

The Persistence of Segregation of Roma Students in the Czech Republic

Submission to the European Commission

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Table of Contents

Executive Summary.....	3
Why Segregated Schools Persist.....	5
Segregation Case Studies.....	8
“Adjusted Outcomes” and the Enduring Legacy of Practical Schools.....	13
Why Roma Children Are Over-Represented in Disability Diagnoses.....	18
The Czech Government’s Continuing Failure to Prioritize Roma Inclusion.....	22



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Executive Summary

Across the Czech Republic, Roma children are denied the quality education they need to achieve economic and social stability as they move into adulthood. While the Czech government claims that it has made progress in advancing educational equality by introducing a series of legislative reforms, the ground-level effects of these policies have been only superficial at best. This raises serious questions about the country's compliance with Directive 2000/43/EC, which prohibits racial and ethnic discrimination in education.¹ New qualitative research and analysis conducted by Czech non-governmental organisations Awen Amenca and Forum for Human Rights, and supported of the Open Society European Policy Institute and the Open Society Justice Initiative, shows that disturbingly little has changed since the European Court of Human Rights' 2007 ruling in *D.H. and Others v Czech Republic*, which found that the Czech Republic had violated the rights of Roma children in systematically providing them with an inferior education.

Although Czech legislation in the years since *D.H. and Others* officially abolished most separate schools for children diagnosed with disabilities—which were historically used to segregate Roma students—segregation persists in the form of informal measures to maintain ethnic homogeneity in schools and the continued over-representation of Roma children in disability diagnoses. The evidence to this effect is overwhelming. In addition to interviews with parents, teachers, and school administrators, this report relies on the Czech government's own research, which consistently belies its stated commitment Roma education. In light of these findings, the Open Society European Policy Institute and the Open Society Justice Initiative call on the European Commission to continue to the next stage of infringement proceedings against the Czech Republic and issue a reasoned opinion.

The major findings of this report include:

- Case studies from school catchment zones in four representative cities and neighborhoods—Ostrava, Brno, Ústí nad Labem, and the district of Prague 3—demonstrate that school segregation frequently does not correspond to residential segregation, in contrast to official claims.
- Former “practical” schools tend to remain majority-Roma schools where students are over-diagnosed with disabilities and receive inferior education.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0043>.

- Majority-Roma schools remain the norm in many school districts in the Czech Republic.
- The new “adjusted outcomes” educational track for students diagnosed with disabilities replicates the traditional special school model and reproduces Roma segregation.
- Almost one in ten Roma students in the Czech Republic receives instruction in segregated classes for children with disabilities.²
- Roma children are nearly ten times more likely to be diagnosed with a disability in comparison to the general population.³
- The rate of Roma children diagnosed with disabilities has increased since the Czech government’s 2016 education reforms.
- The testing practices for diagnosing children with disabilities are riven with incompetence, tainted by overt racism, and routinely violate Roma parents’ right to informed consent.
- Despite its claims to the contrary, the Czech government’s own research and major policy documents demonstrate a continued lack of commitment to promoting Roma equality.

² In the 2020/2021 school year there were 34,267 Roma children enrolled in Czech primary schools, with 3,038 (8.87%) of these students educated in special schools or classes. See the statistical data provided by the Czech government in its report on the execution of the judgment *D.H. and Others v. the Czech Republic* of 30 September 2021, pp. 4 and 6, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a41672.

³ In the 2020/2021 school year 11.93% of Roma students were educated under “adjusted outcomes” educational program compared to 1.66% of all children. See the statistical data provided by the Czech government in its report on the execution of the judgment *D.H. and Others v. the Czech Republic* of 30 September 2021, p. 7, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a41672.

