



Civil Society Monitoring Report

on the Implementation of the National Roma Integration Strategy
and Decade Action Plan in 2012 in

THE CZECH REPUBLIC

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Prepared by a civil society coalition comprising the following organizations:

Centre for Social Issues – SPOT (lead organisation) ■ Czech Society for Inclusive Education
Counselling Centre for Citizenship, Civic and Human Rights
Mezanin Association ■ Open Society Foundation Prague ■ Multicultural Centre Prague



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PRAGUE

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and the Roma Initiatives Office of the Open Society Foundations



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In the pilot year of 2012, the Decade Secretariat decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia and Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic. In addition, the Decade Secretariat made a template public in order to encourage additional civil society actors to monitor the implementation of National Roma Integration Strategies (NRIS) and Decade Action Plans.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with Open Society Foundation's Making the Most of EU Funds for Roma program and the Roma Initiatives Office.

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EXECUTIVE SUMMARY

The situation of the Roma minority is one of the Czech Republic's most urgent social and human rights problems. The Czech Republic seeks to address this complex problem with a wide range of activities. The overall direction of the Czech Republic's integration policy is defined in two strategic documents: the Concept for Roma Integration 2010-2013 and the Strategy for Combating Social Exclusion 2011-2015. The former document has at the same time the status of the Czech Republic's National Strategy for Roma Inclusion (NSRI), as it was translated and sent to Brussels in response to the European Commission's request to all member states to develop national strategies for Roma inclusion.

Initiated by the Decade of Roma Inclusion Secretariat Foundation and written by a coalition of Czech non-governmental organisations (NGOs), this report is intended to provide an independent assessment of the Czech Republic's progress in achieving the goal of Roma inclusion as defined in the Concept for Roma Integration/Czech NSRI. Focussing on six topics: education, employment, health, housing, anti discrimination, and structural requirements, the European Commission provided the member states with feedback on their strategies and made recommendations as to how the strategies could be improved. With a view to providing additional feedback from the perspective of civic society organisations, the Decade Secretariat decided that the independent civic society reports would focus on the same topics. Due to this decision, this report does not cover all the dimensions of Roma integration that are covered by the Czech Concept for Roma Integration, which also includes chapters on the support of Roma identity and culture. However, the decision to limit this report to the social, economic and legal aspects of Roma integration should in no way be interpreted as a disregard for questions related to Roma identity and empowerment. On the contrary, the authors demonstrate throughout the report how the hitherto applied integration strategies fail to give the Roma communities a chance to participate actively in the process of integration. One of the most important challenges for the coming years will be to develop funding mechanisms that will be more accessible for Roma and to introduce better mechanisms for the participation of Roma in decision-making.

The first part of this summary follows the report's thematic structure. In the case of each of the six thematic chapters a few key messages will be highlighted. The full text of this report provides more comprehensive information on particular policies and programmes. The second part of this summary has been used to draw attention to three particular cross-sectoral challenges which have surfaced in many of the thematic chapters.

Structural requirements

Roma inclusion activities are co-ordinated by the Section on Human Rights within the Government Office of the Czech Republic. Led by the Government Plenipotentiary for Human Rights, this section is divided into two departments. The development of the strategy was the responsibility of the Department for the Protection of Minorities. This department contains a number of advisory bodies, of which the Council for Roma Community Affairs is the most important.

The other Department is the Agency for Social Inclusion (until July 2012 "Agency for Social Inclusion in Roma Localities"). Representing a core activity of the Czech Republic's Strategy for Combating Social Exclusion 2011-2015, the Agency is currently active in 24 municipalities with social exclusion problems. It also seeks to influence the activities of other ministries that are relevant from the perspective of social inclusion, such as the development of funding schemes.

Citing economic reasons, the government has been debating an internal proposal made in December 2012, which would lead to the dissolution of the entire Section on Human Rights and the transfer of its responsibilities to various ministries. According to this proposal, the Council for Roma Community Affairs would be transferred to the Ministry of Social Affairs and the Agency for Social Inclusion would be transferred to the Ministry of Regional Development or, alternatively, either the Ministry of the Interior or the Ministry of Social Affairs and Employment. As a result there would no longer be a central body within the government structure responsible for the co-ordination of Roma inclusion activities. Somewhat surprisingly, but to the relief of the institutions concerned, the proposal was left out of the final version of the proposal for the “reduction of the Government Office’s activities” debated by the Czech government in January 2013. It is not clear if this can be interpreted as a decision to maintain the Section in the Government Office or if the proposal will reappear at a later point.

One important structural challenge is the funding of Roma-inclusion work, which relies overwhelmingly on grant schemes. While grants are certainly an appropriate tool for sponsoring certain type of activities, they are not very suitable for sustaining activities whose success depends upon long-term stability. Permanent uncertainty about the continuation of funding and gaps in funding undermine the efficiency of many important schemes. This concerns not only activities conducted by NGOs and providers of social services, but also those of public institutions such as municipalities and schools.

Anti-Discrimination

Neither labour inspectorates, nor labour offices collect any statistical data about discrimination on the basis of race or ethnic origin. There are no relevant data on the scope of discrimination against Roma in access to employment or housing. Thus, the extent of anti-Roma discrimination can be only measured by the everyday experiences of Roma themselves and by various surveys.

The passing of the Anti-discrimination Law in 2009 was a necessary step towards abolishing discrimination in the Czech Republic; however, it remained the only one. The law was adopted in recognition of the Czech Republic’s obligation to implement EU anti-discrimination directives, not as the result of a need felt by Czech society to actively tackle discriminatory treatment. The law has not been complemented by measures such as an awareness-raising campaign (especially for victims of discrimination) or appropriate training for state officials and judges. The Public Defender of Rights (Ombudsman), a pro-equality institution that is insufficiently resourced both financially and in terms of personnel, cannot in any case replace the active involvement and will of politicians and civil servants. Thus, the principle of equal treatment is not perceived as a basic principle of a democratic state, whose cornerstone is the protection of fundamental rights, but rather as an artificially imposed ideology that limits the freedom of individuals. In such circumstances both actual and potential victims of discrimination experience great difficulty when claiming their right to equal treatment.

Education

Most experts agree that one of the most important preconditions for Roma integration is the closing of the educational gap between the Roma and the majority population. While this goal is on an abstract level hardly controversial, education has in recent years become the most contested area of Roma integration policy.

There have been two recent studies that sought to identify the proportion of Roma children in practical schools (former “special schools”) during the school year 2011/12. The first of these surveys was conducted by the Office of the Public Defender of Rights (Ombudsman). Using two different methods, the researchers established that 32 to 35% of all children in these schools are Roma. As it can be assumed that the total share of Roma in this age group of the general population is between 3.2 and 6.4%, the proportion of Roma in practical schools can be considered to be 5-10 times higher than their proportion in this age group of the overall population. The second survey was carried out in the school year 2011/12 by the Czech School

Inspectorate, and produced data that can be compared with those from an earlier survey, conducted by the same institution in 2009/2010. The research found the proportion of Roma children to be 26.4%, which is 8.6% less than had been established by the Inspectorate's 2009/10 survey. It is however necessary to point out that the figures provided by the school directors, who are often openly opposed to the gathering of ethnic data, were not verified directly in the contacted schools.

Following the European Court on Human Rights' *"LH and others vs. the Czech Republic"* ruling, in which the Czech Republic was found to have violated the right to equal access to education, recent years have seen on the one hand far-reaching proposals for reform, such as the announcement (later withdrawn) that the former special schools would be abolished and their pupils integrated into the regular education system. On the other hand, education is also an area where opposition to integration is strong and well-organised. This opposition springs from different types of motivation, such as the fear of regular schools and parents from the majority population that the de-segregation of education will lower the quality of schools, or the professional interests of special schools and their staff, who often mistake criticism of the whole system as a personal attack on their performance as teachers.

On the political level, progressive development in the area of education came to a halt under Josef Dobeš, who headed the Ministry of Education from 2010 to 2012. Petr Fiala, former head of Brno Masaryk University and successor to Mr Dobeš at the Ministry, is clearly more interested in the agenda of inclusive education. Representatives of NGOs and state officials interviewed for this report stated that co-operation with the ministry did significantly improve after the change of leadership. However, it is unclear to what extent the change in atmosphere will lead to substantive changes in policy. Reacting to strong political opposition, the new minister has already cancelled a number of earlier plans, such as the proposed ban on operating kindergartens and preparatory classes within practical schools. This ban was one of the commitments outlined in the new Consolidated Action Plan for the DH Judgment implementation. Recently the government has also announced that it will modify the Strategy for Combating Social Exclusion, as schools and teachers would not be prepared for the originally planned abolition of practical schools by 2015 or 2017 respectively.

Employment

In a recent survey, almost 40% of interviewed Roma living in Roma localities declared themselves unemployed. While this number is lower than in other Central and Eastern European countries and does not support the popular idea that "no Roma would work", it is clear that unemployment is one of the key factors that contribute to the Roma minority's economic, social and physical marginalization.

Government policy in the area of Roma employment has suffered from a lack of systematic policies and from the contradictory effects of different, chaotically adopted measures, many of which were prepared without consultation with bodies responsible for Roma integration. Important goals declared in the 2009 Roma Integration Concept for 2010-2013, included a) increasing the number of public employment services staff working directly with clients, b) developing a system of methodological support, c) life-long learning and supervision for public employment services, d) ensuring the specialisation of public employment services, e) developing a system of profiling job applicants with regard to their distance from the labour market, but these were severely hampered by the passing of the Social Reform Law I in 2011. The reform of the Labour Offices led to a reduction in the number of employees there and also brought a substantial increase in their workload, which was expanded to include the handling of social benefits. In consequence, there were fewer public employment workers available to deal with individual unemployed persons, among them many Roma. The individual approach to the unemployed was further limited by the establishment of the so-called DONEZ system, which requires selected unemployed people (especially those with a long history of unemployment) to report regularly at the "CzechPoints" located at Post offices and selected municipalities. While the DONEZ system is perceived by many Roma as an unnecessary annoyance, it is worth noting that public resources are being devoted to a system that is purely supervisory and offers the unemployed no effective support.

The social reforms further transformed the system of public works, which used to play an important role in providing temporary work opportunities. In recent years the Czech Republic has seen a continual decline in the resources devoted to public work programmes and other elements of active labour policy. At the beginning of 2012, the existing public work scheme was largely replaced by a mandatory and unpaid form of community service. The Czech Constitutional Court declared this practice to be unconstitutional and abolished community service in December 2012. The consequence of the repeated changes is a chaotic situation in which employment on public works is offered on a much smaller scale than was the case before 2012. These changes were sharply criticised both by interviewed Roma and by representatives of municipalities and labour offices, who assessed the previous system as mostly positive because it helped to provide Roma and other people with limited opportunities on the regular labour market with at least some possibility of earning an income.

In addition to these developments on the level of national policies we should mention various project-type activities which are financed by the European Social Fund and other resources. While the Ministry of Social Affairs and Employment, performing its function as Managing Authority of the European Social Fund, has issued a number of employment-related calls for proposals that specifically targeted inhabitants of socially excluded Roma minorities, most of the activities in the area of employment are not defined in a way that would specifically target Roma. It is therefore impossible to provide numerical data on the proportion of Roma among the beneficiaries of particular programmes.

Health

A number of surveys have shown that the health of the Roma population is worse than that of the majority population. One major determinant is the bad housing situation of Roma, which has continued to worsen in recent years. Studies have also revealed huge differences with regard to preventive check-ups. The lack of awareness about the importance of preventive care is one example of a problem where the medical system fails to react in a culturally sensitive way. Doctors are in many cases also not aware of many Roma's need for intimacy and of the strong emotions linked to illness.

The only specific measure included in the Roma Integration Concept/NRIS is the introduction of Roma health assistants. This could be an effective measure to address challenges linked to culture and mentality. Health assistants could also be helpful to "translate" medical jargon into ordinary language for patients from the Roma community. However, the implementation of this plan did not go beyond pilot schemes of very limited scope. The Ministry of Health established a working methodology in 2006 for the Roma health assistants. However, the Ministry has so far failed to establish a grant programme that would allow for the introduction of this service on a larger scale.

One important health-related issue has been the unlawful sterilization of Roma women that took place during the communist era and the 1990s and early 2000s. Supported by an Ostrava-based Roma NGO, a group of victims managed to successfully inform the Czech public and also international bodies about this important issue. While the official apology by Czech Prime Minister Jan Fischer to the victims of non-consensual sterilization was an important milestone, the Czech Parliament has not yet reacted to the Ombudsman's recommendations and the Human Rights Council's motion suggesting the creation of scheme for financial compensation. An important development related to this issue is the adoption of stricter rules on consent to sterilization. The passing of Act 373/2011 Sb., with new consent rules, marks the end of the previous, 40-year-old regulation that embodied more permissive norms.

One important and positive development related to health is the de-institutionalization of the child care system. Based on official data, a recent report by the European Roma Rights Centre concluded that about 30% of all children under three years of age living in infant institutions and homes for children were Roma. This is about ten times the percentage of Roma in this age category in the whole population. Reacting to increasing criticism by NGOs and also international bodies such as the European Commission, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), in November 2012 the Czech Parliament passed legislation that envisaged the funda-

mental transformation of the existing system. The aim of the law is to reduce the number of children who are being institutionalised by offering far more support to vulnerable families. The law should also lead to the establishment of systematic rules and selection procedures for foster carers and to the creation of the necessary conditions for their establishment as a profession.

Housing

Many of the representatives of local NGOs interviewed for the purpose of this report identified housing as the area where the developing trends are the most worrying. The Mapping of Socially Excluded Localities project carried out by Gabal Analysis and Consulting in 2005 found 67,500 Roma living in 330 socially excluded localities. While more current data will be available only after the conclusion of a new mapping that should be conducted in 2013-2014, even state officials such as the head of the Agency for Social Inclusion assume that the number of segregated localities and the number of Roma living in these segregated localities has increased since 2005. As a result of the sale to private owners of many cities' municipal housing stock, rent deregulation, and the indebtedness of many Roma households towards both informal and professional moneylenders, a steadily growing number of Roma is forced to find alternatives to regular housing. In some municipalities the process of segregation has been quite actively supported by the local administration, which tried to find ways to "export" the unpopular minority to other municipalities.

Having developed into a lucrative business, which is sustained by the payment of housing subsidies, hostel-type private accommodation is increasingly used to provide housing as a last resort. In many cases overcrowded and neglected, with shared sanitary facilities, hostels are thoroughly unsuitable as a way of providing stable homes for families with children. They also constitute a very expensive "solution" to the housing question, as the cost is often far higher than the rent of a regular flat. According to the observations of social workers from NGOs interviewed for this report, forced relocation from a normal flat to a hostel can be experienced as a traumatic event which can be powerful enough to transform families which were known to be able to care for themselves into "problematic cases". Despite the negative trend in this area, the state has reacted very passively. There is no systematic social housing policy and the responsible ministry has already postponed the preparation of such a policy several times. There are indications that the Ministry for Regional Development will base its plans for the provision of housing to the poor on support for privately operated hostels. The provision of housing for socially excluded Roma has also played only a minor role among the Roma-targeting projects financed from the Structural Funds.

While overall developments in this area might be considered to be most worrying among all the areas discussed, there are at least some positive examples at local level that might be seen as precedents worth following. A number of municipalities have successfully dissolved local Roma ghettos by offering their inhabitants regular flats within the municipal housing stock. The state-run Agency for Social Inclusion also tries to support its local partner municipalities in their attempts to come up with inclusive housing schemes. The Agency's record in this area is mixed. It convinced a few municipalities to come up with desegregation schemes, but it had to decide to withdraw from several partnerships because it was unable to persuade some municipalities to abandon housing policies that would deepen racial segregation. On the local level, one important question is the political will of the decision-makers who are often fearful of negative reactions among the majority population. Especially in the cases of those municipalities that have sold off most of their municipal housing stock, another, no less complicated, question is the lack of instruments to prevent the emergence of segregated ghettos.

Cross-sectoral challenges

It is not a new insight that the various dimensions of social exclusion are interlinked. There are plenty of examples of negative cycles, which could for example begin with the loss of employment, which is followed by the loss of housing, negative effects on the children's success in school and the worsening of health conditions. Due to this interconnectedness and complexity, it is difficult to give a clear answer to

the question of which policy areas should be addressed in the first place. Having respected a rigid thematic structure thus far in this report, we would like to use the second part of this summary to draw attention to three important challenges, which relate to all of these themes, without really belonging to any of the thematic chapters. In the opinion of the authors of this report, coming to terms with these challenges will be essential if the integration of Roma into Czech society is to become a success story.

Indebtedness of Roma and the costs of debts

As has been shown in some of the thematic chapters, debt – whether towards informal moneylenders within the Roma community or towards banks, other providers of loans, collection services or public institutions – is one of the most important accelerators in processes of social exclusion. Many of those who lose their housing because they fail to pay rent do so because of indebtedness. Old debts towards the municipality, which have grown to a level that an unemployed debtor will never be able to pay back, are at the same time an important reason why it can be impossible for Roma to access municipal housing. For people without their own income debt can develop into a life-long trap, as the re-scheduling of debts often requires some income to ensure the payment of part of what is owed.

To some extent, all of this is a typical by-product of poverty, which can be found in various types of socially excluded communities throughout the world. As was demonstrated by a recent study of the structure of indebtedness in the Northern Bohemian city of Děčín, the plague of indebtedness is, contrary to public perception, by no means limited to the inhabitants of socially excluded localities. On the contrary, the data provided by the city of Děčín seems to indicate rather that indebtedness is, at least in some parts of the country, a very serious and extremely widespread problem which can negatively affect the affairs of the entire region.¹

While recent legislative changes (enforced by a decision of the Constitutional Court) will somewhat improve the position of debtors towards their creditors, the Czech Republic lacks a systematic strategy to tackle indebtedness and to better protect clients of financial institutions. Comparing average costs of debts in the Czech Republic and Germany, a recent study by the NGO People in Need showed the unbelievable extent to which debtors in the Czech Republic are financially exploited by debt collection services, lawyers and bailiffs. Due to legal expenses and fees payable to collection services, lawyers and bailiffs, in Germany an initial debt of 1020 CZK that is enforced by a court decision would grow to 3306 CZK. In the Czech Republic, the increase is more than five times larger and leads to a final debt of 17,543 CZK!² For socially excluded Roma, who often do not fully understand the meaning of contracts or letters written in legal language, even small debts, such as non-payment of the fee for admission to an Accident and Emergency department (mentioned in the chapter on health), can be the beginning of an extremely dangerous cycle.

The Concept for Roma Integration acknowledges the problem of indebtedness. It proposes that people should be better informed through campaigns and that the accessibility of counselling services for debtors should be improved. Financed from various grant schemes, such counselling services are indeed available in many places. However, they reach only a small segment of the debtors: those who are willing to actively work on the problem. The only realistic way to tackle the growing problem of indebtedness is to use effective regulation to curb the illegitimate high profits of those involved in the money-lending business.

Role of municipalities in Roma integration

While the Concept for Roma Integration has been drafted by the Government Office, municipalities are key actors in the processes of Roma inclusion and exclusion. The Concept assigns tasks to the municipali-

1 Kučera, Petr; Jakob Hurrle; Michaela Zítková (2012): Analýza dat k zadluženosti obyvatel (na příkladu Děčína). Prague: Agentura pro sociální začleňování/Centrum pro společenské otázky – SPOT, o.s.
2 See: <http://www.clovekvtisni.cz/cs/socialni-prace/socialni-integrace/pravo-patri-bystrym>.

ties, yet makes it clear at the same time that these are only recommendations, as the central government has to respect the principle of local autonomy. In accordance with this principle, already during the early 1990s the state housing stock was transferred to local municipalities, which have been left to decide freely whether or not, and to whom and under what conditions, to sell off these flats. Roma were in most cases unable to participate in these schemes and at times possibly also not interested in doing so. The analysis of the appearance and development of socially excluded localities shows that the parameters of local housing strategies had a huge impact on the position of Roma and other vulnerable groups. Municipalities also enjoy considerable leeway in decision-making in other areas. Some municipalities' social departments behave proactively, others do not. While some municipalities try to support citizens in emergency situations in their efforts to find new accommodation, there are also examples of municipalities which declare quite openly their intention to "export" their local integration problem to other municipalities and which block any development that would be beneficial for the local Roma.

It is also in accordance with this respect for local autonomy that government interventions come mostly in the form of offers. Municipalities can apply to a number of grant schemes to finance e.g. the position of a local Roma adviser or social field workers. They can also apply for a partnership with the Agency for Social Inclusion. The Agency's strategy for intervention tries to build partnerships among local stakeholders, who are supported in developing project ideas and a strategic plan for social integration. While there are municipalities in the Czech Republic that are interested in the goal of integration and ready to take up at least some of these offers, others are not. The Agency currently maintains partnerships with 24 municipalities but there are hundreds of municipalities with socially excluded Roma inhabitants. Many certainly do not even consider applying for a partnership with the Agency. A special question is the situation of very small municipalities, which often lack any capacity to develop activities on their own.

One cannot help wondering if the current approach is not too dependent on the voluntary participation of municipalities. While on the one hand it makes sense to invest resources into places where municipalities are actually interested in tackling the question of exclusion, this also means that little external assistance will reach those Roma who are most vulnerable. Since it has the power to enact legislation that is also binding for municipalities, the central government would be well-advised to provide a clearer definition of the responsibilities of municipalities in tackling the challenge of social exclusion. It goes without saying that the definition of new responsibilities for municipalities would have to be accompanied by the provision of adequate financial resources by the central government. The definition of new responsibilities combined with the provision of adequate financial means and the systematic monitoring of the quality of financed services would bring an urgently needed break with the highly inefficient system of grants and state subsidies, which consumes an enormous amount of energy and is characterized by a high level of instability, thus undermining the goal of gradual integration.

Roma Empowerment

This report provides analytic information on Roma-targeting policies and projects, both in the form of a review of important practices in each of the thematic chapters, and in the form of a case study that analyzes what type of activities are predominantly funded with structural funds. The emerging picture is problematic. Money for Roma integration is spent primarily on activities such as training sessions, counselling and social work. In contrast, relatively few projects help Roma directly by creating work opportunities or offering housing. The authors of this study do not belong to the group of radical critics who accuse NGOs and providers of social services of being parasites who take money that was meant to help the Roma. While there is indeed a problem with large projects funded from structural funds, which are given to unknown organisations that have no track record in Roma integration work, there should be no doubt that the badly remunerated work of many local NGOs and social service providers is essential to stabilize the situation in excluded communities.

