

THE FICTION OF ETHNIC HOMOGENEITY:  
MINORITIES IN THE CZECH REPUBLIC

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Contents

Abstract	137
<b>1. Introduction</b>	137
1.1. State policies	138
1.2. Local policies	140
<b>2. Ethnic Homogeneity—Fact or Fiction?</b>	140
2.1. Ethnic composition	140
2.2. Roma in the Czech Republic	141
2.3. Gaps between policy and practice	143
<b>3. The Legal and Political Position of Minorities</b>	144
3.1. Protection against racism	145
3.2. Central policies targeting the Roma	146
<b>4. The Role of Local Government</b>	147
4.1. Public administration reform and decentralisation	147
4.2. Romany advisers in district offices	149
4.3. Political representation	149
4.4. Media, culture and the use of mother tongue	150
4.5. Employment	151
4.5.1. Employment policy responses	151
4.6. Public education	152
4.6.1. Top-down policies	152
4.6.2. Bottom-up policies—the role of NGOs	152
<i>Case Study 1. Teaching Assistants</i>	153
4.7. Central policies targeting local communities	154
<i>Case Study 2. Comprehensive Programme of the Ministry of the Interior</i>	154
4.8. Local inter-ethnic tensions and the search for solutions	155

Case Study 3. <i>The Wall</i> .....	155
Case Study 4. <i>Co-operating Cities</i> .....	158
Case Study 5. <i>A Multi-actor Project</i> .....	158
Case Study 6. <i>The Community Centre and School</i> .....	159
Case Study 7. <i>Tolerance and Respect</i> .....	160
Case Study 8. <i>Round Tables</i> .....	161
<b>5. Conclusion</b> .....	163
<b>6. Policy recommendations</b> .....	163
6.1. Anti-discrimination measures .....	164
6.2. Equal opportunity policies .....	164
6.3. Multi-cultural education .....	165
6.4. Improving educational provisions for minority students .....	165
<i>Further reading</i> .....	166
<i>Annex 1. Segregation of Roma in the Czech School System</i> .....	167
<i>Annex 2. Ethnic Composition of the Czech Republic</i> .....	169
<i>Bibliography</i> .....	366

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### Abstract

This chapter combines descriptive and normative analysis relevant to inter-ethnic relations in the Czech Republic and focuses on their manifestation on local-level governance. While briefly outlining the situation of other minority groups, this chapter will focus largely on the most 'problematic' and marginalised ethnic group—the Roma—and the hostile majority attitudes towards this group. The chapter aims to focus on 'good practices' that have helped foster multi-ethnic co-operation as well as challenges and policy obstacles to Roma integration. The main factors analysed in this chapter are the lack of decentralisation and the politically stymied process of public administration reform, in combination with the so-called 'citizenship principle' (proclaiming equality of all citizens, regardless of ethnicity). Most policies targeted at minorities have been initiated by the central government, largely in response to international criticism (arising when large numbers of the Roma community began to emigrate) and after the establishment of the office of the Government Commissioner for Human Rights in September 1998. Since then, the political discourse on the status of minorities has altered—the citizenship principle has been complemented by specific measures reflecting the need for special recognition and protection measures for national minorities as stipulated in the Constitution and the Charter of Fundamental Rights and Freedoms. Important national documents reviewed in this chapter include the Bratinka Report and the Government Concept on Romany Integration to the Draft Bill on Minorities. The research provides a range of good practices, illustrated by case studies initiated at the local level and by nongovernmental organisations. Confictual issues and policies are also highlighted.

### 1. Introduction

Analysis of the situation of ethnic minorities in the Czech Republic clearly identifies several major challenges. The following areas demand critical attention by policy-makers at both the central and the local level of government:

1. Minority rights protection,
2. Perception of ethnic homogeneity,
3. Inter-ethnic tension resulting from increased immigration,
4. The situation of the Roma minority.

In order to deconstruct these pressing issues, however, this chapter operates on the premise that all four of these areas must be understood within the context of the process of decentralisation of authority and power from the central to the local level of government in the Czech Republic. As such, this chapter will devote significant attention to decentralisation, and will argue that one of the major political obstacles to improved minority protection, representation, education and political participation—and improved inter-ethnic relations in general—is the limited degree of authority that has been devolved to local government. Indeed, public administration and policy decision-making remain highly centralised in the Czech Republic. Local administrative bodies make few policy decisions of their own, and instead act largely as deconcentrated state administrative bodies. This chapter will argue that this situation results in irresponsible implementation of state-directed (or 'top-down') policies by local officials, who have little invested in these policies.

Against this conceptual backdrop, this chapter will touch briefly on the first three issues listed above; significant problems exist in each area. But because the integration of the Roma minority constitutes the greatest policy obstacle for the Czech government at all levels, this chapter will focus primarily on the status of this highly marginalised, disenfranchised minority group from a variety of perspectives.

Attention will also be paid to the important role played by nongovernmental actors (NGOs) in developing policy initiatives designed to facilitate minority integration. Because top-down policy-making has produced largely unsatisfactory results in terms of minority issues, and because local administrative actors have such limited authority in policy areas of concern to minorities, the civil sector has played an important role in bridging the gap between policy and practice in the Czech Republic.

1.1. State policies

New policy initiatives relevant to minority rights issues are more apparent at the central level of government than at the local level. Their implementation is often dependent on the capacity and co-operation of numerous agents (public, private and civic) at various levels (central, regional and local) and in all areas of policy-making (education, employment, housing, police, etc.).

Certain programmes do focus on local governments and communities and provide space for multi-ethnic co-operation. For example, the Crime Prevention Comprehensive Programme was initiated by the central government and provides for a number of community centres and Romany advisers at district offices. Another central initiative is the National Employment Plan, which provides space for active employment policies administered at regional and local levels.

Many new policy measures have been introduced and important processes initiated following the establishment of the Office of the Human Rights Commissioner. These are:

- Work on the new government Concept on the Romany Community, including the proposal of the Commission for Ethnic Equality and a plan for 'equalising action';<sup>1</sup> (In February 2000 the full Concept on Romany Integration was, however, returned by the Czech government in order to be redrafted.)

Monitoring the implementation of international commitments of the government, mainly the Framework Convention on the Protection of Ethnic Minorities, and the UN Convention on the Elimination of All Forms of Racism. With the implementation of the Framework Convention, preparation began in 1999 on the Act on National and Ethnic Minorities (the so-called 'Minority Act'). This Act may constitute conditions for minority representation on the local level, though it is still too early to forecast its content and consequences.

Publishing of the first Annual Report on Human Rights in the Czech Republic in April 1999 addresses issues of ethnic and national minorities and foreign workers and residents.

Within the Government Council for Human Rights, eight Working Sections were established in April 1999 that provide platforms for communication between central agency representatives and NGOs and aim to assist in finding solutions in the area of human rights protection.

In April 1999 the government again proposed the Bill on (the establishment of the Office of the) Ombudsman, which was later approved and came into effect in January 2000.

In May 1999 the government approved the National Plan of Employment with policies targeting Roma.

In June 1999 'Tolerance'—a campaign against racism—was announced and allocated 10 million CZK. The campaign began in February 2000.

In July 1999 the government approved measures to clamp down on skinhead organisations.

In July 1999 the government approved the proposal to amend the Education Act, facilitating Roma access to secondary education. The amendment was later passed by the Parliament.

In July 1999 the Senate passed a new Citizenship Law; it replaced the discriminatory Citizenship Law of 1993 (that disallowed former emigrants to hold dual citizenship).

Another significant top-down issue not compiled above relates to (the now extremely small) German minority. The historically ambivalent relationship between Czechs and Germans has improved since the signing of the Czech-German Friendship Declaration in May 1997, which brought the two countries closer to resolving the controversial issue of the removal of Germans from Czechoslovakia after the World War II.

<sup>1</sup> Otherwise known as 'positive action' or 'affirmative action'.

## 1.2. Local policies

Although many constructive policy measures have been initiated at the central level of government, these initiatives are not enough to solve the myriad problems facing minority groups in the Czech Republic. Local-level initiatives—or 'bottom up' processes—are crucial to resolving minority issues. A number of locally targeted programmes currently are in progress. The introduction and support of Romany teaching assistants can be regarded as one of the most significant bottom-up policy programmes. The same can be said about other nongovernmental educational projects focusing on tolerance, nonviolence and human rights. Projects facilitating communication and problem-solving at the local level, such as round tables organised by the Czech Centre for Conflict Prevention, have proved quite successful. Without question, policies and practice at the local level should play a more and more significant role in the future.

One of the main problems ethnic minorities face in the Czech Republic is the high level of prejudice and intolerance; this is not sufficiently addressed by the public education system. Other negative factors include the political exploitation of ethnic problems (mainly by local-level political representatives), low levels of professionalism and competence among public administration officials, the lack of relevant training for teachers and administrative staff at all levels, and insufficient communication between municipalities and ethnic minority representatives. For example, poor communication between the local town hall and the Roma community was largely responsible for the widely publicised events in the town of Usti nad Labem, where a wall was built to separate the homes of the majority community from buildings housing Roma (details in Case Study 3). Thus, although the Czech Republic has made important steps in the development of active policies addressing inter-ethnic conflicts, the result has been perceived not as integration but as segregation.

## 2. Ethnic Homogeneity—Fact or Fiction?

### 2.1. Ethnic composition

With the division of the former Czechoslovak Republic at the start of 1993, the Czech Republic became a relatively homogenous society in ethnic terms. Almost 94% of the present population is Czech. Slovaks constitute 3% of the population. Other minorities are Roma (2-3%), Poles (0.6%), Germans (0.5%), Hungarians (0.2%), Ukrainians, Bulgarians, Ruthenians, Russians, Jews, Croats and Greeks. More details on ethnic composition, as reflected in the 1991 census, are available in Annex 1.

The Czech Republic has had some traditions of multi-ethnicity as part of the Habsburg monarchy, and later the Austro-Hungarian Empire, for three centuries. The Czechoslovak Republic was established in October 1918. Its composition was multi-ethnic: 51% Czech, 23% German, 14% Slovak and 5.5% Hungarian, according to a census conducted in 1921. Historical development brought about major shifts in the majority-minority ratio. Even after World War II—despite the Nazi genocide directed at Jews and at Czech and Moravian Roma and despite the postwar removal of Germans—Czechoslovakia remained an eth-

nically heterogeneous state with two distinct nations: Czechs and Slovaks. In 1992, 7% of the Czechoslovak population was composed of ethnic minorities—i.e. more than one million out of a population of 15 million, not including Czechs living in Slovakia and Slovaks in the Czech Republic.

