needs largely depends on whether they live in socially excluded localities,¹⁶⁸ on their *de*

¹⁶⁵ National Institute for Further Education, 18 December 2018, <http://www.inkluzevpraxi.cz/kategorie-verejna-sprava/1711-msmt-pripravilo-navrh-akcniho-planu-inkluzivniho-vzdelavani-na-obdobi-2019-2020>, accessed 17 June 2019.

¹⁶⁶ *Report on the State of the Roma Community in the Czech Republic for 2017 and Information on the Implementation of the National Roma Integration Strategy to 2020 for 2017*

¹⁶⁷ See the annual editions of the *Report on the State of the Roma Community*; Open Society Fund Prague (www.osf.cz); *Slovo 21*, Position of Roma Women (2014).

¹⁶⁸ According to the map of socially excluded localities, there are 606 such localities with up to 115,000 people, mainly Roma. Čada, K. et al, *Analyses of the Socially Excluded Localities in the Czech Republic*, (Praha: 2015), available at: <http://www.esfcr.cz/file/9089/>

facto segregation on an ethnic basis from preschool onward,¹⁶⁹ and on attitudes towards the Roma as such.¹⁷⁰

The 2007 European Court of Human Rights (ECtHR) judgment "D.H. and Others v. the Czech Republic"¹⁷¹ found schools had indirectly discriminated against Roma by unjustifiably recommending them for enrolment into "special education" for the intellectually disabled because of their ethnicity.¹⁷² D.H. sparked efforts to tackle this disproportionate, illegal placement of Roma into "special education", especially the "practical" primary schools.¹⁷³ Since 2009 the Czech School Inspectorate (ČŠI) has focused on the inappropriate enrolment of Roma into special education and the practices involved,¹⁷⁴ although both civil society and the Government have reported that the ethnic segregation that once typified "special schools" has now moved into mainstream ones. The European Commission launched infringement proceedings against the country in 2014¹⁷⁵ on suspicion of violation of the Race Equality Directive because reforms are proceeding too slowly.

Roma remain disproportionately educated as disabled; while the ČŠI reports the number of Roma incorrectly enrolled into "practical primary schools" for the disabled is falling,¹⁷⁶ Government reports (from 2012, 2016 and 2017) find the number of Roma attending mainstream primary schools together with non-Roma is not growing. Non-Roma parents pressure schools to intensify ethnic segregation,¹⁷⁷ and establishers and principals resist this pressure randomly. Some local measures limit discrimination and segregation by using online registration instead of in-person registration or by redesigning catchment areas to increase the integration of socially excluded children.¹⁷⁸

¹⁶⁹ There is more than one kind of preschool; this especially concerns "preparatory classes" of primary schools, including at the "practical" and "special" primary schools, and is further discussed in the antigypsyism section of this chapter.

¹⁷⁰ *Report on the State of the Roma Community in the Czech Republic for 2017*

¹⁷¹ Open Society Fund Prague, History of the D.H. Judgment, available at: <http://osf.cz/cs/publikace/strucna-historie-rozsudku-d-h-a-ostatni-proti-cr/>

¹⁷² Open Society Justice Initiative, *How to Lose Another Generation*. Open Society Foundations: 2012, Czech edition available at: <http://osf.cz/cs/publikace/jak-ztratit-dalsi-generaci/>

¹⁷³ These schools teach according to the Mild Mental Disability Annex to the primary curriculum, which was recently abolished; Roma children were diagnosed as mildly mentally disabled using inappropriate methods and then enrolled into these schools (in some cases with a "borderline" diagnosis).

¹⁷⁴ The ČŠI has surveyed the "practical" primary schools and the author of this chapter participated in five such surveys in 2009 and 2010. The surveys were repeated in 2015 and 2016. See the annual report available at: [https://www.csicr.cz/getattachment/cz/Dokumenty/Vyrocnizpravy/Vyrocnizprava-Ceske-skolni-inspekce-za-skolni-\(2\)/Vyrocnizprava_CSI_2015-2016_priloha_TZ.pdf](https://www.csicr.cz/getattachment/cz/Dokumenty/Vyrocnizpravy/Vyrocnizprava-Ceske-skolni-inspekce-za-skolni-(2)/Vyrocnizprava_CSI_2015-2016_priloha_TZ.pdf)

¹⁷⁵ ERRC, press release on infringement, <http://www.errc.org/press-releases/errc-hopes-that-eus-proceedings-against-the-czech-republic-sends-a-strong-signal-to-all-member-states-that-discrimination-will-not-be-tolerated>

¹⁷⁶ Czech Education Ministry press release, available at: <http://www.msmt.cz/ministerstvo/novinar/pocet-zaku-v-prakticky-skolach-klesa>

¹⁷⁷ For example, in Brno, at the Primary School on Merhautova Street, administrators were confronted with a petition from non-Roma parents demanding their children not be educated together with Roma children after more Roma pupils than before enrolled into first grade. The school eventually succumbed and created a so-called "Roma class" just for those children. The story of this Roma class was then communicated nationwide through the controversial "Ptáčata" ("Little Birdies") reality TV programme produced by public broadcaster Czech Television (ČT).

¹⁷⁸ In Brno and in Ústí nad Labem, the situation was dealt with, for example, by using electronic enrolment into preschools (and in Brno also for enrolments into primary schools). Unfortunately, although a good idea in principle, this measure has failed in Brno because of the design of school catchment areas. Roma parents complained of continuous discrimination and reported that school administrators always found a way to give priority to non-Roma parents while recommending Roma parents enrol their children into segregated schools. In Sokolov, on the other hand, they tried to resolve the situation by changing the catchment areas and thus distributing Roma children among more schools. This decision, however, required a clear statement

Recent reforms to special education have introduced inclusion, bringing children with various needs together at all levels of mainstream schools.¹⁷⁹ The media debate on inclusion is negative, alleging that it places unbearable demands on educators, although the reforms as implemented have not triggered the feared “flood of disadvantaged pupils” into mainstream schools.¹⁸⁰ Unfortunately, instead of the media covering expert discussions about education and the preparedness of educators and school establishments to adapt to policy change, they have instead reinforced interest groups and lobbying initiatives making irrational, manipulative arguments about inclusion.¹⁸¹ At the close of 2018, a controversial amendment that would further adjust the rules governing the provision of special education underwent the inter-ministerial commenting process (see pp 53-54 below).¹⁸² The amendment has been criticised by the Foreign Affairs Ministry, the Justice Ministry, and by domestic and international civil society for opening the door to educators being able to more easily return to the illegal, unconstitutional practices that prevailed before D.H.¹⁸³ If adopted, the amendment could mean efforts to prevent the schools from desegregating will have temporarily prevailed.¹⁸⁴

Improving access to quality preschool education and care

About 360,000 children attend preschool in the Czech Republic, most between ages 4 and 6, some at 3 or younger.¹⁸⁵ Before compulsory preschool began with the 2017/2018 school year, about 90% of all 5-year-olds attended preschool, but in socially excluded localities, far fewer 5-year-olds did – a regional survey by the World Bank and the Roma survey by the United Nations Development Programme (UNDP) in 2011 found just 28% of Roma were in preschool compared to 76% of children overall. A June 2015 feasibility study¹⁸⁶ presented a hypothetical model¹⁸⁷ according to which more than half of Roma 5-year-olds did not attend preschool.

saying that the city does not want segregated schools. Such clear declarations are missing in many other cities. See People in Need, <https://www.clovekvtisni.cz/media/publications/447/file/1433432409-sokolov-web.pdf>

¹⁷⁹ More information about the principles of inclusion is available through the websites of the Czech Professional Association for Inclusive Education www.cosiv.cz, EDUin, www.eduin.cz, and Open Society Fund Prague www.osf.cz, all NGOs.

¹⁸⁰ Czech Professional Association for Inclusive Education press release, available at: <https://cosiv.cz/cs/2016/03/22/co-nemeni-system-podpurnych-opatreni-od-zari-2016-2/#more-3313>

¹⁸¹ For example, the Association of Special Pedagogues and articles published by inclusion opponents (e.g., the Pedagogical Chamber, see <http://www.pedagogicke.info/2017/08/marketa-hronova-inkluzije-dvakrat.html>, or <https://www.pedagogicka-komora.cz/2018/09/pedagogicka-komora-podporuje-zmeny-v.html>)

¹⁸² Amendment to Decree No. 27/2016, Coll., on the education of pupils with special educational needs and on gifted pupils, as amended

¹⁸³ ČTK, “Foreign Affairs, Justice, Labor and Social Affairs Ministries warn EdMin changes to inclusion violate the Czech Republic’s obligations”, Romea.cz, 6 December 2018, available at: <http://www.romea.cz/en/news/czech/foreign-affairs-justice-labor-and-social-affairs-ministries-warn-edmin-changes-to-inclusion-violate-the-czech-republic-apos>

¹⁸⁴ Efforts to revise inclusion-oriented measures are already underway without such a review being based on a satisfactory assessment of the implementation of the measures and the form of the system (i.e., whether the system has really done its best to ensure that inclusion is realistic and accepted as a necessary principle of education in the Czech Republic). An example of such a hasty effort is this article by the Pedagogical Chamber at <https://www.pedagogicka-komora.cz/2018/09/pedagogicka-komora-podporuje-zmeny-v.html>

¹⁸⁵ Not all preschools accept children under 3. Parents can choose to take up to 4 years of parental leave. Most parents take 3 years; see “Parental leave in 10 figures,” České noviny, 25 August 2014, available at: <https://www.ceskenoviny.cz/zpravy/rodicovsky-prispevek-v-deseti-cislech/1115395>

¹⁸⁶ Hůle, Daniel, et al. Introduction of the mandatory final year of preschool education before commencement of schooling (Feasibility Study). Organisation Tady a teď, o.p.s., Demographic Information Centre, o.s. (Demografické informační centrum, o.s), Plzeň: 2015.

¹⁸⁷ In the Czech Republic there are no ethnic data collected in this area.

In 2016, an amendment to the Education Act (Act No. 178/2016, Coll.) was adopted and, with effect from September 2017, mandated compulsory preschool for children age 5¹⁸⁸ with an alternative offered in the form of individual education.¹⁸⁹ This amendment was approved despite a feasibility study¹⁹⁰ highlighting that, as designed, it would not have the intended effect (improved adaptation by children to first grade and improved academic achievement), but would likely lead to antagonism against socially disadvantaged families, especially Roma. The study predicted the majority population would identify Roma as being “to blame” for the measure, which expands the duties of all parents of preschool-aged children (especially as regards the right of a preschool to an explanation for a child’s absence).

