

The concern of this study is to show that Roma are treated unjustly by the Czech education system. It is not the intention of this report to stigmatise people with learning disabilities, nor to support existing arrangements for the treatment of disabled children. The difficulties faced by Roma in the Czech education system are continuous in many ways with those faced by any student who deviates from an average and whose needs are therefore in some way different. Roma are not the only students suffering from exclusion in the Czech education system. Nonetheless, discrimination based upon ethnicity is a different category from discrimination based upon learning needs. Coupled with the complex of discrimination suffered by the Romani community as a whole, racial discrimination against Roma forces itself to the front of a line of other concerns plaguing the Czech education system.

2. ROMA AND SCHOOLING IN BOHEMIA, MORAVIA AND SILESIA¹²

The educational situation of Roma in today's Czech Republic has not arisen overnight: it is the result of centuries of exclusion and decades of clumsy legislation which attempted first to assimilate Roma, then dealt with the failure of this attempt by pushing Roma out of the mainstream and into remedial special education and unequal opportunity.

The first known mention of Roma in the Czech lands is a chronicle from the year 1416, which documents the entry of approximately three hundred Romani men, women and children. To the extent that historical records exist at all, they indicate that until the eighteenth century, relations between Roma and non-Roma took place primarily through the latter inflicting gruesome punishment on the former.¹³ Modern educational issues pertaining to Roma first arose in the eighteenth century, during efforts to build a modern state under Habsburg Empress Marie Theresa. In 1761, the first edict ordering the forced settlement of Roma in the Habsburg realm was issued, and the first settlements on the territory of today's Czech Republic followed in 1785, in the southern Moravian localities of Džbel, Jamné, Okrouhlá, Bohusoudov and Oslavany.¹⁴ Compulsory universal basic schooling was introduced to the Habsburg realm in 1777, although until the 20th century this did not apply in practice to Roma who had not first been kidnapped from Romani families by the state and placed in non-Romani ones.

After centuries of oppressive legislation and practice, Roma were to be disappointed by the Czechoslovak First Republic, whose much-publicised democratic progressiveness did

¹² The Czech Republic is comprised of the historical territories of Bohemia, Moravia and part of Silesia.

¹³ Romani history is hampered by the dearth of Romani community records. Prominent works tend to be written largely on the basis of non-Romani sources such as administrative records, although these tend to reveal a picture of Roma as existing only when arrested or sentenced for a crime.

¹⁴ See Nečas, Cibor, *Historický Kalendář: Dějiny českých Romů v datech*, Olomouc: Vydavatelství Univerzity Palackého, 1997, especially pp.29-50. Assimilatory measures were elaborated in a 1767 decree valid for Hungary: in an effort to convert them into "New Hungarians", Roma were forbidden from sleeping in tents or in the open; travelling without identification; speaking Romani and wearing traditional Romani clothing; and having their own leaders. Men could only marry if they could demonstrate that they were employed and Catholic. The state was authorised to seize the children of Roma not officially married and to place them in non-Romani families, where "improved upbringing to craft or agricultural work was ensured." Officially abducted Romani children were forbidden contact with their biological families, as well as with other Roma.

not extend to its dealings with Roma, in 1927 the Law on Vagrant Gypsies was passed and a Decree (*narižení*) on the same subject followed in 1928.¹⁵ The law limited the rights of Roma in several ways: by requiring them to obtain and hold a "Gypsy Identity Card" (*Cikánská legitimace*) and a "Travellers' Permit" (*Kočovnícký list*), by restricting the rights of Roma to move freely and to associate freely; by providing for the removal of children who are not "appropriately cared for" to foster families or institutes. The law did not, however, oblige communes to ensure the education of legally travelling Roma. The state provided for Romani children only as a reward for being severed from their ethnic identity.

Virtually the entire Romani population on the territory of the Czech Republic was exterminated during World War II;¹⁶ the great majority of Roma living in the Czech Republic today are either migrants or descendants of migrants since 1945 from what was the Slovak part of Czechoslovakia. These "Slovak Roma" migrated either voluntarily or, increasingly, compulsorily, from long-term settled communities in Slovakia, where the first language had usually been Romani; in the Czech lands they were exposed to a different social environment and were subjected to assimilatory pressure, with extended family structure and traditional trades partly lost as Roma were proletarianised in the industrial areas of Bohemia, Moravia and Silesia. Despite a nearly 600-year history on the territory of the present-day Czech Republic, Roma today are treated as unwelcome foreigners.