However, the expansion and professionalization of social services is not enough. In the view of the authors of this report, this type of activity needs to be combined with support for initiatives from within the Roma community. Unfortunately, there are very few resources available for this important goal. In particular, the

resources from the European Structural Funds are basically not accessible for community-based groups that are only beginning to organise their own activities. What is needed is both the creation of an easily accessible system of micro-grants for community activities and the creation of a support structure. Part of this structure could consist of existing social/community workers or local NGOs, who would inform inhabitants of excluded communities about the micro-grant scheme and support them in developing their own project ideas and better organizing themselves. More “empowering” project designs and schemes for project financing might also be applied in the area of housing, for example through the purchase of abandoned buildings in combination with a mixture of activities such as training in construction-related jobs, public work schemes, and in-kind contributions by future tenants.

RECOMMENDATIONS

Structural Requirements

- The principal responsibility for the co-ordination of the Concept for Roma Integration's implementation should certainly remain with the Section for Human Rights in the Government Office. The considered transfer of responsibilities to various ministries would mean that there would no longer be a central body in the government structure that is responsible for the co-ordination of Roma-related policies. Due to its inter-governmental character, the responsibility for the NRIS should not be located within one branch ministry but in the Governance Office itself. At the same time, the authority of the Section for Human Rights vis à vis the ministries needs to be considerably strengthened.
- The starting point of a revised strategy should be a data-based description of the current situation. For this purpose, the data from the 2011 UNDP/FRA survey and other recent studies (such as the Ombudsman's study on Roma children in practical schools) could be used. Using both a long-term perspective of 15 years and a set of concrete measures to be realized in the subsequent 3-5 years, the strategy should outline how various dimensions of social marginalization will be tackled. Choosing meaningful indicators – such as the percentage of children of Roma background in schools for children with learning disabilities, the number of high-school dropouts of Roma origin, or the number of Roma in substandard housing – the strategy should include a robust system for monitoring progress. This should combine the monitoring of the performance of ministries (monitoring of processes through the Government Office's Human Rights Section or another central co-ordination body) with external assessments of the efficiency of targeted policies and the impact of mainstream policies on the Czech Roma minority (to be conducted by external experts, including international experts in order to avoid conflicts of interest) and the regular measuring of outcomes (changes of indicators, to be measured through specialized sociological surveys).
- The current schemes for structural fund financing are far too complicated to be easily accessed by most Roma organisations. In consequence, the integration work leads in the best cases to the professionalization of social services, but tends to reduce ordinary Roma to the status of passive beneficiaries. Even though many well – meaning practitioners report about discouraging experiences in projects that sought to involve Roma more actively, it is absolutely essential to gradually built capacities among Roma to play a much more active part in their integration. We would like to suggest two ideas that could be applied in the next round of ESF and other structural funds.
- The first idea is to encourage project applicants to integrate participatory methods in their project design. In order to do this, applicant organisations and municipalities will not only require training in participation with beneficiaries (in general there is a very weak participatory tradition in Czech democracy), but also rules for implementation, which will make it possible to modify the project design as the result of the participatory process.
- The second idea is re-granting through the creation of funds for NGOs that could be administered by foundations (model of "global grants", also known as "Fund for NGOs" in the case of EEA/N funding). The current average size of grants is much too large and the procedures far too complicated to allow grassroots Roma NGOs to become active. As there are very limited national resources available for such purposes, it would be very beneficial to create or enlarge possibilities to use structural funds for re-granting in order to support the self-organization of Roma. Municipalities or experienced NGOs could act as implementing partners in projects which contain small grant schemes for the activation of local communities. Community grants could be a very effective tool

- in social field work: they could help to change the role of social workers, who would be given the means to motivate the members of their target group to self-organize and become more active.
- It is absolutely crucial to encourage Roma communities to play a more active role in the process of integration. The state and the Agency for Social Inclusion should encourage municipalities to try out new formats for political participation. Stronger participation by Roma in decision-making should also become an important criterion in project funding.

Anti-Discrimination

- The majority population's negative attitude towards the Roma is one of the principal factors that hamper all steps towards the inclusion of Roma. It is essential to initiate and provide large-scale support for activities that positively influence the opinions of the majority and increase awareness of the discrimination that exists in areas such as housing, education and the labour market. First, we recommend reinforcing efforts in the area of intercultural education. Priority should be given to activities that lead to direct interaction between children from the majority and minority populations (intercultural summer camps, thematic days within schools, joint free-time activities). Secondly, we recommend developing systematic efforts to ensure visible Roma representation in public broadcasting (not limited to minority-targeted programmes). Third, we recommend supporting the realization of applied research projects aimed at identifying discriminative practices. One suitable form would be the development of a "non-discriminatory audit", which could for example become one of the working methods of the Agency for Social Inclusion (to be used in combination with training sessions on anti-discrimination, workshops, etc.).
- The Roma Integration Concept, as a key strategic document for Roma integration, should take into account the specific situation of Roma community members who are endangered by multiple discrimination, which means discrimination on the basis of sex as well as age, sexual orientation and disability.
- Both the Roma Integration Concept and the Strategy for Combating Social Exclusion should propose measures to improve the position of Roma women living in socially excluded localities in their respective thematic chapters about gender mainstreaming.
- The government should carry out a survey of lesbian, gay, bisexual and transgender Roma and pay special attention to the needs of these persons, due to their increased sensitivity to discrimination.
- The government should carry out a survey of Roma with disabilities and implement specific measures to support them.
- The government should consider amendments to the Anti-discrimination Law (Law on the Public Defender of Rights): the Ombudsman should be providing "independent assistance" to victims of discrimination.
- The government should amend the Anti-discrimination law in order to enable NGOs to file public interest actions (actio popularis) to ensure equal treatment.
- The Equal treatment department of the Office of the Public Defender of Rights should be strengthened both financially and in terms of personnel.
- Members of the Government should react immediately to racist and extremist comments on Roma by strongly condemning such comments.
- Members of the Government should openly condemn racist statements and expressions against Roma made by politicians.
- The Government and responsible civil servants should inform the general public about the Roma Integration Concept and the Strategy for Combating Social Exclusion, as well as about the need for and importance of Roma inclusion.
- Members of the Government and other politicians should be encouraged to promote the integration of Roma people into Czech society.

Education

- Following the example of other EU member states, the Czech Republic should consider introducing the right to admission to a public kindergarten. In the case of children from disadvantaged backgrounds, pre-school education and food should be offered free of charge in order to create strong incentives for participation in pre-school education. This kind of education should be strictly separated from special schools. The state should provide the municipalities with the necessary resources for the extension of pre-school education.
- The Minister of Education should follow up on his suggestion to consider a mandatory last year in kindergarten. However, such a measure needs to be combined with other measures that would eliminate the enrolment gap in the first years of pre-school education. Examples of suitable measures are: the right to admission to a public kindergarten, financial incentives for unemployed parents to use pre-school education offers (especially free food in kindergarten) and outreach to Roma parents and involvement of parents in kindergarten work. In socially excluded Roma communities pre-school education opportunities need to be provided also for children that are younger than three. These offers must allow for the participation of parents and contribute to their awareness of the importance of education and the building of trust towards educational institutions.
- Schools with a larger number of children from the Roma community should be entitled (or even required) by law to have Roma pedagogical assistants, as such assistants have proven to be an effective way to support children from Roma background in school. As the current grant-based system does not allow proper forward planning, eligible schools should receive automatic compensation from the state budget.
- The introduction of higher qualification requirements for pedagogical assistants has further destabilized the system and should be reversed. A stable system of financing would allow pedagogical assistants to develop their careers in a more systematic way. Assistants already working in schools should be offered ways to gradually acquire additional skills through accredited training programmes.
- With regard to segregation within schools, one of the factors that have been identified as having a segregating effect are specialized sports, music or art classes which require a financial contribution from the parents. The segregating effect of this development, which can be seen as undermining the principle of free public education, needs to be further studied. The Ministry of Education should further consider establishing limits on the costs of these classes and making the existence of such classes conditional upon the existence of adequate support schemes which would eliminate barriers to participation by children from socially weaker backgrounds.
- In order to propose better systems for the promotion of social and ethnic diversity in schools, the Ministry of Education needs to develop systems for monitoring the actual social composition of classes. A suitable indicator is the employment status and income of parents. As the information obtained from such mapping is extremely sensitive and could actually support the process of social segregation, access to these data must be restricted.
- Municipalities and schools should be required to apply suitable measures to reduce segregating tendencies in the educational system (both between schools and between classes within one school). The choice of suitable measures needs to reflect local conditions. It can include: reorganising school districts, providing scholarships for attendance in specialized classes, actively informing parents in poorer neighbourhoods about educational choices in the local district.
- In order to avoid conflict of interests, which are one of the factors that lead to wrongful placement of children in practical schools, school counselling centres that are responsible for the assessment of mental disability need to be strictly separated from special (practical) schools.
- As the National Action Plan for Inclusive Education is not currently being put into practice it is very important to ensure the implementation of the complex inclusive measures that are foreseen in the 2020 Strategy.

Employment

- For Roma in economically disadvantaged areas, public works programmes are likely to remain one of the few opportunities to find legal employment and income locally. The government should reverse the downsizing of the public works programme and invest instead in the development of work programmes for people experiencing or threatened by long-term unemployment that will perform a number of important tasks: a) preventing the loss of work skills and working habits, b) enhancing skills through training, c) channelling money into economically depressed communities in a way (reward for work) that is politically more acceptable than the increase of regular welfare payments would be, d) carrying out important work or offering needed services to local communities (such as landscape maintenance, reconstruction of cultural heritage, provision of public transportation (taxi services) and delivery of goods to old and home-bound people, collecting material for ecological heating, creating infrastructure, etc.). Priority should be given to the employment of young Roma, who are most vulnerable on the labour market and who urgently need to gain an employment record in order to find a way into the regular labour market. On the one hand, accepting these jobs should be mandatory for persons in the unemployment registry. On the other, it should ensure a significantly higher income in comparison to welfare payments. The aim has to be to offer a public work place to any young unemployed person in the Czech Republic. While envisioned as being of transitory character, the jobs available should not necessarily be short-term. Besides municipalities, there are other state bodies that have genuine possibilities to make use of additional workers. Institutions such as the National Forest Administration (Lesy ČR), the Railway Infrastructure Administration (SŽCD), the Czech Army, National Parks and nature reserves and the Road and Motorway Directorate of the Czech Republic (ŘSD) should be obliged to create job opportunities in the form of public works, which should be subsidized from the state budget. In addition to this, the state should offer resources to NGOs and religious bodies in order to create additional work places within the same or a similar scheme.
- It is strongly recommended that tackling the housing emergency should be combined with the creation of work places. As outlined in the housing-related recommendations, the acquisition and refurbishment of empty houses by municipalities and NGOs could offer excellent possibilities for this. We further recommend offering financial support for the creation of housing co-operatives, which could build new social housing on municipal (or state-owned) land.
- It is impossible to say how many EU-funded projects have targeted Roma and how many Roma are actually among the beneficiaries of EU-financed projects. As a result, we know very little about the actual impact of these investments on Roma. The same is true for most state-financed programmes. We strongly recommend reconsidering the ethnically neutral approach where data collection is concerned.
- Considerable financial resources have been devoted to training sessions and job consultancy. There are very few data available on the effectiveness of these activities for Roma participants. It is therefore essential to carefully evaluate the success rate of such training programmes and to collect information on the ethnic identity of participants. We suggest combining two approaches. In the case of all state- or EU-sponsored training programmes, participants should be asked to provide information on their employment status six months after the training takes place. In addition to this, detailed case studies should focus on selected interventions. Ideally, these should have the character of process evaluations that follow the individuals in question from their entry into the programme up to their attempts to find employment.
- Municipalities should be encouraged either to employ long-term unemployed people directly for technical services, construction and cleaning work or to use social enterprises offering these services.
- In order to raise the demand for less qualified work, public tenders in certain branches (e.g. construction, forest work, cleaning of public spaces) should include the requirement that a certain percentage of the workers must be registered as long-term unemployed. We further recommend that the European Commission should attach such a requirement to the deployment of EU structural funds.

Health

- It is important to better inform the socially excluded Roma about health-related issues and the functioning of the health system. At the same time, it is necessary to increase the understanding of healthcare staff of Roma mentality and culture in order to avoid misunderstandings and violations of cultural norms. The introduction and consolidation of the profession of Health Assistant, which is foreseen in the NRIS but has never become part of the Ministry of Health's regular system of financing, would be an appropriate strategy to support both of these goals. The Ministry of Health should therefore create a sustainable mechanism for the financing of Roma health assistants, who would then operate in areas with a significant proportion of Roma inhabitants who are socially excluded or threatened by social exclusion. Health-related training for social field workers and training sessions on Roma culture and mentality for doctors and other health workers are other measures that could be recommended.
- It would also be desirable to re-introduce mandatory preventive health (including dental health) inspections for children and teenagers. Such inspections could be arranged in the form of visits by doctors to kindergartens and schools. While it would probably be wise to re-introduce such regular inspections in all types of schools, this measure is most urgently needed in the case of schools with many children from socially disadvantaged backgrounds.
- The government should establish a funding programme for NGOs to offer members of the Roma community psychological help in municipalities where anti-Roma protests or skinhead demonstrations take place.
- The government should initiate targeted campaigns to inform Roma, and especially Roma in segregated localities, about health-related issues such as prevention, healthy life style, care for babies and children and reproductive health.
- The government should strengthen Roma access to rights enforcement mechanisms in health-care. The Ombudsman should be given the possibility to investigate cases of discrimination in the area of health on his own initiative. He should also be given the possibility to represent victims of discrimination.
- Bad housing conditions constitute a major health risk. Municipalities should be obliged to regularly check the sanitary conditions of all hostel-type accommodation and of those houses which are visibly badly maintained.

Housing

- In order to promote desegregation, municipalities should be obliged to adopt social mix policies. Such policies need to consist of several elements: the most important is for municipalities to acquire private flats in diverse locations, to turn them into social housing and to offer them to Roma from segregated neighbourhoods (including residents of temporary hostels). The reconstruction and maintenance of such flats can be used at the same time to generate permanent employment opportunities for Roma. This could effectively dissolve the ethnically segregated localities of rented housing. The state should at the same time support long term programmes for the maintenance of social housing and social services connected to accommodation. When suggesting programmes for social housing, the government should bear in mind the threats of further segregation through residualization of social housing and the stigmatization of certain localities. This should be prevented by making social housing available to wider social strata than only to poorest groups. Social mix measures should be realized in a participatory manner, which will take into account both the desire of the vast majority of Czech Roma (87%) to live in a mixed neighbourhood and the wish of individual Roma to live together.
- EU funding for the integration of Roma could be very effectively used to support complex housing projects that are based on the acquisition and refurbishment of flats. These programmes could support such efforts by municipalities, NGOs and possibly also private commercial bodies and lead to the provision of integrated housing and work opportunities for Roma. However, there need to be strict criteria defining the nature of any intervention in order to prevent the misuse of these programmes by "slumlords".

- The promotion of non-commercial housing co-operatives and housing self-help groups should be another way to tackle the housing emergency. Municipalities should be encouraged to provide housing co-operatives with land for the construction (or abandoned buildings for the refurbishment) of social housing.
- While the acquisition of empty flats in diverse localities is the most cost-effective and least segregating solution in the case of economically weak areas with empty housing stock, in economically successful cities this solution would be very expensive. In such cases, the needs of economically weaker local residents need to be considered in new housing projects, including new housing projects by private developers. In the case of new housing units with more than ten flats, ten per cent of newly erected flats should be reserved for social purposes and maintained by the local municipality. The municipal Social Services Department should be in charge of the selection of residents for these flats on the basis of transparent and non-discriminatory criteria. Private developers could be compensated for the costs of the construction through tax credits or similar measures. The creation of social housing should also be one condition for the granting of land-use change permits.
- The sale of municipal housing stock inhabited by socially vulnerable groups, including Roma, should be forbidden by law, because there is evidence that this leads either to evictions of Roma or to the deterioration of local housing conditions.
- A Social Housing Act should be passed which defines minimum housing standards, the target groups of social housing, and most importantly the obligation of municipalities to plan and guarantee the availability of social housing for their constituents. Debts owed to the municipal housing authority should not be a factor that determines an individual's or a family's eligibility for social housing.
- It should also be possible to use European Regional Development Fund (ERDF) resources for housing in cities with fewer than 20,000 inhabitants. As in some municipalities segregated/low-standard areas inhabited by Roma are to be found in several different locations, ERDF funding should not be limited to one particular area but rather defined in terms of the target group, and should be available to multiple areas of cities.
- The incidence of discrimination and unlawful practices applied to Roma in the housing market should be reduced and at the same time Roma should be offered practical support in dealing with such practices.
- The loss of accommodation by socially excluded members of Roma communities as a result of rental arrears should be prevented.
- Anti-discriminatory legislation and its enforceability need to be strengthened. Evidence of discrimination in the area of housing should lead to significant financial sanctions.
- The Ombudsman should be given the possibility to investigate cases of discrimination in the area of housing on his own initiative. He should also be given the possibility to represent victims of discrimination.
- Municipalities, the Agency for Social Inclusion and other relevant stakeholders should be encouraged to foster a culture of participation. Roma need to be involved in discussions about their housing situation. They should also be encouraged (for example through micro-grants) to play an active part in looking after the space around their houses.

LIST OF ABBREVIATIONS

ČOSIV	Czech Society for Inclusive Education
CZK	Czech Korona
DONEZ	Obligation for registered unemployed to report at Czechpoints
EC	European Community
EEA/N	European Economic Area and Norway
ERRC	European Roma Rights Centre
ESF	European Social Fund
EU	European Union
EUR	Euro
ERDF	European Regional Development Fund
FRA	European Union Agency for Fundamental Rights
GAC	Gabal Analysis & Consulting (sociological consultancy group)
IUDP	Integrated Urban Development Plans
MKC Prague	Multicultural Centre Prague
MoE	Ministry of Education
NAPIE	National Action Plan for Inclusive Education
NGO	Non-governmental Organisation
NRIS	National Roma Integration Strategies
NSRI	National Strategy for Roma Inclusion
NUTS	Nomenclature of Territorial Units for Statistics
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSF Prague	Open Society Foundation Prague
SHR	Czech Government Office Section for Human Rights
SLP	Socio-legal Protection
SPOT	Centre for Social Issues
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
WB	World Bank

INTRODUCTION

In 2011 The European Commission asked all member states to present a strategy for Roma inclusion, in order to improve the situation of Roma people. The strategies were assessed by the European Commission in the communication “National Roma Integration Strategies: a first step in the implementation of the EU Framework”.³ While this official review is certainly very important, it is no less important to have an independent assessment of both the strategies and the actual developments of Roma-relevant public policies by civil society organisations in the member states. In cooperation with the Open Society Foundation’s Roma Initiatives Office and the Making the Most of EU Funds for Roma programme, the Decade of Roma Inclusion Secretariat initiated just such a process and facilitates the civil society monitoring of the implementation of National Roma Integration Strategies (NRIS).

The Secretariat commissioned reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia and Spain). The present report on the Czech Republic was commissioned as an additional eighth report by the Roma Initiatives Office and the Prague Office of the Open Society Fund. It was prepared by a coalition of Czech NGOs led by the Centre for Social Issues – SPOT and including the Czech Society for Inclusive Education (COSIV); the Counselling Centre for Citizenship, Civic and Human Rights (Poradna); and the Mezanin Association and Multicultural Centre Prague (MKC Prague).

In the reports, civil society coalitions supplement or present alternative information to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to replace quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports seek additional data to official ones, proxy data where there is no official data, or alternative interpretations of published data.

The Czech Roma Integration Strategy

In order to better understand this report, it is useful to know about the background of the Czech National Roma Integration Strategy, which is known in the Czech Republic by the name “Concept for Roma Integration 2010-2013”.

The Czech government decided not to develop a new integration strategy in response to the call from Brussels, but to send the European Commission a translated version of the current Concept for Roma Integration 2010-2013. This Concept has the status of an official government strategy and has never been modified since its enactment in 2009 by the transitory Fischer government. It is already the third successor document of the first Concept for Roma Integration enacted in 2000. At present, the Government Council for Roma Community Affairs is preparing a new integration concept for the period after 2013.

In their independent assessment of the Czech National Roma Integration Strategy, Filip Rameš and Štěpán Ripka refer to the confusing fact that the Czech Republic decided to send a translated version of the Concept of Roma Integration 2010-2013 and several annexes to the European Commission as its “National Roma Integration Strategy”, while the “Strategy for Combating Social Exclusion for the Period 2011-2015”

3 Available online on the website of DG Justice: http://ec.europa.eu/justice/newsroom/discrimination/news/120523_en.htm.

was not included in the package.⁴ This seems indeed bewildering, as the latter-mentioned Strategy is a more recent and in some respects a more advanced document, which unlike the Concept 2010-2013 (issued in 2009 by the short-lived Jan Fischer government) was issued by the current government.⁵

As will be outlined in this report's chapter on structural challenges, to understand this decision it is on the one hand necessary to understand the division of responsibilities for Roma integration within the Government Office. On the other hand, the existence of two strategies mirrors a conflict of ideas which has accompanied the Czech debate on Roma integration for many years. On one side of this debate are advocates of an *"ethnic/national approach"*, which see Roma as an oppressed ethnic group or nation. From this point of view, the key to the improvement of the situation lies in the enforcement of non-discrimination and the strengthening of the Roma community's self-consciousness. On the other side are those who believe that the focus on ethnicity only confuses our understanding of what is essentially a social problem. Operating with concepts such as the *"culture of poverty"*, the advocates of the non-ethnic approach recommend supporting the re-integration of those that are in greatest need and most excluded, whether they are Roma or not.

The *"Concept for Roma Integration"* can be attributed to the ethnic school of thought. It includes not only social policy measures, but also activities aimed at supporting Roma language, culture and identity. In contrast to this, the *"Strategy for Combating Social Exclusion"* is an ethnically neutral document, which deals not with the advancement of the Roma minority, but with strategies for the integration members of socially excluded groups. While there is not enough space in this introduction for further discussion of the arguments in favour and against both approaches, it is nevertheless very important to draw attention to the broad scope of the Czech Concept for Roma Integration. Having to follow a structure that was developed by the Decade Secretariat for use in the country reports of all the eight participating countries, the authors of this report have not been able to focus on all the policy areas covered by the Concept. Yet they have sought to reflect on some of the other issues, such as the question of Roma empowerment, at least in relation to the six topics covered, which are I Education, II Employment, III Health, IV Housing, V Anti discrimination and VI Structural Requirements.

Structure of this report

The selection of these six areas by the Decade Secretariat reflects the priorities of the European Commission. In the assessment of the member states' national Roma integration strategies, the Commission had urged member states to prioritize a number of issues in each of these six areas. Inspired by these recommendations, the very detailed questions in the template provided to the authors of the national reports focus in particular on these priorities.