The shortcomings of the introduction of compulsory preschool were immediately apparent during its first year. Roma parents in socially excluded localities were not adequately informed of the new obligation and missed enrolment deadlines.¹⁹¹ ČŠI studied the impact during the fall semester,¹⁹² finding 3% of 5-year-olds still did not attend preschool, most from socially excluded localities.¹⁹³

The amendment was intended to increase capacity so all 5-year-olds in a catchment area could attend preschool locally. However, the NGO People in Need (PiN) and the ASZ found in 2017 that in 11 regions, socially excluded parents were not well-informed about compulsory preschool, nor were the preschools themselves. There is no official guidance on communicating information about unenrolled 5-year-olds, reporting absenteeism, or addressing non-attendance.¹⁹⁴ In some cases, Child Welfare Protection Agencies (OSPODs) or local Education Department staff identified children whose parents did not enrol them, or who were enrolled but not attending. The concerns of some NGOs that Roma parents would be pushed by preschools to officially “home school” their children individually have not yet materialised.

Barriers to Roma accessing preschool education

The preschool network is relatively sufficient; most families live near one, and their capacity in most places is adequate. Nevertheless, there are barriers and limits that prevent preschools from exerting a greater effect on Roma and socially excluded

¹⁸⁸ Compulsory preschool attendance applies to all children who are 5 by 31 August of the given calendar year.

¹⁸⁹ In addition to public preschools established by the state, municipality or Regional Authority, there are also private preschools. These are less numerous and more expensive (the monthly tuition fee, not including meals, amounts to thousands of Czech crowns).

¹⁹⁰ Hůle, Daniel, et al. Introduction of the mandatory final year of preschool education before commencement of schooling (Feasibility Study). Organisation Tady a teď, o.p.s., Demographic Information Centre, o.s. (Demografické informační centrum, o.s), Plzeň: 2015.

¹⁹¹ People in Need Foundation, *Survey among preschools and municipal school departments regarding the mandatory preschool year. Summary of preliminary results* (December 2017). Described in the press release “Children not avoiding mandatory preschool education by receiving individual education,” 8 January 2018, available at: <https://www.clovekvtsni.cz/tz-deti-si-individualnim-vzdelavanim-povinnou-materskou-skolu-nenahrazuji-4801gp>

¹⁹² ČŠI, *Impact of mandatory preschool education on the organisation, personnel and educational activities of preschools during the first term of the school year 2017/2018. Thematic report*. 2018. Available at: <https://www.csicr.cz/getattachment/494adcd7-2e4b-40a7-b564-383d964ce14d/TZ-Dopady-povinneho-predskolniho-vzdelavani.pdf>

¹⁹³ Newspaper articles point this out: “Hundreds of parents didn’t enrol their children to preschools, parents face fines” (iDNES.cz, 28 July 2017); “Officials verify which children did not attend enrolments at preschools. And why.” (iDNES.cz, 31 July 2018); “Mandatory preschools? Hundreds of children not enrolled by their parents.” (Brno Daily, 13 July 2017); “Officials in northern Bohemia are looking for children who have not started mandatory preschool education” (Czech Radio, 8 September 2017). Some children who were registered as not enrolled had either moved abroad long-term or had enrolled in a preschool outside their catchment area which did not notify the authorities.

¹⁹⁴ People in Need Foundation. *Survey among preschools*.

children. The first is the cost. For 3-to-4-year-olds, fees range from EUR 15 to EUR 40 per month. While compulsory preschool for 5-year-olds is free, it incurs costs such as meal plans (EUR 27 per month), contributions to “cultural funds” (EUR 20 per year), and costs for other equipment or supplies.¹⁹⁵ Financial support for families in need is inconsistent and varies by region (for example, not all regions are included in the MPSV free school lunch programme and not all schools in the covered regions choose to participate).¹⁹⁶

The second barrier is that children from home environments where more than one language may be spoken, such as Roma children, may have greater adaptation needs, as may the children of less educated parents. PiN research also suggests that the adaptation of children who begin preschool at 5 is more difficult and takes longer than when children attend preschool before 5.¹⁹⁷

The third barrier is that preschools are not organised to work with children individually, and preschool teachers lack the necessary competences for working with Roma and/or socially excluded children. More administrative burdens and class sizes of up to 25 children (per two-teacher team) do not foster individual work, and preschool teachers have not been trained appropriately; they have unrealistic expectations due to their ignorance of behavioural or eating habits among children from different cultures.¹⁹⁸ This demonstrates that the NRIS indicator on ensuring “*professional guidance, education and support for all school staff for the integration of Roma children into pre-school education and increas[ing] professional support for teaching staff at schools on the integration of Roma children into pre-school education*” has not been met.¹⁹⁹

The final barrier is the approach taken by preschools towards Roma parents. PiN research found that in some preschools, the communication methods do not reach socially marginalised parents (for example, if information is only posted on a bulletin board, not personally communicated by the teacher).

According to Roma community workers in Ostrava, the situation of enrolling Roma children into preschool is similar to that of enrolling them into primary school: Non-Roma parents tend to refuse to enrol their children into preschools with Roma children. Preschool principals reportedly use various techniques of dissuasion to persuade Roma parents to enrol their children elsewhere, such as recommending Roma parents take the child to a so-called “mothers’ centre” run by an NGO or misleading the parents about the cost of enrolling.²⁰⁰

Tentative conclusions about Roma preschool attendance

The introduction of compulsory preschool for 5-year-olds has not (thus far) significantly impacted Roma; socially excluded children generally remain unlikely to attend. When Roma 5-year-olds attend preschool, parents and teachers assess the impact on their development as positive, but if they first begin preschool at 5, their adaptation takes longer. The ideal solution would be to encourage Roma preschool attendance before age 5.

The obstacles to Roma 5-year-olds meeting this obligation have not yet been worked on either methodologically or systematically. Some NGOs or preschools employ assistants,

¹⁹⁵ Hůle, Daniel, et al. 2015. *Introduction of the final mandatory year*

¹⁹⁶ *Ibid.*

¹⁹⁷ People in Need Foundation. *Survey among preschools*

¹⁹⁸ *Ibid.*

¹⁹⁹ NRIS, p. 45

²⁰⁰ Telephone conversation with *Awen Amenca* staffer Jolana Šmarhovyčova describing practices she has witnessed in the Ostrava area.

field workers, or social educators to communicate between socially excluded families and preschools. There is, however, little support for preschool teachers to develop their own competences for working with children from different sociocultural backgrounds, and training programmes for them are not preparing them effectively in this respect.

The related issue of preparatory classes at primary schools for pupils not considered ready for first grade will be addressed in the section on antigypsyism below.

Improving quality of education until the end of compulsory schooling

Compulsory education ends with grade nine (at age 15). To date the improvements made to improve Roma access to compulsory education have just focused on preventing their illegal enrolment into special education. In 2017/2018 Roma still comprised an estimated 29.5% of all pupils educated in programmes for pupils with mild mental disabilities (down from 30.9% year-on-year). Given that Roma pupils comprise just 3.6% of all pupils, the degree to which they are classified as disabled remains disproportionately high.

The abolition of the Framework Educational Programme Annex Specifying the Education of Pupils with Mild Mental Disabilities (LMP) was a successful outcome of advocacy after D.H., as was the adoption of new rules for recommending support measures for pupils' special educational needs ("inclusion"). Today such support must be provided by mainstream schools together with educational counselling centres before children can be recommended for separate special education.²⁰¹ Merely abolishing the LMP curriculum for use with new cohorts, however, has not led to non-Roma and Roma children attending mainstream preschools and primary schools together. Other measures include the introduction of compulsory preschool education from age 5, modification of the special needs diagnostic system and its recommendations, and changes to how special needs support measures are financed.²⁰² So far these reforms have not yielded the desired effects because educators are unprepared to address the challenge of educating cohorts who are increasingly diverse with respect to their backgrounds and needs.²⁰³

The Report on the State of the Roma Community in 2017 uses information from the MŠMT, which asked primary school principals (all 4,152 of them) to report the approximate number of Roma attending between 25 September 2017 and 15 November 2017 (a method followed during the two previous school years). The numbers reported are "qualified estimates" by principals based on third-party identification of Roma children and are not considered statistically reliable. Regional Roma Coordinators also provide estimates to the Government Council on Roma Affairs using the same method (no comparison between the two estimates is available).

We are not aware of any national campaigns targeting Roma families about education. The VOP did distribute leaflets to Roma about school enrolment procedures before the 2017/2018 school year. No such campaigns have been undertaken by municipalities, municipal departments, or Regional Authorities.

NGOs report mixed results on some of their own previous attempts to improve Roma access to quality education. In 2010 the NGO *IQ Roma servis* implemented a community campaign encouraging Roma to enrol children into schools with good reputations, but

²⁰¹ Amendment to the Schools Act, No. 178/2016, Coll.

²⁰² *Report on the State of the Roma Community in the Czech Republic in 2017*

²⁰³ In Brno, *IQ Roma Servis* and Roma parents were dealing with insufficient capacities or with the unwillingness of preschools to provide this compulsory education to Roma. According to the Open Society Fund's qualitative research, schools at all levels are critical of the administrative burden and poor coordination of the changes to the system associated with the introduction of inclusion; they also are critical of the problem-solving done during the implementation of these changes. See Moore, D. *System in non-system, or inclusion a year later* (OSF, Prague: 2018)

one such mainstream “non-Roma” school reportedly responded by asking a Roma assistant employed by a “Roma” school to “explain” to the Roma parents that they should not attempt to enrol in schools that were not “for them”.

Operational Programme Research, Development and Education (OP VVV)

One NRIS sub-task related to compulsory education is to support activities focusing on the transition of pupils from sixth grade to the final three grades of compulsory schooling and then from compulsory schooling into secondary education. Such projects have been supported under three OP VVV tenders on inclusive education (Call no. 02_15_007, no. 02_16_021 and no. 02_16_039); 53 projects there are drawing more than EUR 46 million total. Given the timetable of the OP VVV, it is not yet possible to evaluate the implementation.

Roma parent initiatives and perspectives

Enrolling children into mainstream schools has been a long-term ambition not just for pro-Roma and Roma NGOs, but for Roma communities and parents. In Ostrava, the *Awen Amenca* organisation and the related Roma Parents’ Association have been rolling out volunteer-run awareness campaigns, successfully encouraging Roma parents to enrol their children into high-quality mainstream schools. Their efforts have begun to change the ethnic distribution of Roma children in the schools in Ostrava.