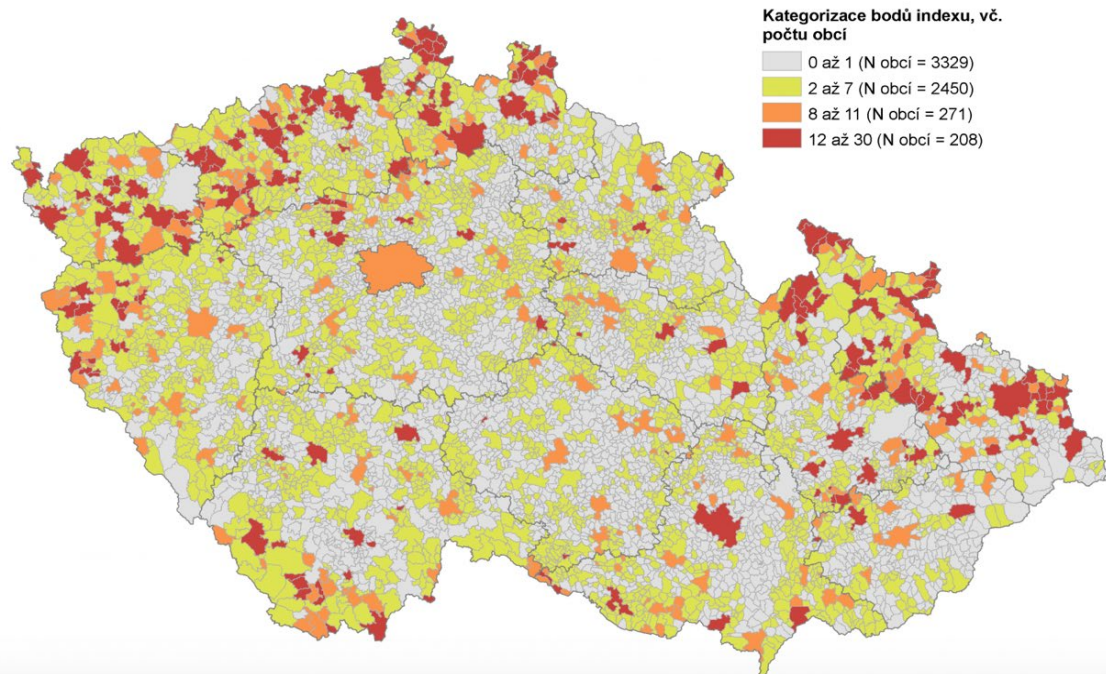
Why Segregated Schools Persist

The Czech state argues that segregated schools are primarily the result of residential segregation and that, given the intractable reality of ethnically homogenous school catchment areas, there is little the government can do to foster integration. This is a misleadingly simple explanation of the problem, however. A closer look at population data and an analysis of ground-level school enrollment practices shows that residential segregation is often not the determining factor in school segregation.

First, the small size of the Czech Roma community, as well as their distribution within both the Czech Republic and in Czech cities and towns, means that Roma are often the minority even in school catchment zones with large Roma populations. Roma make up only 2% of the Czech population, and they live throughout the Czech Republic. Roma communities tend to be clustered in urban areas in the country's northeast (especially Ostrava) and the northwest (namely Ústí nad Labem), as well as in the Czech Republic's two largest cities, Prague and Brno. Despite the high concentration of Roma in these cities, however, in no area do Roma constitute more than 15% of the local population. Nonetheless, as our analysis shows, majority-Roma schools remain the norm in many school districts in the Czech Republic.

Map no. 1: Index of social exclusion in 2020⁴

Index rozsahu sociálního vyloučení v obcích v roce 2020



While it is true that Roma tend to be consigned to neighborhoods whose schools have historically served mostly Roma students, the persistence of segregated schools is often due less to residential segregation than to the discriminatory practices of school administrators and other forms of institutional racism. Put simply: geography is not destiny when it comes to school enrollment. As will be detailed in our case studies below, the same catchment area might encompass schools that are within easy walking distance of each other but which have vastly different demographic profiles. Such disparities cannot be explained by residential segregation.

Moreover, the boundaries of a given catchment area are only one possible factor in determining which school children attend.⁵ Although

⁴ The map indicates the extent of Roma social exclusion, measured on the basis of an index developed by the Czech Agency for Social Inclusion. The map shows areas with a significant Roma population (indicated by red and orange) and provides an overview of the geographical presence of Roma in the Czech Republic. Usti nad Labem is located in the central north region of the country, Prague is a large orange location in Central Czechia, Brno is the large red location in the southeast, and Ostrava is large red area in northeast. The map is available at:

https://www.socialni-zaclenovani.cz/index_socialniho_vyloucenii/

⁵ Catchment area defines the area in which children with permanent residence are legally entitled to admission to a particular school or schools.

students are only guaranteed placement in a school within their catchment zone, Czech law allows students to seek enrollment at any school of their choosing. In these cases, however, school administrators are given broad discretion, and many employ discriminatory tactics—such as knowledge tests or falsely telling Roma parents there are no spots left—to exclude Roma children from outside the catchment area. On the flip side, majority Roma schools frequently enroll students from well outside the school catchment zone, as Roma parents living in other areas are pressured and incentivized to send their children to those schools because they offer free lunches or are willing to accept students without proof of residency. Roma parents are also often hesitant to enroll their children in “mainstream” schools due to justifiable concerns that they will encounter discrimination from non-Roma teachers and other students.

Segregation Case Studies

An examination of four representative areas with Roma populations of different sizes—Ostrava, Brno, Ústí nad Labem, and the district of Prague 3—shows that school segregation frequently does not correspond to residential segregation. Instead, in all of the case studies discussed below, it is clear that historical patterns of racism and discrimination combine to ensure that schools remain ethnically segregated.