Approaching the very different situation in eight countries with a common set of questions brings advantages and disadvantages at the same time. On the one hand side, it will certainly be very helpful for readers interested in between-country comparisons to find the information structured in the same way. In order to avoid losing this advantage it was decided to stick to the pre-formulated questions in the main chapters of this report. The predefinition of themes and questions brings on the other hand the risk of failing to reflect on issues that are important, yet highly country-specific. Seeking to minimize this risk, each chapter opens with an introduction that enables us to discuss topics that are not addressed by the template as well. An additional opportunity for the understanding of the country-specific context is offered by five case studies, in which policy developments of particular importance are analyzed in greater detail.

4 In: Rorke, Bernard: Review of EU Framework National Roma Integration Strategies (NRIS). Budapest: Open Society Roma Initiatives.

5 This strategy's full text can be accessed on the website of the Agency for Social Inclusion: <http://www.socialni-zaclenovani.cz/dokumenty/strategie-boje-proti-socialnimu-vyloucenim/strategy-for-combating-social-exclusion-for-the-period-2011-2015/details> .

Research Methodology

This study was written by a team of researchers and practitioners from different Czech NGOs. The authors conducted extensive background research, examining official documents and existing studies, and conducted interviews with representatives of state institutions, municipalities, non-government organisations and inhabitants of segregated Roma localities in different parts of the country. Working within a very short time frame, the authors made at the same time use of insights gained in other recent research projects and the experience gained through practical work in Roma communities.

Probably due to fear of ethnic discrimination, only a fraction of the Roma in the Czech Republic identified themselves in the census as Roma. Many state-sponsored activities that are relevant for Roma are not defined ethnically and the information on the number of beneficiaries does not distinguish between them on the basis of their ethnicity. In consequence, it is in many cases impossible to come up with exact numbers or even reliable estimates. To compensate somewhat for this problem, the authors made use of the results of the UNDP/WB/EC 2011 Regional Roma Survey in the Czech Republic, which was conducted in June 2011 in 108 Roma localities in the Czech Republic as part of an attempt to map living conditions of Roma in the whole of Central Eastern and South-eastern Europe. The survey data have been used in particular in the introductions to each chapter.



1. STRUCTURAL REQUIREMENTS

Responsibility for the Roma minority in the Czech Republic is shared between different bodies within the Government Office's Section for Human Rights (SHR), which is headed by the Government Plenipotentiary for Human Rights. Since February 16th, 2011, this post has been held by Monika Šimůnkova.

Mrs Šimůnkova's nomination ended an unusually long period of almost six months during which the position of the plenipotentiary was vacant, which at that time was widely interpreted as an open demonstration of the Nečas government's limited interest in human rights issues. The Prime Minister's low esteem for human right issues should however not be automatically mistaken for a personal disinterest in the situation of the Roma. According to some people within the state apparatus who were interviewed for this report, the position of the Prime Minister, who was previously Minister of Social Affairs, might be better described as calling for a change of paradigm, according to which the exclusion of many members of the Czech Roma minority should not be seen primarily as the result of discrimination, but above all as a social problem. According to one observer, the Prime Minister's interest in the Roma issue has however noticeably decreased over time; this might be explained by the general political situation in the Czech Republic, which has been experiencing an ongoing political crisis.

In the following chapter, we will describe the internal structure of SHR, which is divided into two departments (odborny), both of which have important responsibilities with regard to the integration of the Roma minority. We will further discuss SHR's relations with other state institutions, municipalities and NGOs. The chapter further discusses what financial resources have been made available for activities linked to Roma integration and the accessibility of EU funding.

The Government Office's Section on Human Rights as the coordination unit for Roma integration work

The Roma inclusion work is co-ordinated by the SHR within the Government Office of the Czech Republic. Led by the Government Plenipotentiary for Human Rights, this section is divided into two departments. The first of these departments is the Department for the Protection of Minorities, which contains a number of advisory bodies, of which the Council for Roma Community Affairs is the most important. The second is the Department for Social Inclusion. It is identical with the earlier Agency for Social Inclusion (till July 2012 "Agency for Social Inclusion in Roma Localities") and outside of the administration is usually still known by the latter name.

Citing economic reasons, the government has been debating an internal proposal in December 2012, which would lead to the dissolution of the entire Section on Human Rights and the transfer of its responsibilities to various ministries.⁶ According to this proposal, the Council for Roma Community Affairs would be transferred to the Ministry of Social Affairs and the Agency for Social Inclusion would be transferred to the Ministry of Regional Development or, alternatively, either the Ministry of the Interior or the Ministry of

6 The proposal to transfer most human right-related issues was presented in a confidential memo which was not even shared with the heads of the departments in question. The plan was nevertheless leaked to the public and produced an outcry by civil society organisation dealing with Roma and migrant issues. The Consortium of NGOs dealing with migrants initiated a public protest, which was signed by many NGOs. Informed by the initiator of this protest, Marek Čaněk, about the secret reorganization plan, the Ombudsman of the Czech Republic, Pavel Vavařovský, sent a letter of support, in which he stated that he would consider such a re-organization as unfortunate.

Social Affairs and Employment. The adoption of this proposal would represent a very serious threat for the implementation and further development of the Concept for Roma Integration/NRIS, as it would mean nothing less than the dissolution of the Section on Human Rights as the central government unit that has borne the principal responsibility for coordinating the Roma inclusion work in the central government since 1997. To the relief of the institutions concerned, the proposal was, somewhat surprisingly, left out in the final version of the proposal for the “reduction of the Government Office’s activities” debated by the Czech government in January 2013. It may be that the plan for the shift of the human-rights-related agenda was finally omitted from the final version of the proposal debated by the government in reaction to strong protests by NGOs and a critical statement by the ombudsman. It is, however, unclear whether this can be taken as a final decision on this question.

Human resources, budget, and authority

The joint secretariat of the Department for the Protection of Minorities has five employees, three of whom work directly for the Council for Roma Community Affairs. In addition to this, there are two part-time positions co-operating with the secretariat and responsible for the administration of the Council’s grant programme. Grants are made to municipalities and NGOs. Due to the austerity measures, the financial volume of this grant programme has been reduced significantly. In 2011, the financial volume of the Roma-related grant programmes was 29,175,000 CZK (ca. 1.1 million EUR).⁷

The Agency for Social Inclusion currently has 38 employees. This number includes a relatively large number of people working part-time and a few who co-operate with the Agency on the basis of other contracts. In 2011, the Agency’s budget was ca. 22 million CZK (ca. 800,000 EUR). Approximately 60% of this budget is financed from ESF resources. The Agency’s main activity is co-operation with local municipalities, where the Agency’s representatives seek to initiate among local stakeholders a process of strategic planning which should lead to the formulation of local integration strategies and the development of projects, for which the local stakeholders typically apply for structural funds. Philosophically, the Agency’s working method seems to be based on the idea of the “slim state”, which does not intervene with massive resources on its own but rather trains local stakeholders and facilitates their co-operation in order to make use of local community potential. While there are certainly valid arguments in favour of such an approach, the degree of the intervention’s “slimness” is in some cases in grotesque contrast to the size of the problems addressed. This is most obvious in the case of the Šluknov Region, a marginalized region in Northern Bohemia with high unemployment, which in the summer of 2011 saw a series of anti-Roma protests. The Agency had been working in the region since 2008 through the “local partnership Šluknov Region”, where a single local consultant in a half-time post was responsible for twelve municipalities. This slim approach contrasts with the government’s reaction to the outbreak of the riots in summer 2011, when the boosting of the regional police presence led to additional costs of 75 million CZK, or more than three times the entire budget of the Agency for Social Inclusion.⁸

The authority of both departments with respect to ministries is limited. As none of the Departments has the competence to interfere directly in the activities of state ministries, the real power of both institutions to deal with specific issues depends mostly on their ability to win political support. The position is even weaker in relation to the regional and local self-governments, who are not directly subordinated to the central government, and who co-operate with the Government Office (mostly the Agency) on an entirely voluntary basis. While the Section for Human Rights is able to create incentives for municipalities interested in inclusive policies through grants and the local partnership scheme, there are no instruments at all to enforce inclusive policies in municipalities that quite openly opt for segregation. Being dependent on the goodwill of its local political partners, the Agency is at times reluctant to denounce problematic municipal activities, as such criticism might undermine the basis of the co-operation. In the case of a few

7 Calculated on the basis of information published by the Government Office in the following document:

http://www.vlada.cz/assets/urad-vlady/zaverecny-ucet-kapitoly/Finalni-verze_Kapitolni-sesit-SZU-2011_Urad-vlady.pdf.

8 The number of 75 millions CZK is taken from this source: Mladá Fronta (30.11.2011): *Vláda přiklepla policii 75 milionů na „šluknovskou expedici“*. Available at: http://zpravy.idnes.cz/vlada-priklepla-policii-75-milionu-na-sluknovskou-expedici-pnu-/domaci.aspx?c=A111130_182137_domaci_zep.

cities where disagreements on the handling of the Roma issue were too serious, the Agency decided to terminate the partnership.

While the Department for the Protection of Minorities is seldom in the spotlight of public discussion, the Agency for Social Inclusion is relatively often the target of criticism from very different angles. On the one hand there have been many critical voices among Roma representatives, criticising the Agency's non-ethnic approach to the issue of social inclusion; on the other hand there have been negative reactions from mayors of municipalities which were criticized by the Agency for their attitude towards Roma. These criticisms led to pressure for a more thorough evaluation of the Agency's work than is the norm in other state programmes. While the Agency's actual impact needs to be considered in relation to the very limited resources that are invested and the sometimes difficult political context in the targeted municipalities, it would be hard to dispute the fact that the Agency's staff is highly qualified and unusually well motivated.

Coordination across ministries

On the one hand, the two department of the Section for Human Rights are, at least in some ministries, recognized as expert bodies for their area of competence. Relations tend to be good on a working level and the Agency is regularly asked to comment materials, for example. Having developed the two major strategic documents that should guide the Czech Republic's Roma integration policy (Concept for Roma Integration 2010 – 2013 and the Strategy for Combating Social Exclusion 2011-2015), the two departments also maintained close contact with ministries in order to agree on each relevant ministry's responsibilities. On a formal level, the Agency's role as adviser is anchored in the government resolution No. 570 of 25 July.

On the other hand, however, the Human Rights Section has no authority to interfere directly within the competences of the ministries and its impact on the broader course of policy is very limited. Using the status of the Concept for Roma Integration or of the Strategies for Social Inclusion as official government proclamations as a tool to exercise political pressure, the Human Rights Section can at least use the presence of the Prime Minister at the meetings of the Council for Roma Communities Affairs as a forum to mobilise attention at a high political level. Whether this can lead to any changes in policy will, in the end, depend on the interests and political preferences of the coalition parties and the Prime Minister. Sadly, the example of the Ministry of Education under the leadership of Jozef Dobeš (2010-2012) shows that the possibilities of external interference are in fact very limited indeed, even in cases when a minister quite openly declares his lack of interest in the goal of integration.

The Agency for Social Inclusion seeks to consult with the managing authorities about the development of relevant new calls for proposals. In the case of some proposals concerning locations where the Agency is active, the Agency's recommendation is a required document. While the Agency developed very good working relations with the Managing Authority within the Ministry of Social Affairs and Employment, it proved unable to do the same with the equivalent body in the Ministry of Education.

Staff and recruitment policy

Monika Šimůnková, the Government Plenipotentiary for Human Rights, unknown to a wider public before her nomination in February 2011, had previously worked in the area of child protection and had thus had less exposure to Roma-related issues than was the case with some of her predecessors. Because of this, at the time of her nomination the choice was seen by critics of the government as a way to counter complaints about the long-lasting vacancy without having to face a very outspoken critic. However, this view might have been somewhat premature, as interviewed officials within the administration attested to her steadily growing and systematic interest in issues that will require changes to the system.

Martin Šimáček, the head of the Agency for Social Inclusion, managed to stabilize the institution after a very chaotic first phase. Like five other Agency employees, Mr. Šimáček had previously worked for the

Czech NGO People in Need, which is one of the oldest and most important non-governmental players in the area of Roma integration. This is perceived as problematic by some Roma representatives, who criticise this very influential NGO for its strong promotion of non-ethnic approaches towards the question of Roma inclusion. While this “school of thought” was in fact very powerful during the Agency’s first years, interviewed staff members and researchers described the current staff’s ideological orientation as being much more diverse.

According to the interviewed representatives both departments within the Section for Human Rights are in principle keen to increase the number of Roma employees, even though there are no quotas or other formalized procedures in place. Currently, two out of five employees of the Department for the Protection of Minorities are Roma. Although it has a considerable larger staff, the Agency for Social Inclusion currently employs only one person of Roma origin. Concerning the so-called civil representatives within the Council for Roma Community Affairs, there is a rule that half of the members should be Roma.

Involvement of civic society/Roma organisations in the policy process

The principle tool for the involvement of stakeholders from outside the government apparatus is the Government Council for Roma Communities Affairs and its committees. At the time when the Concept for Roma Inclusion 2010-2013 was written, there existed a Committee that accompanied the drafting of the strategy. Today, another committee has the task of monitoring the work of the Agency for Social Inclusion.

The civil members of the Council and its committees are appointed by the Secretariat of the Section on Human Rights on the basis of a regional key which should ensure that all regions with a significant share of Roma are represented. As many of these members are from local and regional authorities (for example regional Roma co-ordinators), only a very small number represent non-governmental organisations. At times, the selection of the representatives led to conflicts, as unrepresented organisations demanded greater influence. A more fundamental problem is, however, the lack of independence of most NGOs, which usually rely on grants to finance their activities. This is true both at state level and, even more, at municipal level, where structural dependence on grants limits the space for systematic criticism. The extent of involvement of people outside the directly responsible institution differs from institution to institution. However, in general, the Czech Republic has a rather weak tradition of civic participation in policy planning. Even in cases where the working groups are in principle open to anybody (as was the case in some working groups of the local partnerships initiated by the Agency for Social Inclusion), the official style of communication represents a very significant obstacle to the involvement of most Roma. There is also a widely shared belief among policy-makers that the interests of the ordinary Roma are better represented by expert bodies such as social services or NGOs, who would be able to “understand the true needs of their clients better than the clients themselves”. While this might well be the case in many situations, this attitude ignores the fact that these groups too tend to be biased in favour of their own institutional interests. The lack of involvement of the ultimate beneficiaries and a lack of understanding of their perspective is one possible reason why interventions are less successful than initially expected by their designers. The development of new mechanisms for the more effective involvement of ultimate beneficiaries is therefore an important challenge that should be addressed.

While it seems possible to develop far more inclusive mechanisms for the involvement of Roma in the planning and realization of activities at local level, the question of representation is very complicated at national level, where the legitimacy of Roma leaders as representatives of a larger community is often questioned. The policy-making process might well benefit from the introduction of new instruments, such as discussions on the development of national policies in the form of focus groups or regional round tables.

Involvement of regional/local authorities in the policy process

The quality of co-ordination between different government bodies and between bodies at central, regional and local government level differs greatly from institution to institution. The Government Office’s Section

for Human Rights has neither the authority nor the capacities to influence other institution's openness to co-operation.

The Agency for Social Inclusion represents an interesting attempt to enhance co-ordination between the local and central levels of government. One of the principle benefits of the Agency's work is the facilitation of the sharing of know-how between municipalities in different parts of the country. Interviews with mayors of cities that were applying to become partners of the Agency showed that learning from other municipalities' experiences and the chance for more direct contact with the central government are among the most important motivations for municipalities to apply for the Agency's programme. However, due to the Agency's fragile position and uncertain future, the possibilities to actually influence the process of policy-making has its limitations.

Relationship between the Roma Inclusion Concept and other policy documents and policy areas

As will be outlined in the employment chapter and a special case study of this report, important goals declared in the 2009 Roma Integration Concept for 2010-2013 were in practice hampered by the adoption of the so-called Social reform #1 in 2011. The preparation of this and other subsequent reforms was not co-ordinated with the government bodies in charge of Roma integration. A systematic assessment of the reform's impact on Roma and other vulnerable groups is planned only ex post facto, as part of the Agency for Social Inclusion's working plan the current year.

The ministries are currently in the process of preparing new strategic documents related to the Europe 2020 process. In the case of the Ministry for Social Affairs and Employment, this will lead to the publication of a new strategic plan for policies of social inclusion, which will define the direction of social inclusion activities by the Ministry. It remains to be seen to what extent this new document will fully consider the goals that are defined in the two strategic documents concerning the Roma minority, the Concept for Roma Integration 2010-2013 and the Strategy for Social Inclusion 2011-2015.

It is necessary at this point to explain that the process of policy-making in the Czech Republic is in general very much dominated by ad hoc decisions, which are often taken at the very last minute and often reversed shortly afterwards. Unfortunately, the value of strategic documents such as the Concept for Roma Integration/NRIS or the Europe 2020 strategy should therefore not be overstated.

Monitoring and evaluation of the Concept's implementation

As the European Commission pointed out in its assessment of the Czech national strategy, the lack of a systematic and independent monitoring and evaluation mechanism is one of the biggest structural challenges. Currently, the only monitoring of the overall situation is done through the Section of Human Right's secretariat, which publishes an Annual Report on the Situation of the Roma Minority and a Report on the Fulfilment of the Czech Republic's Obligations in the Decade Process.⁹

It is, however, important to realise that this cannot be considered an independent external evaluation. The report is partly based on research (either commissioned by the Secretariat or the Agency for Social Inclusion or from independent sources), notes of the proceedings of the Council and its committees, information provided by the Agency for Social Inclusion and the ministries responsible for particular measures, and the Czech regions. Subject to comment in the usual inter-governmental proceedings, the draft text can be influenced both by the ministries and the advisers of the prime minister, who, for political reasons, can demand that the argumentation in particular areas be modified. This was for ex-

⁹ The most recent one currently available is the Annual Report on the Situation of the Roma Minority in the Czech Republic for the Year 2011 (http://www.vlada.cz/assets/ppov/zalezitosti-romske-komuniti/aktuality/III_Zprava_2011_def.doc).

ample the case when the draft version of the Report critically assessed the impact of the social reforms on the Roma minority.

It will be essential that the current strategy's successor document be based on a reliable monitoring and evaluation system, which should not merely focus on the realization of activities, but above all analyze, on the basis of suitable indicators, how these activities in combination with general policies affect the minority's overall situation. It would be further advisable to use similar instruments also at the regional and local level (at least in the form of model areas), as this would make it possible to compare the impact of local or regional pilot projects.

Budgetary resources for Roma inclusion work

The first serious weakness with regard to financing is the lack of a budgetary chapter in the Concept for Roma Inclusion 2010-2013/NRIS which would clearly state how much of the state budget will be invested for the goal of Roma inclusion. The lack of financial benchmarks is even more problematic as many of the proposed measures are described in rather general terms, leaving the responsible body considerable freedom to decide about the size of the targeted group and the intensity of the measure. It is also impossible to come up with any estimates for the amount of money that is actually spent on Roma inclusion work as very few funding titles specifically target Roma and information on beneficiaries' ethnicity is usually not collected.¹⁰

A second problematic aspect is the tendency to finance even crucial measures, which would need to be provided on a stable basis (such as the provision of school assistants, social field workers, local and regional Roma co-ordinators) on the basis of grant schemes, for which both public institutions and NGOs have to re-apply every year with uncertain results. Symbolically, this establishes, for example in schools, a distinction between "essential" functions such as the director, teachers, maintenance staff, or cooks in the school canteen, and the seemingly less necessary function of the Roma assistant. In practice, this leads to the creation of rather precarious jobs which do not offer good prospects for career advancement.

The third problematic aspect is the strong reliance on EU funding. While it is understandable that the government is keen to make use of EU funds that are available for these goals, the very large proportion of resources from the ESF and other structural funds seems dangerous in terms of sustainability. Psychologically, the reliance on EU funding creates a division between regular state activities and additional activities beyond the scope of core state responsibilities. This does not create good conditions for the emergence of a sense of ownership. More practically, the question arises of whether the state would be able to replace EU funds with resources from the national budget in case of a substantial reduction of EU funding.

There are unfortunately other disadvantages attached to dependence on EU funding. For smaller and less experienced NGOs the extremely complicated administrative procedures make it difficult, and in fact very risky, to access EU funding that is managed by the Czech authorities. In consequence, Roma inclusion is mostly the business of municipalities and professional NGOs with larger capacities. As this does not contribute to the needed build-up of capacities within the local communities and puts the ultimate beneficiaries into a passive position, it would be highly desirable to combine this professional line of funding with re-granting for community groups, which could learn, through the realization of smaller projects with limited funding, how to become organized, to develop project ideas and to acquire basic management skills.

Such a financing instrument could involve global grants, which were used in the Czech Republic in the 2004-06 period. Unfortunately, the Republic has not made use of this opportunity in the current (2007-13)

10 Within relevant ESF programmes, a number of calls were issued for proposals that specifically targeted people living in socially excluded locations. The funds were in particular intended to be used in municipalities that co-operate with the Agency for Social Inclusion, which in the case of the calls published by the Ministry for Employment and Social Affairs was already co-operating with the Managing Authority during the preparation of the calls. The Agency for Social Inclusion sought to use its influence to convince the Managing Authorities to consider limited local absorption capacities and to divide the money among a larger number of smaller projects.

period. Besides re-granting, the use of simplified cost options (unit cost, etc.) and capacity-building programmes for NGOs are further options, which should be used to make it easier for less experienced organisations to access EU funds. In the opinion of the author of this report, it is absolutely essential to support the build-up of capacities and self-awareness within the local Roma communities. Improving the accessibility of funding is one important precondition for this. Even though the results achieved by organisations with little previous experience will in some cases be disappointing, the build-up of capacities within the community should be considered a central goal if a true change of Roma's position in Czech society is to be achieved.

An outline for the structure of the structural and cohesion funds in the next programming period has been prepared by the Ministry of Regional Development. At this point, negotiations are still taking place between the ministries and other state bodies. Representatives of the Agency for Social Inclusion take part in the preparation meetings for the new operational programmes. According to the Agency's director, the agency would have the role of co-ordinator of the preparations in the area of social exclusion across the new operational programmes. The Agency is hoping to formalize its influence on the formulation of calls for proposals in order to gain some influence also in the case of ministries where the Agency has not been able to initiate fruitful co-operation on a more informal basis.

The current planning foresees funding being channelled through eight operational programmes. Three of the proposed operational programmes, OP Employment, OP Research, Development and Education and the Integrated Regional Operation Programme, are relevant from the point of view of Roma inclusion. In the case of the first, the Roma-relevant priority axes are "Social Integration" and "Social Entrepreneurship"; in the latter two the axes have yet to be defined. Within the strategy for regional development, priority axis 3 is the cross-sectoral measure "Support for the integration of groups that are or are in danger of becoming socially excluded". A draft version of the regional strategy is available on the website of the Ministry for Regional Development.¹¹

11 <http://mmr.cz/getmedia/5acbe736-6893-4ff6-b548-c3d5b57dbc83/SRR-%282012-12-11%29.pdf>.