Since the establishment of the Czech Republic in 1993, the percentage of ethnic minorities still represents approximately 6% of the total population—the majority of which are Slovaks who are socio-economically well integrated and generally assimilated in terms of culture and language. The Roma have been largely assimilated in terms of language, as have been the Germans, Poles, Hungarians and other small minorities.<sup>2</sup> Apart from national minorities, whose members—in accordance with the definition of national minority—have Czech citizenship, there are approximately 220,000 foreigners with long-term or permanent residency in the Czech Republic, mainly of Slovak, Ukrainian, Vietnamese and Chinese origin. The number of illegal immigrants has been steadily increasing over the past few years. The issue of illegal Vietnamese traders from Germany residing in the Czech Republic has become a particular source of inter-ethnic tension in Northern Bohemia since 1997. The actual number of foreigners in the country may be much higher than official estimates suggest. Most likely, an additional 200,000 illegal workers and another 100,000 transit migrants<sup>3</sup> are living in the Czech Republic—making the total number of foreigners more than half a million.

Apart from the new phenomenon of illegal foreigners, the most 'problematic' and marginalised ethnic group remains the Roma.<sup>4</sup> This group can also be important as a model case study, as positive experiences of inter-ethnic communication and the elimination of prejudice against them can serve as a springboard for improved relations with other minorities and ethnic groups in the country. For these two reasons, the remainder of this chapter will focus primarily on the situation of the Roma minority.

### 2.2. Roma in the Czech Republic

The end of communist rule in 1989 brought about the official recognition of the Roma as an ethnic minority group; it also brought with it overt racism and the emergence of extremist, right-wing political parties that have included anti-Roma measures in their political programmes. The number of racially motivated attacks against the Roma has also increased dramatically since 1989. Growing data accumulated by nongovernmental

<sup>2</sup> Only Poles who are concentrated in North Moravia have managed to keep their schools in their mother tongue—a system extending from kindergartens and primary schools to several secondary schools. Other minorities are geographically dispersed.

<sup>3</sup> Office of the Human Rights Commissioner (1999) *Zpráva o migraci za rok 1998* (Draft report on migration in 1998), June.

<sup>4</sup> Roma are the largest 'visible' minority. It is very difficult to estimate their number, as there are currently no policies on ethnic monitoring of Roma and the 1991 census figures do not reflect the reality accurately—the method was self-declaration (only 32,903 people declared to be Roma, i.e. approximately one-tenth of the total number). Usual estimates of their number vary, official number has been agreed to be approximately 200-300,000, i.e. 2-3% of the total population. Roma themselves give higher estimates. Recently, however, some estimates say that the number of Roma decreased due to high emigration abroad.

organisations and, more recently, government sources, indicates that Roma in the Czech Republic face discrimination by the state and its public administration, providers of public services, the education system and other institutions. The present despair of the Roma community has been reflected in several recent waves of Roma emigration. Indeed, emigration has become a widespread 'exit strategy' for this vulnerable and marginalised minority group.<sup>5</sup>

The growing tension between the Czech majority and the Roma has become a more significant social problem than ever before. The high number of unemployed Roma, reaching 70% to 90% of the total Roma population,<sup>6</sup> the inappropriateness and ineffectiveness of the education system with respect to the Roma, and limited access to vocational training have all contributed to the violence toward and criminalisation of the Roma community. Roma crime rates cannot be objectively assessed as above-average in comparison with other groups of the same social status, and crime rates also usually include petty crime and minor offenses. The Roma continue to be perceived as the 'most dangerous' group in Czech society.<sup>7</sup> Stereotypes of the Roma as 'inherently criminal' people make it difficult for those Roma individuals who wish to be integrated into the workforce and education system.

The 'social costs' of the current state of affairs have been considerable, and it is apparent that if the situation is not addressed they will continue to grow. The social costs of discrimination, segregation and marginalisation of certain groups in society include increased social expenditures, increased punitive expenditures and greater expenditures on social integration. Though it has become impossible to ignore the need for intervention, it will prove very difficult to introduce structural changes with a long-term impact that would extend to the community level. The difficulties lie mainly in the huge social

<sup>5</sup> Followed by Vlach Roma, Hungarian Roma, Moravian Roma, Sinti and other groups.

<sup>6</sup> Vlach Roma, the only group that had been nomadic until 1958, are the most closed and culturally and linguistically specific group. Their representatives claim to have a status of a separate ethnic minority.

<sup>7</sup> Within Slovak Roma themselves, there are big differences between those who came to the Czech lands after World War II and those who came in the 1970s and afterwards.

Although Roma originally came from India around 1000 AD and are known as an itinerant, travelling population, they have long been settled in the Central and Eastern European lands. Slovak Roma, for example, have been settled for 200-300 years. The majority of Czech and Moravian Roma were killed during World War II; very few families survived. Slovak Roma now inhabiting Czech lands were first brought there after 1948 to replace expelled Germans, as well as to provide labour in the industrialised areas of northern Moravia and northern Bohemia. Many others followed in a voluntary migration seeking a better life.

<sup>8</sup> This increased emigration led directly to the reintroduction of visa requirements for Czech citizens entering Canada. The influx to Canada in summer 1997 and to Britain in autumn 1997, as well as later on, brought the issue to the attention of political representatives and the general public, but also increased the expression of negative feelings and attitudes towards Roma in the media.

<sup>9</sup> While the national unemployment rate was 5%. In: Bratinka Report (1997) October, paragraph 7.2. In July 1999 the unemployment in the CR rose to 8.8%. In 2000 it has reached almost 10%. In certain areas the unemployment of Roma exceeds 95% (Czech Helsinki Committee Report 1997, <http://www.helcom.cz>).

resistance to any changes in the area of social redistribution. In addition, past negative experience with communist indoctrination and social engineering also play an important role in contributing to this resistance.

The communist regime regarded the problems and needs of the Roma population mainly as social and economic concerns. The Roma were viewed as victims of the capitalist class system and a simple solution was designed: by removing poverty and providing employment for the Roma—i.e. by addressing the economic causes of the so-called 'Gypsy problem', and by providing education, health care and social security—their situation would automatically improve. This would enable them to integrate successfully into Czechoslovak society and participate in building a communist future. Thus, policies of assimilation and 'co-ordinated dispersal'<sup>8</sup> were designed and put into practice. The main error in the approach of the communist regime was its refusal to take into account Romany ethnic and cultural distinctiveness, their traditions and their language. The Roma were not recognised as a national minority. As a consequence, they were not entitled to any special legal rights—for example, in education—in contrast to the Hungarian, Polish and Ukrainian minority groups. The Czechoslovak government decided to fully assimilate the Roma into the dominant population.<sup>9</sup> This authoritarian policy was extremely damaging to the social and cultural bonds of the Roma population, particularly because mainstream Czechoslovak society was not welcoming, and often hostile, to them.

Another fatal mistake was the communist government's failure to take into consideration the negative attitudes and deep aversion of the majority population toward the Roma—completely ignoring signs and manifest expressions of racism and prejudice harboured by the majority population, including national and local government officials themselves. Thus, despite officially declared 'equality', the Roma faced all forms of discrimination and were not given equal opportunities in employment.

### 2.3. Gaps between policy and practice

In analysing the past, it must be noted that before 1989 all relevant political documents declared the integration of Roma as a significant policy goal. In spite of this, no effective legal, institutional or financial means were created to facilitate this integration. Since 1995, a number of positive changes have occurred in this respect. Much progress remains to be made, however, in order to reach the point at which state officials and policy-makers are able to reflect upon the current state of affairs and their own attitudes and prejudice. State policy circumvents systems, i.e. it does not change them, but it rather substitutes them with temporary measures (such as special educational programmes only for Roma); however, the basic problem of structural discrimination is not only not being solved, but it is

<sup>10</sup> Pamela Jenkins (1999) *American Social Problems in a Global Environment*, Charles University Prague, a two-week course, summer 1999.

<sup>11</sup> Eva Sotolova (1997) 'Přichod Romu do Evropy', in: Pekarek Pavel et al., *Romové—reflexe problemu. Soubor textů k romské problematice*, Praha: Pastelka, pp. 71-77.

<sup>12</sup> Resolution of the Central Committee of the Czechoslovak Communist Party, April 1958. See: Eva Davidova (1995) *Cesty Romu, Romano Drom 1945-1990*, Olomouc: Palacky University.

not even discerned by state policy'.<sup>10</sup> In this respect, positive examples from other countries may be used by Czech policy-makers to accelerate social change.

### 3. The Legal and Political Position of Minorities

The main legal problem with respect to minority rights thus far seems to be the weak enforcement of relevant provisions of the Czech Constitution and the slow pace at which international conventions signed by the Czech Republic have been integrated into domestic law, norms and regulations. The problem lies not only in insufficient respect for human rights and in insufficient monitoring of their implementation but also in the indolence and ignorance of state and public administration in the area of law enforcement. There are currently no mechanisms with which to monitor and/or limit the racial prejudice of state employees and law enforcement personnel.

The major policy document that influences central policies toward minorities is Government Resolution 63/1994. This document is not legally binding but establishes the basic principles of Czech minority policy, the legal position of minorities and the protection of their rights. The Council for National Minorities of the Government of the Czech Republic, established in 1993, includes representatives of six minority groups. The Council itself has no executive power and serves only as an advisory body to the government. In September 1998 the Council fell within the jurisdiction of the Office of the Government Commissioner for Human Rights.

The rights of national minorities are also protected through international commitments of the Czech Republic that according to the Czech Constitution 'take preference before the law'.<sup>11</sup> An important international instrument is the Framework Convention for the Protection of National Minorities which assigns an obligation to the contracting parties based on the equal social position of people belonging to minority groups in the areas of education, culture, employment and politics. The Framework Convention was ratified in December 1997 and came into effect in April 1998. A year later, the Office of the Government Commissioner for Human Rights published a report on compliance with this convention, stating that 'the absence of more detailed legislation, as presupposed by the Charter, has resulted in a legislative deficit since adoption of the Charter in 1991'.<sup>12</sup>

<sup>10</sup> *41* In *Socioklub* (1999) p. 492.