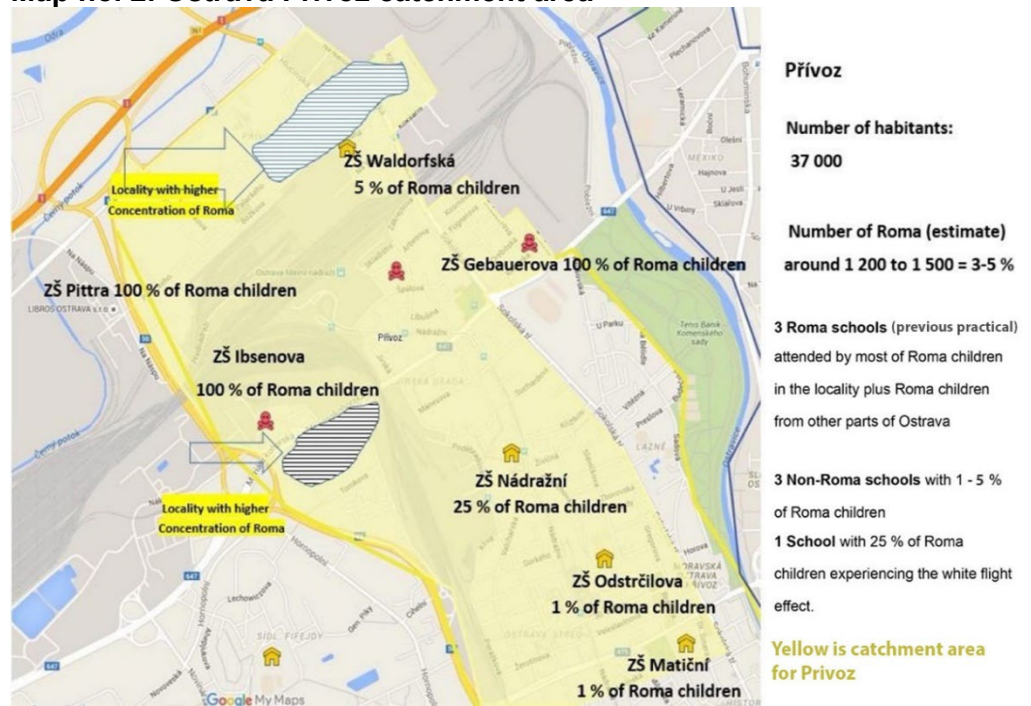
Ostrava

Ostrava, a former coal mining and steel production center located in the northeastern corner of the Czech Republic, is the nation's third largest city. There are three districts with higher concentrations of Roma—Ostrava Vitkovice, Ostrava Přívoz, Slezská Ostrava. Even in these neighborhoods, however, Roma make up less than 10% of residents.

An analysis of the catchment area of Ostrava Vitkovice provides a dramatic example of how school segregation can exist in spite of geographical integration. At one primary school, Šalounova, 100% of the pupils are Roma. Just 200 meters away is another primary school, Halasova, where only 3% of the students are Roma. Both schools are run by the same management team.

The situation in Ostrava Přívoz likewise belies any claim that school segregation is simply the result of residential segregation. Of the seven schools in Přívoz, three have student populations that are 100% Roma and three are less than 5% Roma. Only one school can be considered integrated, with a Roma population of 25%. Even within this relatively large catchment area, the distribution of Roma students cannot be explained by their residential location. Two of the all-Roma schools are within 1.5km of one of the mainstream schools, which itself sits on the edge of a Roma enclave. (See the map no. 2.)

Map no. 2: Ostrava Přívoz catchment area

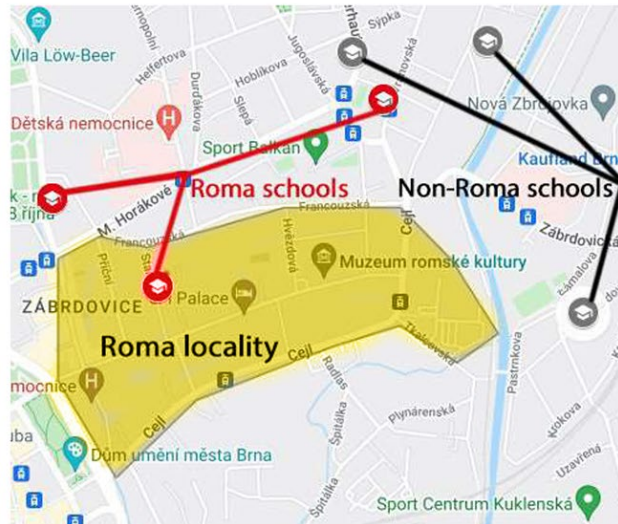


Slezská Ostrava demonstrates the impact of informal exclusion and the social and cultural pressure Roma families are under to send their children to majority-Roma schools. Roma constitute around 6% of the population of Slezská Ostrava, yet hardly any Roma children attend the district's four mainstream primary schools (Pěší, Chrustova, Bohumínská, Škrobálkova) and instead nearly all are enrolled at Vizina, a school outside the catchment area that is over 90% Roma. Significantly, Vizina was a former "practical" school—and it arguably remains one in all but name.