The practice of placing Romani children in schools for mentally handicapped children in the Czech Republic appears to have begun shortly after World War II. The new Czechoslovak Communist government dealt with Roma in two main stages. First, in 1958,

the Law on the Permanent Settling of Nomadic Individuals¹⁷ obliged local councils to offer help to make "regular working citizens" out of these individuals, and imposed prison sentences upon anyone who insisted on continuing with a nomadic lifestyle in the face of such "help". In practice, while the law made no specific reference to Gypsies/Roma, and while the great majority of Roma in Czechoslovakia were not nomadic, the law was often used as an excuse forcibly to relocate Roma, whatever their lifestyle.¹⁸ Then, in 1965, the Ordinance on Provisions for the Solution of Questions of the Gypsy Population¹⁹ attempted to deal with "undesirable concentrations of Gypsies", particularly aiming to break down settlements (*osady*) in Slovakia and to move their inhabitants to the Czech lands.

These two political moves had a serious impact on social structures within the Romani community and were not matched by adequate guarantees of state support. In particular, the 1958 law does not even register the educational needs of newly resettled Romani children, while the 1965 ordinance can only repeat weakly, three times, that "more attention" should be devoted to Romani children. There was no respect for the Romani identity and, in general, laws directly and indirectly concerning Roma set out from the assumption that they are ill-adapted Czechoslovaks; the 1958 law, for example, while nominally dealing with nomadism, sets the tone for forced assimilation more generally.

In the late 1970s, commenting on the situation of Roma, the dissident group Charter 77 pointed out that "the majority of people know practically nothing about the problems of this most discriminated minority." Commenting on education, the Charter 77 document claims that "the failure of Romani pupils in Czech and Slovak schools is often solved by their transfer to remedial special schools for children with below-average intelligence."²⁰ According to the Charter 77 document, however, the failure of Romani children in Czech schools was the direct result of the failure of the Czech system to provide schools appropriate to the needs and respectful of the cultural identity of Romani children:

¹⁵ See Law no. 117/1927, "Zákon o ponulných cikánech", dated July 14, 1927; also accompanying Decree no. 28/1928, dated April 26, 1928. For an assessment of both, see Čubor Nečas, *Romové v České republice: učera a dnes*, Olomouc: Vydavatelství Univerzity Palackého Olomouc, 1995, pp.31-33.

¹⁶ On the Romani Holocaust generally and the Romani Holocaust in the Czech lands in particular, see Daniel, Bartoloméj, *Dějiny Romů: Vybrané kapitoly z dějin Romů v západní Evropě, v Českých zemích a na Slovensku*, Olomouc: Univerzita Palackého v Olomouci, 1994, especially pp. 125-135; Holý, Dušan and Čubor Nečas, *Žalující píseň: o osudu Romů v nacistických koncentračních táborech*, Strážnice: Ústav lidové kultury, 1993; Kenrick, Donald and Grattan Puxon, *Gypsies Under the Swastika*, Hertfordshire: Gypsy Research Centre, University of Hertfordshire Press, 1995, especially pp.49-72; Kladivová, Vlasta, *Konečná stanice Auschwitz-Birkenau*, Olomouc: Univerzita Palackého v Olomouci, 1994; Müller-Hill, Benno, *Tödliche Wissenschaft: die Auswanderung von Juden, Zigeunern und Geisteskranken, 1933-1945*, Hamburg: Rowohlt Verlag, 1984, especially pp.42-68; Nečas, Čubor, *Nemůžeme zapomenout! Naši Bistera: Nucená táborová koncentrace ve vyprávněných romských pamětníkách*, Olomouc: Univerzita Palackého v Olomouci, 1994; Pape, Markus, *A nikdo v něm nebude věřit; dokument o koncentračním táboře Lety u Písku*, Prague: Nakladatelství GplusG, 1997.

¹⁷ "Zákon o trvalém usídlení kočujících osob", no. 74/1958, dated October 17, 1958. On the history of forced settlement, see also Crowe, David M., *A History of the Gypsies of Eastern Europe and Russia*, London: I.B. Tauris Publishers, 1995, pp. 56-57; Guy, Will, "Ways of looking at Roma: The Case of Czechoslovakia" in Tong, Diane ed., *Gypsies: An Interdisciplinary Reader*, New York: Garland Publishers, Inc., 1998, pp.13-68.

¹⁸ Kamenická, *Op. cit.*, p. 19.