Awen Amenca monitors the enrolment process for Roma children into primary school in several parts of the country.²⁰⁴ They have collected statements from principals²⁰⁵ responding to Roma parents attempting to enrol their children – a typical example of a response is as follows:

“Wouldn’t [the Roma children] be better off at ‘their own’ schools? Here, the white kids may bully them. Wouldn’t it be better to hold those Roma children back a year? What if the parents of white children complain that so many Roma children are coming to us? If we don’t accept these Roma children, who is that going to bother?”

Awen Amenca made audio recordings during interviews with the principal of the Pěší Primary School in Ostrava-Muglinov that were used as evidence to prove the ethnic basis of that principal’s refusal to enrol two Roma children. The parents sued and the result was the ruling mentioned in the first Roma Civil Monitor report, where the District Court recognised the discrimination against these children in their access to quality education. In his reasoning, the judge noted that discrimination against Roma children during registration leads to the creation of segregated schools.²⁰⁶ However, given the nature of the Czech legal system, the ruling was not as significant as *Awen Amenca* hoped and remains an isolated positive deviation from prevailing practice. Such lawsuits are rare.

Slovo 21’s 2014 survey asked Roma women about their children’s experiences of compulsory education. The respondents said that despite their children having the same enthusiasm and yearning for education as others, they had experienced conflict, discrimination, or exclusion at school. Some respondents described positive experiences of teachers supporting their children in resisting recommendations that they enrol into separate “practical schools”. All respondents said they preferred mixed classes for their children to majority-Roma or Roma-only classes, because they believe attending mixed classes yields better scholastic achievement and teaches all children how to live together

²⁰⁴ See www.awenamenca.cz

²⁰⁵ Written communication with *Awen Amenca* based on transcribed recordings of their interviews with principals.

²⁰⁶ ČTK, 3 March 2017, in Romea.cz, “Czech court rules that school ethnically discriminated against Romani children by rejecting their enrollment”, available at: <http://www.romea.cz/en/news/czech/czech-court-rules-that-school-ethnically-discriminated-against-romani-children-by-rejecting-their-enrollment>

and build relationships with the wider community (children get to know each other at school, and in smaller towns they will most likely encounter each other later as adults). Some respondents said they had agreed to enrol their children into “practical schools”, mostly out of fear for their children’s safety or self-confidence should they attend mainstream schools, but they did not believe the educational psychologists’ assessments that their children had “mild mental disabilities”. Some respondents said they knew of other Roma parents who do not support their children’s education because they themselves have no experience with the advantages a good education brings. Of the respondents whose children were in “mixed” classes, they noted that as their children progressed in school, the percentage of their Roma classmates decreased. Respondents said they did not know how to proceed when children were discriminated against by their peers, particularly since expressions of hate begin at an early age when it is clear the non-Roma children are just parroting the opinions of adults. Some respondents said they think it is necessary for Roma parents to prepare for their children to be discriminated against in the schools and to follow their own path regardless. Teachers were also said to discriminate. Lastly, respondents reported that Roma adults who attain higher education still have no faith that their achievements will help them prosper in society.²⁰⁷

Possible setbacks to Roma access to quality compulsory education

As of this writing, an amendment to Decree No. 27/2016, Coll., on special education, is being considered for adoption that could make it possible for the continued development of inclusive practices to be frozen or undone. The amendment would lower the number of educators allowed per class from three to two; eliminate wording emphasizing that it is preferable for pupils with special needs to be educated in mainstream schools; and would no longer require special schools to define the kinds of disability they are equipped for. Proponents of the amendment allege it will reduce administrative burdens and the cost of inclusion, but it will also make it easier for children to be recommended for enrolment into “special schools” or separate classes.

There is an actual danger that the process of inclusion will be either delayed or stopped, and that educators will feel empowered to recommend disabled or Roma children enrol into separate special schools or attend separate classes. The Government is not expressing support for inclusion and the President is actively opposed to it, along with some vocal special educators who are lobbying for it to be limited and then stopped. Current and incoming educators are not being supported with the transition to inclusion and the public is not being informed well about it by the Government. Our concern is that the Government will not wait to see the long-term outcomes of inclusion but will react to problems on an *ad hoc* basis in response to uninformed public pressure. While some of the measures for introducing inclusion were not sufficiently thought out, and while the schools were not prepared for them with enough advance notice, proper leadership could correct the current shortcomings.

Support of secondary and higher education particularly for professions with high labour market demand

The NRIS²⁰⁸ promotes the secondary and tertiary education of Roma at point 5.5. According to the Government, in 2017 several policy measures aiming to reduce barriers for Roma accessing university were adopted.²⁰⁹ The most important is the social scholarship, which does not consider ethnicity a criterion. The scholarship is calculated based on the minimum wage rate since an amendment to the Higher Education Act to that effect was adopted in 2016.

²⁰⁷ *Slovo 21*, Position of Roma Women in the Czech Republic (2014), pp 22-23.

²⁰⁸ NRIS

²⁰⁹ Information on the Fulfilment of the Roma Integration Strategy to 2020 during 2017

MŠMT runs a scholarship programme called Support for Socially Disadvantaged Roma Pupils of Secondary Schools, Conservatories, and for Students of Higher Vocational Schools.²¹⁰ Applications for this scholarship are submitted by schools, not students, a fundamental difference between this programme and non-profit scholarships. According to MŠMT estimates, upwards of 900 Roma graduated from conservatory or secondary school in 2016/2017 and upwards of 2,000 Roma graduated from compulsory education. The state scholarship programme is implemented in two rounds annually. Between January and June 2018, 709 Roma students were supported through subsidies to schools totalling 140,293 EUR.²¹¹

Two sub-tasks in the NRIS address this scholarship programme. The first asks that its effectiveness and efficiency be improved by offering a complementary support system delivering coaching, tutoring and other activities to increase Roma students' self-esteem and prevent dropout. Such activities were introduced in 2016, with 37,606 EUR made available to 723 students, followed by 31,460 EUR made available to 700 students in 2017.

The second NRIS sub-task was to increase the funding for this scholarship programme to 463,320 EUR as of 2016. This did not happen; according to MŠMT, "In 2018, an evaluation of the programme was carried out for the year 2017. The evaluation did not show the need to increase funds for the scholarship programme. Much of the money disbursed to the schools was returned." Beneficiaries can only receive full support for certain items and only as reimbursement against receipts - otherwise, the money is returned. It is questionable whether this is an appropriate financing method for supporting low-income or socially excluded students.

The most recent "Education at a Glance" report by the OECD²¹² finds the Czech Republic is failing to improve the social mobility of youth whose parents achieved only basic or vocational education. The number of such youth accessing Czech post-secondary education is one of the lowest among the OECD countries. The plan to establish a nationwide cut-off score for high school admission examinations, advocated by some educators and local governments, will cement the social reproduction of deprivation due to low educational achievement and low socioeconomic status; evidence from other countries shows that cut-off scores increase inequality. Since many Roma are already at risk of the social reproduction of their low socioeconomic status through the education system, the cut-off score could disproportionately harm them.²¹³

Scholarships for Roma students from NGOs

The NGO *ROMEIA* has been providing scholarships for Roma secondary students (540 EUR per student per school year) and higher vocational students (811 EUR per student per school year; higher amount is due to the fact, that education in VET involves higher costs for equipment purchase) since 2016. In 2017/2018, *ROMEIA* awarded scholarships to 83 students (76 secondary and 7 higher vocational). These students can also access tutoring and mentoring, attend extracurricular training, or intern with companies.

ROMEIA organises multi-day meetings of Roma secondary and university students called "*BARUVAS*" (in Romanes, "We are growing") to promote their awareness of Roma history, Roma identity, their self-confidence and other matters useful to their personal

²¹⁰ See the ministry's website, <http://www.msmt.cz/vzdelavani/zakladni-vzdelavani/roma-ss-a-vos>, accessed 10 October 2018.

²¹¹ See the ministry's website, <http://www.msmt.cz/file/45704/>, accessed 10 October 2018

²¹² OECD, available at: https://read.oecd-ilibrary.org/education/education-at-a-glance-2018/czech-republic_eag-2018-42-en#page1

²¹³ Email from Bohumil Kartous, coordinator of communications, EDUin.

and professional growth. BARUVAS runs on a budget of 46,331 EUR annually and will continue in 2018-2019.

Open Society Fund Prague announced a Roma university scholarship for 2017/2018 capped at 2,317 EUR per student per year. This programme also pairs students with mentors. For 2017/2018, 13 candidates applied and 10 scholarships were granted to 6 women and 4 men. 27,240 EUR was allocated for scholarships, tuition fees, extracurricular language courses and internships. Programme coordination, including travel for students to events and meetings, cost 10,540 EUR.

Scholarships for Roma secondary or university students are also provided by the foundation *Nadační fond Verda*. In 2017, 69 Roma students were supported with 14,093 EUR total there.

Scholarships for female Roma students attending secondary schools specializing in pedagogy have been offered since 2015 by the Roma Education Fund (REF). In 2017 the scholarships were specifically offered for the "Preschool and extracurricular pedagogy" or the "Pedagogical Lyceum" programmes.²¹⁴

Scholarships for both male and female Roma studying for a Bachelor's, Master's or doctorate have been provided by REF through ROMEA since 2010. For 2017/2018, of 68 applications, 34 students were supported with 37,211 EUR total. For 2018/2019, the number of students supported dropped after REF stopped awarding scholarships to bachelor's students studying part-time.

Since 2015 the NGO *Slovo 21*, together with the United States Embassy in Prague, has provided internships for Roma university students or foreign nationals with long-term residency in the Czech Republic interested in improving their skills. The trainees have gone on to find work at companies, NGOs and public institutions (including the US Embassy in Prague).

Compared with the Government's scholarship programme, which does not see full use being made of the resources available, the NGO scholarship programmes provide Roma students more autonomy and flexibility. Roma student interest in them is high, with the number of applications regularly exceeding the resources available. This demonstrates that Roma are indeed strongly motivated to study beyond compulsory education. It also demonstrates that school officials administering the Government's scholarship programme may not have an incentive to do so effectively.