Brno

Brno, the second-largest city in the Czech Republic, provides yet another example of segregation within a catchment area. The neighborhood of Bratislavska has around 5000 Roma residents and 2000 non-Roma residents, with six schools serving the area's children. Yet Roma students are crowded into three schools that range from 90-100% Roma, while non-Roma children attend the other three schools, which are no more than 5% Roma. (See map no. 3.)

Map no. 3: Brno



Brno

Locality around street Bratislavská

Around	5 000 Roma
	2 000 non-Roma

3 schools with 100 % of Roma pupils (previous Practical schools)

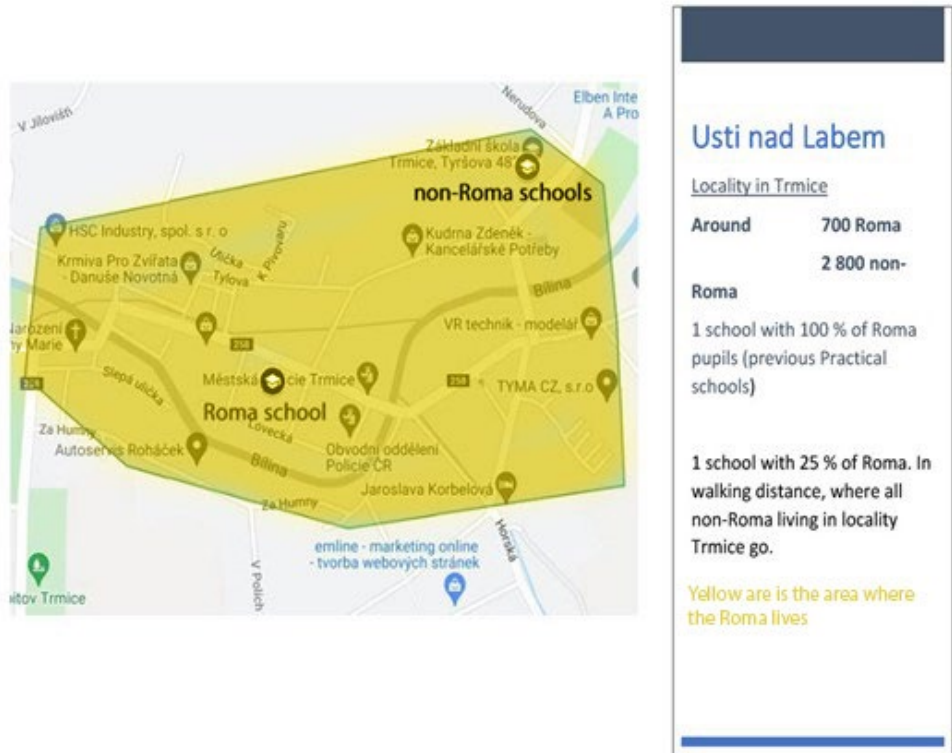
3 schools with 3–5 % of Roma. In walking distance, where all non-Roma living in locality Bratislavská go.

Yellow is the catchment area where Roma lives

Ústí nad Labem

The neighborhood of Trmice in the city of Ústí nad Labem offers yet another stark example of how segregation persists within a single catchment zone. The area is majority non-Roma—approximately 2800 residents are non-Roma and 700 are Roma. There are two schools in the catchment zone: one is exclusively Roma, and the other has a Roma student population of 25%. The schools are within a ten-minute walk of each other and students travel across the catchment area to attend school with students of their own ethnicity. As one parent told Awen Amenca, “the stream of one-color children from one part of the locality to another is clearly visible every morning and after school.” (See map no. 4.)

Map no. 4: Usti nad Labem



Prague 3

The district of Prague 3, a traditionally working-class area near the city center, highlights how everyday bias and institutional racism intersect to produce segregated schools. Prague 3 has a small Roma community, which currently constitutes just 2% of the district. Of the twelve schools in Prague 3, one—ZS Cimburkova—is majority Roma. ZS Cimburkova was, historically, in a majority-Roma catchment zone. In the past decade, however, gentrification has forced out much of the Roma population from Prague 3, with many Roma moving to the districts of Prague 9 and 14. But despite the fact that ZS Cimburkova is now in a majority non-Roma catchment area, it remains 60-80% Roma, a statistic that is well out of line with the area’s Roma population. Roma parents from Prague 9 and 14 continue to send their children to the school, while many non-Roma parents refuse to enroll their children there. Their antipathy to the majority-Roma school is rooted in racism—but also in their understandable concern that the school provides an inferior education. As two teachers interviewed by Awen Amencia made explicit, the school does not focus on “quality education” in the older grades, but rather on managing “behavioral issues.” Meanwhile, the lack of students from Prague 9 frees up space for Roma students from other districts:

We are a multicultural school. We have many children with disabilities and mainly Roma children, because we do a lot for them. We have different projects, and we are friendly

toward the families. Non-Roma, as soon as they find out that Roma children attend this school, they don't enroll their children in our school. The fact is that many Roma, even from Prague 9 and other districts, attend this school and because we have free capacities since the non-Roma (who according to the catchment area are supposed to enroll their children in our school) enroll their children in other schools. We tell the non-Roma parents directly that at the first level of primary school (grade 1 to grade 5) all children receive the same quality education, but on the second level of the primary school (grade 6 to grade 9), we are not teaching anymore. Rather, we are solving behavioral issues. Thus, there is no time to provide quality education.⁶

⁶ Awen Amenca interview, February 2022.