<sup>11</sup> *42* As stipulated in Article 10 of the Constitution of the Czech Republic: 'Ratified and promulgated international treaties on human rights and fundamental freedoms, which are binding on the Czech Republic, are directly binding and take precedence over the law'. They are the following:  
- UN International Convention on the Elimination of All Forms of Racial Discrimination (No. 95/1974 Coll.)

- UN International Convention on the Suppression and Punishment of the Crime of Apartheid  
- UN International Covenant on Civil and Political Rights (No. 120/1976 Coll.)  
- UN International Covenant on Economic, Social and Cultural Rights (No. 120/1976 Coll.)  
- UN Convention on the Rights of the Child Convention Concerning Discrimination in Respect of Employment and Occupation, ILO No. 111  
- European Convention for the Protection of Human Rights and Fundamental Freedoms  
- Framework Convention for the Protection of National Minorities.

The report further states that 'discrimination is commonplace in the Czech Republic, especially against the Roma... The law does not define sanctions for cases of racial (and ethnic) discrimination in the educational system, in the health care system, in prisons and in other areas of society'.<sup>13</sup> According to human rights NGOs, numerous reports of both participants and observers indicate that Roma suffer widespread discrimination in the Czech justice system.<sup>14</sup>

Legal protection of minorities in the Czech Republic is ensured by the Czech Constitution and by the Charter of Fundamental Rights and Freedoms. Further, the Criminal Code and Civic Code explicitly require equality before the law. There is insufficient protection, however, against discrimination in the Criminal Code, under which there is no formulation that makes discrimination a criminal offense. It can be said that Czech law prohibits, but does not penalise, acts of racial discrimination. In other words, in the absence of implementation procedures, the Constitution contains only formal and overtly general proclamations that have not been developed into particular laws. The only 'discriminatory' law, the Citizenship Law of 1993, was replaced by a new citizenship law that was approved by the Senate in July 1999. The new Citizenship Law allows former emigrants to hold dual citizenship and facilitates the process of obtaining citizenship for Slovaks living in the Czech Republic since the 1993 secession of its two entities.<sup>15</sup>

#### 3.1. Protection against racism

Many positive changes have occurred since 1995, when a Roma individual was brutally murdered in his house by skinheads in a provincial town.<sup>16</sup> 1995 was a crucial year in terms of the acknowledgement and monitoring of racially motivated crimes. In this respect the Criminal Code was amended, police units focusing on extremism were created and the Chief Prosecutor issued a general directive regulating the procedures in prosecuting racially motivated criminal acts. After the mass emigration of the Roma in 1997, the Ministry of Interior—largely due to significant international pressure—began publicising instances of state action to combat hate crimes and other relevant statistics.

Currently, the Czech Republic is preparing ratification process of the European Charter on Minority and Regional Languages.

<sup>13</sup> *43* Information about Compliance with Principles Set Forth in the Framework Convention..., 1 April 1999, Part 1, Section 16.5.

<sup>14</sup> *44* Ibid., Part 2, Article 4, Section 3.

<sup>15</sup> According to the European Roma Rights Centre (ERRC), 'repeated allegations of differential treatment of Roma victims (inadequate investigation of their complaints by law enforcement authorities) and Roma defendants (subjected to more frequent and longer periods of pre-trial detention, and disproportionately severe sentences) suggest that the second class status of Roma in Czech society does not end at the courthouse door'. In ERRC (1998) Submission to the Committee for Elimination of All Forms of Racial Discrimination, Executive Summary.

<sup>16</sup> Such incidents have been frequent and numerous examples have triggered international outrage.

In July 1999 the Czech government approved a plan to fight extremism, drawn up by Deputy Premier Pavel Rychetský and Human Rights Commissioner Petr Uhl. The plan clamps down on organisations and movements that act against human rights, and provides guidelines to be followed by the Ministries of Education, Interior, Justice, and Labor and Social Affairs.<sup>17</sup> It also lists organisations that can be dissolved by the Interior Minister. The list includes the Patriotic Front and the National Front of Castists, which disseminates propaganda against foreigners, Jews, Roma and homosexuals.<sup>18</sup>

### 3.2. Central policies targeting the Roma

Pressed by the international implications of the exodus of Roma over the past few years, the Czech government has repeatedly expressed its determination to solve problems faced by the Roma community. In October 1997 the so-called 'Bratinka Report' was adopted by the government and led to the establishment of the Interdepartmental Commission for Romany Affairs and prepared a long-term plan of action.<sup>19</sup> One of the major steps forward was the establishment of Romany social advisers at the district level, as well as the institution of changes in educational policies, such as the introduction of Romany teaching assistants. (See Case Study 1 for details.) However, most changes have been met with resistance from bureaucrats in charge of their implementation,<sup>20</sup> local-level representatives and teachers. In spite of these difficulties, these changes are gradually being introduced with the support of nonstate organisations and initiatives.

In September 1998 the government established the Office of the Government Commissioner for Human Rights and appointed Petr Uhl—a well-known human rights activist—as Commissioner. His role is to initiate and co-ordinate activities in the field of human rights monitoring (with no executive powers or budgetary provisions, however).<sup>21</sup> He also serves as the chairperson of the Interdepartmental Commission for Romany Affairs and of the Council for National Minorities.

<sup>17</sup> Upon the pressure from abroad the law was partially amended in 1998 so that citizens of the Slovak Republic who had the place of residence in the Czech Republic as of 31 December 1992 could be forgiven the condition of five-year indemnity. The amendment, however, did not remove the discriminatory effect of the law.

<sup>18</sup> One of the reasons behind this measure is the fact that the number of supporters of extremist movements has risen. In 1997 this community was estimated at 5,500 persons and in 1998 around 10,000 persons. 'Roma who ask for asylum abroad giving arguments that they have been persecuted by skinheads speak the truth', said the Interior Minister when submitting the Report on Prosecuting Racially Motivated Crimes, approved by the government on 14 July 1999.

<sup>19</sup> 'Stále více lidí sympatizuje s extremizem' (More and more people sympathize with extremists) (1999) *MF Dnes*, 15 July, p. 3.

<sup>20</sup> Radio Free Europe (1999) 29 July.

<sup>21</sup> Report on the Situation of the Romany Community in the Czech Republic and Government Measures Assisting its Integration in Society (1997) Office of Minister without Portfolio, The Czech Republic Government Office, 29 October. The so-called 'Bratinka Report', includes Government Resolution No. 686/97.

In December 1998 the government established the Government Council for Human Rights as an 'advisory and co-ordination body in the field of protection of human rights and basic freedoms' and appointed the Government Commissioner as its chairperson.<sup>22</sup> In April 1999 the government adopted the 'Policy of the Czech Government towards the Romany Community Supporting their Integration into Society', which will hopefully serve as a catalyst for long-term systemic change in terms of the rights of the Roma. The draft concept also includes a proposal to establish a Commission for Ethnic Equality, and plans to introduce a widespread policy of 'equalising action' are scheduled to take place between 2001 and 2020. An important component of the new policy is a statement on the value of Romany identity, culture, language and history as positive assets for the majority. The Concept of Romany Integration—elaborated at the end of 1999—was not adopted by the Czech government. According to some Roma, this signalled that the government still preferred a policy of assimilation to one of integration.<sup>23</sup>

The majority of Czech policy-makers and opinion leaders have not yet seriously reflected on the status quo and are usually unwilling to acknowledge past political mistakes.<sup>24</sup> State bodies focus only on open manifestations of racism and too often ignore structural and institutional forms of racial discrimination and segregation (for example, local staff of the Ministry of Education and the Ministry of the Interior, i.e. school administrators and police). Given the level of prejudice in the Czech society on the part of many municipal leaders, political representatives and other influential people, and the high level of resistance to social change, the problems that the Roma face are very difficult to address.

## 4. The Role of Local Government

### 4.1. Public administration reform and decentralisation

Democratisation and decentralisation began as dual processes after 1989. National committees that previously had served as state administrative bodies were replaced by district and municipal offices. When the Czech Republic emerged as an independent state in 1993, the new Constitution<sup>25</sup> modified its position on local government by creating two territorial-administrative units—municipalities and regions. Current plans call for the creation of fourteen separate regions beginning in 2001. District offices continue to serve as the decentralised authority of state administration. Municipalities perform self-administrated tasks—independent activity—and perform some previously state-administrated functions—transferred activity. With roughly

<sup>22</sup> For example, until March 1998 the Ministry of Education was not willing to start implementing Government Resolution No. 686 and officially recognise Romany teaching assistants.

<sup>23</sup> Resolution of the Czech Government No. 579 on Appointing the Government Commissioner for Human Rights (1998) 9 September.

<sup>24</sup> Resolution of the Czech Government No. 809 on Improving the Protection of Human Rights in the Czech Republic (1999) 9 December.

<sup>25</sup> 'Nemají-li se Romové integrovat, co tedy?' (What else if Roma should not integrate?) (2000) *Romano hangos*, 25 February.

ten million inhabitants and 6,244 municipalities, it seems that, on paper at least, there is a considerable degree of decentralisation.

An important step forward in the process of public administration reform occurred in December 1997 when the Czech Parliament passed a law<sup>26</sup> on the establishment of regions and an amendment to the Constitution. These legal initiatives have laid the fundamental foundations for the implementation of the principles of decentralisation and subsidiarity in the future. The government also approved a timetable for legislative work to allow regional local government to be established by the end of 2000.

In March 1999 the government reviewed the Concept of Public Administration Reform, prepared by the Ministry of the Interior and, in May 1999, set further objectives for its implementation (Resolution No. 511). By September 1999 a package of draft laws, constituting the legislative framework for the reform process were submitted to the government and entered into force in January 2000. The reform concept is characterised by:

- transfer of competence from state administration to self-government of regions and municipalities (decentralisation),
- transfer of competence of central state administration to regional state administration (vertical deconcentration),
- exercise of state administration in the first instance on the level of 'small districts' to be established, numbering some 210,
- exercise of self-government by all municipalities.

The side effect of these reforms is the abolishment of the existing 73 district offices (state administration authorities of general competence, i.e. the district tier) and the establishment of some 210 administrative districts ('small districts').

The actual reform process began in January 2000 with enforcement of this law. In practice, regional administrative and local self-governing bodies should be established by November 2000. All other changes will be connected to the transfer of competencies from the central state administration to deconcentrated regional and local administrations. At the same time, the territorial offices of the ministries and other central state administration agencies will be abolished and their competencies transferred to district or regional administration offices. Regional self-governments will be provided with a host of new responsibilities, including activities related to regional socio-economic development.