Transition from education to employment

Although the unemployment rate in the Czech Republic has been low²¹⁵ recently, the unemployment rate of young Roma in non-seasonal, skilled jobs, particularly in economically disadvantaged regions in Bohemia, remains high – a 2015 survey estimated it at 27%.²¹⁶ As of September 2018, the educational category in which most people find themselves officially unemployed is that of certified apprentice (more male than female apprentices unemployed).²¹⁷

²¹⁴ Kenety, Yveta, REF, 22 July 2017, Romea.cz, "Scholarship for female Romani students at Czech pedagogical secondary schools open until 31 August", available at: <http://www.romea.cz/en/news/czech/scholarship-for-female-romani-students-at-czech-pedagogical-secondary-schools-open-until-31-august>

²¹⁵ Czech Statistical Office, Employment, unemployment rates and economic activities (August 2018), available at: <https://www.czso.cz/csu/czso/crimiry-zamestnanosti-nezamestnanosti-a-ekonomicke-aktivit-srpen-2018>, accessed 9 October 2018.

²¹⁶ Decade of Roma Inclusion Secretariat Foundation, Roma Inclusion Index 2015, available at: <https://www.rcc.int/romaintegration2020/files/user/docs/Roma%20Inclusion%20Index%202015.pdf>, accessed 9 October 2018.

²¹⁷ MPSV website, <https://portal.mpsv.cz/sz/stat/abs/polo>

Education quality influences Roma employability. The success of the inclusion reforms launched in 2016 with European Social Fund support will depend on adequate, sustainable national funding, on further professional training of educators, and on raising public awareness of the societal benefits of inclusion and desegregation.

The “National Youth Strategy for the period 2014-2020”²¹⁸ focuses on informal education of youth, aiming to create opportunities for them to learn so-called “soft skills” (leadership, teamwork, communication, problem solving, work ethic, adaptability and other interpersonal skills). The policy should facilitate the transition from studying to working, as well as improve access to education, employment, healthcare and social welfare services for disadvantaged youth, including Roma.

According to a 2014 report, 72% of Roma fail to complete either compulsory education or secondary school, significantly influencing their employability and social inclusion.²¹⁹ For non-Roma the corresponding figure is 25%.

Roma and Vocational Education (Apprenticeships)

According to the privately-run website about secondary education at www.stredniskoly.cz,²²⁰ schools offer apprenticeship certification in 1,171 fields of study through two or three-year courses, as well as in four-year courses with a school-leaving examination. In 2017, roughly 76,200 students graduated secondary education, 11,300 from apprenticeship programmes. The share of apprentices was 14.9%, nearly the same as in 2016 and 2015.²²¹ Construction and electrical/mechanical engineering account for more than 75% of apprenticeship graduates, while the food industry accounts for 10%. The biggest drop since 2005 has been in forestry and lumber apprenticeships, with an especially sharp drop in the textile industry. Based on graduation numbers, unemployment numbers, and the unemployment rate for 2015-2017, the average unemployment rate among apprentice graduates is 9.4%. For construction workers it exceeds 10%, while for engineering and some food industry graduates, it is below 7%.

We have no information about any targeted support for Roma apprentices that are effectively linked to labour market demand. In a marginal percentage of cases, partial support is provided by scholarships (for apprenticeships with school leaving-exams) from the MŠMT or through projects funded under OP VVV – Inclusive Education. More systematic, targeted support for Roma apprentices could be beneficial not just to them, but to the competitiveness of the country. Under the right conditions, such support could improve society’s perception of the Roma minority.

Fight against discrimination, segregation and other forms of antigypsyism in education

Because official efforts to achieve this aim are ineffective, civil society and individual Roma are taking local action on this front themselves.

The official qualified estimates of Roma pupil numbers in 2017/2018 included information about the location of schools with more than 30% Roma, most of which are in the Moravian-Silesian and Ústí nad Labem Regions. Of the 86 schools with 50% or more Roma, 28 are in socially excluded localities. MŠMT does not publicize maps with

²¹⁸ National Youth Strategy available at: <http://www.msmt.cz/mladez/narodni-strategie-pro-mladez>, accessed 10 October 2018

²¹⁹ FRA Roma Survey on Education, 2014, available at: http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf, accessed 10 October 2018

²²⁰ Available at: https://www.stredniskoly.cz/obory/?typ_studia%5B%5D=sv, accessed 5 November 2018.

²²¹ Association of Small and Medium Enterprises, available at: <http://amsp.cz/strojari-na-vzestupu-zednicke-a-truhlarske-profese-se-propadaji/>, accessed 5 November 2018.

the distribution of these schools or their names. Schools with more than 30% Roma number 136; 12 of them are 95% Roma.

According to the NRIS aim of eliminating Roma segregation in education, on 31 January 2016, MŠMT was tasked with analysing the formation of schools with higher numbers of Roma pupils (or other national minorities), with mapping the root causes of such demography, and with providing methodological support to municipalities on how to create school environments that are culturally and ethnically diverse. After the Government Council on Roma Community Affairs repeatedly reminded the MŠMT of this task, the ministry turned to the ASZ, which began the analysis in 2016 as part of a long-term project on "Inclusive and quality education in territories with socially excluded localities", scheduled for completion by 30 April 2022.²²² ASZ plans to publish initial findings of the analysis later in 2019.

Ethnic spatial segregation is associated with catchment areas; municipalities draw these areas, and their residents are preferentially entitled to register into compulsory education within them (church-established and private schools have no such catchment areas with reserved eligibility). Children are not required to attend preschools or schools in the catchment area of their residence. When Roma parents try to enrol children into schools outside their catchment area, they frequently face discrimination from non-Roma parents and principals.

In January 2017 the Interior Ministry (MV) and the VOP issued a methodological handbook to aid municipalities with exercising these powers following the introduction of inclusion. Catchment areas and enrolments are, in many municipalities, a kind of tradition that can be improved or revised to guarantee equal access (for example, by using online enrolment instead of in-person enrolment), but this does not represent an all-encompassing solution.

Roma parents are relatively unaware that they can enrol children in schools outside their catchment areas, or that if a school does not accept their child, they can ask the ČŠI to review the case. In some areas, Roma parents are accompanied by NGO staff or social workers even when enrolling children into their catchment schools because the presence of a third-party witness tends to ensure their proper treatment. It is unrealistic to assume that socially excluded Roma would enrol children into schools considered "for non-Roma" without first being informed of this option. Parents defending their school choices to principals need deeper knowledge of their options and rights than the average parent has. In localities where NGOs actively work with Roma parents, inform them of their options, and accompany them during enrolment, they are more likely to enrol their children outside of their catchment area, but it is exactly in such scenarios that Roma parents must grapple with principals attempting to regulate the number of Roma enrolling.²²³ Collaboration with NGOs is crucial because it is they who accompany the parents through the process of complaining to the ČŠI if necessary.

Mainstream primary schools sometimes dedicate entire buildings for use by Roma children to prevent their being educated alongside non-Roma children. An example of this is noted in a complaint by *Awen Amenca* to the ČŠI over the dubious, long-term practices of the Primary School in Ostrava-Vitkovice at 56 Šalounova Street. The complaint states:²²⁴ "This school has two buildings in two different locations and the enrolments take place in each building separately. We found the school uses a different educational programme for each building. It appears to actually be two different schools

²²² ASZ, available at: <http://www.socialni-zaclenovani.cz/inkluzivni-a-kvalitni-vzdelavani-v-uzemich-se-svl>

²²³ Jolana Šmarhovyčová of *Awen Amenca* gives the example of the Pěší Primary School in Ostrava, where the principal refused to enrol Roma children into their own catchment area primary school and claimed the school did not have room, which *Awen Amenca* staffers believe was an untrue statement.

²²⁴ Communication in writing with *Awen Amenca*, copy of the complaint to ČŠI

under the same name. One building is for children with 'good educational abilities' (Halasova St.), the other for children mainly from socially disadvantaged families (Šalounova St.). Only Roma children go to the latter building, and this is not always their parents' choice. The educational programme for this building contains the information that, at the upper primary level (middle school), the school gradually teaches according to minimum outcomes. We fear this means a reduction in the quality of education in this part of the school that is not entirely in accordance with the Education Act. In recent years there have been many instances when Roma parents enrolled their child at the building on Halasova St. and the school then arbitrarily sent the child to the building on Šalounova St. without the parents' knowledge."

Since 2015 this school has been the subject of several complaints which the ČŠI has always rejected as unfounded. Two years ago, the European Roma Rights Centre (ERRC) sued over the discrimination against Roma children during their enrolment into the school, but the case has been postponed by the domestic courts.

The tolerance of such arrangements reflects the deeply rooted, negative relationship between the majority society and the Roma and the refusal of non-Roma parents to enrol their children into schools with "many" Roma pupils. The presence of just two or three Roma children is frequently sufficient for non-Roma parents to transfer their children to schools where there are no Roma children. This "white flight" phenomenon remains a major problem. One of many examples is noted in an Amnesty International report from 2015: "The director of an exclusively Roma school told Amnesty International: 'During one day, 200 non-Roma pupils left our school... Around 260 pupils remained [enrolled] ... [Non-Roma] parents did not want to leave [their children] here, and other schools accepted them'."²²⁵

The ČŠI claims to monitor classroom diversity and to address cases where schools create all-Roma classes. It does not specify the number of such cases.²²⁶ In 2017/2018, the ČŠI received two complaints concerning the discrimination of Roma pupils, both of which were judged to be reasonable. They describe the process as follows: "The number of complaints we receive about discrimination against Roma pupils is quite low; in the past five years, there have been a few cases a year. The investigation into complaints is a process specified according to the Education Act, whereby we do not impose any 'sanctions', because according to law, the result of an investigation into a complaint is passed on to the establisher of the school, and it is the establisher who, based on the outcome of the complaint investigation, evaluates it and then informs us what measures they have taken."²²⁷

The VOP has long been asking the ČŠI to also address spatial segregation, stating that "It is not enough that the Inspectorate identifies a violation of the Education Act and submits a proposal for the dismissal of the principal. It must also initiate a criminal procedure and impose a sanction that is effective, proportionate and serves as a deterrent."²²⁸ The VOP also reports it received 57 discrimination complaints on the grounds of ethnicity or race during 2017.²²⁹ These complaints were mostly by Roma.²³⁰

²²⁵ Amnesty International, available at: <https://www.amnesty.cz/data/file/1993-chce-to-vice-snahy-vyzkumna-zprava.pdf?version=1457287650>

²²⁶ Email communication 10/2018 with PhDr. Ondřej Andrys, Deputy Central School Inspector

²²⁷ *Ibid.*

²²⁸ VOP Annual Report for 2017, available at: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyrocní_zpravy/Vyrocní_zprava_o_ochrane_p_red_diskriminaci_2017.pdf

²²⁹ *Ibid.*

²³⁰ Email communication with Veronika Bazalová of the Office of the VOP, 10/2018

Specific case profiles and the VOP's analysis of them are published on their website (<http://www.ochrance.cz/>).²³¹

NGOs note generally low awareness about how the inclusion reforms are meant to benefit various kinds of children. While NGO advocacy offline and online is important, the actual responsibility for ensuring equal access to education lies with the state.²³² Most Roma parents whose children are discriminated against are afraid to either complain to the ČSI, to file criminal charges, or to sue. They may be directly threatened by educators with retaliation if they do complain, such as educators contacting child welfare authorities or social services departments with allegations about the family, procedures that could result in their children being institutionalised. Roma parents may also fear teachers will treat their children badly at school if they complain. In cases where NGOs convince parents to complain, including to police, other parents get the courage to complain as well. The need for professional management of complaints and the plaintiffs' sense that they are represented is crucial.²³³ Free legal aid is necessary for both NGOs and parents involved in these situations.