“Adjusted Outcomes” and the Enduring Legacy of Practical Schools

Segregated schools are only one reason for unequal educational outcomes for Roma students. Equally important is the continued practice of over-diagnosing Roma children with learning and intellectual disabilities. The result is that even when Roma students are educated in mixed schools, they are often shunted onto separate educational tracks with so-called “adjusted” learning outcomes. This practice essentially constitutes a refusal to provide Roma children with the education they need to achieve stable employment and social and economic mobility later in life, and the education gap between Roma and non-Roma children will only grow more consequential as the Czech economy continues to transition away from industrial labor. As it is, unemployment rates among Roma communities in the Czech Republic are staggeringly high, with estimates hovering around 50% nationally.⁷

Since the European Court of Human Rights decision on *D.H. and Others v Czech Republic* in 2007, the Czech Republic has been under orders to overturn the long-standing racist practice of warehousing Roma students in schools for children diagnosed with intellectual disabilities—a label that has been overwhelmingly applied to Roma children, and used an excuse to provide them with sub-par instruction.⁸ The Czech government applauds itself for eliminating these so-called “practical” schools in 2016, and claims that amendments to its Education Act satisfy the requirements of the *D.H. and Others* ruling. Instead of practical schools, students diagnosed with “mild mental disabilities” (MMD) are now to be integrated into regular classes while receiving special instruction supposedly tailored to their individual learning needs, with “adjusted” expectations for academic success.⁹ The remnants of the old system were phased out in the 2019/20 school year, as children diagnosed with MMD before the new law went into effect continued to be taught in separate classes until their graduation. We now have five years’ worth of data to draw on when assessing the significance of these reforms. As the evidence analyzed below makes

⁷ Reuters, “Czech president defends assertion that most Roma don’t work,” October 7, 2018, <https://www.reuters.com/article/us-czech-roma/czech-president-defends-assertion-that-most-roma-dont-work-idUSKCN1MH0Q5>.

⁸ The ruling found that the Czech Republic was in violation of the European Convention on Human Rights due to the widespread practice of shunting Roma children into schools for students with intellectual disabilities. See the Open Society Justice Initiative summary of *D.H. and Others v Czech Republic*, <https://www.justiceinitiative.org/litigation/dh-and-others-v-czech-republic>.

⁹ Report of the Czech government on the execution of the judgment *D.H. and Others v. the Czech Republic* of 30 September 2021, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a41672.

clear, “adjusted” instruction is simply the practical school under a new guise, and the Czech Republic remains in violation of *D.H and Others*.

Despite the abolition of practical schools, MMD diagnoses continue to serve as justification for the inferior education Roma students receive, and for their consistently poor educational outcomes. The Czech government argues that the adjusted education program marks a distinct departure from practical schools in that children diagnosed with MMD are given individualized learning plans and are educated alongside other students.¹⁰ However, by the government’s own admission, inherent to adjusted learning plans is the expectation of lower academic outcomes. A government report defines the new track for MMD-diagnosed students as an “educational programme for primary education, FEP PE, with *lower* demands for learning outcomes because of mild mental disabilities (‘FEP PE UV’).”¹¹ This system replicates the older model of separate schools by creating a two-track educational system. And as we see in the example of the majority-Roma school in Prague 3, schools with a high number of children diagnosed with MMD are, effectively, practical schools where teachers “are not teaching anymore.”

The new adjusted educational program further reproduces the old system by continuing the practice of over-diagnosing Roma children with MMD. According to the government’s own statistics, Roma children remain disproportionately represented among children classified as MMD. In theory, MMD diagnoses should be rare—only 1.3% of Czech children fell into this category during the 2020/2021 school year. Yet Roma children are nearly ten times more likely to be diagnosed with MMD in comparison to the general population, with 11.9% of Roma children receiving an MMD diagnosis in 2020/2021. Alarming, this percentage marks an increase over the previous year, when 10.8% of Roma pupils had MMD diagnoses.¹²

Unfortunately, this increase appears to be part of a disturbing trend. The number of Roma children being tracked into the adjusted outcomes program is rising at a higher rate than that of non-Roma children. The government itself admits that, “while the total number of pupils in this educational programme increased by 8.9% (from 14,572 to 15,870 pupils), the number of Roma pupils increased by 13.6% (from 3,533 to 4,013 pupils) from 2019 to 2020.”¹³

The government has attempted to downplay the rising rates of Roma children in the adjusted outcomes program by pointing to the fact that the 13.6% increase does not take into account children diagnosed with

¹⁰ Ibid., p. 4.