This somewhat complicated, and still controversial, system of public administration reform presents certain tensions between the state administration and local governments, mainly with respect to the transfer of competencies and the implementation of state policies at the local level. Political pressures have been exerted, mainly on part of the Civic Democratic Party (CDS), with the aim of hindering the reform process. Compared with other CEE countries in which decentralisation took place shortly after the collapse of communism, the situation in the Czech Republic looks rather grim.

<sup>26</sup> 11

As apparent from a discussion with Jiri Pilar and Maria Tepla from the Ministry of Education, 28 June 1999, and an answer by Petr Uhl to a question raised at the conference 'Legal Protection of Roma in the Current Europe', 29 June 1999.

#### 4.2. *Romany advisers in district offices*

In accordance with the Braitmka Report, Roma social advisers are being placed in district offices throughout the Czech Republic. Since September 1999 there has been a regular training programme for these advisers and their assistants, organised by the Institute for Local Development. In many areas, the advisers' work represents a significant step forward in facilitating communication between the municipalities and the Roma community. They help to initiate projects aimed at improving the situation of the Roma (and majority-Roma relations more generally) and sometimes even perform tasks that fall within the jurisdiction of local self-government personnel.

Almost half of the 72 Roma Social Advisers are not of Roma origin (as of February 2000). According to the Secretary of the Interdepartmental Commission for Roma Affairs, this has occurred as a result of a 'bureaucratic error'—the goal had been to employ Roma. When the formal statute of this position was elaborated by the Ministry of Labour and Social Affairs, however, it included the statement that: 'these positions should preferably be filled by Roma'—indirectly offering municipalities a legal basis to hire non-Roma advisers. This corresponds with the current trend of giving preference to the Roma only when no appropriate Roma candidates can be found and then offering positions to non-Roma candidates.<sup>27</sup>

According to some experts, there is only limited space for Roma advisers to develop platforms to unite and mobilise the Roma community in their respective communities. This is largely because these advisers are overwhelmed with the everyday problems of their clients regarding housing, social benefits, citizenship, relations with local authorities and schools.<sup>28</sup>

#### 4.3. *Political representation*

Regarding the representation of minorities in local governments, members of any minority group may be elected—but only as citizens, not as minority representatives. This is due to the fact that the only principle regulating minority-majority issues has been the 'citizenship principle'—i.e. equal treatment of all citizens irrespective of ethnicity. This formal principle is not always appropriate in practice, due to widespread discrimination and the resulting underrepresentation of minorities in the political sphere. Recently, therefore, the citizenship principle has been complemented by the introduction of specific measures (see in Section 3.2). The shift from the citizenship principle is likely to be a slow one, however, and political participation of minorities remains limited at both the local and central level. The fragmentation of the Roma community, its very low level of self-confidence and its exclusion from the media and other public spaces are among the main problems with respect to Roma political participation.

<sup>27</sup> 25  
<sup>28</sup> 26  
As apparent from the Constitution of the Czech Republic, Law No. 1/1993 Coll., Head 7 Constitutional Act No. 347/1997 Coll.



By April 1999 there were 110 Romany citizens associations in the Czech Republic.<sup>29</sup> The common problem with these associations is that they do not co-operate with each other. The state administration does not support any such co-operation, most likely because of fears that a united and politically mobilised Roma community might (rightly) make a series of political claims.

In spite of their many problems, certain positive changes have occurred recently in terms of Roma political representation. In March 1999 a group of twelve Roma representatives met at the New School Foundation (see Case Study 6) in order to discuss a proposal to create a united Roma political party. Only partial agreement has been reached on this issue, but all parties to the discussion have agreed to continue with further negotiations.

In 1997 the Association of Roma Regional Representatives was established. The primary goal of the Association is to formulate regional solutions to current problems faced by the Roma. One of its most visible political activities was an organised protest against the building of the Maticni wall in October 1999. Association representatives literally dismantled the wall on the same day that it was constructed in October 1999 (see Case Study 3).

State financial support for minority organisations is generally organised on a project-by-project basis. Each year, nongovernmental organisations must submit project proposals for evaluation. Only after these proposals are approved can the funds be appropriated for one year (occasionally for longer periods). The same principle is typically valid for local public and private resource allocation. This process hinders long-term organisational planning and presents problems for hiring new personnel.

#### 4.4. *Media, culture and the use of mother tongue*

Minority access to media is still insufficient though some progress has been made recently. Only one multi-cultural programme is broadcast on the Czech television every two weeks, though not during prime broadcasting hours. An important precedent was set recently with the employment of one Roma newscaster and one Roma programme announcer by Czech TV. Four Romany periodicals are financially supported by central government. (Apart from the Romany press there are four Slovak, four Polish and three German periodicals, as well as one Hungarian and one Ukrainian periodical financed by the state.) There are also several local-level Roma publications.

Mother-tongue education for minorities is organised only for the Polish minority in North Moravia. Because only a very small number of Roma declared their nationality in the population census in 1991, the Czech government continues to treat the Roma not as a national minority but rather as a 'community'. This is not advantageous for the Roma: it limits their rights. Little has been done in the way of Romany-language education. This is in part because education in the Czech Republic remains highly centralised. As the decentralisation process continues, the possibility remains open that minority education will, in the future, be managed in accordance with local needs.

<sup>29</sup> Jaroslav Mitras, interview, Ministry of Interior, 3 May 1999.

#### 4.5. *Employment*

The ethnic group hardest hit by unemployment has been the Roma. As a result of the declining demand for unskilled labour in the transformed economy and substantial influx of unskilled migrant workers into the Czech Republic, the Roma now have fewer long-term employment opportunities. Industrial areas—containing large Roma populations—are bearing the brunt of the economic restructuring process and their regional unemployment rates are higher than anywhere else in the country.

Apart from these structural causes, other factors have contributed to high Roma unemployment, including low education, virtually no job training,<sup>30</sup> an unmotivating system of social benefits, poor health conditions and discrimination in the labour market. According to numerous sources, there continue to be cases where Roma job applicants are rejected under the pretext that positions have 'already been filled', though they remain open for non-Roma applicants.<sup>30</sup> For many employers, incentives such as the grants offered by regional employment offices for 'effective job creation' are not attractive enough to encourage the hiring of Roma workers. Discrimination in the labour market is one of the primary reasons for the high level of Roma migration to countries with more developed democracies.

##### 4.5.1. *Employment policy responses*

In May 1999 the Czech government passed the National Plan of Employment,<sup>31</sup> launched by the Ministry of Labour and Social Affairs, which explicitly deals with Active Employment Policies (AEP) targeted at the Roma and equal opportunity policies and practices. It aims to:

- increase employment of long-term unemployed job seekers, with special emphasis on members of the Roma community,
- use public tenders preferentially to ensure the employment of job seekers with 'job placement difficulties',
- reinforce legal and institutional tools and mechanisms in order to eliminate discrimination in the labour market,
- create realistic opportunities to give preferential treatment to those groups whose access to the labour market is markedly limited,
- monitor the level of enforcement of the right to employment of for groups of citizens 'menaced by discrimination'.<sup>32</sup>

In June 1999 the Czech government—after more than two years of pilot verification—implemented a policy document entitled, 'Measures to Address the Employment of Persons with Job Placement Difficulties with Special Regard to the Roma Community'. The doc-

<sup>30</sup> According to Mr Mitras, a Rom working at the Ministry of Interior as Administration Councilor (správní rada) who co-operates with Romany social advisers and with district offices and is in charge of dealing with complaints. Mr Mitras also helps with citizenship issues and he also advises how to establish a citizens association, one of the most common type of nongovernmental organisation.

<sup>31</sup> Jaroslav Mitras, interview, Ministry of Interior, 3 May 1999.

<sup>32</sup> Hilda Pasova, interview, also in Documentation Center for Human Rights.

ument covers four projects: 'Most', 'Sance', 'Romstart' and 'Trenink' and lists instruments of Active Employment Policies (AEP). Along with these measures, the government also passed budgetary provisions for these projects' implementation. The largest part of the budget is for the implementation of AEP instruments targeted predominantly at the Roma, including publicly beneficial jobs, youth and adult training, public works jobs and protected workshops.

In order to prevent discrimination the government decided to amend the Law on Employment<sup>33</sup> by inserting an anti-discrimination clause. The amended Law was enforced in January 2000. It made discrimination in the labour market illegal and specified sanctions and fines for such discrimination.<sup>34</sup> Labour offices at the district and local levels are responsible for the implementation of the Law.

#### 4.6. Public education

##### 4.6.1. Top-down policies

Education is one of the sectors that has thus far been least affected by decentralisation. Within the public education system, one of the main problems for the Roma minority is the placement of Roma children in special schools for mentally handicapped children. (See Annex 1 for details.)

Among central-level education policies, there have been some positive changes. In 1993 the government created the framework for an experimental programme of 'preparatory classes' (zero classes) to prepare disadvantaged children for their first year of school. Many districts with large Roma populations participate in this programme, which is funded solely by local governments. In 1998 there were nearly 90 preparatory classes operating throughout the country.

A positive example of democratisation and effective policy-making was the amendment of the Education Act in the fall of 1999 which facilitates access to secondary education for students from special schools. The amendment aims to remove the 'lid' on the special school system which had been kept tightly closed by a provision that only students from elementary schools can sit for secondary school entrance exams. The proposal was submitted by the only Roma MP in the Czech Parliament, Monika Horáková, and was originally initiated through a petition of teachers and other citizens early in 1999.

##### 4.6.2. Bottom-up policies—the role of NGOs

A major step forward was the introduction of Romany teaching assistants in public schools, initiated by the New School Foundation (in co-operation with several schools)—a policy that was formally adopted by the Ministry of Education in March 1998.<sup>35</sup> The position of Romany assistants has not yet been addressed in a fully satisfactory manner, largely due to the continuing lack of communication between the Ministry, NGOs and district school boards. As such, there are still many assistants without official contracts being paid

<sup>33</sup> Resolution of the Czech Government No. 418 on the National Plan of Employment (1999) 5 May.

<sup>34</sup> 'Národní plán zaměstnanosti' (National Employment Plan) (1999) *Sociální politika*, No. 6.