Where some schools have high Roma populations, this usually indicates that other local schools have no Roma enrolled at all, i.e., that all schools locally are *de facto* segregated. Many such "non-Roma" schools are located near socially excluded localities (often even in the same catchment area) and have intentionally long discouraged Roma enrolment. Outright refusal to enrol Roma has been confirmed by media testing (for example, by Czech Television in Brno), by NGOs, and by Roma parents.²³⁴

Ethnic segregation is usually a politicised, unpopular local issue. In order not to upset local voters, municipalities as school establishments avoid transparently declaring that segregation is unacceptable. A frequent argument heard is that *de facto* segregation is caused by Roma children and parents being less prepared to master the education system than non-Roma are. This argument is not valid. Rather, the question is how the system is prepared to reflect Roma cultural and social needs, especially the most basic one – the need to be accepted and feel safe in the schools. Another frequently advanced argument is that Roma themselves want segregated education, but this is not confirmed in reality.²³⁵ NGOs and Roma parents are sceptical of the view that it is just the Roma who must improve their approach to education.

The 2016 "Joint Declaration of Roma Women" raises the issue of the safety of Roma children in schools as a serious problem. The women write: "We perceive the relationship of contemporary society toward the Roma as poor and deteriorating. We encounter

²³¹ For cases about separate education within a school, see <http://eso.ochrance.cz/Nalezene/Edit/4768> and <http://eso.ochrance.cz/Nalezene/Edit/5056>; case on preschool rejection, see <http://eso.ochrance.cz/Nalezene/Edit/4484>; case on transfer to another school – <http://eso.ochrance.cz/Nalezene/Edit/5002>; case of discrimination – <http://eso.ochrance.cz/Nalezene/Edit/4674>.

²³² The VOP has been focusing on the issue of discrimination in education for a long time, and since 2013 *Awen Amenca* and the Association of Roma Parents in Ostrava have been actively pointing out concrete examples of discrimination against Roma children by schools. As for the media, the most active is news server *Romea.cz*, and some other media are also partially covering this issue.

²³³ In collaboration with *Awen Amenca*, two criminal reports were filed against the Vizina Primary School in Ostrava accusing a teacher of physically assaulting a pupil. One was rejected for alleged lack of evidence. A complaint was filed with the ČSI, which investigated and found it likely that the assault had occurred; see the Inspection report at <https://www.csicr.cz/cz/Dokumenty/Inspekcnizpravy?d=16949> and the TV Barrandov report at <https://www.barrandov.tv/video/129910-nase-zpravy-30-6-2018>

²³⁴ *IQ Roma Servis* has collaborated with Czech Television (via reporter Richard Samko, who is Roma) on testing at some primary schools where Roma mothers had been denied the opportunity to enrol their children, allegedly due to low capacity, but where non-Roma mothers were subsequently promised a place for their children.

²³⁵ This is evident not just from NGO practice; the fallacy of this argument is also illustrated by the *Slovo 21* Study on the Position of Roma Women (2014).

xenophobia every day, with open and latent racism that manifests itself in many aspects of our lives. We do not feel safe in this country and we do not feel like equal citizens. Our confidence in institutions is declining because we do not see positive results from all the costly programmes and projects that are often implemented for us but without us. For those who are most important in our lives, our children, we wish for them to live in safety, to have equal access to education, and to feel like an equal part of Czech society, more than we do now."²³⁶

NGOs report that the failure of Roma students to complete secondary education is usually due to a segregated primary school not educating them to their full potential, to the social difficulty of the transition to secondary school, and to ethnically and racially-motivated bullying.²³⁷ NGOs report Roma also face prejudice in vocational schools. Roma children can face brutal, indiscriminate bullying at school. A recent case concerned a Roma girl who, after long-term humiliation by her classmates about her origin, attempted suicide.²³⁸

"Integration" measures that actually segregate

Ethnic segregation is also indirectly encouraged by some measures claiming to bring Roma into mainstream education. One example is that of preparatory classes at primary schools, which existed long prior to the recent institution of compulsory preschool. These were originally meant to support Roma children who had been held back from first grade and who had never attended preschool. Sociological research as long ago as 2008 found that this measure did not motivate Roma preschool attendance. Instead, primary schools with preparatory classes began marketing themselves as "Roma schools".²³⁹ Other projects and services offering preschool "clubs" at primary schools may have the potential to prepare Roma children for mainstream enrolment and attendance, but because they often offer services just to disadvantaged Roma they are not, therefore, avenues to integration. Unless the aim of such a project is clearly to direct a child to a mainstream school as soon as possible, these projects risk serving as segregation tools and as a certain "alibi" for cities struggling with a lack of preschool capacity.²⁴⁰

A remarkably antigypsyist example of the kind of programming underway in the preparatory classes is the 2014 example of a "Project Day" in a preparatory class about the profession of "Cleaning Lady". Bearing the logos of the ESF, the EU, the MŠMT, the Operational Programme for Education and Competitiveness (!) and the implementing NGO, a press release complete with photos of little Roma girls cleaning announced that the aim of the day had been to better familiarize children with the profession, with the names of cleaning techniques, and with cleansers and tools. The 6 and 7-year-olds were reportedly given an hour of instruction in the theory of cleaning services, followed by an hour of practicing the different techniques of a "Cleaning Lady", then an hour of cleaning

²³⁶ Conference of the *Jileha* Project, 2016. "Roma Women's Statement", available at: http://www.slovo21.cz/images/dokumenty/jileha/Jileha_2016_tiskova_zprava.pdf, accessed on 14 October 2016

²³⁷ *IQ Roma Servis* case studies from their "Gendalos" educational programme find Roma pupils often get good grades in a segregated primary school but have difficulties keeping up with other students once at secondary school. The transition from a mostly-Roma primary school to being in the minority at secondary schools (or even being the only Roma student in a class) is difficult, and the secondary school environment often does not support Roma efforts to integrate or to resolve potential difficulties among schoolmates.

²³⁸ Baudyšová, Jana, 30 October 2018, *Romea.cz*, "Romani girl attempts suicide after bullying at her primary school in Czech town", available at: <http://www.romea.cz/cz/zpravodajstvi/domaci/zakyni-zakladni-skoly-v-ceske-lipe-sikanovali-kvuli-romskemu-puvodu-pokusila-se-o-sebevrazdu?fbclid=IwAR0CtwwK0SUIkyP9jfYuufBhgC9-NIODLXXwDd1WsW7kR5ZgMe4rAkAd7BE>

²³⁹ GaC, *Vzdělanostní dráhy a vzdělanostní šance romských žáků a žáků základních škol v okolí vyloučených romských lokalit [Educational paths and educational chances of Roma pupils at elementary schools in the vicinity of the socially excluded localities]*, MŠMT: 2009.

²⁴⁰ EU-funded projects to support preschool clubs and social services for families with preschool children.

the classroom itself, and a final hour of testing whether the new vocabulary had been retained. Designers of the project describe its particular benefits for the target group as follows: "The profession of cleaning lady is rather attractive for socio-culturally disadvantaged children (girls especially) given its low level of theoretical sophistication."²⁴¹

The school that implemented this racist and sexist exercise, Základní škola Na Vizině in Ostrava, markets itself on its website as a "school with room for all", and the press release describing this project was located on the part of the website aimed at promoting how "inclusive" the school is.

Gender discrimination and Roma in education

Roma children's education has not yet been monitored systematically from a gender perspective. Gender differences in achievement were indicated in a 2015 NGO analysis finding that Roma girls spend more time doing homework than Roma boys, and an analysis of the academic record found Roma boys succeeded less than Roma girls.²⁴² While gender was a visible factor in many situations observed by the researchers, instructors and management downplayed it in their interviews in comparison with ethnicity. In other words, if members of an ethnic minority were present, that factor dominated the description of events. As a consequence, instructors usually differentiated among boys and girls when speaking about majority-society children but failed to distinguish Roma boys and girls from each other, speaking about them not as Roma boys and girls, but generally as Roma children. Ethnicity, in their verbal structuring of events, was a more salient category than ethnicity combined with gender.²⁴³

Comparative research from 2014 by FRA found the Czech Republic has one of the highest rates of Roma continuing on to secondary education and that even more Roma women continue their education than Roma men.²⁴⁴ Earlier research published in 2009 also found a larger percentage of those who drop out of compulsory education generally are boys.²⁴⁵ That report also found Roma absenteeism was almost triple that of their non-Roma peers. Frequent absenteeism was said to begin during lower primary school and to increase during upper primary school, with girls absent more frequently than boys. During lower primary school the absences are attributed to illness, but in upper primary school the child's own relationship to school is the important factor, as absenteeism then is caused by the child's desire to avoid the school environment.²⁴⁶ On average, irrespective of ethnicity, one out of 20 girls and one out of 10 boys were said to leave mainstream primary education either by dropping out or being enrolled into special education, but among Roma children the number was said to be half of all the Roma children entering any first grade class, with more Roma boys leaving than girls. The chances of Roma pupils completing mainstream primary school together with the same

²⁴¹ Gardoňová, Marcela, press release, "Projektový den v přípravné třídě – profese uklízečky", 13 May 2014, available at: <http://www.zsvizina.com/skola-s-mistem-pro-vsechny/>

²⁴² Research conducted by *Otevřená společnost* at three primary schools into connections between ethnicity and gender, which found "up to 30% of teachers with experience with Roma children agree that Roma girls are more conscientious at school, considering education valuable, than Roma boys." At the same time, the same proportion of teachers believes Roma boys are more supported by their families than are Roma girls. *Otevřená společnost*, 2015. *Perception of gender and ethnicity at primary school (Level One)*, research report. Available at: <http://www.otevrenaspolecnost.cz/knihovna/otevrenka/prosazovani-genderove-rovnosti/rovnost20-percepce-genderu-a-etnicity-na-zs-final.pdf>, accessed on 15 October 2018

²⁴³ *Ibid.*, p 22

²⁴⁴ Analysis of FRA Roma survey results by gender (2014).