2. ANTI-DISCRIMINATION

The public discourse on discrimination in the Czech Republic is characterized by a clash of narratives and patterns of interpretation, which often make it difficult to address the question without provoking an outburst of negative emotions. On the one side there is the experience of many Roma, who encounter signs of rejection day by day. The gradual exclusion and spatial segregation of Roma in many Czech municipalities is the result of many processes, which can, at least in terms of the legislation that is in place today, be considered as being – directly or indirectly – discriminatory. However, shocking as it may be for people who are used to approaching the situation of the Roma from a human and minority rights perspective, there is on the other hand an alternative discourse on discrimination, in which the Roma, seen as being unwilling to contribute to the society in which they live, are described as the ones who discriminate against the rest of the society. While national politicians tend to be wary of openly making claims about “discrimination against the majority” or “discrimination against ordinary people”, such beliefs are very widespread, as is demonstrated, for example, by countless contributions to online discussions of articles concerning Roma or by the local success of populist politicians who built their election strategy on the exploitation of such sentiments.

This clash of perceptions is unfortunately more than just a theoretical problem. On the local level, it can be the underlying reason for unexpected protests by majority citizens who seem to oppose any kind of activity that would be beneficial for Roma. In the worsening economic situation, the gap might grow even wider. Thus one of the major challenges is how to come up with a language and means of communication that could create awareness and empathy among the sceptical majority concerning the barriers Roma face when seeking employment, housing and education. The majority population needs to be persuaded that the inclusion of Roma is desirable, possible and necessary and that the costs of exclusion by far exceed the costs of any integration programmes. At the same time, victims of discrimination need to have access to legal support. Approaching the complex issue of discrimination from a number of different angles, this chapter analyses the Czech Republic’s policies in relation to these challenges.

Measures to combat anti-Roma discrimination and racism

The adoption of the Anti-discrimination Law in 2009 was a positive step towards the elimination of discrimination against Roma. Nevertheless, this step has not been accompanied by other visible steps by state authorities which would aim to raise public awareness with regard to the duty to ensure equal treatment. At the same time there has also been little activity in order to raise the awareness of potential victims of the rights they have, if they are subjected to discriminatory treatment. Thus, awareness raising-activities are performed mainly by NGOs in the framework of their projects or social work.

Despite the long-term worsening of public opinion about Roma, the state authorities do not adopt any measures to actively tackle Roma discrimination and racism. A survey in November 2012¹² by the STEM agency (Středisko empirických výzkumů – Centre for empirical surveys) has shown that 71% of the Czech population take a negative stance towards Roma, 10% feel disgust, 43% are afraid of Roma (44% are not afraid). 16% of the majority feel sympathy for movements and people who take steps against the Roma minority using violence; on the other hand, a two-thirds majority has declared they reject these movements – the size of this majority has increased compared to 2011, which is a positive trend.

12 <http://www.stem.cz/clanek/2613>.

Politicians and state officials do not offer positive examples: few elected politicians speak out in public against unequal treatment of the Roma minority or take a stand against open hate speech. It is often the politicians themselves and political parties who support prejudice and negative attitudes towards the Roma in Czech society through their own public speeches and political slogans. The government commissioner for human rights, Monika Šimůnková,¹³ has criticized the attitudes of Czech politicians who seldom speak up in public against racist hate speech. Both central and regional politicians use the anti-Roma mood in their election campaigns; for the example a political party called “Severočeši” has labelled the Roma as “gypsies” in its political programme for the regional election campaign and has included a chapter with the title “Programme for protection of citizens against inadaptable persons”.¹⁴ The “Suverenita” political party, whose chairwoman was one of the presidential candidates in the recent elections, has introduced the campaign slogan “We will not let inadaptables dictate to us”.¹⁵ Neither of these political parties is represented in Parliament, however, they do influence the whole political scene. Moreover, racist statements about Roma are also made by members of the Parliament.¹⁶

Besides the politicians, the media also play their part in strengthening prejudice and stereotypes towards Roma. Roma are labelled as “inadaptable citizens”.¹⁷ The term “inadaptable” defines those who do not pay rent, do not work and misuse social benefits, commit criminal acts, etc. The term ‘inadaptable/maladjusted’ is however used as a synonym for Roma and is understood as such by the majority society. Even though this label is certainly pejorative, it is used by politicians, as well as the media.¹⁸ The sociologist Karel Cada, who, under the auspices of GAC¹⁹ wrote key studies on Czech ghettos for the Government, says “It’s sort of a magic political correctness. *The word ‘inadaptable’ has become in the Czech language a synonym for Roma. Mayors can say aloud what their voters, using a different vocabulary, swear about in pubs.*”²⁰

Politicians and state officials are unable (and unwilling) to explain the benefits of Roma integration into society. The Government is not communicating the need for a Roma integration strategy and its implementation to the public, there is not sufficient awareness among the public about the Strategy itself.

There is also a positive development: the new law on victims of crime²¹ provides victims of crime with more rights and better protection. Under this Act, an “especially vulnerable victim” means the victim of a crime against human dignity in sexual matters or crime that involved violence or a threat of violence, if, with regard to their race or nationality, there is increased danger of secondary victimisation.

Steps against institutional discrimination

According to the Czech Helsinki Committee, Roma face discrimination in everyday life – “whether it’s access to education, *housing or the labour market. One of the features of this discrimination is also the large number of children in institutional care, children’s homes and educational institutions, and ultimately, large numbers of Roma in Czech prisons. The hypothesis of the existence of institutional discrimination is rarely perceived, even*

13 <http://aktualne.centrum.cz/domaci/spolecnost/clanek.phtml?id=738786>.

14 <http://www.severocesni.cz/volby/373-volebni-program-hnuti-severocesicz>.

15 <http://www.suverenita.cz/clanky/tiskove-zpravy/nepriprusobivi-nam-nebudou-diktovat>, http://www.rozhlas.cz/radiozurnal/dvacetminut/_zprava/jana-bobosikova-prezidentska-kandidatka--1152471.

16 According to the opinion of the former senator Petr Pakosta “Czechs are neither racist nor xenophobic. Gypsies themselves are responsible for the negative attitudes of the Czech public towards Gypsies. They avoid work, are increasingly aggressive, their way of life at the expense of the majority population is only their decision,” available at <http://euportal.parlamentnilisty.cz/Articles/8998-cika-ni-jsou-povaleci-paraziti-a-kriminalnici-rozsahly-pruzkum-o-nazorech-politiku-na-romy.aspx>; Furthermore, František Ryba, a chairman of the “Severočeši” political party, said: “There are three basic things bothering people in relation to Gypsies. The first one is that Gypsies deride the majority population. When a normal person goes to work in the morning, they sit in armchairs in front of their houses and giggle about Gadja going to work, while they themselves do not have to work. They are abusing social benefits and support.” available at <http://www.novinky.cz/domaci/256928-strany-maji-strach-ze-jim-to-krajjska-hnuti-ve-volbach-nandaji.html>.

17 <http://www.romea.cz/cz/zpravodajstvi/domaci/medialni-obraz-romu-v-cr-aneb-sila-slova>.

18 <http://www.romea.cz/cz/zpravodajstvi/domaci/medialni-obraz-romu-v-cr-aneb-sila-slova>.

19 GAC spol. s r. o., <http://www.gac.cz/>.

20 <http://aktualne.centrum.cz/domaci/spolecnost/clanek.phtml?id=714044>.

21 aplikace.mvcr.cz/sbirka-zakonu/ViewFile.aspx?type=c&id=6374.

by the professional public. Long-term underestimation of institutional discrimination has caused a situation in which the reasons for discrimination (primary and secondary) are not analysed and no strategies are sought to overcome these reasons.”²²

According to the experience of interviewed social fieldworkers, officials do not provide the same quality of information to Roma who are seeking help with their problems as to the majority population. Education for professionals in equal treatment is inadequate in the Czech Republic. There is not enough training aimed at removing stereotypes and prejudice not only towards the Roma, but also towards poor people living in socially excluded environments. Current training programmes are usually limited to the need to ensure equal treatment, without explaining in detail what this means in practice and in the treatment of individuals. Public authorities often do not know how to communicate with the Roma.

No changes may be expected under the current government, whose mandate will expire in spring 2014, as human rights are not one of its priorities. As will be discussed in the chapter on structural requirements, the current government has gradually weakened institutions whose task is to support human rights, namely its own advisory bodies where both the civil and professional publics are represented.

Role of the national equal treatment/anti-discrimination body

The role of the national equal treatment/anti-discrimination body, as required by the EU law, is performed by the Public Defender of Rights (Ombudsman). The institution of the Ombudsman was established in the Czech Republic in 2000,²³ originally with the aim of assisting individuals who were treated incorrectly by state authorities. The scope of activities of the Ombudsman broadened in 2009 by the Antidiscrimination Act,²⁴ which Act was passed in order to implement the EU Race Directive.

The Ombudsman does not provide direct assistance in the case of individual complaints. His activities in the area of combating discrimination include three pillars: informing and educating the public and assisting victims. For victims, the most important issue is the provision of methodological aid: any person may address the Ombudsman with his or her problem related to discrimination; the Ombudsman will then assess the issue from a legal point of view, state whether, in his opinion, discrimination occurred or not, and make recommendations for further action. This is called “methodological aid” for victims of discrimination.

The Ombudsman may conduct independent investigations of anti-discrimination cases based on ethnicity, as well as on other grounds, as stipulated in the Anti-discrimination Act, and he has the power to request explanations from natural as well as legal persons. The Ombudsman may also conduct local investigations and request explanations on the spot. The investigation is closed by the issue of a final report, in which the Ombudsman publishes his opinion and recommendations for further action. In cases when the perpetrator happens to be a public authority, the Ombudsman may request this authority to take measures in order to remedy the situation. The Ombudsman has also further means to request compliance: should the authority in question refuse to act according to the Ombudsman’s recommendations, he may seek redress from an authority that is superior to the previous one, inform the Government and also inform the general public via the media. If the perpetrator is a private person, the Ombudsman recommends seeking redress in court, offering to play an advisory role throughout the proceedings (see also Question 6). The Ombudsman may open his own investigation (without waiting for an individual complaint) in cases when there is an alleged violation of the principle of equal treatment and the Ombudsman becomes aware of it through his own activities or from the media. The Ombudsman has a mandate to investigate discrimination on the basis of race, sex, sexual orientation, disability, religion and age. He may also deal with cases of multiple discrimination.

22 Czech Helsinki Committee, Report on Human Rights in the Czech Republic in 2010, Prague, June 2011, p. 8.

23 Act no. 349/1999 Coll. on Public Defender of Rights.

24 Act No. 198/2009, on Equal Treatment and the Means of Protection against Discrimination.

The Ombudsman also vets government strategies, actions and programmes with regard to the main topics of discrimination in public discourse. One of the most important of these is the situation of Roma children in education and the continuing discrimination that takes place in schools. In 2012, the Ombudsman conducted a sociological study²⁵ in schools previously labelled as “special schools”, with the aim out of establishing their ethnic composition. This research has shown that although the Roma make up about 2% of the overall population, Roma children constitute 32-35% of all children in practical schools (schools designed for children with minor mental disabilities, once known as “special schools”. The Ombudsman has concluded that the obvious over-representation of Roma children in practical schools amounts to persisting indirect discrimination in access to education.

The Ombudsman takes part in public discussions with regard to government strategies and especially with regard to new legislation prepared by the Government. The Ombudsman may submit his comments and amendments to draft legislation; such comments are usually taken seriously by the Government and in most cases they are incorporated in draft legislation. An overview of the Ombudsman’s comments and amendments is available in the Annual report of the Ombudsman, submitted to the Parliament.²⁶ The Roma Integration Concept does not specify any tasks for the Ombudsman, however, the latter supports Roma integration of his own initiative. Nevertheless, his capacity in the field of equal treatment has several limitations: statutory, financial and in terms of human resources.

Implementation of Roma-related judgements of the European Court of Human Rights

For the Czech Republic, a fundamental judgment of the European Court of Human Rights is *D.H. and others v. the Czech Republic* (2007), according to which the Czech Republic discriminates against Roma children in access to education.²⁷ Although the judgment was passed five years ago, the Czech Republic has not yet been able to take sufficient measures to tackle systemic discrimination against Roma in access to education. From December 2011 to May 2012, the Ombudsman carried out a study on the proportion of Roma pupils, as well other members of ethnic minorities, in former special schools throughout the Czech Republic. “According to the Ombudsman, *“Representation of Roma children in the estimated ratio of 32%, or rather 35% of the monitored schools, highlights their ongoing indirect discrimination in access to education.”*²⁸

According to the Education Act,²⁹ children with disabilities who are physically challenged or socially disadvantaged are marked as pupils with special educational needs. According to this law, special classes or schools can be established for children with disabilities in cases where that the nature of their disability requires such special education. Contrary to the Education Act, Roma children who were diagnosed as socially disadvantaged were placed in classes or schools for children with disabilities. In 2011, an amendment³⁰ to the decree of the Ministry of Education, Youth and Sports on the education of children with special educational needs and exceptionally gifted children³¹ was adopted, clearly stating that socially disadvantaged children may be educated in special schools or classes for children with disabilities only in cases where some compensation for their disadvantage is needed. The socially disadvantaged child may be placed in such a school or class only for five months at most, and during this period the child is still

25 A final report on this study is available in Czech on the website of the Ombudsman: http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf.

26 Annual reports, as well as quarterly reports, are available at the website of the Ombudsman: <http://www.ochrance.cz/zpravy-o-cin-nosti/zpravy-pro-poslaneckou-snemovnu/>.

27 European Court of Human Rights, CASE OF D.H. AND OTHERS v. THE CZECH REPUBLIC, No. 57325/00, 13 November 2007, available at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83256#{"itemid":\["001-83256"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83256#{).

28 http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf.

29 No. 561/2004 Coll., on preschool, primary, secondary, tertiary professional and other education (Education L).

30 Decree No. 147/2011.

31 Decree No. 73/2005 Coll., on education of children, pupils and students with special educational needs and exceptionally gifted children, pupils and students.

officially a pupil of her or his original school.³² The amendment specifically provides that a pupil without a disability cannot study according to the program for pupils with disabilities.³³

In 2011, an amendment³⁴ to the decree of Ministry of Education, Youth and Sports on counselling services in schools³⁵ summarised the requirements for informed consent of a child's legal representatives with regard to admission to a school or educational program for students with disabilities. The amendment introduced a duty to provide information to pupils and their legal representatives in a clear and unambiguous way; schools and school counselling facilities are also obliged to inform them about any foreseeable consequences that may result from the provided consulting services.

The government has not taken any major legislative steps to respond to the *D.H. and others v the Czech Republic* judgment; nor has it proposed significant measures in the non-legislative area. In 2010, the government approved of the preparatory phase of the National Action Plan for Inclusive Education (NAPIE),³⁶ which should be finalised by 2013. During 2012, the Ministry of Education, Youth and Sports prepared in cooperation with other agencies (e.g., Office of the Government and the Ombudsman) the Consolidated Action Plan for the Execution of the Judgement of the European Court of Human Rights in the case of *D. H. and others v. the Czech Republic*.³⁷ In December 2012 the Plan was discussed and endorsed by the Committee of Ministers of the Council of Europe.³⁸

In spring 2010, working groups were established for the purpose of implementing of the National Action Plan for Inclusive Education. In May 2011, however, many experts withdrew from these working groups in protest at the attitude of the Ministry of Education, Youth and Sports, which made a series of "procedural and personnel changes that led to the fact that the implementation of the National Action Plan for Inclusive Education had not been carried out in the sense and to the extent originally planned."³⁹ The Czech government approved the Strategy for Combating Social Exclusion 2011-2015 ("the Strategy")⁴⁰ in September 2011. The Strategy provides for a wide range of legislative and non-legislative measures needed to ensure inclusive education. The authors of the strategy are aware that effective and equitable educational system is an essential tool in the fight against the intergenerational reproduction of social disadvantage. "Yet serious doubts remain as to its implementation too. Although it calls for an increase in funding to address exclusion, no budget has been allocated to implement this Strategy, nor is it binding on any government department. No consensus exists as to whether this Strategy, or the NAPIE, prevails or if either has any political or financial backing and support."⁴¹

The "methodological aid" (introduced in Question 4) provided by the Ombudsman cannot be seen as "the provision of independent assistance to victims of discrimination in pursuing their complaints about discrimination", as stipulated in Article 13 of the Race Directive. The Ombudsman only provides guidance and opinion; he is not entitled to take part in court proceedings, nor to represent victims of discrimination.

In cases when legal representation is needed, the Ombudsman refers the victim to pro bono services provided by attorneys and the Czech Bar Association. Even though it is important for the victims of discrimination to obtain a legal opinion from the Ombudsman, this opinion can only serve as a supporting document in court proceedings. Pro bono legal services are not fully developed in the Czech Republic and those who were dis-

32 Decree No. 73/2005 Coll., on education of children, pupils and students with special educational needs and exceptionally gifted children, pupils and students of, as amended, Art. 3 (5).

33 Decree No. 73/2005 Coll., on education of children, pupils and students with special educational needs and exceptionally gifted children, pupils and students of, as amended, Art. 3 (4).

34 Decree No. 116/2011.

35 Decree No. 72/2005 Coll. on counselling services in schools and school counselling facilities.

36 <http://www.msmt.cz/socialni-programy/narodni-akcni-plan-inkluzivniho-vzdelavani>.

37 <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2186980&SecMode=1&DocId=1953724&Usage=2>.

38 <http://www.msmt.cz/pro-novinare/rada-evropy-podporila-opatreni-ceske-republiky-k-vykonu>.

39 <http://www.inkluze.cz/clanek-394/napiv-se-rozpada>, visited at December 20, 2012.

40 <http://www.socialni-zaclenovani.cz/dokumenty/strategie-boje-proti-socialnimu-vyloucení>.

41 ERRC submission to the Council of Europe on implementation of human rights judgments in the Czech Republic, p. 3, <http://www.errc.org/cms/upload/file/eighth-communication-to-the-committee-of-ministers-on-judgment-implementation-18-may-2012.pdf>.

criminated against cannot rely on this kind of legal representation, as it is always up to the law firms to decide whether they will take the case or not. Moreover, there is no “system” for the provision of free legal aid: those who are in need of legal representation (which will often be the case with victims of discrimination) but do not fulfil the strict legal requirements for obtaining free legal aid from the court, have to rely on the courtesy of law firms. In practice, they often end up without any legal representation at all and abandon the court case. This can be seen as a practical obstacle in implementing the EU Race Directive.

In practice, the involvement of the Ombudsman in helping individuals to obtain legal aid is very proactive. There is an overview of possible steps for investigating each discrimination-related complaint on the website of the Ombudsman. Here, the Ombudsman also offers guidance about court proceedings, even if the person is represented by a (paid or pro bono) attorney. This is very positive. However, the situation may change with the next Ombudsman coming into office. A proper implementation of the Race Directive would mean that the word “methodological” is removed from the Anti-discrimination Law.

The Anti-discrimination Law does not allow *actio popularis* that would make it possible to initiate legal action in discrimination cases with unknown numbers and identities of victims (e.g. in cases of discrimination in advertisements, systemic discrimination, etc. However, the law has provided an entitlement for legal persons whose primary activities include providing protection from discrimination by offering certain kinds of legal assistance (information about possibilities of legal aid and help in drafting legal actions and other initiatives seeking protection against discrimination) and enabling them to submit initiatives to public authorities in order to start investigations in cases of discrimination.

Protection of children’s access to fundamental rights

The Czech government has not adopted any specific measures protecting Roma children as a particularly vulnerable group: such measures as do get adopted are designed to protect the rights of all children. In January 2012, the Government approved the “Right to Childhood” National Strategy of Protection of Rights of Children.⁴² One of the overarching priorities of the Strategy is the elimination of unequal treatment and discrimination against children; nevertheless the Strategy does not address the vulnerability of Roma children who, being members of a minority suffering through prejudice and discrimination from the majority, carry their negative stigma for the rest of their lives; repeated experiences of discrimination strengthen their feelings of inferiority and make it more difficult for them to establish themselves in life.

In the Czech Republic, a relatively high number of Roma children are placed in institutional care, such as infant homes for children up to three years of age, and children’s homes. A report by the European Roma Rights Centre says that “According to official data, the number of Romani children under three years of age among all children under three in institutional care ranged from 27% to 32% between 1999 and 2009. According to unofficial expert estimates, the total number of Romani children in institutional care amounts to 30-60%.”⁴³ The main problems are the inadequate system of social and legal protection of children, especially the lack of prevention, the lack of social workers, the lack of standards of social care, and the fragmentation of the system of care for vulnerable children. The amendment to the Act on Social and Legal Protection of Children approved by Parliament in November 2012 can be evaluated as a positive step. As discussed in the chapter on health, the amendment should bring many positive changes to the system and remove shortcomings.

There is systemic discrimination against Roma children in education.⁴⁴ This situation has been criticized by many experts and by Czech and international NGO for years,⁴⁵ however, both the government and other

42 http://www.mpsv.cz/files/clanky/13085/NS_ochrany_deti.pdf.

43 Life Sentence: Romani children in State care in the Czech Republic, A report by the European Roma Rights Centre, June 2011, p 9, available at <http://www.errc.org/cms/upload/file/life-sentence-romani-children-in-state-care-in-the-czech-republic-20-june-2011.pdf>.

44 http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf.

45 <http://www.errc.org/article/dh-and-others-v-the-czech-republic/3559>, <http://www.amnesty.org/en/library/info/EUR71/006/2012/en>, <http://www.opensocietyfoundations.org/reports/failing-another-generation-travesty-roma-education-czech-republic>.

relevant authorities have been reluctant to undertake decisive and clear steps towards the transformation of the current discriminatory educational system.

NGOs offer support for Roma children, e.g. in low-threshold facilities that offer leisure time, as well as educational activities, for example pre-school preparation and tutoring. The existence of these facilities is dependent on governmental subsidies, which means that the work with children is not continuous and does not respond to the needs of a given region or locality (there are regions, as well as localities, without any facilities at all, despite the presence of numerous Roma families, for example some cities in the region of Šluknovsko). Therefore, such support for Roma children is neither stable nor systematic.

The support for Roma children in their access to education must be ensured primarily by the State, for example via financial support to cover the expenses for education (the cost of fares, food, educational materials, extracurricular activities, school trips etc.), by funding kindergarten costs for socially disadvantaged children and by support for pedagogical assistants.⁴⁶

A positive development is that the draft law on victims of crime,⁴⁷ which is currently being debated in Parliament, defines children as particularly vulnerable victims who are in need of special measures to protect them from the danger of secondary victimisation. The draft was approved by the Chamber of Deputies on 18 December 2012 and will be discussed in the Senate.