<sup>35</sup> No. 1/1991 Coll. and No. 9/1991 Coll.

by NGOs. To date, there are about 150 Roma teaching assistants working in mainstream and special schools that have received or plan to receive a two-week intensive training course organised by NGOs and funded by the state.

#### Case Study 1. Teaching Assistants

The introduction of Roma teaching assistants into the public education system in April 1998 was preceded by similar positive experiences in private schools. The first full-time assistant started to work in 1993 at the Church Primary School of Premysl Pitter in Ostrava. Others followed in Brno in 1995, inspired by Ostrava. At present, the Premysl Pitter school employs nine Roma teaching assistants. Another nineteen assistants are supervised by a Romany NGO—'Romano Jekhetaniben Pre Morava'. This association of Roma in Moravia supervises five educational centres that either employ or assist Romany teaching assistants. The centres are located in: Brno, Bruntal, Ostrava, Olomouc and Stenberk. In Brno, five assistants are financed by the District School Office (state budget funds) and four are paid by Romano Jekhetaniben Pre Morava (which also sponsors eight assistants in Ostrava). Two assistants in Stenberk are financed by the Church. Another two assistants work in the Khamoro Kindergarten in Olomouc, also funded by the Church. In this kindergarten, Romany assistants were introduced in 1994, initially using Romany mothers as volunteers for a short period of time.

Source: Interviews with Helena Balabanova and Helena Jirincova

Other positive examples aimed at increasing the education level of the Roma include the establishment in September 1998 of the Romany Social and Legal High School in Kolin, at the initiative of the Roma community itself. The majority of the school's students live in halls of residence located directly in the school building. After completion of four years of school and passing an exit exam, the graduates will work as professional social workers in the area of minority integration or at district and municipal offices. The school is funded by Roma sponsors in the Czech Republic and abroad. The operational costs of the school are partially covered by the Rajko Djuric Foundation.

Special training programmes for Roma social workers are run by several other institutions, such as the Evangelic Academy in Prague 4 that prepares Romany assistants (through a two-year course) and Romany social advisers (through a five-year course providing full secondary education).

In sum, it can be argued that given the disparity between officially proclaimed government objectives in education policy and the current state of the educational system—in terms of the quality of teacher training, lack of young flexible teachers, system of school management, district-level bureaucracy and inconsistencies between the new Education Concept and the new Education Bill—it will be difficult to bring about real change in the short term. Again, one of the primary problems is that real authority over public education has not yet been decentralised. Local authorities still have no say in any education policies. Additionally, co-operation between the Ministry of Education and the non-governmental sector remains very low.<sup>36</sup>

<sup>36</sup> Fines up to one million CZK if the law is repeatedly violated.

#### 4.7. Central policies targeting local communities

There are virtually no equal opportunity policies initiated at the local level. Anti-discrimination is widely perceived only in terms of preventing racist attacks on ethnic minorities. Institutional discrimination occurs and is largely ignored (with the exception mentioned above in the new employment measures and legislation). In terms of employment, this means that unemployment is significantly higher among the Roma minority than the rest of the population. In terms of education, the consequence is that Roma children obtain a lower standard of education in special schools and cannot continue on to higher education.

According to municipal representatives and the Roma themselves, there have been some positive efforts made to mitigate inter-ethnic tension at the local level. A short Comprehensive Programme, initiated and funded by the Czech Ministry of Interior, has been well evaluated.

##### Case Study 2. Comprehensive Programme of the Ministry of the Interior

The Programme aims to support socially deprived Roma communities, to prevent inter-ethnic conflicts and to support 'good neighbour' relations in mixed communities. In 1999 it was implemented in 57 towns in the Czech Republic.

Concrete projects focus on:

- *Education*: preparation of Romany children for school, including special classes at kindergartens, zero classes, social work with families, support of special teaching methods and curricula at schools that respond to Romany children's needs;
- *Employment*: motivating Romany youth to acquire occupational skills and abilities which will allow them to succeed in the labour market;
- *Community work within the Roma community*: improving the quality of nonformal social control, involving larger communities in solving problems of a given community, organising cultural and social activities that directly respond to the community needs;
- *Hobbies and leisure activities*: cultural and art activities, technological clubs, sports clubs and equipment for playgrounds, etc.

In order to receive financial support from the state, the projects must be partially funded by municipalities and Roma have to participate in them. The highest number of projects in the period 1996-1998 were implemented by nongovernmental organisations (35%), schools (34%) and local governments (18%); then by charity organisations (5%), state administration (3%), municipal police (2%), children centres and sports clubs (1%). A total of 110 projects in 32 municipalities were supported in the period 1996-98.<sup>37</sup>

The Comprehensive Programme supports *full integration, not assimilation*, of Roma into majority society. It is expected that integration will be more feasible and acceptable, if the dis-

<sup>37</sup> The government resolution 686/97 based on the Bratinka Report stated that at least 20 Romany teaching assistants will be financed out of the state budget for 1998; the Ministry of Education, however, ignored this resolution.

advantages of Roma will be reduced. The remedy of such disadvantages will also contribute to a decrease in crime related to poverty as well as traditional crime.

Source: Ministry of Interior (1999) and data from the conference 'Legal protection of Roma in Europe', 29 June 1999, Prague.

#### 4.8. Local inter-ethnic tensions and the search for solutions

Despite the fact that local governments are often in a better position than central authorities to respond to the needs of ethnic minorities and manage ethnic conflict at the local level, tension permeates the process of decentralisation of power and administrative responsibilities. The protection of human rights and the implementation of human rights legislation has largely depended on political will at both the national and local level. Most policies that have an impact on the everyday lives of minorities can only be implemented at the local level.

There have been numerous cases of racism and ethnic hatred on the part of local-level political representatives that have negatively influenced inter-ethnic relations in the Czech Republic. Since 1997, 'there has been an increase in cases of political abuse of ethnic tension and tolerance towards strong xenophobia. The problem of Czech policy may potentially be not only its incompetence in formulation and enforcement of positive programmes but also a danger of resorting to populism'.<sup>38</sup>

##### Case Study 3. The Wall in Ústí nad Labem

In May 1998 the municipal leaders in two Czech towns Ústí nad Labem and Pízen introduced 'apartheid-style measures ... reminiscent of the Nazi holocaust when Roma, along with Jews, were separated from the rest of the population'.<sup>39</sup>

In Ústí nad Labem-Nestemice, the municipality considered plans to erect a four-meter high wall, separating houses with Roma tenants from other inhabitants in order to protect the latter from bothersome noise and garbage. In Pízen, the solution of the Roma problem seemed to be even more radical: the municipality planned to construct a compound on the city's outskirts with portable cabins surrounded by a fence and with a police force having 24-hour access to all of the cabins.<sup>40</sup>

Populism proved to be successful when the mayor of Ústí nad Labem was re-elected in the November 1998 local elections.<sup>41</sup>

<sup>38</sup> 'Unwillingness and incompetence of the Ministry of Education officers to co-operate with NGOs, that often substitute government's duties (e.g. Romany teaching assistants or multi-cultural education) is inexcusable'. Ludek Novak, Head of the New School Foundation, Debate over the Complaint, G+G Literary Cafe, 15 June 1999.

<sup>39</sup> 'Roma in the Czech Republic after 1989', a presentation of Jiri Zlamal at the conference Legal Protection of Roma in Europe, 29 June 1999, Prague.

<sup>40</sup> *Romove v. Ceske Republice* (1999) Prague: Socioklub, p. 89.

<sup>41</sup> 'Czech Cities Wall off Gypsy Ghetto' (1998) *Independent*, 27 May.

In August 1998 the UN Committee on the Elimination of Racial Discrimination (CERD) demanded an explanation for the proposed plan, and in January 1999 the Czech government adopted a resolution to prevent construction of the wall.

In April 1999 the local municipality of Ústí made an agreement with the local Roma community that a two-meter high ceramic partition would be built and some construction had already started when the Government Commissioner for Human Rights vigorously protested against the partition's construction. In response, the mayor of Ústí demanded the Commissioner resign from his office.

In May 1999 the Czech government asked the head of the Ústí District Office to question the resolution of the Ústí-Něstějice Neighbourhood Council. If the Nestějice council failed to prevent the partition, the Czech Chamber of Deputies would then be asked to block the construction. The local authorities in Ústí nad Labem claimed that nobody can stop them from their decision to build a ceramic partition. In October the wall was constructed; on the same day it was dismantled by Roma residents, and then built again with the assistance of the police.

A month later it was officially removed after the local municipality reached an agreement with the central government that the latter will provide financial assistance (10 million CZK) in order to mitigate the noise and garbage problem by buying out the family houses of non-Roma residents.

On 5 April 2000 the Czech Constitutional Court ruled that the Parliament did not have the right to interfere in local government decision-making, stating that the Act on Municipalities clearly discern executive from legislative powers, only the latter being the domain of the Parliament. This ruling is significant for furthering conflicting views between the central government and local self-governments.<sup>42</sup>

An in-depth analysis of the situation was conducted by a team of experts and financed by the Foundation 'Vize 97'. The conclusions suggest that the main cause of the dispute was an incorrect decision made by the municipality in 1994 to move Roma who do not pay rent into several buildings in one area.<sup>43</sup> Other detrimental factors have been insufficient communication between the municipality and the Roma and a lack of social work in the area. The major findings were:

- Problems exist in terms of co-operation with municipal and town offices—particularly with social departments and their employees.
- There are still many Roma who do not have Czech citizenship.
- There are no Roma represented in the local government.
- Regarding the payments of social benefits, however, there seem to be no problems.

Source: various newspaper articles and documents.<sup>44</sup>

<sup>40</sup> <sup>42</sup> 'Ghettos for Czech Gypsies?' (1998) *Economist*, 30 May; 'Czech Town Plans High Wall to Isolate Gypsy "Ghetto"' (1998) *Guardian*, 16 May; Linda Grant (1998) 'In the Ghetto', *Guardian Weekend*, 25 July, pp. 16-22; Stephane Kovacs (1998) 'Republique tcheque: le mur de la honte', *Le Figaro*, 10 August; 'Indésirables chez les Tcheques. Les Roms se heurtent toujours a la xenophobie' (1998) *Liberation*, 27 August; Martin Plichia (1998) 'Des villes tcheques veulent isoler les Tsiganes', *Le Monde*, 05 June.