²⁴⁵ GaC, *Vzdělanostní dráhy a vzdělanostní šance romských žáků a žáků základních škol v okolí vyloučených romských lokalit [Educational paths and educational chances of Roma pupils at elementary schools in the vicinity of the socially excluded localities]*, MŠMT: 2009.

²⁴⁶ *Ibid.*, p 29

peers they began first grade with is approximately half that of non-Roma children. Altogether 72% of Roma children were said to attend mainstream primary school (compared to 92% of non-Roma children), i.e., almost one-third of Roma children attended special education, a number that has not changed in the decade since. Two out of every 10 Roma girls and 2.4 out of every 10 Roma boys left mainstream primary school, on average.²⁴⁷

In general, the distribution of men and women in Czech higher education is very uneven. According to data for 2017, 56% of college students are female, but they are the least represented in technical fields or at colleges focused on Internet Technology (one-third or less of the cohorts). The highest representation of female university students is in private colleges focused on foreign languages and in schools of nursing, pharmacology and veterinary sciences, where they can represent more than 80% of the student body.²⁴⁸

²⁴⁷ *Ibid.*, p 41

²⁴⁸ "The Czech Republic in Data", available at: <https://www.ceskovdatech.cz/clanek/60-studenti-nove-generace-kdo-navstevuje-ceske-vysoke-skoly-a-co-chce-od-sveho-budouciho-zamestnani/>

COMPREHENSIVE LOCAL CASE STUDIES

*“Life has many ways of testing a person’s will,
either by having nothing happen at all
or by having everything happen all at once.”*
(Paulo Coelho)

For these case studies, two towns were selected where *Romano Jasnica* works and therefore has a detailed overview of the situation: Krupka and Štětí. Both are small towns in terms of population in the Ústí nad Labem Region (Krupka has 12,000+ inhabitants, Štětí less than 9,000). They are also comparable in that the ASZ has worked in both (and still is in Štětí). Socially excluded localities exist in both towns, which are under the same “administration” of the Ústí nad Labem Region and national integration policies. Nevertheless, each has taken a fundamentally different approach to Roma inclusion.

While in Krupka there has been an apparent lack of human interest in this issue and, above all, a lack of political will to address it, this is far from the case in Štětí. The comparison shows that Roma inclusion is only possible if it is a political priority for the local administration. For it to be a priority, local political representatives must take an interest in the common needs of ordinary citizens and be interested in finding optimal ways to meet the needs of all residents equally. This is primarily about the will of local politicians to concern themselves with such subjects, to name them, to establish them as political priorities, and to set up appropriate measures for addressing them.

The existing situation in Krupka, primarily the political situation, demonstrates that there is an absolute lack of interest among local politicians in addressing the situation of Roma residents. Local Roma are essentially only of interest to Krupka’s politicians during the run-up to elections, when they need to make sure they can get enough votes. During the last two local elections in Krupka the problem of vote-buying was reported and had to be addressed.

The NGO *Romano Jasnica* has been operating in Krupka and Štětí since 2013. In constructing both case studies, we mainly draw on our knowledge of local conditions gained through daily contact with people in the socially excluded localities as we provide social services and related programmes and participate in local integration processes and policies (if any). Through these studies we are offering our insights into the social situations, the processes of social exclusion, and the attitudes of local authorities and politicians towards integration. These attitudes reflect the political will to drive events: either politicians are open-minded and accommodating of constructive solutions, or, in the worst-case scenario, they deploy a so-called “zero tolerance policy”.

The term “zero tolerance policy” refers to a set of measures undertaken by local administrations through which disproportionately harsh punishments are handed down by local authorities for petty misdemeanours in order to increase social control. This kind of policy has been applied above all to residents of socially excluded localities. The ASZ has analysed “zero tolerance policies” and published its research on the issue in 2016.²⁴⁹ In 2015 the Center for Social Issues also published its *Analysis of the Zero Tolerance Policies in Litvínov and Duchcov*,²⁵⁰ both towns located in the same

²⁴⁹ Government of the Czech Republic, press release 30 June 2016, “Policies of zero tolerance in socially excluded localities contribute no solutions”, available at: <https://www.vlada.cz/cz/ppov/zmocnenec-vlady-pro-lidska-prava/socialni-zaclenovani/aktuality/politiky-nulove-tolerance-v-socialne-vyloucenych-lokalitach-reseni-neprinaseji-148245/>

²⁵⁰ Trlifajová, Luice, et. al., *Analýza politik nulové tolerance v Litvínově a Duchcově*, SPOT - Centrum pro společenské otázky, z.s.: 2015, available at: <https://esf2014.esfcr.cz/dap/Dokumenty/DownloadData?id=264dcf6c-7df1-4c59-85b1->

administrative region as are our case studies.

A note on the ASZ and collection of gender-related information:

Neither the gender dimension, Roma women specifically, or women in general are mentioned in the ASZ's analyses. From this it would appear that gender is not a factor in the ASZ's approach to its study of policy and practice in socially excluded communities.

Krupka

The town of Krupka lies about 5 km north of the larger town of Teplice. Its current demographic make-up is the result of several originally separate municipalities gradually merging together. For the purpose of this case study we are focusing on one neighbourhood, Maršov, which has been identified as a socially excluded locality. According to data published by the Czech Statistical Office in April 2018, Krupka has a population of more than 12,000, of whom more than 4,000 live in Maršov.

Maršov features 18 blocks of flats on two different streets. This housing project, built in the 1980s, was mainly intended as accommodation for workers in nearby mines, power stations and other businesses. Gradual structural changes in the 1990s to the market (and thus employment) led local residents to leave, which, among other things, led to a radical drop in housing prices. Socially vulnerable people from the entire region then started to move to Maršov for cheap accommodation, many of whom were Roma. According to 2015 data from the GAC agency, at that time there were 2,000-2,500 socially excluded people in the locality, with men slightly exceeding women in terms of proportion. According to our own current estimates (which are not gender-disaggregated), the percentage of unemployed persons in Maršov is about 80%. In terms of age, 40% are under 15, 40% are aged 16 to 60, and 20% are 61 or older. According to our qualified estimates, about 200 Roma families were living in these 18 blocks of flats at the turn of 2017/2018, about 1,800 Roma (including about 127 pre-schoolers).

Other socially excluded localities in Krupka that were not identified by the GAC report are Krupka Libušín and Soběchleby. These feature several residential buildings (with several flats each) and a few dozen socially excluded people.

The socioeconomic situation of families and individuals living in socially excluded areas, in our experience, means that many depend on welfare, for which they qualify according to the Act on Aid to Those in Material Distress. Relevant, up-to-date data about welfare recipients here, however, are not available. Generally, families living in this Krupka neighbourhood are on the edge of poverty and face various social problems.

In the town there has long been palpable tension between the majority population and Roma minority; there is basically no interest on the part of the local government and municipal politicians in improving the overall situation. It is apparent that the current situation is not being addressed, that the social problems of the Roma are deepening, and that the town hall rather prefers to take discriminatory actions against Roma residents. For example, the local administration adopted several discriminatory ordinances, such as no. 2/2010, on securing order in local public areas of Krupka, and no. 3/2012, on securing order and the aesthetic appearance of the town, both of which were later abolished by the Constitutional Court for being discriminatory.

A local Roma resident, Josef Miker, is also a civic activist who represents several local civic initiatives. He is a nationally known figure because of his insistence on equal treatment for the Roma specifically in this town.

These generally tense relationships and discriminatory practices are reflected by the local administration's approach to its own housing and social policies.

Housing

Krupka owns just a small number of flats because a substantial part of the municipally owned housing was privatised in the 1990s. During our intensive, multi-year experience of working in Krupka, we have never encountered any Roma families either living in a municipally owned flat or being assigned one after applying. Official documents, specifically, the Strategic Plan for Social Inclusion, state that the rules for awarding municipal housing units must apply to all applicants, but those rules cannot be accessed on the town's website. There is no information available about the principles according to which municipal housing is awarded, or about the housing system itself – all that is accessible online is the form to apply for a municipal housing unit. For this reason, the entire process through which housing is awarded to applicants in Krupka is absolutely not transparent.

According to information from unofficial sources, Krupka residents can apply to the Krupka Town Hall for housing and the applications are kept on a waiting list. Information about unoccupied municipally owned housing available for rent is not published anywhere. The question remains open, therefore, as to whether the town even has any unoccupied housing and if so, how and according to what criteria, or on what basis, is it to be awarded to applicants. According to information from unofficial sources, during 2019 Krupka should also have several social flats available, but currently there is no information available about the conditions or criteria for awarding those flats either (including information as to whom such social housing is meant to serve).

The leading owner of buildings and flats in Krupka is the District Housing Cooperative Teplice (OSBD Teplice), which owns about 1,000 flats in Krupka, with the remaining dwellings held by private owners who have established a property owners' association. Most socially excluded inhabitants of Krupka live at the Horní Maršov housing estate, which is nearly entirely owned by OSBD Teplice. In the Horní Maršov housing project alone there are 18 blocks of flats, and of these buildings, five are now completely closed (136 flats total). The housing cooperative, when shutting down these buildings, said they were doing so because the locality was inhabited by people with major social problems, which had led to other tenants moving away. The housing cooperative makes no secret of their intention to continue closing more buildings there and are said to be thinking about how to make use of the flats in general.

It is quite obvious, however, that this "housing policy" is indirectly targeted at the Roma living there – what we mean by "housing policy" is a strategy for leasing these flats that is facilitating the gradual closure of the buildings. These buildings are not slated for demolition, but the decision of OSBD Teplice is to close them and not rent the units in them. While this is not a direct attempt to get the Roma renters to relocate, it is an effort not to add any new tenants and, in the case of existing renters, to either break their contracts or not extend them at the first opportunity.