Measures to address the multiple discriminations faced by Roma women

The problem of coercive sterilisation of Romani women has still not been solved in the Czech Republic. Seven years have passed since the Public Defender of Rights published his final statement in the matter of sterilisations performed contrary to the law⁴⁸ and despite numerous appeals by both international⁴⁹ and national⁵⁰ human rights bodies, no steps have been taken by the Czech government to compensate women who were victims of coercive sterilisation. In 2009, the Minister for Human Rights Michael Kocáb offered an apology by the government to those women who were subjected to coercive sterilisation without their consent.⁵¹ However, more needs to be done in order to achieve justice for these women.

In 2012, the Government Council for Human Rights recommended⁵² to the government that a mechanism for redress for coercively sterilised women be created. This mechanism would distinguish two groups of women, according to the date when sterilisation was performed and would set up a system to provide for compensation. It should be adopted by the end of 2013. In order to start implementing this recommendation, it needs to be first approved by the government, since only the government may impose tasks upon relevant ministries. To this date, the government has not adopted the recommendation. Moreover, the ERRC recommends that more steps should be undertaken in order to achieve justice for Roma women who were coercively sterilized.⁵³ These include granting compensation to all victims irrespective of the date of sterilisation, ensuring non-financial compensation, guaranteeing free legal aid, etc.

46 Strategy for Combating Social Exclusion for the Period 2011–2015, Chapter 4. Education.

47 <http://www.psp.cz/sqw/historie.sqw?o=6&t=617>.

48 Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures. JUDr. Otakar Motejl, Public Defender of Rights, Brno, 23 December 2005, available at: <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/Public-defender-rights.pdf>.

49 UN Committee against discrimination of women (CEDAW), Committee against Torture (CAT), Human Rights Committee (HRC).

50 Ombudsman, Committee against Torture of the Human Rights Council.

51 Government decision No. 1424 of 23 November 2009. Available in Czech at: [http://racek.vlada.cz/usneseni/usneseni_webtest.nsf/0/6430E40ED2EFF39AC1257674004347C2/\\$FILE/1424%20uv091123.1424.pdf](http://racek.vlada.cz/usneseni/usneseni_webtest.nsf/0/6430E40ED2EFF39AC1257674004347C2/$FILE/1424%20uv091123.1424.pdf).

52 The recommendation was adopted in February 2012: <http://www.vlada.cz/cz/ppov/zmocnenec-vlady-pro-lidska-prava/aktuality/rada-doporucuje-vlade-odskodnovat-nepravem-sterilizovane-zeny-93169/>.

53 ERRC submission to UN UPR on the Czech Republic (April 2012), available at: <http://www.errc.org/cms/upload/file/czech-republic-unpr-submission-10-april-2012.pdf>.

The Concept of Roma Integration 2010-2013 handles the topic of multiple discrimination only in a very limited way. The Concept links ethnicity to gender discrimination only, leaving out all other types of discrimination that Roma community members may encounter: it does not address Roma community members endangered by discrimination on the ground of disability, age or sexual orientation.

Roma women and the problems they may face are mentioned twice in the Concept: In the chapter “Employment”, the Concept draws attention to the fact that the access of women to the labour market is more difficult due to the fact that they must take care of the family, which makes it harder for them to pursue educational needs. The Concept recommends that the Government (namely the Ministry for Labour and Social Affairs and the governmental Agency for Social Inclusion) should:

- support flexible working conditions,
- increase the employment rate of Roma women,
- develop specific educational activities and programmes to make it easier for Roma women to return to the labour market after taking maternity leave,
- ensure the accessibility of childcare services for children from socially excluded areas.

Reports on the state of Roma communities in 2010 and 2011, however, do not show any specific measures being adopted in order to support the integration of Roma women into the labour market. In principle, these reports are limited to repeating that their situation on the labour market was unsatisfactory and providing an overview of programmes and policies for labour activation that were already in place and the numbers of Roma women who took part in them. New measures to support the employment of Roma women, as envisaged by the Concept, were not adopted. Roma women therefore continue to participate less in the labour market than their male counterparts. At the same time, Romani women continue to participate less in retraining courses and other activities aiming at improving their status on the labour market.

The Concept has recommended (in a chapter entitled “Education”) linking educational activities with childcare services, in order to enable Roma women to take part in them. Nevertheless, Roma community reports for 2010 and 2011 do not mention any steps being taken to fulfil this goal.

The Roma community report for 2010 included a separate chapter on equal opportunities for Roma men and women. The report did not, however, mention any specific governmental measure leading to the implementation of the goals of the Concept, as described above. The Roma community report for 2011 did not include the topic of equal opportunities for Romani women at all. Therefore, it is difficult to evaluate and assess whether there has been any progress with regard to the measures mentioned in the Concept. The government has not provided any information in this regard.

The Strategy for combating social exclusion does not mention multiple discrimination at all; nor does it deal with the specific vulnerability of women.

Measures to address human trafficking

The government of the Czech Republic has dealt with human trafficking as one of the most serious types of crime in a comprehensive way since 2003. In that year, the first national strategy to combat trafficking in human beings for a period of 3 years was elaborated.⁵⁴ Also, a programme of support and protection of victims of crime was piloted.⁵⁵ The national coordinator for the struggle against the trafficking of human

54 The strategy was adopted by a Government decision of 3 September 2003 (No. 849), see http://kormoran.vlada.cz/usneseni/usneseni_webtest.nsf/0/3FA86D669CD30B8CC12571B6006FC051.

55 The functioning of the Programme is regulated by internal acts of the Ministry of Interior – an Instruction of the Interior Minister No. 14/2010 regulating the functioning of the national referral mechanism and methodological instruction of the first Deputy Interior Minister No. 1/2010, regulating the functioning of the Programme. In 2003, a pilot version of this programme was launched – see the National strategy to combat trafficking in human beings in the Czech Republic for 2012-201, www.mvcr.cz/soubor/material-obchod-s-lidmi-pdf.aspx.

beings is the Security Policy Department of the Ministry of the Interior. In 2008, the Inter-departmental Coordination Group for Combating Trafficking in Human Beings was established, with the Minister of the Interior at its head, and representing a forum for encounters between government officials, other governmental institutions and NGOs active in the field of anti-trafficking activities.⁵⁶

In April 2012, the Government adopted⁵⁷ a new National Strategy to Combat Trafficking in Human Beings in the Czech Republic for 2012-2015. The Strategy, which was elaborated by the Ministry of Interior, represents the fourth successive document of its kind. It evaluates priorities set for the previous period 2008-2011 and defines new tasks.

The National Strategy observes that the situation in human trafficking has changed: victims may be coming from various backgrounds, quite often also from socially excluded localities. However, there are no official figures indicating the number of Roma among trafficked persons. Estimates provided by the ERRC report⁵⁸ have shown that in some parts of the Czech Republic, the proportion of Roma among trafficked persons is as high as 70%. Moreover, this research has revealed that “Roma are highly vulnerable to trafficking due to structural forms of ethnic and gender discrimination, poverty and social exclusion which result in low educational achievement, high level of unemployment, usury, growing up in state care, domestic violence affecting predominantly women and children and substance abuse.” The National Strategy to Combat Trafficking in Human Beings in the Czech Republic for 2012-2015 has identified that there are deficiencies in cooperation on the topic of trafficking between relevant stakeholders operating in socially excluded localities – the police, municipal authorities, NGOs and the Agency for Social Inclusion. The Strategy for Combating Social Exclusion for 2011-2015 has also identified the problem of trafficking in socially excluded localities as one of its priority areas.⁵⁹ The most important priority of the National Strategy, with regard to the situation of the Roma community, is to survey the situation of trafficking in human beings in socially excluded localities and to initiate cooperation with relevant stakeholders in these localities.⁶⁰ The Ministry of the Interior, the Office of the Government of the Czech Republic and the Ministry of Labour and Social Affairs are responsible for the fulfilment of this task.

The incorporation of this goal into the National Strategy can be seen as a positive development. However, it is unclear why the main responsibility for this task was entrusted to the Ministry of Interior, whereas the most important role should be played by the Agency for Social Inclusion, which is a tool to help the Government with the process of social inclusion. The Agency should be entrusted with the fulfilment of the task of surveying the situation in Roma communities with regard to trafficking, in cooperation with the police and the Ministry of the Interior.

An overarching issue, affecting not only Roma communities, is the fact that while the legal framework in the Czech Republic can be basically assessed as complying with international frameworks and standards, its practical implementation seems to be problematic, as the ERRC report (see above) confirmed.

56 See the National strategy to combat trafficking in human beings in the Czech Republic for 2012-201, www.mvcr.cz/soubor/material-obchod-s-lidmi-pdf.aspx.

57 Czech Republic, Government ruling (usnesení vlády) No. 282, 18.4. 2012.

58 Breaking the Silence – A report by the European Rights Center and People in Need, Trafficking in Romani communities, March 2011, available at: <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>.

59 Strategy for Combating social exclusion for 2011-2015, page 9. See <http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/strategie-boje-proti-socialnimu-vylouceni-2011-2015/details>.

60 See the National Strategy to Combat Trafficking in Human Beings in the Czech Republic for 2012-201, page 36, www.mvcr.cz/soubor/material-obchod-s-lidmi-pdf.aspx.

3. EDUCATION

The low educational attainment of most Roma is often seen as the underlying reason for the Roma minority's exclusion. While there is a certain danger in this argumentation, which is sometimes phrased in ways that ignore the crucial role of past and present discrimination, there can be no doubt that better education is one of the keys to improving the situation of Roma. As demonstrated by the results of the UNDP/WB/EC 2011 Roma survey, the educational profile of the surveyed Roma differs fundamentally from the profile of the surveyed members of the majority population.

Table 1: Education of Roma and their Non-Roma neighbours 2011⁶¹

	No formal education		Primary education – ISCED 1		Lower secondary education – ISCED 2		Upper secondary education – ISCED 3		Post-secondary education – ISCED 4+	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
1. Highest completed education (25-64)	5%	0%	11%	0%	54%	11%	30%	79%	0%	10%
male	5%	0%	11%	0%	51%	9%	33%	79%	0%	11%
female	5%	0%	12%	0%	57%	13%	27%	79%	0%	8%
2. Highest completed education (20-24)	1%	0%	7%	0%	62%	15%	30%	79%	0%	7%
male	2%	0%	7%	0%	64%	13%	27%	77%	0%	10%
female	0%	0%	7%	0%	61%	17%	32%	80%	0%	3%

The low proportion of Roma with upper secondary and higher education is on the one hand linked to the integration strategy of socialist Czechoslovakia, which employed Roma predominantly as manual labour. Yet the comparison of the younger (20-24) and older groups (older than 25) of respondents in the table above shows that the Czech Republic's contemporary education system is not at all effective in reducing the impact of this legacy, even though survey results indicate that more than 80% of Roma parents want at least secondary education for their children.⁶² While there is a fall in the number of those without formal education (1% as opposed to 5%) and with only primary education (7% as opposed to 11%), the number of Roma who completed at least upper secondary education (which can be seen as a precondition for successful entry into labour market) is stuck at a very low level (30%, as opposed to 79% of surveyed non-Roma). Among the surveyed Roma population, the proportion of people with post-secondary education was in both age groups 0% (7% and 10% respectively among the non-Roma population surveyed). Another important finding of the comparison of both age groups is the worsening educational performance of young male Roma. Whereas in the case of the adult population Roma males have reached a higher educational standard than females, the trend is reversed among the young group. There is a higher number of young male Roma without formal education (2% as opposed to 0%), while the number of young male Roma who completed secondary education is significantly lower than among their female counterparts (27% as opposed to 32%).

What are the reasons for the Roma minority's insufficient educational achievement? The first problem mentioned in the Concept for Roma Integration 2010-2013 is the absence of pre-school education. A World Bank report from 2012 indicates that only 28% of Roma children (in comparison to 79% of non-Ro-

61 <http://europeandcis.undp.org/data/show/BC65A1E7-F203-1EE9-B78AE561E9A8B48F>.

62 World Bank (2012): *Toward an Equal Start: Closing the Early Learning Gap for Roma Children in Eastern Europe*, 12. Accessible online at: http://siteresources.worldbank.org/EXTROMA/Resources/RomaECD_FinalReport.pdf.

ma) of preschool age attend kindergartens in the Czech Republic.⁶³ The specific importance of pre-school education is linked to other factors mentioned by the strategy, such as the insufficient participation of parents from disadvantaged socio-cultural environments in the education of their children and the impact of language barriers. One successful strategy used in many Czech schools is the employment of Roma pedagogical assistants, who support Roma children in mastering the curriculum and establish links between the school and the parents. As is often the case with regard to activities that are intended to support the integration of Roma, the employment of school assistants is financed through annual contributions by the Ministry of Education for which the schools need to re-apply every year. This type of financing does not make it easy to create a stable working environment, as the assistants cannot be sure about their long-term employment prospects. In addition, the situation of Roma pedagogical assistants worsened after the adoption of the latest supplement to the Act on Educational Professionals in September 2012, which increased demands concerning the pedagogical assistants' qualifications.⁶⁴ Due to this change, many head teachers decided not to extend contracts with Roma pedagogical assistants with primary educational qualifications (ISCED 1) who often practiced in schools in areas with sizable Roma communities (e.g. the Ostrava region).

The last major obstacle mentioned in the Concept 2010-2013 is the identification of special needs by psychological testing. This issue is linked to the high proportion of Roma who attend schools for children with learning difficulties, for which the Czech Republic has been repeatedly criticised by NGOs and international institutions. In the 2007 landmark ruling, *DH and others vs. the Czech Republic*, the European Court for Human Rights established that the Czech Republic was violating the right of equal access to education.⁶⁵ As will be discussed below, more than five years after the ruling, the Czech Republic is still in the process of agreeing on a comprehensive strategy to tackle the challenge of desegregation. Led by former Deputy Minister of Education and head of the Association of Special Pedagogues Jiří Pilař and supported by many teachers and directors of practical schools, there is strong and well-organized opposition to the goal of integrating children from former special schools in regular schools. One reason for this opposition is the fear of losing jobs in consequence of the transformation of the system; another is the professional pride of teachers, who mistake criticism of the current system for criticism of their personal motivation and performance as teachers. Another influential line of argument is the fear that integration will reduce the quality of the regular schools. In an interview with a Czech weekly, Jiří Pilař contributed to such fears by warning that inclusion would produce "many unsuccessful children, and many of them will be aggressors."⁶⁶

School segregation and desegregation efforts

Due to the political and legal pressure resulting from the European Court for Human Rights' ruling in the *D.H. and Others vs. the Czech Republic* case, the issue of segregation is analysed mostly in relation to schools/classes for children with learning disabilities. Today, some of the former "special schools" are called "practical elementary schools", others have become regular elementary schools that also offer classes where education is based on the Framework Education Programme for Elementary Education – Appendix for students with minor mental disabilities.⁶⁷ As will be discussed below, there have been two surveys in 2011/12 that sought to estimate the ethnic composition of the student bodies in the practical schools. While differing in their estimates of the exact proportion of Roma in these schools, both of these studies confirmed the assumption that Roma continue to be strongly overrepresented there.

The crucial question of segregation should not, however, be limited to the question of special schools. In larger cities with sizable Roma communities, regular elementary schools that are overwhelmingly attend-

63 *Ibidem*.

64 The full text of the Act on Educational Professionals (Zákon o pedagogických pracovnících) is available at <http://www.msmt.cz/dokumenty/aktualni-zneni-zakona-o-pedagogickych-pracovnicich-k-1-zari>.

65 Documents related to the case can be accessed on the following site: <http://www.errc.org/cikk.php?cikk=2945>.

66 The full interview was published in Lidové Noviny on November 5th, 2011. The full text can be accessed online on the educational website <http://www.eduin.cz/clanky/vladni-koncepce-je-strasne-nebezpecna/>.

67 In some municipalities, training on the basis of this special curriculum is offered also in the form of special classes within a regular elementary schools.

ed by Roma are a widespread phenomenon. In addition to this, segregation occurs not only between schools, but also within schools. In some cases, the school is only formally one unit, while children are in fact separated in different buildings. In other cases, children from poorer families are mostly concentrated in one “regular class” while more ambitious and more affluent parents choose classes in the same school with a specialization (e.g. music, hockey) for their children. Attendance in such a class involves additional costs (for equipment and materials). While the introduction of specialized classes might have been undertaken without any sinister intentions, the authors of this report were told that some parents welcome such payments as a filter that will effectively block the access of children from Roma families. While the authors of this report are not aware of any country-wide study dealing with segregation within the regular education system, there have been attempts to map the ethnic and social composition of the local school system on the level of municipalities.⁶⁸

Interviews with representatives of schools, NGOs and Roma in various parts of the country indicate that ethnic segregation within the education system is driven by a number of factors. It is first of all important to be aware of the fact that due to the demographic changes schools are in intense competition with each other. This leads on the one side to a fear of schools with Roma pupils being stigmatized among parents from the majority population as “Roma schools”. Such fears can underlie a reluctance to reach out to Roma children or the refusal to engage in activities that might focus public attention to the presence of Roma in the school (such as the employment of Roma assistants or co-operation with the Agency for Social Inclusion). On the other side, special schools and regular schools that are overwhelmingly attended by Roma children also see themselves as being under pressure to successfully recruit new students. As only very few parents of non-Roma children are willing to send their children to a school where the vast majority of children are Roma: without changes on a systemic level the recruitment potential of such a school is more or less limited to the Roma community. Interviewed Roma NGO representatives described various controversial methods by which Roma children are steered towards segregated schools as a result of competition among schools and the lack of political will to interfere. One example is the establishment of kindergartens and so-called preparatory classes in the buildings of elementary schools and practical schools that are mostly attended by Roma. In this way, Roma parents get used to the location of the school and are more likely to enrol their children in the same institution. The Ministry of Education promised to prohibit this practice in the case of practical schools by changing the relevant parts of the School Act; however the amendment of the School Act prepared in January – March 2013 does not reflect this commitment. It is worth mentioning that the prohibition of the establishment of preparatory classes and kindergartens in practical schools for children with learning difficulties is one of the measures included in the *Consolidated Action Plan for the Execution of the Judgment of the European Court of Human Rights in the Case of D. H. and Others v. the Czech Republic*, a leading document issued by the current administration for the implementation of the judgment. Another example of a controversial method is the sending of a segregated school’s Roma assistants to another school in the same neighbourhood on the day of enrolment, where they are supposedly trying to convince Roma parents to send their children to the segregated school. Another problem mentioned by the interviewed NGO representatives is the existence of personal links between special schools and psychological testing centres, which need to issue a recommendation if a child is to be sent to a practical school. In some cases these centres are directly established within the special schools.⁶⁹

While national progress towards inclusive education was greatly hampered by the former Minister of Education Josef Dobeš (2010-2012), who effectively stopped the preparation of the National Action Plan for Inclusive Education (see case study), there are various small-scale initiatives at local level by NGOs, municipalities and the Agency for Social Inclusion. In the Western Bohemian city of Sokolov, the Agency and local

68 One interesting example is the analysis of the school network in Kutná Hora, which was commissioned by the Agency for Social Inclusion and will be published soon on the Agency’s website. (Štěpánková, Hana (2013): *Závěrečná zpráva z výzkumu. Analýza školské sítě ve městě Kutná Hora a návrh podpory vzdělávání žáků se speciálními vzdělávacími potřebami*. Prague: Agency for Social Inclusion).

69 Such personal bonds are also critically mentioned in the Czech School Inspectorate’s 2010 Thematic Report: “The institutional and personal links between the elementary schools and the Counselling Centres is seen by the Inspectorate as a risk, as there are many cases where the decision seems to have been influenced by the school’s interest in filling its classrooms at the cost of the child’s rightful interest in participating in the regular stream of education.” (ČŠI, *Tematická zpráva – Souhrnné poznatky z tematické kontrolní činnosti v bývalých zvláštních školách 2010*, 9, available at <http://www.csicr.cz/getattachment/6e4232be-1c17-4ff8-ac72-763a23569109>).

partners agreed for example on a scheme for the desegregation of the local schools. A few Czech NGOs began to engage in activities intended to raise Roma parents' awareness for the existence of choices in education. The Brno-based IQRoma Service informed parents about their rights, asked about their choices, and accompanied parents on the day of enrolment in order to ensure that the process was conducted in a fair manner. According to the organisation, this project's success demonstrates that there are many Roma parents who have a clear preference for integrated education but lack the necessary information about their rights to make an informed choice without assistance. A similar project by the "People In Need" organisation in the city of Kladno met with stubborn resistance from some local schools, for whom the strengthening of Roma parents' awareness of existing choices seemed to constitute an attack against the established ethnic order. In partnerships with local NGOs in Prostějov and Ostrava, the Roma Education Fund has implemented projects aimed at preventing segregation (in the form of enrolment of Roma children into special education) by supporting their pre-school education and cooperation with parents.

Another strategy is pursued by the League for Human Rights, which developed the "Fair School" certification process which supports schools in mastering ethnic diversity in the classroom in a non-discriminatory manner. The strong interest in this certificate demonstrates that the above-described tendencies to segregate are not universal. While some schools are fearful of the consequences of Roma children's presence for the reputation of the school and the quality of teaching, other schools take the opposite approach, building their reputation on the fact that they are able to offer quality education in an ethnically mixed environment.

The number of efforts described above as an illustration of the current situation in the Czech Republic shows that while efforts towards desegregation exist, only rarely are they part of systemic measures introduced by public administration bodies. In order to strengthen their arguments on the need for systemic changes, the Roma Education Fund conducted a study among Roma children from the Czech Republic who moved with their parents to the United Kingdom. The study shows that after adequate support the Roma children (originally labelled as suffering from mental disabilities and channelled into substandard education) were able to study at mainstream primary and secondary schools.⁷⁰

Inclusive Education

On the national level, the former minister of education Josef Dobeš stopped most attempts to introduce systemic changes in this field. The experts on inclusive education working on the Action Plan on Inclusive Education resigned, as they saw that there was no longer political support for this agenda. The appointment of Petr Fiala as Minister of Education in May 2012 marks a new beginning: the new Minister is clearly more interested in this agenda, but the time since his appointment has been too short to assess the concrete results of his policies.

For many years, the Ministry for Education has been supporting activities in the area of inclusive education through subsidies and grants. Recently, the three programmes entitled "Support of Integration of Roma Community", "Support of Teacher Assistants for Disadvantaged Pupils" and "Support of Inclusive Schools" were merged into a single programme called "Support of Roma Community and Inclusive Schools". The total sum distributed through this program in 2012 was 15.7 million CZK for "Support of Integration of the Roma Community (Module A) and 39.9 million CZK for "Support of Inclusive Schools" (Module C).⁷¹ While the programme finances many important inclusive measures, this kind of support clearly cannot be considered as a valid substitute for necessary structural changes on the national level.