<sup>41</sup> <sup>43</sup> 'Primátorem Ústí nad Labem se stal opet Ladislav Hruska z ODS' (Ladislav Hruska elected again to be the Mayor of Ústí) and 'Zastancem "ustecke zdi" je opet primátorem' (The defender of the Ústí wall became again the Mayor) (1998) *Lidové noviny*, 1 December, p. 7.

<sup>44</sup> <sup>44</sup> The judges found out that politicians have been violating the Czech constitution for years'. In: 'Ustavni soud: poslanci nemeli branit stavbe v Maticni' (The Constitutional Court: The MPs should not have prevented construction in Maticni) (2000) *Lidové Noviny*, 6 April.

In other municipalities, local governments have to deal with inter-ethnic tensions. In Krnov, for example, the municipality and the Roma representatives came together to settle the problems that were reflected in the 'Anti-Roma petition signed by several hundred Krnov inhabitants' that criticises past local governments for confining the Roma to one neighbourhood. The petition makes complaints about 'garbage in the streets, noise and the rude behaviour of young Roma'.<sup>45</sup>

Many Roma have reacted to insufficient policies aimed at improving their situation and inter-ethnic relations by leaving the country. In Rokycany, for example, more than 400 Roma residents have left—more than half of the total number previously living in the town—according to the head of 'Info-Roma', a local Roma association. The mayor of Rokycany claims that this figure is exaggerated and that there are no reasons for Roma to leave. According to the mayor, there is no racism in Rokycany and a number of Roma have 'made a business out of the problem'.<sup>46</sup>

Even in localities where there are no marked tensions and substantial efforts have been made by local governments to improve the situation, Roma emigration rates are high. For example, in Liberec, the municipality helped to establish the Romany Community Centre and has supported several pro-Romany projects with one million CZK. The Roma community in Liberec admits that there are no open inter-ethnic conflicts with the Czech majority but they complain about inadequate job opportunities. Approximately 20 Liberec Roma families left the country already.<sup>47</sup>

But some positive examples of long-term co-operation between the municipality and the Roma community can be found.

<sup>45</sup> <sup>45</sup> *Analýza vzniku, aktuální situace a možnosti řešení problému obyvatel Maticní ulice, Závěrečná zpráva o projektu vypracovaného pro Nadaci Dagmar a Václava Havlových Vize 97* (1999) Prague—Ústí nad Labem: R Mosty—Socioklub, 30 April, pp. 13-19

<sup>46</sup> <sup>46</sup> 'Ghettos for Czech Gypsies?' (1998) *Economist*, 30 May; 'Czech Town Plans High Wall to Isolate Gypsy "Ghetto"' (1998) *Guardian*, 16 May; Linda Grant (1998) 'In the Ghetto', *Guardian Weekend*, 25 July, pp. 16-22; Stephane Kovacs (1998) 'Republique tcheque: le mur de la honte', *Le Figaro*, 10 August; 'Indésirables chez les Tcheques. Les Roms se heurtent toujours a la xenophobie' (1998) *Liberation*, 27 August; Martin Plichia (1998) 'Des villes tcheques veulent isoler les Tsiganes', *Le Monde*, 05 June; 'Ústí: Plot je v souladu se zákonem' (Ústí: The fence is in accordance with law) (1999) *Metro*, 28 May; 'Vláda je proti tomu, aby v Maticni vyrostla zdi' (The government is against the wall in Maticni) (1999) *MF Dnes*, 27 May, pp. 1, 3; 'Cabinet Says No to Ústí Fence', (1999) *Prague Post*, 28 June; United States Information Service (1999) *Country Reports on Human Rights Practices for 1998—Czech Republic*, p. 16.

<sup>47</sup> <sup>47</sup> Also in: *Analýza vzniku, aktuální situace a možnosti řešení problému obyvatel Maticní ulice, Závěrečná zpráva projektu vypracovaného pro Nadaci Dagmar a Václava Havlových Vize 97* (Analysis of beginning, present situation, and possibilities of solving the problems of inhabitants of Maticni street. Final Report) (1999) Praha—Ústí nad Labem: R Mosty—Socioklub, 30 April.

<sup>48</sup> <sup>48</sup> 'Krnovští celí petici' (Krnov faces a petition) (1999) *Metro*, 4 August, also in the Czech TV News-CTI (1999) 30 July.

#### Case Study 4. Co-operating Cities

In 1995, in a project initiated by the Council of Europe, the town of Pardubice became one of the founding members of the 'Network of Czech Republic Cities Co-operating to Solve Romany Issues'. The network aims to achieve optimal communication with Roma communities. The network's founding organisations are the Institute for Romany Studies in Ústí nad Labem in co-operation with 'Movement R', the Town of Brno, the Town of Pardubice and the World Federation of Joint Cities and Municipalities, Paris. The Deputies of the Town of Ústí declined membership and therefore Ústí did not join the network. Other towns in the network are Česká Kamenice, Vysoké Mýto and Trmice.<sup>46</sup> In June 2000 a seminar on 'Roma and Municipality' was organised in Pardubice by the NGO 'Movement-R' with support of the Ministry of Education.

Source: Interview with Mrs Koskova

Sometimes external assistance in analysing existing problems may result in complex strategies and solutions.

In other areas the most interesting activities are:

- Co-operation on the 'Crime Prevention Interactive Comprehensive Programme' initiated and funded by the Czech Ministry of Interior;
- Co-operation between the DROM Centre and the police school in teaching the Romany language;
- Efforts to identify and recruit Roma for police training;
- Introduction of 'public benefit jobs' for those unemployed Roma who cannot afford to pay rent. By participating in the project, they can gradually pay their debts and thus solve their housing problems.

In co-operation with the Council of Europe, a new housing project is being prepared where Roma will be involved in the construction of their own houses. This can serve, if successful, as a model for similar activities elsewhere in the Czech Republic.

Source: Community Centre DROM; Council of Europe.

Schools may be used as community centres/community schools—a policy that may become a widespread good practice.

#### Case Study 5. Strategic Planning in Brno

As the result of co-operation with the Council of Europe, the state administration, local self-governments, NGOs and the efforts of many institutions and individuals, in 1997-98 the Town of Brno prepared a strategic plan concerning relations between the Roma minority and the majority community in Brno.

The implementation of the plan is co-ordinated by the Social and Cultural Department of the Brno Municipality. The main actors are: the Brno Employment Office; Brno District School Office; Cultural and Educational Centre for Romany Children and Youth, DROM; Association of Roma in Moravia; Helsinki Citizens Assembly—Roma Section; Museum of Romany Culture; Brno Municipal Directorate of the Police of CR; Municipal Police Brno; and the Secondary Police School in Brno.

The Project focuses on five areas: education, security, social affairs, employment and media. In the area of education, the School Office aims to create equal conditions for the development of all national minorities, especially the Roma. Emphasis is placed on preschool education, zero classes, transfer of children from special to mainstream schools, Romany teaching assistants at schools, co-operation with families and Romany organisations, and the introduction of multi-cultural curricula. The Brno Municipality Department of Education, Youth and Sports funds projects that focus on leisure time with special attention towards Romany children and youth.

A very important actor in the project is an NGO called DROM—the Cultural and Educational Centre of Romany Children and Youth. It organises after-school activities (20 activity circles for 250 children as well as less organised activities for approximately 70 children) and also serves as an information centre for parents. In January 1999 a Romany adviser started to work at DROM with the goal of removing communication barriers between the majority and the Roma and supportive Roma families.

<sup>46</sup> 'Aktivistka nabízí informace o azylu' (An activist offers information about asylum) (1999) *Metro*, 4 August.

#### Case Study 6. The Community Centre and School

A Community Centre was established by the Premysl Pitter School in October 1997, in co-operation with and with the support of the Ostrava Municipality and local governments in Moravska, Ostrava and Privoz. The Centre is now administered by 'Together'—a civic association established in February 1999. This association consists of employees of the school and parents of children attending the school. The main aim is to support social programmes as well as educational programmes. Target groups are Roma children, youth and adults. Emphasis is placed on after-school activities of children and youth from several schools in the area that have closed down their after-school clubs because of insufficient attendance. The main problem is that these clubs must be paid for and the Roma cannot afford to keep their children there.

Through preventive activities and by providing positive role models, the Centre has managed to reduce negative social phenomena as well as youth crime.

The Centre also organises regular meetings for mothers and for fathers to play football. On Fridays and Saturdays there are discos for children and adults, and once a month a lecture is organised on various topics, such as drug abuse, sex education, education towards tolerance. Tutoring is available for Roma students any day of the week.

The Centre also organises many other activities, such as cultural and sports events and community work, and co-operates with other NGOs and individuals.

Experience gained at Premysl Pitter School is slowly being used in other communities. Within the framework of the experimental programme 'Romany Children in Czech Schools', recognised by the Ministry of Education, the *curricula model* is being used by several other schools in the Czech Republic. Hopefully, the *community centre of community school model* will be used more frequently in the future.

Source: Movement-R Seminar in Brno, 6 May 1999.

Sometimes a school board can initiate good relations and practices.

### Case Study 7. *Tolerance and Respect*

In spite of the problems and the generally negative attitudes of local self-government, the situation in Píbram may be viewed as a positive one thanks to close co-operation among the District School Board, Romany social advisers and assistants, primary and secondary schools, the Centre for Human Rights Education and Bohemia Corps, a Czech volunteer organisation.

- The major successful results of this co-operation are:
  - The Romany co-ordinator at the district office is in co-operation with the Romany teaching assistant who organises tutorials for Roma children. Students from both Píbram high schools help Roma children with homework on a voluntary basis. Additionally older Romany children systematically help younger Roma children through tutorials.
  - The Romany Co-ordinator organises lectures on Roma for students at secondary schools.
  - There are in-service training sessions for headmasters in the Píbram district focusing on Roma organised in co-operation with the Government Interdepartmental Commission for Romany Community.
  - The Romany Co-ordinator organises in-service teacher training sessions in the Píbram district.
  - Romany social workers help families from the local Romany Community in solving their everyday problems.
  - A survey was conducted among the students of secondary schools that aimed at raising interest among students in learning more about Roma.
  - An after-school programme for Roma and non-Roma children was created.
  - A new Romany music group is operating with support from the Municipal Office.
  - According to the Romany Co-ordinator, there is very good co-operation between the District Office, District School Office and District Labour Office in Píbram.
  - The Romany Co-ordinator is preparing training projects for Roma in co-operation with the Labour Office and the Prince Charles Foundation.