When the ASZ was active in Krupka, the housing cooperative initially set aside some flats for Transparent Housing Assistance.²⁵¹ As described in the chapter on housing, this method for aiding homeless people is currently the most frequent approach taken to addressing emergency housing in the Czech Republic. According to the ASZ's Final Evaluation of this attempt in Krupka, the system never managed to be introduced

²⁵¹ The Platform for Social Housing describes the system here: <https://socialnibydeni.org/fakta-a-myty/prostupne-bydleni>

because pilot attempts demonstrated several basic deficiencies of the mechanism as a whole when it came to implementation in the context of Krupka.²⁵² The pilot failed because those applying to participate were too far in debt and too encumbered by collections proceedings, which meant they were not financially solvent enough to join the cooperative ownership structure; it was also legally impossible for *Caritas Teplice*, a social services provider, to become an owner of a cooperative unit which it would then sublet as part of the Transparent Housing Assistance.²⁵³

Since 2015, OSBD Teplice has made access to its properties even more difficult, renting flats in accordance with its Conditions for Allocation of Cooperative Flats. Applicants must have permanent Czech residency, provide evidence of income for the past three calendar months (income-conditioned welfare benefits are not considered income), a list of persons who will reside there with the applicant, and proof of solvency issued both by their current landlord and by an extract from the Central Register of Financial Collections. Moreover, the application will only be considered if the applicant makes a down payment of 20,000 crowns (EUR 770) in advance, as a membership fee. At present, OSBD Teplice has 368 unoccupied flats in Krupka, of which 136 are in the closed buildings.²⁵⁴

All this is happening with the support of Krupka, as the housing cooperative admits in its own documentation: "Since the situation among the residents of the stated housing project had become very tense, an agreement was made between the leadership of Krupka Municipality and our cooperative about a collaboration to ensure safety and ameliorate the impact of the described situation on local residents. With the partial co-financing and support of our cooperative, a municipal police station has been set up directly in the centre of the housing project, partially resolving the most serious offences against civic coexistence and significantly reducing street crime and vandalism."²⁵⁵

Local social policy and social services available in Krupka

Krupka does not do community planning. The ASZ first worked directly in Krupka from 2012 to 2014 and then provided "distance support" to Krupka from July 2014 until August 2015, which is defined in its methodology²⁵⁶ as involving municipalities that have not yet joined the ASZ's Coordinated Approach to Socially Excluded Localities, but who do have such a locality on their territory. In the case of Krupka, this was meant to be support that would eventually result in the town joining the Coordinated Approach, but this did not happen because the town leadership was not interested.

During the ASZ's direct involvement in Krupka, four working groups were established within the local partnership to focus on the following subjects: 1. social services,

²⁵² Sociotrendy, *Závěrečná evaluace působení Agentury pro sociální začleňování v lokalitě Krupka* [Final Evaluation of the Work of the Agency for Social Inclusion in the Krupka Locality], (2015), p. 16. Available online at: <http://www.socialni-zaclenovani.cz/dokumenty/dokumenty-pro-lokalitu-krupka>.

²⁵³ *Ibid.*, p. 18

²⁵⁴ The conditions for awarding a cooperative flat, applicable as of 1 July 2015 for the Krupka area, were established by the cooperative's board on 25 June 2015, available at: http://www.osbdtp.cz/storage/1489411434_sb_pravidla_byty_01_17.pdf

²⁵⁵ This quote is from a letter by OSBD Teplice on 25 July 2018 addressed to the Prime Minister of the Czech Republic, Andrej Babiš, whose response to them is also available online at <http://www.osbdtp.cz/view.php?navezclanku=vlade-cr&cislocclanku=2018070001>. The full text of the OSBD Teplice letter is available at: http://www.osbdtp.cz/storage/OSBD_Teplice.pdf.

²⁵⁶ Office of the Government of the Czech Republic, Department of Social Inclusion (Agency), *Metodika vzdálené dílčí podpory, verze 1* [Remote sub-support methodology, Version 1], available at: <http://www.socialni-zaclenovani.cz/dokumenty/vzdalena-dilci-podpora>

education, leisure time; 2. housing; 3. prevention of socially detrimental phenomena, security; 4. economic situation, employment. All relevant partners were invited to the meetings of the working groups, including local government representatives, NGOs active in Krupka, and representatives from the Labour Office, Teplice City Hall, preschools, primary schools and other institutions. The aim was to create a strategic plan establishing targets and measures to achieve them. However, on multiple occasions, Krupka representatives rejected some of the proposed measures for implementing the integration policy and preventing social exclusion.

Another aspect of the process was that even after the ASZ was no longer collaborating with the town, the working groups were meant to continue to function, and the Krupka Town Council was meant to appoint Inclusion Coordinators (specifically, the Head of the Municipal Social Welfare Department and the Chief of the Krupka Municipal Police) to deal with the outlined processes. That did not happen.

When the ASZ ended direct involvement in Krupka, the regular meetings of these working groups collapsed in 2014, ceasing to meet entirely. Some *ad hoc* meetings were held between the Municipal Police and the Municipal Social Welfare Department, and later between police and the OSBD Teplice housing cooperative, but those collaborations came to an end as well. At present, there is no attempt to connect local partners, to create conditions for cooperation or mutual information-sharing, or to locally coordinate social policy.

Because the municipality is not engaging in community planning, the needs of residents are not dealt with, defined or described in writing anywhere, nor are the problems of the residents of the socially excluded locality (including related measures and proposals for solving those problems) being dealt with. The only documents through which, to a certain degree, the social problems of Krupka residents are now addressed are regional-level plans, such as the Strategic Development Plan of the Ústí nad Labem Region and its implementing documents (the annual Action Plans for the Development of Social Services). No need for social services in the Krupka locality is outlined in those documents. This means that currently the existing set-up of social services in Krupka's socially excluded locality is considered optimal, and it is considered unnecessary to establish further social services (the services missing are described below).

Social services can be provided by any entity that fulfils the conditions of Section 78nn of Act No. 108/2006, Coll., on social services (the Social Services Act). This means the entity is authorised to provide social services defined by law and is fully registered. The Regional Authority decides which entities to register as social services providers.

Two NGOs are currently working directly in Maršov providing social services in the form of work with children and youth and work with entire families (their programmes are not gender-differentiated). These are Romano Jasnica, an NGO providing "social activation services for families with children", and the Counselling Centre for Citizenship, Civil and Human Rights, operating drop-in facilities for children and youth.

"Social activation services for families with children" are defined by Section 65 of the Social Services Act as provided to a family with a child whose development is endangered as a consequence of the impacts of the family being in a long-term crisis with respect to its social situation, one which the parents are not managing to overcome on their own without aid, and one in which there are further risks that the child's development will be threatened. These activities involve activation, child-rearing skills and education; facilitating contact with the social environment; social therapy; and assistance with exercising legitimate interests and rights and handling personal affairs. In Krupka these services are provided by two organisations, Caritas Teplice and Romano Jasnica. The services of Romano Jasnica are provided directly at the Maršov housing estate.

Another social service provider is the organisation "White Light", which does drug use prevention work in Krupka. *Caritas Teplice* also runs a "shelter social service" as

defined by Section 57 of the Social Services Act, providing residential services for a temporary period to homeless persons. This involves providing food or aid with accessing food, accommodation, and assistance with exercising legitimate interests and rights and handling personal affairs. The Krupka facility is specifically for mothers and their minor children and provides them with temporary accommodation for up to 12 months.

What is missing at Maršov is a field programme and professional social counselling. Field programmes are a social service defined by Section 68 of the Social Services Act as provided in the field to individuals leading a risky lifestyle or being endangered by their risky lifestyle. The services are intended for problematic groups, such as users of addictive or narcotic/psychotropic substances, homeless persons, socially excluded persons and other socially vulnerable groups. The aim of the field programme service is to find these people and minimize their lifestyle risks. They may remain anonymous while receiving the service, which involves facilitating contact with the social environment and assistance with exercising legitimate interests and rights and handling personal affairs.

Professional social counselling is defined by Section 37 of the Social Services Act and provides persons with the necessary information they need to address their unfavourable social situations – it differs from basic social counselling in that it focuses on the needs of different social groups, such as persons who come to Citizens' Advice Bureaux, to family counselling, to marriage counselling, to senior citizens' counselling centres, to advisory centres for persons living with disabilities, to crime victims' counselling centres and to domestic violence victims' counselling centres, as well as persons in hospices, and includes social work with persons whose lifestyles can bring them into conflict with the rest of society.

Several projects (building a community centre/social housing) funded by the Integrated Regional Operational Programme (IROP) are also being implemented in Krupka without any communication with those most engaged in social work there.²⁵⁷ According to the publicly available information of the MMR, which administers IROP, the following investment projects are currently being implemented in Krupka:

- 1) Reconstruction of the building at Komenského 333 – social housing. The implementer of the project is Krupka Municipality. The project will reconstruct this property, which is owned by Krupka Municipality, so that it meets the requirements of a social housing facility, i.e., so that it will offer three social flats with a common area. Basic equipment for the flats will also be acquired through the project.²⁵⁸
- 2) Reconstruction of the building at Komenského 202 – building a community center. The implementer of the project is Krupka Municipality. The premises for a community center will be created in Krupka as a consequence of this project.
- 3) Reconstruction of the building located at Hustiská 78. The implementer of the project is Krupka Municipality. This project will reconstruct the building where an asylum shelter service is currently located and will furnish the shelter after it reopens.
- 4) Construction repairs to the building at K. Čapka 271. The implementer of the project is Krupka Municipality. This project will reconstruct the building so it

²⁵⁷ The website for the Integrated Regional Operational Programme is at <https://irop.mmr.cz/cs/Projekty>

²⁵⁸ *Rekonstrukce objektu Komenského č. p. 333, Krupka - sociální bydlení*, available at: <https://irop.mmr.cz/cs/Projekty/06-2-Zkvalitneni-verejnych-sluzeb-a-podminek-zivot/Rekonstrukce-objektu-Komenskeho-c-p-333,-Krupka>

can serve as a base of operations for three social services – a centre for social counselling, a centre for social rehabilitation services, and a social therapy workshop.

These real estate investments are taking place under conditions of almost no communication with those currently providing social work in Krupka. Since about 2,000 to 2,500 socially excluded people do still live in Krupka, this means local government is all but completely disconnected from the social services and social work now provided to their socially excluded residents, most of whom are Roma. To reiterate, there is no attempt being made by the local authority to connect local stakeholders with each other, to create conditions for cooperation or for mutual information-sharing, or to locally coordinate social policy. It is not clear who will be providing services in the new facilities now being developed.