Using resources from the mentioned governmental programme and the European Social Fund (Operational Programme Education for Competitiveness), there are many local efforts by schools and NGOs that focus

70 REF (2011): From Segregation to Inclusion: Roma Pupils in the United Kingdom, A Pilot Research Project. Accessible online: http://www.romaeducationfund.hu/sites/default/files/publications/ref_uk_report_nov2011_screen_singlepages.pdf.

71 Information the programme structure and the range of supported activities can be accessed online at: <http://www.msmt.cz/file/18687>.

on the practical aspects of the introduction of inclusive education. Examples of realized activities are teacher training sessions, the modification of school educational programmes (not the National Curriculum) at individual schools, support for pre-school education of socially disadvantaged children, free time activities etc. To provide a few examples, interesting cases include the elementary schools in the municipalities of Jáchymov and Poběžovice or the activities of NGOs such as Rytmus or People in Need (the “Varianty” programme). These programmes have helped many schools to find new specialists who are needed (special teachers/psychologists). But there is very little chance of retaining these posts after the end of projects.

In October 2012, the Ministry launched within the “Education for Competitiveness” Operational Programme the individual research-focused project “Others”.⁷² The results of this project could be used by the Ministry to prepare more fundamental changes in the area of inclusive education. Divided into three priority areas, the project should improve the preparedness of teachers, prepare documents which are essential for legislative changes, and come up with estimates of the costs of some proposals, such as the introduction of compulsory pre-school education for all children, or for children at risk of social exclusion and school failure. While it is a positive sign that the current leadership of the Ministry seems interested in gathering serious data on financial demands related to progressive changes in Czech educational system, it is impossible to predict if this analytical work will be followed by any concrete policy initiatives.

Roma children in special education

Recent Data

There have been two recent studies that sought to identify the proportion of Roma children in these institutions during the 2011/12 school year. Even though the two studies come up with different estimates, both confirm the belief that Roma children are strongly overrepresented in these schools.

The first of these surveys was carried out by the Office of the Public Defender of Rights (Ombudsman).⁷³ The study was conducted in 67 randomly chosen practical schools (former special schools). The number of schools involved in each region was determined proportionally to the size of the regional population in order to ensure that the results would be representative. Approaching the difficult question of how to establish the students’ ethnic identity, the researchers chose to apply two different methods. The first of these methods was to identify ethnic identity by observation of visible signs (such as the colour of the skin) by the researchers visiting the classrooms, the second was identification by the teachers. In the second case, children who were absent on the day of the research (ca. 25% of children) were also included. Using the first method, the researchers established that 32% of all children in these schools are Roma; using the second method the number was 35%. It can be assumed that the total proportion of Roma in this age group of the general population is 3.2-6.4%.⁷⁴ The proportion of Roma in practical schools is therefore 5-10 times higher than their proportion in this age group within the overall population. The Ombudsman’s study also revealed strong regional differences, which mirror the unequal territorial distribution of the Roma. Depending on the research method, the percentage of Roma was highest in the Liberec Region (49% according to information provided by teachers, 35% according to observation by researchers) and the Ústí Region (47% according to both research methods) and lowest in the case of Zlín region (1% and 0%, respectively).

72 MŠMT, Výzva k předkládání žádostí individuálních projektů ostatních z OP VK, Prioritní osy 1 – Počáteční vzdělávání Oblasti podpory 1.2 – Rovné příležitosti dětí a žáků, včetně dětí a žáků se speciálními vzdělávacími potřebami, Č. j.: MSMT-35912/2012-412 Available at: <http://www.msmt.cz/file/25307>.

73 VOP, Výzkum veřejného ochránce práv k otázce etnického složení žáků bývalých zvláštních škol http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf.

74 This estimate combines the official estimate for the total proportion of Roma (1.4-2.8%) with information on the Roma community’s different demographic structure. Based on an analysis of the 2001 census, Daniel Hůle (2007) assumed that the percentage of children of school age is 2.3 times higher among Roma than in the majority population.

The second survey, carried out in the 2011/12 school year by the Czech School Inspectorate,⁷⁵ makes it possible to draw comparisons with an earlier survey conducted by the same institution, which took place in 2009/10.⁷⁶ The School Inspectorate contacted a total of 210 heads of schools and asked for information about the teaching programme offered by the schools and about the ethnic composition of the student body. 158 of the 210 contacted schools returned the completed questionnaire. One finding of this survey was that there were variations in the available curriculum. A growing number of schools also offer education on the basis of the Framework Programme for Regular Schools (increase from 19.2% to 36.3% of schools); the number of schools offering education solely on the basis of the Framework Programme for Mental Disabilities was on the contrary in decline (by 20%). However, it is not possible to interpret these numbers as evidence of changes in the placement of pupils in various programmes.

The research established the proportion of Roma children as 26.4%, which is 8.6% less than had been found in the School Inspectorate's 2009/10 survey. Education expert Lenka Felcmanová, who prepared a background paper for the purpose of this study, stresses however that it is not certain if this decline can be taken as a sign of desegregation: "It is necessary to point out that the claims by the school directors were not verified directly in the contacted schools. There is widespread opposition among directors of former special schools to providing any information on Roma students. This can for example be demonstrated by the protests against the conduct of the Ombudsman's survey. The validity of the gathered data can in this case be questioned, as the heads of schools were not motivated to provide true information. On the contrary, some openly boycotted such attempts, as is demonstrated by the refusal by teachers and directors of former special schools in the Vysočina region to co-operate with the Office of the Ombudsman."

Measures to prevent wrong placement

The Czech School Inspectorate conducted a thematic inspection in 171 former special schools in the 2009/10 school year. In the case of 173 students, the schools were not able to present a convincing statement of consent by the child's legal representative.⁷⁷ In the case of 110 students, the schools lacked the mandatory recommendation by the Educational Counselling Centre.⁷⁸ In the second case, 26.4% of these children were Roma. The report underlines that, compared to the school year 2009/10, Roma enrolments in these schools decreased by 8.6% and the Ministry of Education claimed that this reduction in Roma enrolments confirms the positive impact of its new legislative framework.⁷⁹ On the other hand, the report itself states that it is important to take into account the fact that this number could have been influenced by the sensitive nature of the data being collected and the related unwillingness of some school directors to even answer this question (i.e., non-response bias).⁸⁰

Schools in which the Inspectorate identified serious problems were again inspected in 2011/12. This inspection found that the majority of schools had solved the identified problems, either by transferring the child in question to a class taught according to the regular curriculum or by obtaining the missing papers. It has to be said however that these changes were only formal in character and did not change the real situation of the children.

75 ČŠI (2012): Tematická zpráva – Postup transformace bývalých zvláštních škol ve školním roce 2011/2012. Accessible online: <http://www.csicr.cz/cz/Dokumenty/Tematicke-zpravy/Tematicka-zprava-Postup-transformace-byvalych-zvla>.

76 ČŠI, Tematická zpráva – Souhrnné poznatky z tematické kontrolní činnosti v bývalých zvláštních školách 2010 – <http://www.csicr.cz/getattachment/6e4232be-1c17-4ff8-ac72-763a23569109>.

77 ČŠI (2010): Tematická zpráva – Souhrnné poznatky z tematické kontrolní činnosti v bývalých zvláštních školách 2010, 9. Accessible online: <http://www.csicr.cz/getattachment/6e4232be-1c17-4ff8-ac72-763a23569109Page 9>.

78 ČŠI, Tematická zpráva, 9.

79 Ministry of Education, Youth and Sports, Počet žáků v praktických školách klesá, Prague, 8 August 2012, <http://www.msmt.cz/pro-novinare/pocet-zaku-v-praktickyh-skolach-klesa>.

80 ČŠI (2012): Tematická zpráva. Postup transformace bývalých zvláštních škol ve školním roce 2011/2012. Accessible online at: <http://www.csicr.cz/getattachment/641ebe0e-36b3-4ba3-af8f-e5bf939040e2>.

One of the most serious problems has been the fact that up to 25% of children in a class for children with health disabilities (including mental retardation) could be children without any diagnosis. This “rule of tolerance” allowed schools to reach the required number of children without having to obtain a recommendation from the School Counselling Centre for every single child. There were stricter rules for placement of children with health disabilities in schools for children with health disabilities (the necessary condition being the consent of parents/legal representative and the recommendation of the school counselling centre) than for children without any health problem.

The Ministry for Education seeks to prevent future misplacements of Roma children into special school through the adoption of the “Consolidated Action Plan for the Execution of the Judgement of the European Court of Human Rights In the Case of D.H. and others v. the Czech Republic”.⁸¹ Some of the measures could be considered to be effective in preventing future placement of Romani children in special schools. Planned to be adopted in 2013, these measures are:

- The 25% tolerance of pupils with health disadvantages in a class for pupils with disabilities will be cancelled; Section 10 (2) of Decree no. 73/2005 will be amended.
- The possibility for the temporary placement of a pupil with health disadvantages or social disadvantages into a class for pupils with health disabilities will also be cancelled, as Section 3 (5) of Decree no. 73/2005 will be cancelled.
- The diagnostic stay will be cancelled and Decree no. 73/2005 amended accordingly.

The so-called diagnostic stay is used for the purpose of working with a child who needs special care. Such a child is then educated for a period of up to 6 months in a group of children with mental retardation or some other type of health disability. However, a diagnostic stay disproportionately increases the risk of the unjustified permanent placement of a pupil outside the mainstream system who could be educated within it.

Other very significant measures for the prevention of placement of Roma children in practical basic schools are:

- Preparatory classes may no longer be established at practical basic schools (amendment to the Education Act).
- It will not be possible to establish kindergartens at practical basic schools (amendment to the Education Act).
- The head teacher will decide on placement in preparatory classes on the basis of his/her own assessment of the special educational needs of the child (the condition of a report from a guidance centre will be cancelled)

The existing wording of the Education Act makes it possible to establish kindergartens and preparatory classes attached to all primary schools, i.e. also to practical primary schools. Children educated in preschool education facilities attached to practical primary schools may freely continue their education at that primary school, which is clearly inappropriate. It is therefore necessary to eliminate the risk that children in preparatory classes and kindergartens attached to practical primary schools will be “prepared” for enrolment in those schools.

As mentioned above, citing strong political support of this practice at practical schools both from coalition and opposition politicians, the Ministry decided not to implement the proposed ban on kindergartens and preparatory classes in practical schools.

The third Measure will be applied on the basis of the requirements and experience of the Agency for Social Integration. The preparatory classes are often the only possibility to support the entry of socially excluded persons into mainstream education.

81 To be accessed online on the website of the Council of Europe <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2186980&SecMode=1&DocId=1953724&Usage=2>.

Pre-school education

According to the above-mentioned World Bank report, only 28% of children from Roma families attend pre-school. In case of non-Roma living in the same neighbourhood, the enrolment rate is about 2.4 times higher (64%) whereas the national enrolment rate is 79%.

The low enrolment rate can partly be explained with the costs for pre-school education.⁸² However, as there is in many Czech municipalities a general shortage of kindergarten places, the will and ability of Roma to finance pre-school education is not the only issue. The general shortage of places in kindergartens is important also from a political point of view, as it makes it difficult for local decision-makers to pursue policies that might be perceived as giving preferential treatment to Roma.

Interviews with municipalities show that the locally established selection criteria often gave preference to working mothers, which, due to unemployment and the presence of younger children in the family, reduces the chances of Roma finding a place in the kindergarten. In October 2012 the Office of the Ombudsman formulated new recommendations about criteria for selection of children for pre-school education.⁸³ Some of the commonly used criteria used by directors of nursery schools are considered by the Ombudsman to be discriminatory – especially significant is the Ombudsman's statement that unemployment of parents cannot be the reason for the rejection of a child from pre-school education. The same is true in a situation when the mother is on maternity leave with a younger child. Such criteria were frequently used by directors of kindergartens before the official recommendation was published by Ombudsman.

As mentioned above, the Ministry expressed its willingness to gather the necessary information on the costs of the introduction of compulsory pre-school education through the realization of a feasibility study.

82 With the exception of the final year, when pre-school education is offered free of charge, a municipal kindergarten charges a fee that tends to be in the range of 400 - 800 CZK per child. In addition to this, parents need to cover the costs of meals and cultural activities.

83 Veřejný ochránce práv: Doporučení ochránce k rovnému zacházení v přístupu k předškolnímu vzdělávání, 2012. http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Doporuceni/Doporuceni-skolky-2012.pdf.

4. EMPLOYMENT

Unemployment has, since the beginning of the economic transformation, represented one of the most serious problems for Roma in the Czech Republic. While statistical data on Roma unemployment are not officially collected, the results of the UNDP/WB/EC Regional Survey can provide us with insights on the structure of Roma employment and unemployment. The picture emerging from the data in table 2 does not confirm popular beliefs that “the Roma are not working”, but the data clearly show that unemployment is a much bigger concern for Roma than for non-Roma. While 39% of the Roma in the labour force stated that they were unemployed, the corresponding value among non-Roma living in physical proximity to them was only 6%. The problem of unemployment is especially urgent among young Roma aged 15-24. Here, 61% of those already in the labour force stated that they were unemployed. Among their local non-Roma neighbours, this value is almost three times lower (21%).

Table 2: Employment of Roma and their non-Roma neighbours in 2011

	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Employment rate (15-64)	43%	76%	19%	64%	31%	70%
Employment rate (15-24)	19%	32%	9%	22%	14%	27%
Unemployment rate (15-64)	33%	5%	48%	6%	39%	6%
Unemployment rate (15-24)	59%	20%	64%	24%	61%	21%
Activity rate (15-64)	63%	80%	37%	68%	50%	74%
Last employment experience (15-64)	3.7	2.5	6.6	3.7	5.0	3.1
No employment experience rate (15-64)	32%	21%	41%	20%	37%	21%
No employment experience rate (15-24)	67%	60%	91%	50%	77%	56%
Self-employment rate (15-64)	4%	11%	1%	5%	2%	8%
Self-employment rate (15-24)	1%	0%	1%	0%	1%	0%
Informal employment incidence (15-64)	32%	10%	18%	7%	27%	9%
Informal employment incidence (15-24)	47%	5%	14%	27%	36%	13%

Source: UNDP/WB/EC Regional Roma Survey 2011

The high unemployment rate among Roma cannot be explained through a single factor, such as ethnic discrimination against Roma on the labour market or insufficient skills. While these two factors are extremely important and mutually reinforcing, another very important aspect is the territorial distribution of Roma, who are concentrated in areas with large structural problems and old industries, in which Roma were employed during the socialist era. As outlined in the chapter on housing, more Roma have come to these and other disadvantaged areas since the beginning of the transition due to the cheaper cost of housing. Another factor, which is sometimes discussed controversially, is the incentives provided by the welfare state, which can create situations where it makes economically little sense to accept regular employment. As is indicated by the reductions of various types of social support during the last years, the current conservative government's interpretation of the problem focuses very much on the last mentioned factor. In view of the difficult situation on the labour market since the beginning of the economic crisis, it is however a major question whether there is any realistic chance for many of the unemployed to find legal employment. An important and often overlooked deterrent to formal employment is indebtedness.

Even though recent legislative changes have somewhat reduced the de-motivating impact of payments to collectors, widespread indebtedness and the insufficient protection of poorer and less educated citizen from ruthless “loan sharks” remains a huge problem that can fundamentally alter an individual’s calculations about whether or not it makes sense to find a regular job at all.

Related to these debates is the often-discussed question of informal employment, which the survey sought to address in one of the questions posed. According to the survey, the number of those who stated that they “work without having a written contract” is significantly higher among the interviewed Roma (32%, and 47% among those younger than 24) than among their neighbours from the majority society. On the one hand side, this difference certainly reflects Roma’s more limited opportunities on the formal labour market. On the other, the survey also asked about employment preferences, and a relatively large group of Roma (41% as opposed to 17% of surveyed members of majority population) expressed a preference for irregular employment if this allows freedom to manage one’s own time (see table 3). While this finding might reveal also something about cultural preferences, it can also be seen as a realistic assessment of the low attractiveness of the kinds of work, typically physically demanding and badly paid, that might be accessible to job-seekers with low qualifications.

Table 3: Employment preferences of Roma and Non-Roma

	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Minimum monthly wage for which a person is willing to work full time as a percentage of average net monthly wages of the Czech Republic (16-64)*	59%	69%	59%	63%	59%	66%
Minimum monthly wage for which a person is willing to work full time as a percentage of average net monthly wages of the Czech Republic (16-24)*	57%	63%	59%	71%	58%	68%
Having secure employment but having to be at work 8 hours a day 5 days a week and not having the freedom to manage your time	59%	83%	63%	78%	61%	80%
Having irregular employment but being free to manage your time	41%	17%	37%	22%	39%	20%

Source: UNDP/WB/EC Regional Roma Survey 2011

Not directly addressed in the survey on employment preferences is the practice of doing informal work and receiving social benefits at the same time, allegedly a widespread strategy among Roma. In public and political discourse Roma are often accused of misusing the welfare state. The promise to prevent such misuse is a repeated slogan in every election campaign. As will be discussed in this chapter and a case study in the last part of this report, it has been one of the aims of the current government’s reforms to prevent cases of misuse through the introduction of various controversial measures, such as the DONEZ system or the introduction of a mandatory (unpaid) public service (declared unconstitutional by the Czech Constitutional Court in 2012).

Responsible for most of the employment-related activities that are foreseen in the Strategy for Roma Integration, the Ministry of Employment and Social Affairs tends to be reluctant to define its activities in ethnic terms. We will therefore discuss in the following section mostly mainstream policies that target people with lower qualifications who experience major difficulties in finding regular employment. It is in most cases impossible to tell how many of the people targeted by a certain initiative are Roma. One partial exception to this is the programmes financed by the European Social Fund, where the Ministry launched a number of calls that were explicitly aimed at inhabitants of socially excluded Roma localities.

Reform of the Labour Offices

Government policy in the area of Roma employment suffered from a lack of systematic policies and the contradictory effects of different chaotically adopted measures, which were often prepared without consultation with bodies responsible for Roma integration. Important goals declared in the 2009 Roma Integration Concept for 2010-2013⁸⁴ (such as increasing the number of public employment services staff working directly with clients, developing a system of methodological support, life-long learning and supervision for public employment services, ensuring the specialisation of public employment services, and developing a system for profiling job applicants according to their distance from the labour market) not only lacked quantified targets and implementation deadlines, but were in practice also hampered by the adoption of so-called Social Reform #I in 2011.⁸⁵ This reform included the reduction of the number of labour offices from 77, administering 250 employment centres and 400 offices dealing with social benefits, to 14 regional branches of the Central Directorate of Labour Offices in Prague and contact centres in 226 Czech municipalities. The reform led to the reduction of the number of employees in labour offices and also brought a substantial increase in their workload, which was expanded to include handling social benefits. Interviews conducted with labour office employees and municipal social departments (which used to be in charge of paying social benefits), conducted by authors of this report for the purpose of other recent studies, reveal a high level of dissatisfaction with the impact of the reform. While the labour offices seem to be overwhelmed by work, the employees of the municipal social departments complained that in consequence of the reform they had lost regular contact with their clients.

The individual approach to the unemployed was further limited by establishment of the so-called DONEZ system (DOcházka NEZaměstnaných = Attendance of the Unemployed) in 2012. This system requires selected unemployed people (those with a long history of unemployment) to report regularly at the “Czech Points” located at post offices and selected municipalities. Officials at Czech Points do not, however, offer any service or help to unemployed besides acknowledging the fulfilment of their new obligation. Applied to more than 70,000 unemployed people by the middle of 2012, the practice of DONEZ has been repeatedly described as unconstitutional by the Ombudsman.⁸⁶ The disorienting effects of the reform on both Labour Office officials and the unemployed were deepened by the repeated breakdown of the newly introduced electronic records system for the unemployed and social benefit recipients in 2012.

Active labour market policy

The Czech Republic uses re-qualification and counselling, public works schemes (see below) and the creation of subsidized workplaces, all handled by the Labour Offices as its main instruments of active labour policy. Priority is given to regions where the situation on the labour market is most complicated. However, the total budget available for active labour market measures has been shrinking in recent years. The most up-to-date Analysis of the Development of Employment and Unemployment that is available covers the first half of 2012. In comparison to the first half of 2011, the resources devoted to the active labour market policy were reduced by 900.5 million CZK or 44.6%. The tendency to reduce the scope of active labour market programmes goes back further in time: in the first six months of 2011 the spending was 29% lower than in the same time period of 2010.⁸⁷

The ministry declared in the 2011 Analysis of Employment and Unemployment Trends that in 2011 13,534 subsidised workplaces had been created and 50,561 persons received retraining. In terms of the proportion of re trainees who found work within a year of re-qualifying, the ministry declares that 40,8% of these

84 http://ec.europa.eu/justice/discrimination/files/roma_czech_republic_strategy_en.pdf.

85 Act no. 364/2011 Coll., No. 365/2011 Coll., No. 366/2011 Coll., No. 367/2011 Coll., No. 366/2011 Coll.

86 Press release of the Czech Ombudsman available at: <http://www.ochrance.cz/tiskove-zpravy/tiskove-zpravy-2012/ministry-prace-a-socialnich-veci-prislibila-zabyvat-se-systemem-donez/>.

87 Numbers are taken from *Analýza vývoje zaměstnanosti a nezaměstnanosti v 1. pololetí 2011* and *Analýza vývoje zaměstnanosti a nezaměstnanosti v 1. pololetí 2012*. Both studies can be accessed on the website of the ministry.

re-qualifications were successful. There is no information available about how many of the retrainees or the beneficiaries of subsidised workplaces were Roma.

The transformation of the public works scheme

One of the most important and at the same time most controversial aspects of the current government's social reforms has been the transformation of public works schemes. As described in the case study "Employment and Social Protection: Impact of the Social Reforms", public works schemes (then known as "work for public good") used to play an important role in many municipalities with Roma inhabitants. Having few other opportunities to find legal employment, Roma were in many cases the biggest group of public workers. They were typically employed cleaning public spaces or were engaged in similar activities which have low requirements in terms of qualifications and are not too complicated to organize. While this type of activity can certainly not be considered a solution to the complex problem of Roma unemployment, interviewed former public workers, local politicians and local representatives of Labour Offices shared a very positive opinion on the public works principle in the form it took before the introduction of the social reforms. They described the old scheme in particular as a meaningful way to improve poor people's income, which had positive effects in other areas, such as spending on health and education.

The Social Reform first replaced the old system with a new, far more restrictive one. According to the newly adopted legislation, since 1 January 2012 unpaid community service has been obligatory for any registered unemployed person summoned by a regional branch of the Labour Office. If a job-seeker registered with a Labour Office of the Czech Republic for more than 2 months refuses without serious reason the 'offer' of the Office to do unpaid community service for up to 20 hours a week, he or she is deleted from the register and loses unemployment benefit and in some cases also 6 months of material benefit payments. Only those who perform satisfactorily in unpaid public service are given a chance of promotion into the second level of the so-called "permeable system of employment": paid publicly beneficial services. The measures we have just described were adopted within Social Reform #1 and directly threatened goals adopted by the government as recently as Autumn 2011 within the Strategy for Combating Social Exclusion, which defined among other goals that of efficiently using "benefit systems for activating employment and the preparation of a joint methodology for the implementation of the gradual system of employment."