¹¹ Ibid., p. 3. Emphasis added.

¹² Ibid., p. 5.

¹³ Ibid., p. 6.

disabilities under the old system of separate classes, which was phased out in 2019/20. Although the details of their methodology are not explained, they have offered a modified percentage increase that appears to be based on the inclusion of students diagnosed under the old system, arguing, “if we adjust the qualified estimates from the impact of last year of the transition period, then the proportion of Roma pupils in the increase of pupils educated under the educational programmes for pupils with mild mental disabilities will be 10.3%.”¹⁴ By starting with a larger base, the annual percentage increase is reduced. Yet whether the number of Roma children diagnosed with MMD went up by 13.6% or 10.3%, such an increase is nonetheless significant, and concerning. Moreover, the data continue to underscore the fact that Roma children are still being diagnosed with MMD at rates higher than their non-Roma counterparts, and that these rates are increasing under the new legislative reforms.

Indeed, in a country where Roma constitute just 2% of the population, Roma children currently represent approximately one-quarter of children diagnosed with MMD and educated under adjusted outcomes framework. In the school year 2020/2021, Roma made up 25.3% of the total number of students in this program, despite the fact that they were only 3.56% of the total primary school population.¹⁵ (See table no. 1.)

Table no. 1: Number of children educated under the “adjusted outcomes,” framework broken down by demographic

	Total number of children		Roma children		Percentage of Roma children	
	2019	2020	2019	2020	2019	2020
Total number of children in Czech primary schools	944,782	955,147	32,686	33,631	3.46%	3.52%
Of those educated in the “adjusted outcome” program	14,572	15,870	3,533	4,013	24.25%	25.23%
% of children in the “adjusted outcomes” program	1.54%	1.66%	10.81%	11.93%	X	X

¹⁴ Ibid., p. 6.

¹⁵ Ibid., pp. 4 and 6.

Source: Czech Government¹⁶

Defenders of the “adjusted outcomes” framework claim that it “has made it possible to tap into each pupil’s maximum learning potential in the key areas at mainstream primary schools.”¹⁷ In other words, it allows students diagnosed with disabilities to receive instruction in mainstream classes while also receiving a learning program tailored to their individual needs. And yet the government’s own research shows that, for Roma children, “adjusted outcomes” usually equates with blatantly segregated education.¹⁸

Despite 2016 amendments to the Education Act, special schools and special classes for children diagnosed with disabilities still exist in the Czech Republic—and, in keeping with broader patterns, Roma children are over-represented here as well. These classes and schools are intended for children with physical, visual, or hearing impairments or serious intellectual development disorders, serious behavior disorders, multiple disabilities, or autism.¹⁹ Given these criteria, of students diagnosed with some form of disability—from mild to severe—only a small percentage should be educated separately from other students. According to Czech law, “pupils are assigned to classes set up under Article 16(9) of the Education Act only when their integration within a mainstream class is not feasible.”²⁰

Shockingly, however, the government reports that for the 2020/2021 school year, more than three-quarters of all Roma students diagnosed with a disability—or 75.7%—were enrolled in special classes. Of the 4,013 Roma children diagnosed with disabilities, it was decided that integration into mainstream classes was “not feasible” for a full 3,038 of them. In short, nearly one in ten Roma students in the Czech Republic receives instruction in segregated classes for children with disabilities. It is also worth noting that the number of students in segregated classes is increasing. In the 2019/2020 school year the percentage of Roma students diagnosed with a disability and enrolled in special classes was 72.8%.²¹

¹⁶ Ibid., pp. 5 and 7.

¹⁷ Ibid., p. 5.

¹⁸ Report of the Czech government on the execution of the judgment *D.H. and Others v. the Czech Republic* of 3 June 2022, pp. 12-14, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a6c36f.

¹⁹ Act no. 561/2004 Coll., the Education Act, § 16 (9).

²⁰ Report of the Czech government on the execution of the judgment *D.H. and Others*, p. 6.

²¹ Ibid., p. 6.

Table no. 2: Percentage of Roma children diagnosed with disabilities and educated in special schools or classes

	2019	2020
Roma children educated in the “adjusted outcomes” program	3,533	4,013
Of those placed at special schools or classes	2,573	3,038
Percentage	72.83%	75.7%

Source: Czech Government²²

Roma students are also over-represented in the few remaining special schools intended for students with more serious disabilities. In the school year 2020/2021, 629 Roma children, or 1.8% of Roma students, were educated in these schools. By contrast, only 0.74% of students in the general population attended special schools. The government has attempted to minimize these statistics, noting that “there was no year-on-year increase in their proportion although the overall proportion of Roma pupils in primary schools increased.”²³ But this positive spin on the data overlooks the fact that Roma students are twice as likely as non-Roma students to be educated in special schools. (See table no. 3.)