Source: Píbram District School Board, interview with Mrs Hejkrliková

A very positive role is being played by nongovernmental organisations that design projects to address inter-ethnic problems at the local level. In 1996 the Czech Centre for Conflict Prevention and Resolution and the civic association Movement-R ('R-Mosty') began to conduct an educational project, 'Education towards Tolerance and against Racism in Prague Schools'.<sup>49</sup> The Centre also organised seminars for teachers focusing on interactive methods and practical communication skills.<sup>50</sup> NGO volunteers as well as state and local administration personnel also attended the seminars. The seminars took place in Prague, Brno, Písek, Most, Pardubice and Beroun.<sup>51</sup>

The Centre also runs programmes directly targeted at local communities. It has established Conciliation Commissions at the local government level and trained staff volunteering in the Commissions.

<sup>49</sup> 'Další rodiny hodlají opustit svůj domov' (More families are leaving their home) (1999) *Město*, 11 August.

<sup>50</sup> Alena Kosková, interview.

<sup>51</sup> Until April 1999, a total of 210 discussion seminars in 66 schools were organised for 4,500 students at primary and secondary schools (ages 12-18).

Another important initiative that could serve as role models for other activities at local level is the project 'Strengthening Romany-Czech Relations Through Co-operative Problem-solving'. The project helps to solve problems caused by the existence of barriers between different cultures and lifestyles based on different traditions and values, and problems resulting from insufficient information about other ethnic groups. The project aims to provide basic communication skills to the Roma, public administration, NGOs and other parties at the local level, and to identify and resolve problems that affect both the Roma and non-Roma populations in a given community.

The project was conducted in four municipalities where there are sizeable Roma populations and significant inter-ethnic tensions, but where there is sufficient will to improve the status quo. On the condition that the local government will cover 20% of the project costs, the rest of the costs are covered by grants provided by the EU and the Council of Europe. The project produced positive results in all four regions where it was conducted.

### Case Study 8. *Round Tables*

#### Most

As a result of the round-table discussion in Most, the Romany civic association 'Dzivas' was founded in the Chanov neighbourhood, a notorious area which became completely Romany as a result of poor local management under communism.<sup>52</sup> Co-operation started among the town hall, the representatives of Dzivas, the police, the unemployment agency and the Chanov community, with the following results: The unemployment agency started to use a Romany workforce for cleaning jobs in the town in order to keep the Chanov area tidy (some 140 tons of garbage has been moved out from the area). In co-operation with police the issue of security started to be addressed as well as new job opportunities. Sixteen Roma from Chanov were employed, eight for the clean-up work and eight to help the police. In co-operation with the school it was suggested to create a community school in Chanov. For 1999 a second round of the project is being prepared: 'Kvet' (Flower)—Community Negotiation and On-the-Job Co-operation aiming to strengthen and disseminate co-operation in the Most region, especially in Bečov, Lom, Obrnice and the town of Litvínov.<sup>53</sup>

#### Pardubice

The outcome of the round-table discussion called 'Tolerance, nonviolent co-existence and elimination of prejudice' were the following:

- An information youth centre was established which gathers information concerning activities for children and youth, and various prevention programmes.
- The 'Society Club' project gained more support as it provides opportunities for Roma youth to spend their leisure time actively.
- A group of people was trained for further work in the Conciliation Commission, and it was recommended that, after the necessary approval of the town hall, the Commission would start working as a new tool for resolving difficult ethnic problems and issues.

<sup>52</sup> In the period October 1997-April 1999 a total of 17 three-day seminars were organised for about 400 teachers.

<sup>53</sup> Tajana Sisková (1999) *Srúcná zpráva o projektu Výchova k toleranci a poroti rasismu na prazských skolach* (A brief report on the project), April.

An information group was established that should follow activities important for the co-existence of the majority and the Roma (so far the plan includes movies about Roma, joint summer camps, lectures on xenophobia, training of Roma youth for work in the region—at TV and radio as moderators, festivals, etc.).

#### Pisek

A basic network map of Roma families living in the Pisek region was established. The round-table discussion, entitled 'The security of citizens in the region and the police', had the following outcomes:

- All Romany applicants who meet the legal requirements (adulthood, clean criminal record, additional training) may become members of the Offense Committee.
- Roma representatives may participate in all other committees of the town hall.
- The possibility of establishing a special committee to solve minority issues.
- Surveillance in the streets is used not only for conflict prevention but also as a tool to improve the safety of inhabitants. There will be more cameras in the streets in the future.
- The Roma may try to get a job in the local police if they meet the legal requirements.
- The Romany community representatives who would work for the town hall committees, the Romany assistants at the district office and the Romany teaching assistants at schools will help in investigation of crimes and in crime prevention (with a special focus on drug abuse prevention for youth).
- Co-operation among the mayors of Pisek, Milevsko and Protivín, and of police and the Roma representatives of these towns will continue.
- Selected representatives of the area (unemployment office, school authority, etc.) will create a joint project for further development of educational level of Romany population, and their job opportunities.

#### Ústí nad Labem

The project focused on support and co-operation with the Roma families living in small flats in Matiční street, and help in establishing the Roma Rainbow Association, the members of which are active in solving problems of Matiční street in co-operation with various institutions and NGOs.

Two round-table discussions took place with the outcome of establishing the 'Programme Group for Ethnic Minorities'. The participants will continue in co-operation in the Ústí region in the field of ethnic minority issues. The programme group includes six small action groups with specific features and tasks. These are: housing, jobs and unemployment, education and leisure time of children, social work, support of Romany initiatives and drug abuse prevention.

Source: Czech Centre for Conflict Prevention and Resolution.

The above project proved that effective communication and problem-solving are two of the most effective methods of preventing or resolving ethnic conflicts at the local level. Structural and institutional changes are also important, however, and only an effective combination of a variety of policy instruments and approaches can lead to long-term solutions.

## 5. Conclusion

It is very difficult to understand why there is such strong resistance to changes in attitudes, public practices, institutions and structures that are necessary for the peaceful co-existence of multi-cultural communities. Further, it is perplexing why many policy-makers still regard issues of ethnic and cultural diversity, multi-cultural education and racism as irrelevant to their field of work. This chapter has aimed to demonstrate the complexity of the problem in the Czech Republic, focusing on the importance of local-level initiatives within the framework of broader social processes. It has aimed at exploring the manifestations of discrimination and racism, political resistance to accepting minorities, as well as popular attitudes and prejudices. It has examined various policy initiatives and developments in progress in the Czech Republic.

Solutions to the current problems must be found and implemented at all levels of government—emanating upwards from practitioners and local policy-makers and networking at the local level, as well as pushing officials at central level to 'open the gates' to systemic changes. Central government initiatives are undoubtedly essential but can be effective only if complemented by broader social changes and changes at the local level. If the Czech Republic wants to become a truly democratic society and be integrated into European institutions,<sup>54</sup> it must not only improve the political discourse on minorities but take practical steps to improve their opportunities to fully participate in society. It should also implement its constitutional provisions on minorities and the Charter of Fundamental Rights and Freedoms where special concern for recognition and protection of national minorities is stipulated. Preparations of the Minority Act is a positive development, and hopefully enough political will can be garnered to complete and pass this piece of legislation.

## 6. Policy Recommendations

As mentioned at the beginning of this chapter, one of the major policy obstacles to improved minority integration and participation at all levels of government and stronger minority rights protection is the lack of decentralisation of political power and decision-making authority from the central government to local governing bodies. Significant decentralisation is thus the first and most important step toward increased minority involvement in all areas of Czech society. Within this context, this section devotes attention to three major issue-areas for which policy recommendations are both appropriate and essential:

- Anti-discrimination measures;
- Development and implementation of equal opportunity legislation and policies;
- Promotion and development of multi-cultural education;
- Improving educational provisions for minority students.

<sup>54</sup> More details on Chanov are available in 'Chanov se rozpadá, preslo je pevnost' (Chanov is falling apart, despite that it is a fortress) (1999) *MF Dnes*, 10 June, pp. 1, 9; and 'Bill utekli, zůstalo ghetto' (The whites ran away, a ghetto remained) (1999) *MF Dnes*, 10 June, p. 8.

### 6.1. Anti-discrimination measures

The removal of discriminatory practices presumes a major change in public attitudes. This will undoubtedly be a complicated long-term process. The role of education and media are crucial in this respect, but both must be *complemented by law enforcement mechanisms and concrete anti-discrimination policies* originating at the national as well as the local level of government.

Czech policy-makers at all levels and in all sectors should review the alleged conflict between the 'citizenship principle' and collective rights for minorities and decide on further steps leading to the elimination of current social and cultural disadvantages which perpetuate discrimination and racism.

These steps should be based on anti-discrimination legislation and policy initiatives that will allow Roma to compete with non-Roma candidates in employment, education, housing, service provision and other areas.

Local governments should introduce inclusive policies with respect to minorities and cease to support assimilationist or segregative policies. Such inclusion will depend to a large degree on changes in the attitudes of local majority communities. Nonetheless, the appropriate legal and policy instruments must be in place at the local level to precipitate these changes.

The central government should continue to review current human rights legislation and work in compliance with international commitments with a focus on improving law-enforcement mechanisms. The government should introduce anti-discrimination legislation in all fields with straightforward enforcement mechanisms.

### 6.2. Equal opportunity policies

The employment of minority representatives in local governments, police, schools, state bodies and other institutions is a necessary first step on the path to guaranteeing equal opportunities for minority groups (especially the Roma) in the workforce. Only by removing discrimination *through equal opportunity legislation* and other measures, such as intensive training to increase the job qualifications of minorities, can previous injustices can be redressed.

Employing the Roma in visible public positions (in central and local public administrative positions, for example) would represent an important first step in counterbalancing the dramatic under-representation of the Roma in the public sector. Further, these Roma public employees can serve as positive role models for Roma youth and can contribute to eliminating prejudices and stereotypes in the public sphere.

An important step in this process was introduction of Romany teaching assistants in the official school system and establishment of the position of Romany Adviser at the district level.

There are also initiatives to increase number of Roma in police forces. Again, indirect discriminatory measures are hindering these efforts. Physical height and an ability to swim are discriminating qualifications for police applicants. It is a known fact that Roma are twelve centimetres smaller on average than the Czech population and that they do not swim because of their traditions and values.<sup>55</sup>

<sup>55</sup> Milan Sivak, Romany assistant in Most, interview, 24 April 1999.