This and other provisions of Social Reform #1 were brought before the Constitutional Court by a group of members of parliament. On 27 November 2012 the Constitutional Court abolished the institute of obligatory unpaid community service but retained other parts of Social Reform #1 that were already in force.⁸⁸ The abolishment of the unpaid service led to a chaotic situation. According to unofficial information from within the government, the Ministry plans to create a new system of public works that would be smaller and more flexible. While a higher degree of flexibility might have the virtue of supporting job-seekers in the best possible way in their efforts to find a way into regular employment, it is unclear what this means in terms of the overall amount of resources that will be available for this important element of active labour market policy.

Other labour-market related activities

As discussed in this report's case study on the structure and distribution of Roma-targeting projects financed by EU structural funds, resources from the European Social Fund were used to finance a large number of projects. However, as the Fund's database does not contain information on the ethnic identity of the project beneficiaries, it is difficult to come up with estimates on the number of projects that were reaching Roma and impossible to exactly count the number of Roma that were involved.

Particularly relevant for Roma is Priority Axis 3 “Social Integration and Equal Opportunities” of the “Human Resources and Employment” Operational Programme. Until mid-2012, the Ministry supported the realization of 173 projects in this area. While many of these projects sought to improve the skills and motivations of immediate beneficiaries, there have been also projects that led directly to the creation of workplaces (social enterprises). Reacting to feedback from beneficiaries, the Managing Authority sought to stress the aspect of workplace creation in the last two published calls.⁸⁹ As the Czech Republic’s monitoring system for structural funds does not allow the systematic identification of beneficiaries, it is not possible to provide numbers on the number of targeted Roma.

Another goal of the Roma Integration Concept for 2010-2013 – *Support for social entrepreneurship in favour of difficult-to-place inhabitants of socially excluded Roma localities and implementation of a strategy to develop the local labour market in socially excluded Roma localities* was only partially fulfilled by the experimental introduction of a requirement for contractors in public procurement of the municipalities to include 10 percent of long-term unemployed people in their workforce (so far applied only in the city of Most)⁹⁰ and by the establishment of several social companies employing long-term unemployed people (among them Roma). According to the network of social entrepreneurs in the Czech Republic the number of social companies reached 70 in September 2012. However, most of these focused on the employment of people with physical disabilities rather than Roma.⁹¹ The Agency for Social Inclusion encourages municipalities and local NGOs participating in local partnerships to come up with ideas for social enterprises. It also supports potential applicants with specific know-how and has, for example, carried out feasibility studies to verify the sustainability of some proposals.

In the opinion of some Roma representatives, one important, but unfortunately neglected, strategy for the support of Roma employment would be to support Roma entrepreneurs. There are no specific schemes for this goal, yet a number of social enterprise projects have been developed by, or in co-operation with, Roma entrepreneurs.

The lack of flexibility and sustainability of the existing grant schemes might be one reason why an obvious model for the creation of work opportunities – creating jobs by addressing the housing emergency – is very seldom applied.

89 Ministry of Labour and Social Affairs: *Analýza vývoje zaměstnanosti a nezaměstnanosti v 1. pololetí 2012*, 57-59. Accessible online at: http://portal.mpsv.cz/sz/politikazamest/trh_prace/rok2012p1/anal2012p1.pdf.

90 <http://www.socialni-zaclenovani.cz/dejte-praci-i-nezamestnanym-jinak-od-nas-zakazku-neziskate>.

91 http://www.p-p-p.cz/images/Pdf/Seznam_socialni_podniky_zari_2012.pdf.

5. HEALTH

The comparison of OECD health indicators shows that the Czech Republic's health care system has distinct strengths and weaknesses, yet offers in principle services of comparable quality to those offered in many of the old EU member states.⁹² Combining social health insurance with a mixture of public and private health providers, the system also presents relatively low access barriers for Czech citizen and EU citizens visiting the Czech Republic with a European health insurance card. As the majority of Roma live in urban areas, the geographical distance to health providers is also less of an issue than in countries where Roma are concentrated in rural regions with underdeveloped infrastructure.

Despite these favourable general conditions, the findings of the 2011 UNDP/WB/EC regional survey summarized in table 4 and a number of earlier studies demonstrate that the health status of Roma is worse than that of non-Roma living near the interviewed Roma or of the majority population in general.⁹³ While the self-assessment of personal health status of the Roma interviewed for this report does not reveal significant divergences compared to non-Roma, the 2011 survey revealed major differences with regard to preventive medical checks. Despite these findings health issues were given relatively little attention in the strategic documents that are supposed to guide the process of Roma inclusion. As will be shown in this chapter, there are very few health-specific government activities that specifically target Roma, and the NGO sector has also paid relatively little attention to health-related issues. Two important exceptions to this are the situation of children in institutionalized care, where the Czech Republic has finally taken its first steps towards the de-institutionalization of the care system, and the important issue of unlawful sterilizations.

Data on Roma population's health status and health-related behaviour

Drawing both on existing studies and on her own experience of working in the health sector, Lýdia Polačková from the Ostrava office of the Counselling Centre for Citizenship, Civic and Human Rights (Poradna) describes this problem in a background paper written for the purpose of this report in the following words:

"According to one recent study,⁹⁴ the physical condition of the Roma population is worse than that of the majority population. The most important findings are:

- infant mortality is twice as high as the national average;
- life expectancy of the Roma population is ten years shorter than the national average;
- higher spread of infectious diseases, in particular hepatitis B and C;
- Roma children are insufficiently vaccinated;
- problematic nutritional habits (with negative impact on dental health);

92 Health <http://www.oecd.org/health/healthpoliciesanddata/49105858.pdf>.

93 The data from the survey can be accessed here: <http://europeandcis.undp.org/data/show/BC65A1E7-F203-1EE9-B78AE561E9A8B48F>. For a comparative analysis based on this survey see: Mihailov, Dotcho The health situation of Roma communities: Analysis of the data from the UNDP/World Bank/EC Regional Roma Survey 2011. Roma Inclusion Working Papers. Bratislava: United Nations Development Programme, 2012. To be accessed online at: http://issuu.com/undp_in_europe_cis/docs/health_web.

94 Nesvadbová, L., Rutsch, J., Kroupa, A., Janečková, H., Schneiberg, F., Křížová, E., Kožnerová: Determinanty zdraví romské populace v České republice 1999-2001. Praktický lékař, č. 83, 2003 č. 3, pp 139-159.

- higher number of injuries and accidents;
- high fertility rate with pregnancies common from early till advanced age;
- low level of information concerning family planning;
- insufficient prevention of gynaecological diseases;
- early aging and early appearance of illnesses that are typical for a particular age group.”

Mrs Polačková further states on the basis of her own experience that Roma only take measures to prevent disease in exceptional cases. Driven by pain, Roma would in many cases see a doctor for the first time only when the disease is already in an advanced stage:

“In addition to this, Roma tend to be afraid of operations and of the diagnosis of serious diseases. Their perceptions and behaviour are influenced by strong emotions. And they are used to openly expressing these emotions, which can lead to irritation among the healthcare staff. The different perception and style of communication, the low educational level, and the insufficient access to information are all significant factors that influence the health status of the Roma population. The key for improving the situation lies in better communication between Roma and healthcare staff. In practice, this means for example avoiding the use of medical jargon, explaining things clearly, being patient, and providing feedback.”

Table 4: Health of Roma and Non-Roma neighbours in the Czech Republic (2011)

	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Health assessment						
1. Proportion of people with a bad health assessment	11%	7%	10%	8%	11%	7%
2. Proportion of people with a good health assessment	75%	80%	74%	79%	75%	79%
Access to medical insurance	91%	98%	94%	97%	93%	98%
Incidence of specific medical checks*						
1. Dental check-up	29%	77%	36%	81%	33%	79%
2. X-ray, ultrasound, or other scan	20%	27%	27%	35%	24%	32%
3. Cholesterol test	15%	32%	22%	40%	19%	37%
4. Heart check-up	19%	27%	25%	30%	22%	29%
No access to essential drugs	44%	10%	45%	11%	44%	11%
Access to health services	86%	98%	88%	99%	87%	99%
Perceived vaccination rate (0-6)	93%	99%	96%	98%	95%	98%
Perceived vaccination rate (6)	95%	100%	100%	100%	97%	100%

Source: UNDP/WB/EC regional Roma survey 2011⁹⁵

Another issue highlighted in the 2011 survey is the impact of health-related expenditure on family budgets. As can be seen in table 4, there is a much higher proportion of Roma (44% as opposed to 10% non-Roma) who reported that they could not afford to purchase medicines prescribed to/needed by a member of their household. Even though recipients of social support for people in material need are exempted from most payments, this already high number might have increased further in recent years as a result of the introduction of fees for medical examinations and prescriptions (2008) and the reduction of various forms of social support (in particular for people with disabilities). On the other hand, there are still subsidies available to cover the medical costs of poor patients with chronic diseases. In such cases, the necessary medicine can be purchased directly by the insurance company and handed out to the

95 Accessible online at <http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>.

patients by the doctor. While this system ensures that poverty does not prevent access to necessary treatment, Lýdia Polačková stresses in this context that non-payment can have dramatic consequences even in cases where the initial sums are not particularly high. Some hospitals transfer even small debts (such as the fee charged for hospital emergency services, about 90 CZK (ca. 3,60 EUR) to professional debt collectors.⁹⁶ As in the Czech Republic this leads to extremely high additional costs for the debtor, such a situation can represent the patient's entry into the cycle of indebtedness.

It is at the same time important to realise that the question of health can not be considered in isolation, but needs to be seen in the context of factors characterizing other areas of life, which tend to affect health negatively. As Lýdia Polačková points out in her background report, one of these factors is housing:

“In the case of Roma living in socially excluded localities, the health situation is in also negatively affected by the housing conditions, which are often characterized by wet and mouldy walls, pests and transmitters of infections, and, in the case of dormitory-type accommodation, shared toilets and washing facilities, and the concentration of many people in a very limited space. As the housing conditions continue to deteriorate, health status worsens.”

Other potentially negative factors mentioned by Polačková are working conditions (in particular in cases where Roma are employed without contracts to perform hard physical labour and are exposed to environmental dangers without adequate training and equipment), the uncertainty and stress caused by unemployment and social exclusion and, sometimes linked to this, the impact of certain lifestyle factors such as drug use and alcohol consumption.

Lack of registration documents is not a major problem in case of Roma who are Czech citizens. It is, however, quite a common problem that Roma hold several cards from various insurance funds without knowing which insurance is currently valid. In such a situation the doctor's office has to call all the insurance companies in order to find out which card is valid and thus ensure payment for his work. Even in situations where a patient with Czech citizenship has lost his/her insurance protection by his own fault, the costs of an operation are usually covered by the patient's last insurance.⁹⁷

Patient rights and discrimination

Patient rights are regulated in the Law on Health Services and Conditions for their Provision (372/2011 Sb.). While it is difficult to estimate the extent to which healthcare staff adhere to these standards, it is certainly possible to say that doctors are in general more aware of patient's rights than they were during the 1990s. Increased awareness has been supported by improved legislation and by a number of court rulings in which patients were granted compensation for mistreatment by doctors.

Discrimination and violations of the patients' rights could occur both because of negative attitudes of individual health workers towards Roma and because of difficulties with communication. Roma have the same opportunities to file complaints as any other citizen. There is a general reluctance in the Czech Republic to enforce rights through legal action, as courts are known to be slow and their rulings tend to be difficult to predict, at least at the level of lower courts. Obviously, the obstacles are even higher in the case of Roma, who will in most cases lack the necessary financial resources to pay for legal representation. Their position at court might also be weakened by racist attitudes towards Roma, by their often very emotional way of communicating and, on the other hand, by the reluctance of health workers to speak out against the members of their own profession. Roma will in most cases depend on support by NGOs in order to be able to file an effective complaint. The availability of such services differs from region to region and from municipality to municipality (see also chapter on anti-discrimination). In the case of larger hospitals where such a post has been established, another possibility is to complain through the hospital's Ombudsman.

⁹⁶ There is, however, a waiver of these fees for children, citizens in material need and a number of other groups.

⁹⁷ This information is based on the co-author's own experience in the health sector and was confirmed by a public insurance company.

Health Issues in the Roma Integration Concept

The Czech Republic's existing legal framework ensures that all citizens have access to medical care and basic social protection. From a formal point of view, it is not possible for a patient to be denied the necessary care. But while the law guarantees equal treatment for everyone, there are some specific issues faced by Roma in healthcare that the system is not able to address adequately.

While the introduction of Roma health assistants is the only specific measure included in the Roma Integration Concept/NRIS that addresses this issue, its implementation did not go beyond pilot schemes of very limited scope. In 2006 the Ministry of Health published a set of guidelines for Roma health assistants. However, the Ministry has so far failed to establish a grant programme that would make it possible to introduce this service on a larger scale. To some extent, social field workers engaged by NGOs or the social departments of municipalities do provide information on available medical services.

Efforts to improve co-ordination between health-related institutions and other stakeholders might at best be observed at local level in certain municipalities (for example, such efforts have resulted from the establishment of local partnerships under the guidance of the Agency of Social Inclusion). Yet, even in such cases, health is usually not seen as an area of primary concern.

The health of the Roma population is mostly threatened by developments in other areas, especially housing. As outlined in the relevant section below, the housing situation of the Roma is getting steadily worse and the country lacks an effective strategy to prevent the minority's further concentration in segregated, low-standard housing areas.

Women's rights in healthcare and the legacy of unlawful sterilizations

Concerning women's rights in healthcare, an important development is the adoption of stricter rules on consent to sterilization. The adoption of Act 373/2011 Sb. with new consent rules marks the end of the more permissive norms contained in the previous, 40-years-old regulation.

Cases of unlawful sterilization of women, amongst them many Roma, during the socialist era and during the 1990s have in the past repeatedly led to criticism by international bodies and the Czech Ombudsman. Supported by the Ostrava-based NGO "Vzájemné soužití", a group of victims formed around Elena Gorolová and worked hard to promote public awareness of their situation. While the official apology by the Czech Prime Minister Jan Fischer to the victims of non-consensual sterilization was an important milestone, the Czech government has not yet reacted to the Ombudsman's recommendation that it should come up with a scheme of financial compensation. The case of R.K. against the Czech Republic, in which the Czech Republic was sentenced to pay 10,000 EUR for unlawful sterilization, could contribute to addressing the situation.⁹⁸

Roma children in institutionalized care

As pointed out in the Strategy for Social Inclusion, the protection of children's well-being is another important Roma-related issue, which has strong connections both with both the health system and the Roma population's health status.⁹⁹ As summarized in a 2008 analysis by the Ministry of Interior of the Czech Republic, services that are supposed to ensure support for families in situations of crisis are understaffed and underdeveloped.¹⁰⁰ In situations where parents are unable or unwilling to ensure the well-being of their children

98 <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115481>.

99 Strategy for Combatting Social Exclusion for the Years 2011-2015, 15-16.

100 Ministry of the Interior (2007): *Hodnocení systému péče o ohrožené děti*. Accessible online: <http://www.mvcr.cz/soubor/hodnoceni-systemu3-pdf.aspx>.

without assistance, social workers and courts are at the same time very likely to interfere radically in the relationship between parents and their children by placing the latter in institutions. Before this practice was banned by the Highest Court of the Czech Republic in early 2011, there were cases when such a decision was taken solely because parents lacked the necessary financial resources.¹⁰¹ In consequence, the Czech Republic is among the countries with the highest number of children placed in institutional care.¹⁰² Clearly this is a left-over from the paternalist and collectivist attitude of the socialist era, but it is striking that the total number of children placed in institutional care did not decrease after 1989 but has actually risen.¹⁰³ This development is even more remarkable when we consider that the 1990s were characterized by a sharp decline in birth rates.

Roma are strongly overrepresented among the children placed in institutional care. Based on official data, a recent report by the European Roma Rights Centre concluded that about 30% of children under three years of age living in infant institutions and homes for children were Roma while only 3% percent of children in the same age group in the whole population were Roma.¹⁰⁴ There are no official estimates concerning the ethnic composition of older children. However, as there is very widespread reluctance among members of the Czech majority population to accept children of Roma background for adoption, it has to be assumed that the disproportion might be even higher when it comes to older children.

Based on statistical analysis, a study published by the Ministry of the Interior in 2008 concluded that the system of institutional care produces and strengthens criminal behaviour. Out of 17,454 children monitored between 1995 and 2004 as many as 8,866 (51%) committed a criminal act only after leaving the institution (meaning they did not have any criminal record before entering the institution). This is one of the reasons why most of the people who leave the institutions end up in the vicious circle of social exclusion, criminal behaviour and marginalization.¹⁰⁵ Hence the Socio-legal Protection (SLP) system in its current form on the one hand contributes significantly to the racialization of the penal system, while on the other hand it weakens the ethnic identity of the Czech Roma.¹⁰⁶

As a response to increasing criticism by NGOs and also international bodies such as the European Commission, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), on 7 November 2012 the Czech Parliament passed a law intended to fundamentally transform the care system. The aim of the law is to reduce the number of children who are being institutionalised by offering far more support to vulnerable families. Social workers will be trained to work closely with families and to develop tailored support plans for every child in need. They will be encouraged to regard the removal of a child from its natural family as a last resort. The law should also lead to the establishment of systematic rules and selection procedures for foster carers and to the creation of the necessary conditions for the consolidation of their professional status (training, development of individual care plans for each child, increased financial support). The bill also introduces and defines "short term foster care" as a special category and improves the conditions of those providing such services in cases when parents are temporarily unable to care for their child (e.g. because of illness or imprisonment).

101 http://zpravy.idnes.cz/chudoba-nesmi-byt-jediny-m-duvodem-pro-odebrani-ditete-rozhodl-soud-1dx-/domaci.aspx?c=A110114_105113_domaci_js.

102 For a comparison with other Central and Eastern European countries who are known to be among the countries with the highest numbers of children in institutional care, see: http://www.nadacetm.cz/files/files/dokumenty/Problematika_Podil_deti_v_UP_na_100tis_obyv.pdf. While Bulgaria leads in the category of children under 3 years, the total proportion of children aged 0 – 17 is, among the listed countries, by far the highest in the Czech Republic (1,313.3 children per 100,000 inhabitants, followed by Poland with 725.7 children). Despite the drastic fall in the birth-rate after 1990, the number of children in institutional care grew continuously and almost doubled in the period from 1990 till 2006.

103 After 1990, the number of children in institutional care grew continuously and almost doubled in the period from 1990 till 2006.

104 ERRC (2011): Life Sentence. Romani Children in State Care in the Czech Republic, available at <http://www.errc.org/cms/upload/file/life-sentence-romani-children-in-state-care-in-the-czech-republic-20-june-2011.pdf>.

105 Ministry of labour and social affairs (2008): Analýza současného stavu institucionálního zajištění péče o ohrožené děti. Accesible online: <http://www.mpsv.cz/files/clanky/7305/Analiza.pdf>.

106 European Roma Rights Center: Life Sentence: Romani Children in State Care in the Czech Republic. Accesible online: <http://www.errc.org/cms/upload/file/life-sentence-romani-children-in-state-care-in-the-czech-republic-20-june-2011.pdf>.

6. HOUSING

Crowded conditions, insanitary dwellings, exposure to environmental threats, segregation from the majority population, high costs and permanent insecurity - there are many reasons why housing is for many Czech Roma among the most urgent problems in life. Bad housing conditions are at the same time an especially important obstacle to Roma integration, as they powerfully affect other dimensions of life, such as health or employment and education opportunities.

The NRIS introduces the following housing-related measures: Revitalisation of socially excluded Roma localities by developing integrated urban development plans through financial and expert support to cities; Support for access to social housing for low-income Roma households through better targeting of the government's social housing programmes; Protection of Roma households against the unlawful practices of persons and organisations in the property market through monitoring of discrimination and enforcement of anti-discrimination; Preventing loss of accommodation as a result of rent arrears through social work and the institute of special recipient and community housing.¹⁰⁷ Yet even though the authors of the Concept for Roma Integration 2011-2014 seem to have been aware of the crucial importance of housing for Roma integration, very little progress has been achieved at political level since the concept was written.

As will become evident in this chapter, the Czech Republic continues to lack a comprehensive national strategy for the housing needs of poorer people, who are dependent on access to affordable housing. Even though there exists a state funding scheme for the creation of social housing, municipalities tend to be highly reluctant to use such schemes to satisfy to housing needs of the very poorest and in particular of the Roma. Most representatives of NGOs from different parts of the Czech Republic interviewed for the purpose of this report stated that at the same time problems with housing are becoming steadily worse. This was further supported by data from interviews with Regional Roma coordinators.¹⁰⁸

Genesis of the current housing crises and current situation

Among poor people without housing of their own, Roma are strongly over-represented. According to the 2011 UNDP/WB/EC Roma survey, only 13% of the interviewed Roma households claimed to be owners of their flat or house while 79% claimed to be tenants of private landlords or local municipalities.¹⁰⁹ In the overall population, the situation is the opposite. According to the Czech Statistical Office's Statistics on Income and Living Conditions, in 2011 only 18.7% of Czech households had to pay rent, while 77.9% owned their house or flat either directly (67.6%) or indirectly (10.3%, through membership in a housing co-operative).¹¹⁰

The diminishing amount of rented housing is the result of the ownership-oriented housing policies followed since the beginning of the transformation. The Czech housing expert Martin Lux estimated in a recent publication that 70-75% of originally publicly owned housing had been sold to sitting tenants at advantageous prices by 2009. In consequence, the proportion of publicly owned housing decreased from 35% in 1990 to

107 Concept for Roma Integration 2009-2013, 43-50.

108 Secondary data, interviews with Regional Roma coordinators conducted in the course of EC assignment " Good practices and integrated approaches to improving Roma living conditions in Europe".

109 <http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>.