¹⁹ "Usnesení vlády ČSSR o opatřeních k řešení otázek cikánského obyvatelstva", no. 502, October 13, 1965.

²⁰ Quoted in Nečas, 1995, *Op. cit.*, p.87.

Everything, from the pictures in their spelling-primers to the entirety of the curriculum, continually forces upon them the idea that they are a foreign, inferior race without a language, without a past and without a face.²¹

Romani children were punished if they spoke the Romani language at school. When progress was made, as in kindergarten attendance or rates of school completion in the 1970s, this was, therefore, at the cost of assimilation.

Statistical evidence from 1970 shows that the proportion of Roma aged between 25 and 29 with complete secondary education was well below one percent. Comprehensive statistical evidence documenting the numbers of Roma receiving primary education in a school for the mentally handicapped is available from the early 1970s until 1990. During that period, there was a dramatic increase of Roma in special schools. By the mid-1980s, almost every second Romani child attended a special school.²²

After 1989, a new and democratic government in the line of Charter 77 took power, and Roma participated from the first in the process of political and social redefinition. However, as Dr. Hana Šebková wrote, "Roma themselves expected many things as a result of the changes, but the majority of their desires have not been fulfilled."²³ In 1992, *Human Rights Watch* reported that:

The level of education of Romanies [was] still markedly below that of the majority population due to discriminatory educational policies practiced during the communist regime.²⁴

The *Human Rights Watch* report was written at a time of optimism about political change. But in education, as in other areas, the new government failed to ensure equal opportunity for Roma and in 1996 *Human Rights Watch/Helsinki* was forced to conclude, along with

²¹ *Ibid*

²² See Čaněk, David, "Ethnic Minorities in Czech Schools, 1945-1998", London: MacMillan, publication forthcoming. Statistics on Roma in remedial special schools and basic schools in the Czech Republic in the period 1972-1990 are provided as Appendix 1.

²³ Šebková, Hana, *Jazyková situace Romů a její vývoj*, Prague: Občanské sdružení MENT, 1995.

²⁴ Helsinki Watch, 1992, *Op. cit.*, p.37.

Romani activists, social workers and an official at the Ministry of Education, that "the situation with [remedial] special schools ha[d] not improved much in recent years."²⁵

Throughout the 1990s, human rights groups and international monitors appealed to the Czech government to act to counter the alarming situation of Roma in the country. The government in power from 1992-1997 under Prime Minister Václav Klaus, however, did not respond effectively to the problem.

A historical accident occurring in mid-summer and early autumn of 1997 pushed the human rights situation of Roma in the Czech Republic to the forefront of international concern. Hundreds of Roma, despairing of their situation at home, fled the Czech Republic and attempted to claim asylum, first in Canada, and then, when visas were reimposed on Czech citizens travelling to that country, in the United Kingdom.²⁶ Falling in the middle of, first of all, preparations for Czech accession to the European Union and, secondly, implementation of Dublin Convention provisions on freedom of movement for EU citizens, the media scandal surrounding the so-called "exodus" of Roma from the Czech Republic threatened to alter the time-frame and scheme of European Union expansion. Under pressure, finally, to respond to a wave of racism and racist violence which non-governmental bodies had been decrying for years, on October 29, 1997, the Czech Government issued a resolution accepting the Council for Nationalities's *Report on the Situation of the Romani Community in the Czech Republic and Government Measures Assisting its Integration in Society* along with its forty-four recommendations,

²⁵ Human Rights Watch/Helsinki, *Roma in the Czech Republic: Foreigners in Their Own Land*, Vol. 8, No. 11(D), June 1996, p.15.

²⁶ Although Romani "nomadism" is romantic fiction, Roma have migrated in Europe, especially following expulsion, since at least the fifteenth century. Periodic movements from, especially, Eastern Europe to Western Europe and the Americas became typical as overseas routes expanded. In 1996, the European Committee on Migration concluded, "Romani migration westwards [...] show[s] some particular features and patterns. First, it is primarily a migration of families and extended families, rather than individuals. Second, it is promoted by community-internal features, notably a strong attitude of non-confidence and non-identification with the majority and its institutions in the respective countries of origin. This attitude encourages Roma to take the risks of migration as a response to personal insecurity and social and economic hardships rather than engage in collective processes of change. Finally, there are strong external features triggering Romani migration, such as organised and repeated hostilities, single acts of violence, particular vulnerability in war zones or former war zones, or change of status due to the emergence of new states or new citizenship provisions." European Committee on Migration, "Problems Arising in Connection with the International Mobility of the Roma in Europe", report by Dr Yaron Matras, Conclusions adopted by the European Committee on Migration (CDMG) at its 36th meeting (April 1997), pt.51.