Table no. 3: Number of children educated under the educational programme for special schools

	Total number of children		Roma children		Percentage of Roma children	
	2019	2020	2019	2020	2019	2020
Total number of children in primary school	952,946	962,348	33,768	34,267	3,54	3,56
Of those educated in special schools	6,963	7,133	612	629	8,79	8,82
Percentage of children in special schools	0.73%	0.74%	1.81%	1.83%	X	X

Source: Czech Government²⁴

²² Ibid., p. 6.

²³ Ibid., p. 6-7.

²⁴ Report of the Czech government on the execution of the judgment *D.H. and Others v. the Czech Republic* of 30 September 2021, p. 7, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a41672.

Why Roma Children Are Over-Represented in Disability Diagnoses

Given the egregious over-representation of Roma children in disability diagnoses, it is clear that the diagnostic tests themselves should be reformed. Indeed, the European Court of Human Rights called for just such a measure in its decision in *D.H. and Others*. And yet, the disability metrics used by the Czech government have remained largely unchanged since the communist era. Without an overhaul of disability diagnosis methods in schools across the Czech Republic, one in four Roma children will continue to be segregated into separate educational tracks.

The Czech government itself has acknowledged the extent of the problem. In a June 2022 report to the Council of Europe on the implementation of the *D.H. and Others* ruling, the government admitted that the “diagnostic work done by school counselling facilities is a cardinal issue in the persistent disproportion of Roma children diagnosed with mild mental disabilities.” It went on to criticize current diagnostic practices as “unable to discern between mild mental disability and effects brought about by a different socio-cultural environment and different living conditions, i.e. social disadvantage.” The inadequacy of diagnostic tools to make such distinctions has resulted in “a misdiagnosis of mild mental disability and the subsequent improper education of some Roma children under [adjusted outcomes] or their placement outside mainstream education.”²⁵

The 2016 amendment to the Education Act called for regular reevaluation of students diagnosed with disabilities until 2018, but in that two-year period the number of Roma children diagnosed with MMD was only reduced by 4%. The problem with disability diagnostics is persistent and structural. Again, as the government itself has found, there is widespread over-reliance on outdated methodologies. A report prepared by the Czech School Inspectorate in January 2022 found that “older methods are obviously being used (64.6% of educational psychology counselling centres and 49.3% of special-pedagogy centres).”²⁶

Qualitative field research carried out by Awen Amenca supports these government findings—and helps explain how anti-Roma racism infects the disability diagnosis process. The administrators tasked with testing students are often poorly trained, lack objectivity, and are not invested

²⁵ Report of the Czech government on the execution of the judgment *D.H. and Others v. the Czech Republic* of 3 June 2022, p. 14, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a6c36f.

²⁶ *Ibid.*, p. 15.

in ensuring equal educational outcomes for all students. The lack of care and rigor that go into many disability diagnoses can be illustrated by the recent experience of a representative of Awen Amenca who attended a meeting at the Ministry of Justice in early 2022 regarding the implementation of *D.H. and Others*. At this meeting, which was intended to focus on improving Roma education, another attendee, the director of a regional pedagogical center—where disability diagnoses are conducted—bragged about her ability to recognize a student with MMD as soon as the child walked in the door. This kind of callous disregard for the testing process would come as no surprise to Roma parents, who report to Awen Amenca that disability assessments for their children are completed within a few minutes, while non-Roma children receive significantly more time.

Administrators involved in the testing process routinely cut corners in other ways as well. Numerous Roma parents have also told Awen Amenca that their children have been tested in school without a parent present. This violates official protocol, which states that, based on the recommendation of school officials or a child’s pediatrician, parents are urged take their children to a designated counselling or pedagogical center for a disability diagnosis. Many former practical schools have established relationships with disability evaluators, however, and will ask them to visit the school to conduct disability tests. Parents are supposed to be notified in advance, but are often not informed of their right to refuse testing and do not feel empowered to resist the school’s recommendation. In some cases, in defiance of Roma parents’ right to informed consent, parents are not notified until after the test has been conducted. Parents and teachers report that schools are incentivized to increase the number of students diagnosed with MMD because they receive additional funding for each child with a disability.

To better understand how disability testing works in practice, Awen Amenca conducted extensive research at two primary schools in different regions of the Czech Republic and interviewed teachers and administrators. Both schools were formerly practical schools. The first school, Vizina primary school, is located in Ostrava, and the second, Na Náměti primary school, is located in Kutná Hora, a medium-size city close to Prague with a small Roma population. The findings reveal widespread ethnic discrimination in disability testing, with one school principal insisting that the Roma students in her school are “all mentally retarded.” Excerpted transcripts of the interviews are below.

Mr. X (teacher at Vizina primary school, Ostrava):

Question: How are children diagnosed in your school?