Efforts to employ Roma often have to cope with mistrust, criticism and negative attitudes on part of majority society. Experiences from other countries, e.g. Britain, show that although there are already many qualified teachers from ethnic minority groups (mainly of Asian background) the important task is to retain them—they often leave their professions because of the strong racism they encounter at their workplace!

### 6.3. Multi-cultural education

Multi-cultural education can serve as one of the most powerful factors in *enhancing social stability and democratisation* and as a means of long-term ethnic conflict prevention in the Czech Republic and in the Central Europe as a whole. Aside from formal legal instruments against racially motivated crimes, educational programmes that promote inter-ethnic tolerance and provide information about diverse ethnic groups can provide the most effective tool with which to combat widespread racism in Czech society.

Both the central government and local governments must be involved in designing school curricula at all education levels that deal with multi-ethnic issues and themes related to the value of diversity.

The improvement of teacher education and teacher training in terms of raising awareness and changing attitudes toward minorities is the most urgent prerequisite to improving the discriminatory 'educational culture' in the Czech Republic.

The top-down approaches of the Ministry of Education and pedagogical institutions aimed at improving teacher education will succeed only if supported by bottom-up initiatives. Such initiatives include teacher networking at the local level and the work of organisations such as 'Movement R' (teachers and other professionals interested in Romany Education), 'PAU' (Friends of Engaged Learning), 'SVOD' (Association for Citizenship and Democracy Education) and other NGOs committed to education.

Shifts in awareness and attitudes toward minority issues must also occur at the level of individual school managers—i.e. headmasters, education officers, school boards and local government officials.

### 6.4. Improving educational provisions for minority students

Mainstream public schooling should focus on anti-discrimination and multi-cultural educational processes and structures, such as more appropriate teaching methods, better adapted curricula and textbooks, preschool programmes and support classes, availability of support teachers and teacher assistants, increased co-operation with parents and using schools as community centres.

These changes in education policy cannot simply be 'ordered' from above—local initiatives and programmes are vital players in the process of public education reform.

A multi-agency approach should be adopted at the local level, co-ordinated by a local office of Romany social advisers in close cooperation with Romany teaching assistants, as well as social workers and other public administration personnel.



## Further reading

- Alibhai-Brown, Yasmin (1999) *True Colours—Public Attitudes to Multiculturalism and the Role of Government*, London: I. I.
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- Gritsham, Vaughn L. Jr. (1999) *TUPELO: The Evolution of a Community*, Dayton: Kettering Foundation.
- Mathews, David (1999) *Politics for People. Finding a Responsible Public Voice*, Urbana and Chicago: University of Illinois Press.
- Socioklub (1999) *Romové v České Republice (Roma in the Czech Republic)*, Prague.
- Thompson, Neil (1993) *Anti-discriminatory Practice*, New York: MacMillan.

The education level of Roma population is markedly lower than that of the majority. The Czech Schools Law provides for a system of 'special' schools, parallel to the nine-year elementary school system, and catering to 'pupils... who have intellectual deficiencies such that they cannot successfully be educated in elementary schools'.<sup>1</sup> In practice, the law is administered so as to relegate disproportionate numbers of Romany children to *second-class educational facilities* offering inferior curriculum and limited opportunity for skills training or educational preparation. Graduates of such schools have very limited access to higher education. A paradox—whereby children with real intellectual difficulties attend mainstream schools because their parents do not want to place them together with Roma—is not unusual.<sup>2</sup>

The Bratinka Report has acknowledged 'hitherto prevailing practices which led to excessive numbers of Romany children being placed in special schools without any conclusive evidence as to their intellectual and learning capacity'.<sup>3</sup> At present, according to some experts,<sup>4</sup> the majority of Romany children (more than 80%) are placed in special schools. Although this placement is done with the approval of the parents and is based on psychological testing, it is generally deemed to be discriminatory and has been criticised by many NGOs and international organisations as well as Czech practitioner experts.<sup>5</sup> Criticism is targeted at the approval required from parents, often obtained under pressure and without explaining the consequences of such placing. IQ testing is biased against

<sup>1</sup> In relation with the Regular Report from 4 November 1998, the European Commission said the Czech Republic and Slovenia performed least well among the six 'fast-track' countries in meeting the conditions that the EU set for each potential members in 1997. Radio Free Europe (1998) 5 November.

<sup>2</sup> Viktor Sekyt (1998) 'Specifics of Romany children Entering Primary School', lecture given on 1 December.

<sup>3</sup> Zákon o soustavě základních škol, středních škol a vyšších odborných škol (školský zákon) (Law on the system of basic schools, middle schools and higher specialised schools—schooling law), in: *Sbírka zákonů České Republiky 1996* (Collected laws of the Czech Republic 1996), C.77 (10 October 1996), Article 31(1).

<sup>4</sup> Interview with Helena Holcova.

<sup>5</sup> Bratinka Report (1997) 29 October, Recommendation 1(c).

<sup>6</sup> Socioklub, p. 350.

## ANNEX 1

## SEGREGATION OF ROMA IN THE CZECH SCHOOL SYSTEM

Romany children as it requires culturally specific knowledge and a good level of Czech-language knowledge. Some parents also believe that special schools provide a more friendly and less racist environment than regular school. The result of segregating Romany children into special schools has been the denial of equal educational opportunity for most Romany children.

In June 1999 lawyers from the European Roma Rights Centre (ERRC) filed a complaint at the Constitutional Court of the Czech Republic,<sup>6</sup> which was later rejected by the Court as unsubstantiated. According to ERRC, the evidence documented in the legal complaints shows that Romany children outnumber non-Roma in special schools by a proportion of more than twenty-seven to one in the Ostrava region. This racial disparity constitutes what a United Nations committee of experts has condemned as 'de facto racial segregation' in the field of education, which is inconsistent with the government's obligations under international law. The ERRC further states that as a result of their segregation in schools for the 'retarded', Romany children 'have suffered severe educational, psychological and emotional harm'.<sup>7</sup> Although this criticism may be seen as too radical and many may find it unsubstantiated,<sup>8</sup> its acceptance could lead to a much-needed systemic change. Moreover, still more specialists agree that the Czech school is not suitable for Czech children themselves,<sup>9</sup> not to speak of children who are different or handicapped. As proved by many practitioners, good education is good for everybody ('quality in equality').

On 18 April 2000 the ERRC, on behalf of 18 Roma children from Ostrava, filed a complaint against the Czech Republic at the European Human Rights Court in Strasbourg.

<sup>7</sup> Helena Balabánová refers to a '30-year-long tradition of segregating Romany children into special schools', *ibid.*, p. 350.

<sup>8</sup> European Roma Rights Center, Press Statement: *Lawsuits Filed by Roma Challenge Racial Segregation in Czech Schools*, 15 June 1999.

Also in: Navzdly do prikopu, *Romská žaloba na stát může přinést změnu nespravedlivého systému retardovaný systém. Romové žalují stát, protože je posílá do zvláštní školy* (Mentally retarded system. Roma sue the state because it sends them to special schools), *Respekt*, 14-20 June 1999, pp. 25, 27; *Romské děti končí někdy ve zvláštních školách zbytečně* (Romany kids end up in special schools without reason), *Slovo*, 27 May 1999; *Romové se obrátili na soud kvůli školám* (Roma approached the Court because at the Court because of special school) and *Sítnovost mří na psychologické testy, i vask zlatý secká znena rovnost* (Loss of chances, loss of equality), *MF Dnes*, 16 June 1999, pp. 1, 4, 16; *Romové- zvláštnost českého školství* (Roma- the speciality of the Czech schooling), *MF Dnes* 17 June 1999

<sup>9</sup> The ERRC criticises that Romany children: '... have been subjected to a curriculum far inferior to that in basic schools; have been effectively denied the opportunity of ever returning to basic school; ... they have been prohibited by law and practice from entrance to non-vocational secondary educational institutions, with attendant damage to their opportunities to secure adequate employment; ... they have been stigmatised as 'stupid' or 'retarded' with effects that will brand them for life, including diminished self-esteem and feelings of humiliation, alienation and lack of self-worth; ... they have been forced to study in racially segregated classrooms and hence denied the benefits of a multi-cultural educational environment'. In ERRC Press Statement: *Lawsuits Filed by Roma Challenge Racial Segregation in Czech Schools*, 15 June 1999.

## ANNEX 2

## ETHNIC MAKE UP OF THE CZECH REPUBLIC (1991 PUBLIC CENSUS)

Table A.1. Population of the Czech Republic According to National Identity and Mother Tongue

	National identity (absolute number)	%	Mother tongue (absolute number)	%
Czech	9,770,527	94.8	9,871,518	95.8
Slovak	314,877	3.1	239,355	2.3
Polish	59,383	0.6	52,362	0.5
German	48,556	0.5	40,907	0.4
Romany	32,903	0.3	24,294	0.2
Hungarian	19,932	0.2	20,260	0.2
Ukrainian	8,220	0.1	4,882	0.1
Russian	5,062	0.1	-	-
Ruthenian	1,926	0.0	2,307	0.0
Bulgarian	3,487	0.0	-	-
Greek	3,379	0.0	-	-
Romanian	1,043	0.0	-	-
Austrian	413	0.0	-	-
Vietnamese	421	0.0	-	-
Jewish	218	0.0	-	-
Other (of which Czechoslovakian)	9,860 3,464	0.1 0.0	16,664	0.2
Unknown	22,017	0.2	29,666	0.3
Total	10,302,215	100	10,302,215	100

## Note:

1. The proportion of the population whose national identity is other than Czech varies in individual districts and regions of the Czech Republic. The Slovak national minority is dispersed throughout the entire Czech Republic; it was de facto the largest national minority in Czech lands in Czechoslovakia and after the dissolving thereof has been recognised as a national minority. The highest concentration of Slovaks is found in the districts of Sokolov (9.9% of population), Cheb (9.3%), Český Krumlov (8.3%), Karvina (8.3%), Brumál (8.1%) and in other cities, including Prague (2.0%). Some citizens who have declared the Slovak (and also Hungarian) national identity are Romany.
2. There is a significant concentration of persons belonging to the Polish minority located in the continuous settlement along the state border with Poland. In two districts, Frydek-Misek and Karvina, persons belonging to the Polish national minority amount to more than 8% of the local population. The educational system in this region includes Polish minority schools