eleven of which were addressed to the Ministry of Education.²⁷ On November 1, a Romani co-ordinator was appointed at the Ministry, with the task of supervising the implementation of government recommendations. Recent publications by the government indicate that although it has changed twice since the Resolution was adopted, it remains committed to policies aimed at integrating Roma.²⁸

The government collapsed amid political and economic scandals shortly after the adoption of the *Council for Nationalities Report* and a caretaker government was established until elections could be held in May 1998. Minister without Portfolio Vladimír Mlynář was put in charge of the Inter-ministerial Commission for Roma Community Affairs and therefore of Roma issues. Speaking in a radio broadcast in December 1997, Minister Mlynář set his priorities for his five month term: first of all, the pig farm standing on the site of a World War II concentration camp for Roma in the town of Lety near Písek would be torn down; secondly, information on Roma would become a part of the school curriculum; third, avenues would be made available so that complaints concerning discrimination in the sphere of employment could achieve speedy review and remedy. At the end of his tenure in mid-1998, all points of the programme remained unfulfilled. On April 8, 1999, *Radio Prague* reported that the government had rejected a proposal to remove the pig farm from the site of the Lety concentration camp.

In August 1998, the newly-elected Social Democrat-led government issued its "Policy Statement of the Government of the Czech Republic", which included the statement:

The Government will promote the enforcement of rights of national and ethnic minorities. It shall follow the consistent observation and enforcement of commitments and obligations ensuing from the Charter of Fundamental Rights and Freedoms and especially from the Framework Agreement on the Protection of Ethnic Minorities. It shall therefore devote attention to all ethnic groups living in the Czech Republic, although the most serious, and undoubtedly most complex, issue is, in the Government's view, the coexistence of a part of the majority society

²⁷ See Appendix 6 for the full text of the government resolution adopting the Council's recommendations.

²⁸ The "Report of the Government on the State of Czech Society" states, "The government regards the continuing discrimination against Roma as a fundamental problem of daily life (especially in services), above all the growth of racially motivated criminal acts, verbal as well as violent. It has therefore accepted a number of measures leading to consistent and stringent effects, as well as to strengthening prevention in this area." (Government of the Czech Republic, "Report of the Government on the State of Czech Society" <http://www.vlada.cz/vlada/tiskove/dokumenty/stavspol/oddil2.win.htm>, unofficial translation by the ERR(C).

with the Romany minority. The Government considers the Romany community a natural component of Czech society. The civic principle, as the basis for the solution of this problem, will be complemented by specific programmes designed for the Romany minority in those cases where the hitherto existing handicaps cannot be overcome by measures aimed at the society as a whole. The Government shall prepare programmes to improve information about the Roma among the Czech public and to enhance the education of the Roma. During the solution of these issues it intends to cooperate with the broad Romany community.

The Government considers the right to the protection of life, property and health from perpetrators of criminal offences an indispensable component of fundamental human rights and shall therefore be resolute in its confrontation of all forms of criminal activity irrespective of the position or origin of the perpetrator. In the implementation of legal as well as factual protection against racial discrimination and other racially motivated acts it will promote the application of not only criminal prosecution of particularly dangerous attacks according to the provisions of the criminal code in effect but also of administrative means of protection against discrimination. The Government is determined to consistently meet all its obligations ensuing from the International Convention on the Elimination of All Forms of Racial Discrimination and enforce their observation. It will prefer prevention and various social and cultural programmes designated not only for the Roma but also for other ethnic groups of the population. It will stand resolutely and consistently against xenophobia, cultural and social intolerance and any demonstrations of racism. It shall also ensure that state bodies take consistent repressive steps against perpetrators of racially motivated offences.²⁹

Section 4.3.2. of the government Policy Statement, devoted to education, contains no mention of Roma.

On December 9, 1998, the government also established a Council of the Government of the Czech Republic on Human Rights with a wide sphere of interest and limited powers responsible to the deputy prime minister. The Council was placed under the personal direction of ex-dissident Petr Uhl. Mr Uhl was also made chair of the Inter-ministerial Commission for Roma Community Affairs.

²⁹ Czech Government, "Policy Statement of the Government of the Czech Republic", Prague: August 1998, <http://www.vlada.cz/vlada/dokumenty/prohlas.eng.htm>, official translation.