If a teacher suspects a child is somehow weaker according to the school educational program, protocol dictates that he/she should write a pedagogical finding, asking the parent

to agree to have their child sent to a pedagogical-psychological counselling center and subsequently thereafter to a special pedagogical center. But usually it happens in such a way that the child is examined without the parent knowing about it...The child goes to school and the teacher, with the help of the school principal, actually takes the child and has him examined there. And in 20 minutes, as I said, he is diagnosed with the finding of § 16 par. 9—mild mental disability—and it is clear to me that in 20 minutes, it is not possible for an examiner to diagnose a child...It is important for the school that the child is diagnosed because schools receive more funding for students with mild mental disabilities.

Mrs. X (school principal, primary school na Náměti, Kutná Hora):

Question: Are you a practical or a mainstream school?

Our school used to be a special school. Nowadays, we have classes running according to a mainstream curriculum, and we have classes for children with mild mental disabilities. Nearly 100% of all the pupils are Roma.

Question: How are children diagnosed in your school?

I have been a school principal for many years. I have taught here parents of current children. I have close ties with many Roma families in Kutná Hora and the surrounding villages. I help them with anything they need (find a doctor, dentist etc.). So I know the parents and all of their children very well. So most of the children attend the preparatory class, and parents want their children to stay in my school. Since I know that the parents will not take their children to the psychological/pedagogical centers, I invite the workers of this center from Kolin to come to my school and diagnose the children here. Then, the parents come to the school and sign all the necessary documents.

Question: Why do have these children tested by employees from the testing center in Kolin rather than the testing center in Kutná Hora? (According to standard procedure, children should be tested by the pedagogical-psychological center in Kutna Hora, and only sent to the center in Kolin if they are diagnosed with MMD.)

As I said, I know the families, and I know that their children, particularly from the surrounding villages, are mentally retarded, and I have established good cooperation with the

Kolin pedagogical and psychological center. So, when I need a diagnosis, their employees come to my school because the parents will not go there. And even if there is a child in the preparatory class whose parents choose another primary school, they come back to our school in the middle of the first school year because they don't feel comfortable in the school they chose. Here, they feel safe. And for them to be eligible to come to my school, I have to make sure that they obtain the diagnoses. They are all mentally retarded. I know them all, and I know their brain capacities, so I call the pedagogical-psychological center in Kolin. They come, diagnose them, and then they can stay in my school.

The Czech Government's Continuing Failure to Prioritize Roma Inclusion

The Czech Republic's COVID-19 Recovery and Resilience Plan devotes inadequate attention to Roma education and, in general, the education system receives little consideration. In one education-related section, the plan focuses on the purchase and distribution of electronic devices for disadvantaged children and argues that access to such technology can help eliminate gaps in access to education for poor communities. There is no particular emphasis on Roma children, or any acknowledgement of the limitations of relying on access to technology as a tool for promoting educational equality.²⁷ The plan also promises "support for disadvantaged schools."²⁸ Yet here, too, the emphasis is misplaced. There is no discussion of the need to combat segregation or the problem of over-representation of Roma among children diagnosed with disabilities, which, as we have seen, constitute the main causes of educational inequality in the Czech Republic.

Three other recent policy documents address the future of Roma education in the Czech Republic:

- The Long-term Plan of Education and Development of Educational System 2019-2023²⁹
- The Strategy of the Czech Republic's Educational Policy until 2030+³⁰
- The Strategy of Roma Equality, Inclusion, and Participation (Strategy of Roma Integration) 2021-2030³¹

These policy documents offer little in the way of enforcement measures or practical steps for implementing educational equality, however. They do not provide measurable benchmarks or offer clear commitments to ensuring change, such as budgetary allocations. Testifying to their limited relevance, these documents seem to have made little impact within the Czech government itself. The September 2021 report of the

²⁷ See ANNEX to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Czechia of 31 August 2021, 11047/21 ADD 1, pp. 104-108. Available at: <https://data.consilium.europa.eu/doc/document/ST-11047-2021-ADD-1/en/pdf>.

²⁸ Ibid., p. 110.

²⁹ The Long-term Plan of Education is available in Czech at: <https://www.msmt.cz/vzdelavani/skolstvi-v-cr/dz-cr-2019-2023>.

³⁰ The Strategy is available in English at: https://www.msmt.cz/uploads/brozura_S2030_en_fin_online.pdf.

³¹ The Strategy is available in Czech at: https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/aktuality/Strategie-rovnosti--zacleneni-a-participace-Romu-2021--2030---textova-cast_OK_2.pdf

Czech Government to the Committee of Ministers on the implementation of *D.H. and others* mentions only one document—the Strategy of the Czech Republic’s Educational Policy until 2030+—even though the Strategy of Roma Equality, Inclusion, and Participation also discusses measures to address school segregation.

None of the three policy documents offer strategic objectives aimed at strengthening the legal position of Roma children and their families in the educational process, including ensuring informed decision-making about the disability diagnosis process. As we have seen, disability diagnostics serve as a tool for keeping Roma children in segregated schools and on separate educational tracks, and the system depends on ensuring that Roma parents are not empowered to advocate for equitable outcomes.

Together, these recent policy statements demonstrate the Czech government’s troubling lack of commitment to promoting Roma equality.