Štětí

Štětí is about 20 km away from the larger city of Litoměřice. In the 1950s a paper mill was built there and transformed it into an industrial town – its population grew, and its urban character changed completely. Nine municipal departments are part of the town, most of which are still like villages – Hněvice, Brocno, Čakovice, Chcebus, Počeplice, Radoun, Straci, Újezd and Veselí. According to data from the Czech Statistical Office as of January 2018 there are 8,734 inhabitants in Štětí, of whom the GAC report (2015) and the ASZ estimate that 450 are socially excluded or on the verge of being socially excluded, 200-250 of whom are Roma.

Five socially excluded localities have been identified in Štětí, three in Štětí proper and two in the municipal departments of Počeplice and Radouň. The localities in Štětí are not spatially segregated; most socially excluded residents are concentrated around residential hotels and blocks of flats with social rents located in or near the town centre. The current situation in the socially excluded localities in Štětí reflects the recent historical development of the town, which is largely linked to structural changes in the labour market. These have had a significant impact on the socioeconomic situations of Štětí residents and have led to the very significant social stratification of the population residing in the socially excluded localities.

Štětí has long been one of the towns with a relatively higher unemployment rate, but we do not have gender-disaggregated data for it; the Labour Office of the Czech Republic does not disaggregate its regional data by gender. While the Czech Statistical Office does collect gender-disaggregated data, it is only for whole regions. In any event, the local unemployment rate has been falling recently, from 8.9% in September 2016 to 3.2% in September 2018. The number of persons registered as unemployed with the Labour Office were 240; we estimate that between 160 and 170 of them are socially excluded, representing 70% of all the officially registered unemployed persons locally. This is reflected by the various forms of benefits drawn there (housing allowance, housing supplement, living allowance, etc.).

In the area of education, we often see that socially excluded families do not trust educational institutions. From our perspective, in this case their distrust is justified. Our contact with these families has exposed us to their experiences and opinions, and they very frequently have negative experiences with the personnel of educational institutions. For that reason, they do not see the point of making what would be, for them, a demanding investment over the long term into education.

Most of the socially excluded people live in one of six residential hotels in Štětí, or in flats with social (subsidised) rents. The living situation is affected by the indebtedness of the general population (not just the indebtedness of the socially excluded), and local personal debt is also significant in relation to the issue of housing (debts owed for back rent).

Štětí began cooperation with the ASZ on 1 July 2013. The first local partnership

meetings were held in September 2013. Only one NGO was operating in Štětí, *Kontaktní centrum Litoměřice* (Contact Centre Litoměřice), doing field programme work with respect to drug users once a week. However, the town's intention was to develop and strengthen social services, as well as to develop mutual cooperation among stakeholders, in which the ASZ was to play a leading role.

In October 2013, Romano Jasnica began operating in Štětí and began providing "social activation services for families with children" (see above). To form the local partnership platform, the city invited all relevant partners – local representatives of all institutions (Labour Office, Municipal Police, Police of the Czech Republic); both NGOs; representatives of preschools, elementary schools and secondary schools; sports clubs; engaged citizens, the general public, etc.

From the beginning of the cooperation, the town hoped for continuity with everything that had already worked in the past (especially the Crime Prevention Commission, the work of schools and their programmes within the Healthy Town project, community work, open youth clubs, Transparent Housing Assistance, working with the public, and crime prevention assistants) and wanted to connect and develop these activities into one working unit. The town even declared that it would try to involve the inhabitants of socially excluded localities and the wider public, acknowledging that the means of change would be a planning process that would allow a general framework to be set up with specific tasks leading to positive changes. Four working groups were set up focusing on priorities: the employment working group, the sociopathology working group, the housing working group; and the working group on education, leisure and family. The category of "family" here indirectly includes social services, and the working group focused on the cultural, educational and social needs of families (and not, for example, on the areas of family planning or reproductive health).

Each of the working groups had an appointed expert guarantor: a guarantor from the Labour Office for the employment working group; a guarantor from the local Social Affairs Department for the housing working group; a guarantor from the Special Primary School for the education, leisure and family working group; and a guarantor from the Police of the Czech Republic for the working group on socio-pathological phenomena. The working groups met regularly each month and actively participated in the creation of the objectives and measures as defined in the Strategic Plan for Social Inclusion for the town of Štětí 2014-2016; gender mainstreaming was not an aspect of this effort. The working groups were led by a local consultant and each working group was attended by both an employee of the municipality and a representative of the political leadership, usually the deputy mayor. Parallel to the development of the strategic plan, which was meant to define objectives and measures and to become the basis for project proposals, other activities aimed at enhancing cooperation among all the partners were taking place, as well as activities meant to benefit the people living in socially excluded localities, such as different (usually one-off) leisure activities for children and youth. Working group members were involved in the design and implementation of these different activities.

The strategic plan was approved by members of the local partnership on 1 April 2014; the town council then approved it on 17 April 2014, and it became part of Štětí's overall development strategy. As of September 2014, the working groups began to discuss the implementation of the Strategic Plan and options for financing activities and project plans began to be discussed. During 2014 a new partner, the NGO *Naděje* ("Hope"), running a debt resolution counselling centre and field programme for socially vulnerable families, joined the partnership in Štětí, supplementing the existing social services. In the course of 2015, project plans were then elaborated, which were subsequently discussed by the working groups as well as by the Regional Authority (where the project plans aimed at social services provision).

In April 2015 there were personnel changes at the ASZ; then-Human Rights Minister

Jiří Dienstbier removed the then-director of the ASZ, Martin Šimáček, and many ASZ staffers (local consultants) resigned in protest. Subsequently the ASZ was restructured and most of the local consultants were replaced. The ASZ's local consultant in Štětí changed as a result, and the dynamics of the entire local partnership process gradually changed as well. The working groups no longer met on a regular monthly basis, but less frequently and less regularly. The town did its best to maintain the meeting regime, initiating a regular monthly meeting with the NGOs in the locality at least, but it had not anticipated that the new consultant would mean changes to the established routines. The town assumed regular meetings with the local consultant would continue and that the consultant would still be the person coordinating the entire process, facilitating meetings, and supporting the collaboration of all stakeholders. The previous consultant had spent a great deal of time in the locality and had been in regular contact with the municipal leadership and staff. According to the available information, the town discussed this all with the new consultant, including the fact that the town had different expectations and ideas of what the role entailed than the consultant did, but the reason for the change was the change to the ASZ's concept overall. The new local consultant did not pay sufficient attention to the municipal leadership, did not spend as much time in Štětí, and stopped being part of what was going on in the locality, and the enthusiasm of all the partners then began to wane. The town leadership itself started gradually taking over the main role, leading the local partnership groups and attempting to maintain the established coordination and the dynamic of the whole process.

The ASZ changes did not hinder the submission of applications by those involved in the Coordinated Approach to the Operational Programme Employment (OP Z). During 2016-2017 two projects began implementation in Štětí, one by *Romano Jasnica* that is running from 2017-2019 and is focused on providing social activation services for families with children, and another by the *Naděje* (Hope) NGO providing professional social counselling (see above) focused on debt counselling, as well as a field programme (see above). All of this was done mainly thanks to local government, not to the ASZ.

Local government, in this case, has been involved in what is going on in the town, has participated in all of these processes, including the working groups, and has participated in dialogue when addressing problems, collaborating with the NGOs on addressing the specific needs of specific families and individuals. Last but not least, the town has provided its own financial support to the NGOs. This behaviour is almost the exact inverse of the approach taken by the leadership in Krupka.

Conclusions and recommendations

From our comparison of these two case studies, we conclude that if local political climates remain antigypsyist or anti-social inclusion, and if the genuine social inclusion of Roma does not become of interest to local politicians, then the social situation of Roma will never improve. The socially excluded localities will never disappear and the situation in them will never improve. National policies to eliminate social exclusion hinge entirely on the willingness of local administrations to participate. We recommend the following be done on the basis of these conclusions:

1. Adopt a social housing law.
2. Consistently uphold the concepts on social exclusion and related issues that have already been established, including implementation of the measures they describe for addressing various aspects of this problem.
3. Legally require of all municipalities in the country that they engage in community planning.

RECOMMENDATIONS

Employment

- Institute an effective system for aiding debtors to regain financial solvency as soon as possible, including strict regulation of collections agents' fees, and incentivizing participation in official employment.
- Prioritize enforcement of the Antidiscrimination Act in the field of employment specifically with respect to ethnic discrimination.
- Target financing to support Roma-owned businesses and self-employment, with a particular emphasis on improving their participation in the information economy.

Housing and essential public services

- Abolish the legislation empowering municipalities to institute housing benefit-free zones on their territories.
- Prioritize enforcement of the Antidiscrimination Act in the field of housing specifically with respect to ethnic discrimination.
- Require municipalities to engage in community planning and to meaningfully involve Roma in the planning and realisation of social housing policy measures.
- Introduce a functional, nationwide social housing law and policy as soon as possible and prioritize participation in social housing by socially vulnerable Roma.

Impact of health care policies on Roma

- Expand the piloted activities providing health information to Roma communities into permanent national programmes encouraging Roma to take advantage of preventive health care.
- Exponentially increase the amount of time compulsorily dedicated to training medical students in how to communicate with patients, including Roma patients, and in medical ethics, and increase the importance of mastering this content as a requirement for earning a degree of any kind in the health care field.

Education

- Support the permanent institution of inclusion by further financing schools to develop their infrastructure, their personnel, and their techniques for parental engagement; by supporting teacher training where inclusion is both embodied and taught as a compulsory component of education; and by improving the capacities of all adults working in education to include all children with an emphasis on eliminating direct and indirect discrimination on the basis of ethnicity from education.
- Desegregate preschool and primary education by closing schools that are ethnically segregated where Roma children are educated in worse conditions than non-Roma with a low success rate of continuing on to secondary education.

Gender

- Compensate all victims of forced sterilisation through a process that involves a minimum of bureaucracy for the applicants.

- Fund sustainable research programmes to permanently collect comparative cross-sectional and longitudinal data about how state policy affects Roma girls and women in the areas of education, health, housing and the job market, researching both their objective situations and their own perceptions of their situations.
- Use the data generated by the research into Roma girls and women to institute programmes harmonizing Roma women's work-life balance.
- Provide funding and training for Roma women's mutual aid activities and networks to realize programmes harmonizing work-life balance.
- Research the particular determinants of Roma boys' early school-leaving and Roma men's participation in the grey economy with an eye to designing evidence-based policy to tackle these phenomena.

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