110 http://www.czso.cz/csu/2012edicniplan.nsf/engpubl/3012-12-eng_r_2012.

an estimated 10% in 2009.¹¹¹ However, as Martin Lux points out, this segment of the housing market cannot be equated with social housing as a substantial portion of it does not serve people in need.¹¹²

Why were Roma much less able to benefit from these municipal privatization schemes? Already in 2002, Andrea Baršová from the Czech Government Office outlined a number of factors that put Roma at a disadvantage. The first of these is the settlement pattern during the socialist era, when most Roma were living in old and often neglected flats. In contrast to the housing stock built during the socialist period, at least in some parts of the country the majority of these older houses were restored to their former owners. Urban regeneration schemes and the commercial interests of private owners led to considerable pressure on Roma and other poorer tenants, in particular in Prague and in the historical parts of other economically successful cities. This pressure can take various forms: as a result of the deregulation of rents over the last few years, paying the rent has become a primary concern for poorer people. Already in the years before deregulation began, many Roma were offered financial compensation for moving to replacement housing, either located in less attractive locations within the same municipality or in regions with limited economic potential. One result of these developments is the growing concentration of Roma in disadvantaged areas where housing is cheap but at the same time economic opportunities are scarce. Researchers analyzing this development describe it as conscious municipal housing policy of displacement.¹¹³ It has also been documented that the relocation of Roma households from urban areas in Bohemia and Moravia, orchestrated by real estate agencies and more or less consciously supported by municipal authorities, led for example to the creation of the second largest Czech ghetto in the Litvínov-Janov housing estate.¹¹⁴ In some other cases, such as the poor and peripheral Šluknovsko region, where anti-Roma protests were fuelled by claims about orchestrated mass immigration from other parts of the Czech Republic, these claims have been rebutted in studies.¹¹⁵

In cases where Roma were living in buildings that were sold off by the municipalities, the locally established conditions for participation in tenant privatization schemes (e.g. no debts towards the municipality, ability to pay a part of the total price immediately) prevented most Roma from participating in the scheme. In some municipalities, houses that are predominantly inhabited by Roma were sold to private investors, who soon discovered that, thanks to the system of housing subsidies, it can be a very lucrative business to house the poor. Since the initial investment does in many cases pay off within a few years, the economic strategy of such “slum barons” is often short-lived. As is demonstrated by the widely discussed recent cases of Ostrava Přednádraží Street¹¹⁶ and Ústí Předlice,¹¹⁷ where the rapid worsening of housing conditions resulted in the eviction of the Roma inhabitants of various buildings, in its extreme form this short-term business approach can result in the destruction of housing within a few years. The owners did not invest in the maintenance of their property and the municipality did not control the quality of housing, which resulted in an emergency situation where all the tenants, including those without any debts, had to move out.

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- 111 Lux, Martin; Peter Sunega: *New Social Housing Strategies in Postsocialist Countries*. In: Hegedüs, József; Martin Lux; Nóra Teller (2012): *Social Housing in Transition Countries*. Oxon: Routledge, 309.
- 112 Lux, Martin (2012): *The Czech Republic. Locked Between Municipal and Social Housing*. In: Hegedüs, József; Martin Lux; Nóra Teller (2012): *Social Housing in Transition Countries*. Oxon: Routledge, 160.
- 113 E. g. Ripka (2008): *Lokalita Břeclav*; In: Janků, Kašparová, Ripka (eds.) *Dlouhodobý monitoring situace sociálně vyloučených romských komunit. Moravské lokality*. Brno: Masarykova Univerzita and Ripka (2009): *Závěrečná zpráva z projektu „Výzkum a doporučení pro bytovou politiku zaměřenou na nízkopříjmové domácnosti v Roudnici nad Labem“*. Praha: Otevřená společnost, o. p. s.
- 114 Socioklub (2009): *Sociální past. Situační analýza sociálně vyloučených lokalit na území města Litvínova se zaměřením na sídliště Janov*. Praha: Agentura pro sociální začleňování. The analysis also cites one real-estate agency employee who was very open about the process: “We find a “problematic” family for example in Prague who owe 100 000 CZK and we buy them a flat in Janov, pay off their debts and give them for example some 100,000 more. So the costs are 300 000 CZK. And then their flat in Prague is sold for 1,5 million CZK and we have the business. And that is what it is all about in Janov.” (p. 11).
- 115 A detailed study on (domestic) Roma migration in this region revealed that migration happens mostly between neighbouring cities, as there is a larger group of people unable to find permanent housing. (Kafková, Jiřina; Linda Sokačová; Edit Szénássy (2012): *Analýza migračních trendů na Šluknovsku*. Prague: Agentura pro sociální začleňování. Accessible online: <http://www.socialni-zaclenovani.cz/dokumenty/dokumenty-pro-lokalitu-sluknovsko/analiza-migracnich-trendu-na-sluknovsku-kafkova-j-sokacova-l-szenassy-e-2012/download>).
- 116 Information on the case of Přednádraží Street in Ostrava, where 76 adults and 101 children were evicted, can be found on the website <http://www.sosprednadrazi.cz/>. The position of the city of Ostrava, which owned one of the evicted houses, is summarized in this text: <http://www.ostrava.cz/cs/o-meste/aktualne/kampane/prohlaseni-magistratu-mesta-ostravy-k-lokalite-prednadrazi/>
- 117 <http://www.romea.cz/en/features-and-commentary/analyses/czech-republic-the-fatal-catastrophe-of-the-predlice-ghetto>.

A specific case is the city of Ostrava, where the private firm RPG acquired about 44,000 flats with sitting tenants as part of the privatization of Czech industry in 1990s. About 6,000 of their flats were situated in socially excluded localities in 2011.¹¹⁸

The last decade saw a continuous worsening of the situation. Having in many cases silently accepted the growth of debts by Roma tenants who failed to pay their rent regularly, many Czech municipalities began to evict so-called “non-paying tenants” and transfer them to substandard accommodation (so-called *holobyty*), which are often in highly segregated locations. The pathological spread of high-interest money-lending and indebtedness towards professional lenders within many local Roma communities helped to further accelerate this development. Today, the function of the *holobyty* as last-resort accommodation is increasingly being taken over by commercially operated hostel-type accommodation (*ubytovny*). Initially mainly specialized in the housing of temporary migrant workers, the owners of hostels began to react to the housing needs of Roma and other groups of Czech citizen with difficulties on the regular housing market. It can be a very lucrative business, and some municipalities began to operate municipal hostels as an income-generating activity. Interestingly, Czech law allows the owners of hostels to receive the rent directly from Labour Office funds earmarked for housing allowances. In the case of regular housing this direct payment of rent is possible only after the so-called “Institute of a Special Receiver” (*Institut zvláštního příjemce*) has been established by the local Social Department.¹¹⁹

In many cases overcrowded and neglected, with shared sanitary facilities, hostels are very ill-suited to act as a stable home for families with children. According to the observations of social workers from NGOs interviewed for this report, the involuntary move from a normal flat to a hostel can represent a traumatic event which may be powerful enough to transform families which were known to be able to care for themselves into “problematic cases, full of fatalism.” Sadly, there are indications that the Ministry of Regional Development will base its long-awaited (and severely delayed) concept of social housing on commercially operated hostel-type accommodation. In April 2013, on the initiative of the author of this chapter, a number of Czech academics from various faculties issued a protest against the publication of a study by the Ministry for Regional Development, in which hostel-type accommodation was unquestioningly discussed as a basis for government social housing policy.¹²⁰

It was suggested to the Ministry by the author of this chapter that such a solution would cause further problems, but the Ministry seems to have prepared the programme already and is not willing to discuss the issue.¹²¹

Segregation

While there are also state officials, such as the head of the Agency for Social Inclusion, who declare that the number of segregated locations has increased in recent years, it is currently not possible to provide exact data that would make it possible to map the developments of the last years.¹²² A detailed mapping was conducted in 2005 by Gabal Analysis and Consulting, which described the character of identified locations and gave information on services that are provided by the municipality and NGOs. According to this study, 67,500 Roma (about one third of the Roma in the Czech Republic) lived in 330 socially excluded localities

118 http://fra.europa.eu/sites/default/files/fra_uploads/1481-roma-housing-conference-SSvoboda-ppt.pdf.

119 Information on this instrument of social policy, which was introduced to prevent rent default of unreliable tenants, can be found on the website of the Agency for Social Inclusion: <http://www.socialni-zaclenovani.cz/vyuzivani-institutu-zvlastniho-prijemce-davky>.

120 Institute of Territorial Development (2012): Social hostels as long term housing for the socially weak” by <http://www.mmr.cz/getmedia/4ac18d7b-9914-413e-b43a-52c4e8b7fdf9/B10-Zaverecna-zpr-2012.pdf>.

121 <http://www.romea.cz/en/features-and-commentary/commentary/commentary-should-the-state-obstruct-or-support-social-residential-hotels>.

122 The 2011 census cannot be used, as only a very small number of Roma self-declared their ethnicity. Nor can the above-mentioned UNDP/WB/EC Roma survey from 2011 really be used for this purpose, as the sample of surveyed socially excluded localities seems to be based on the 2005 Gabal Mapping, therefore mostly leaving out those new forms of segregated solutions that have emerged over the last years (especially hostel-type accommodation).

in 2005.¹²³ While some of these locations are whole neighbourhoods or streets, which are often on the outskirts of the municipality or physically separated from the rest of the built-up environment, others are single structures surrounded by other buildings. There are great differences between the localities with regard to living conditions, ownership structure and also the ethnic composition of the population. While some can be considered traditional Roma quarters (which in some cases are now subject to gentrification pressures) others have emerged within the last two decades as a consequence of the above-described processes. There should be a new mapping in 2013-2014.

There is no co-ordinated national policy to promote spatial de-segregation. The government Agency for Social Inclusion has declared access to housing as one of its stated objectives, yet its possibilities for intervention are very limited. Focusing on those municipalities where local partnerships has been established, the Agency tries to persuade local decision-makers to come up with strategies for de-segregation and the improvement of the housing situation of the poor. One obstacle to such plans is the limited number of municipal flats, which, if they exist at all, tend to be occupied by long-term tenants. The second obstacle is the lack of interest among local decision-makers and their fear of public opinion.

As a result, most Czech municipalities do not develop any systematic de-segregation policies. Indeed, some municipalities have actively pursued policies that led to segregation, while others remain passive and allow segregation to happen without intervening. Another problematic approach was described by local decision-makers as “deconcentration”. While this was presented to the public as the eradication of a socially excluded locality, the policy was implemented at the expense of its former inhabitants, who were often left with no housing opportunities (i.e. at Kladno, Duchcov and other places).

Already since 2003, the Ministry for Regional Development has been implementing the “Construction of Supported Flats” programme. The official objective of this programme is “to offer social housing for persons with difficulties in accessing housing due to special needs related to their unfavourable social situation – age, health state or social conditions of their life”.¹²⁴ The grant covers 80% of either the acquisition or the construction of a flat by the municipality or the refurbishment of a municipal flat. Currently it is not possible to combine both acquisition and refurbishment. There are many places where a flat can be bought at a very low price, i.e. around 7,500 EUR, so co-financing by the municipality is not expensive.

However, due to a number of problems, municipalities are in general reluctant to implement this measure. According to housing expert Jan Snopek from the Agency for Social Inclusion, the first problem is the *de minimis* rule, which limits the possibility of providing public support.¹²⁵ Some municipalities have already reached the set limit, while others prefer to use the permitted sums for other purposes. It is important to point out that social housing falls under the *de minimis* rule in the Czech Republic because of the very fact that social housing is not defined by Czech law. The second problem is that it is not possible to pay for both the acquisition of a flat and its refurbishment from this grant. In the case of poorer municipalities with empty houses in poor condition, it is precisely this combination that would be most urgently needed. The third - and most fundamental - problem is that the municipalities are often very reluctant to target any housing measures on Roma households. In interviews conducted in earlier studies by the authors of this report, mayors referred to negative public opinion, the fear of attracting Roma from other municipalities and concerns about how to ensure the regular payment of rent.

The reluctance to build social housing can be illustrated by a comparison of the investments from the programme in different target groups. Whereas the programme supported flats for senior citizens by 2.36 billion CZK between 2003 and 2012, investments in social housing amounted in the same period only to 0.41 billion CZK. This point might be illustrated even better through an example: municipalities in the

123 <http://www.esfcr.cz/mapa/> and http://www.opensocietyfoundations.org/sites/default/files/no-data-no-progress-country-reports-20100628_0.pdf.

124 <http://www.mmr.cz/cs/Stavebni-rad-a-bytova-politika/Bytova-politika/Programy-Dotace/Programy-podpory-bydleni/Programy-podpory-bydleni-pro-rok-2013/Podprogram-Podpora-vystavby-podporovanych-bytu>.

125 Up to this point, the European Union’s *de minimis* rule has applied to the housing programmes of the Ministry of Regional Development. According to this rule, total public support cannot exceed 200,000 EUR within a three-year period. The Ministry is however seeking to achieve a change in the rules in order to eliminate this limitation. (<http://www.sfrb.cz/servis/dotaznik-de-minimis.html>).

Pardubice region, which has a considerable population of socially excluded Roma (GAC 2006) did not use any grant for the construction of social housing between 2003 and 2012. At the same time, the local municipalities were able to make plans and projects, submit applications and actually build supported flats for senior citizens for a total sum of 113.1 million CZK.¹²⁶ This is not to argue that flats for senior citizens should not be supported, but merely to show that the municipal authorities in the region do have the capacity and resources needed to process grants, but they target only senior citizens and neglect poor people. The overall numbers clearly show that this is a common trend.

There are also private owners and NGOs who wish to acquire and run social housing, and it has proved to be a problem that one of the requirements is consent on the part of the municipality: there have already been municipalities which did not give the necessary consent, with the result that social housing could not be built.¹²⁷

Non-discriminatory access to housing

Discrimination in housing prevents Roma from equal access to the housing market and pushes many of them into substandard flats or temporary hostels, which can cost the same as quality rental flats, but are accessible to Roma. As reported by one of the reviewers of this report, a common problem is that in many cases municipal housing commissions that are responsible for assigning municipal flats are prejudiced against Roma and never assign quality flats to them. In many cases, there are either no clear rules for the distribution of these flats or the municipality uses the remaining municipal flats as an incentive to encourage people with important public functions (e.g. police officers or teachers) to accept a job in the municipality. The Anti-discrimination Law deals with housing, but for a number of reasons it is not sufficient to improve the situation. First, poverty is not among the criteria for discrimination. Secondly, it requires the discriminated party to sue the discriminating party, but the former often lacks the cultural and economic capital to do so. Thirdly, even if the injured party wins the case, the discriminating party (owner) is not legally bound to provide the housing, but only financial compensation, so there is no enforcement of the equal right to housing which would grant the accommodation itself to those who are discriminated against.

Very little is done to promote non-discriminatory access to housing. According to the Ombudsman, there is no record of any favourable judgement. In any case, discrimination is in most cases indirect, so legal support for households suffering discrimination is not sufficient.

Contradictions between mainstream housing policies and the goal of de-segregation

As outlined in the introduction, the selling off of municipal housing has led to many cases of segregation. One of the developments with a segregatory effect has been the concentration of tenants who were unable to buy their council flat, or not interested in doing so, in several residential houses. As Roma were strongly overrepresented in this group of tenants, the relocation of tenants into the remaining municipal property resulted in an increased concentration. In 2012 municipalities continued with the privatization of housing.

The current state of the social benefits system clearly leads to segregation of people who lose standard housing in substandard housing facilities, i.e. shelter houses and hostel-type accommodation. The Agency for Social Inclusion observed in several localities where they operate that the municipal social services departments direct clients who have lost their accommodation to hostels where no deposit is required and housing benefits can cover all expenses. In the case of rented flats, a deposit equivalent to two or three times the monthly rent is required by the owner, and no clear rules have been set as to whether social benefits can be drawn for this purpose or not.

126 Grants details: <http://www.mmr.cz/getmedia/948b020a-6f9d-43c3-ba6b-3a9329c7dac7/2013-PCB-pomer-dotaci-ku-poctu-obyvatel.xls> and <http://www.mmr.cz/getmedia/66e4771b-251f-44db-ab5e-5445db6ddd03/2013-VB-pomer-dotaci-ku-poctu-obyvatel.xls>.

127 <http://m.respekt.ihned.cz/c1-59194940-recept-pro-cesky-raj>.

Even though in 2011 the government issued the Strategy for Combating Social Exclusion for the period 2011-2015, there is no complex policy targeting socially excluded localities as a whole. The Agency for Social Inclusion seeks to implement the strategy mainly in relation to its partner municipalities (26 during 2013-2015), yet there are hundreds more that remain unattended. Even in the case of municipalities that have agreed to establish a local partnership with the Agency, it has often proved difficult to achieve improvements in the area of housing.

The vast majority of Roma-targeting interventions are financed by state grants (structural funds). One of the programmes which promotes a social infrastructure for socially excluded localities is the Integrated Operational Programme 3.1b. From this source of funding, a number of low-threshold centres, polyfunctional centres with social services, job clubs etc., some of them in socially excluded Roma localities, were realized.¹²⁸ Again, the scope of this programme is very limited: according to the Managing Authority there have been six projects worth 95 million CZK.

The analysis of Roma-relevant interventions financed from structural funds shows that the majority of supported activities involve counselling, training and social field work, while there are relatively few housing-related projects.¹²⁹ As little is done to improve the access to housing, it might at best in a few cases be possible to speak of local integrated housing approaches.

Reflection of Roma housing needs in official policy documents

The need for social housing legislation has been voiced by the Czech Ombudsman at least since 2003. Social housing legislation and instruments are still lacking in the Czech Republic. In 2007, the preparation of a Social Housing Act was part of the official government programme, and the concept was to be prepared by the Ministry of Regional Development by February 2009, but in the end it was completely abandoned. Meanwhile in 2008 the Ministry issued a strategy called “Concept of the government approach to the problem of deprived parts of cities inhabited predominantly by citizens of Romani ethnicity”¹³⁰ which did not mention the Social Housing Act at all, and used a communist-era categorization of Roma into three groups according to their “adaptability”. The third group, which “deserved special care” was supposed to be concentrated in supervised hostels, and to be “educated to responsibility”, and “have their opinions and characters changed”.¹³¹

In 2011 two government documents were prepared which contain social housing measures: The Strategy to Combat Social Exclusion 2011-2015 and the Government 2020 Housing Concept. The 2020 Housing Concept sets several tasks related to social housing, of which the Proposal for the Complex Solution of Social Housing through the Use of the Institute of Housing Need (Housing Emergency) is of special importance, because only those who receive housing emergency status would be eligible for social housing. The current housing emergency proposal made by the Ministry of Labour and Social Affairs has several negative criteria for the definition of a household in housing emergency, which will prevent many Roma households from acquiring this status. Among these criteria for exclusion is: 1) “housing loss or threat of losing housing by own efforts (i.e. distraint, pledge, non-payment of rent)” 2) if any of the household members has been excluded from the Labour Office database of registered unemployed or 3) if any of the household members is registered as unemployed and has refused to do “public service” work (obligatory unpaid work). These negative criteria introduce merit into the definition of housing emergency. The first negative criterion is clear: it excludes people who lost their residence because of indebtedness to public assistance (they would not be eligible for housing emergency status). The other two are very questionable indeed, firstly because they deny help to the whole household where one member could have commit-

128 <http://www.strukturalni-fondy.cz/getmedia/5581eae6-ce8f-4e2b-91d3-ea87c14ace39/Unor-2013.xls>.

129 Data on all projects supported by structural funds can be accessed on <http://www.risy.cz/cs/vyhledavace/projekty-eu>. See also the case study on the focus and territorial distribution of Roma-targeting EU projects in this report.

130 http://www.mmr.cz/getmedia/04812348-7541-43e1-8a80-606dd15d2cd9/NAVRH_KONCEPCE_PRISTUPU_STATU_K_RESENI_PROBLEMU_DE.pdf.

131 This paragraph is based on talk by Jan Snopek given on March 20th 2013 in Prague at the seminar “Sociologické večery”.

ted some error, and secondly, because they assume a link between the housing situation and whether a household member is registered as unemployed or not. It is clear that the definition of housing emergency is unsatisfactory.

The new Civic Act No. 89/2012Sb., which will become effective in 2014, is expected to worsen the housing situation and reduce the affordability of housing for low-income households for several reasons:¹³²

1. The current legislation allows the flat owner to evict the tenant without obtaining a court ruling only as a sanction of misbehaviour, and it is the tenant who has to sue in case of unjustified eviction. As of 2014, the owner will be free to dismiss the tenant from the flat for any other reason without obtaining a court decision, for example on the grounds that he needs the flat for his own or a relative's use. This change is expected to result in a large number of evictions.
2. In the case of the tenant seriously failing to fulfil his obligations (i.e. not paying rent for three months), he can be evicted without notice (currently three months' notice are required).
3. The institution of housing compensation in case of non-punitive eviction will be completely abolished, which means that the owner is under no obligation to find alternative accommodation for tenants who leave his flat even if the departure was caused by the owner).
4. The maximum deposit for a flat will be increased from three to six months' rent. The current practice is that the maximum permitted deposit is usually demanded, and it is extremely difficult for a low-income household to collect such a sum. There are households which have been living in hostels and saving up for a deposit for long periods.¹³³ It is also one of the common reasons for turning to a money-lender for a loan – one of the very few loans a low-income household can afford. These problems can have dramatic impacts on other aspects of life. Children from poor families are often taken away and placed in state institutions because of inadequate accommodation. As a result of this situation the parental benefits are removed. And thus parents are not able to provide adequate housing for themselves or for their children. It is very difficult for poor families to get out of this vicious circle.

In February 2013 the Czech Ministry for Regional Development issued an analysis entitled "Social Hostels as Long-term Housing for the Socially Weak", prepared by the Institute of Territorial Development, which was supposed to inform the "Complex Social Housing policy" of the government. The analysis takes it for granted that the so-called "social hostels" are suitable for the long-term accommodation of different target groups including families with children. The analysis abuses the ETHOS typology of homelessness and claims that social hostels are adequate homes, and thus their operation should be supported by the state. Adequacy was assessed in the physical, social, and legal domains through six interviews with owners and keepers of social hostels. None of residents was interviewed, still less was there any attempt to check the claims made by the owners about the quality or price of accommodation, details of contracts and so on. The study concludes that social hostels are needed as one of the forms of social housing, that the research did not find any negative issues connected to the hostels (which is hardly surprising, given that only the hostel owners were interviewed), and that they are needed especially for people who do not have enough housing competencies, because accommodation at strictly run hostels prevents these people from losing their shelter. Following nine independent peer-reviews the analysis was criticised on ethical and methodological grounds by the European Federation of National Organisations Working with the Homeless (FEANTSA) and by Czech academics and university departments. It was shown that the data presented do not coincide with the conclusions, or even contradict them.¹³⁴ In March 2013 the Ministry for Regional Development and Ministry for Labour and Social Affairs reached an agreement that the Social Housing Act is not needed, and could not be passed by this government, so emergency housing measures would be adopted, but these have not yet been specified.

There have been two programmes, the one by the Ministry for Regional Development already mentioned, and another by the State Fund for the Development of Housing (SFDH). The SFDH program lasted for 1.5

132 This paragraph is based on working analysis „Podkladový materiál k sociálnímu bydlení“ by Agency for Social Inclusion, 11. 2. 2013.

133 http://www.academia.edu/1770502/Ripka_2012_Analyza_fungovani_socialnich_ubytoven_v_Biline.

134 http://www.academia.edu/3155926/Open_letter_of_academic_and_research_institutes_associations_and_organizations_to_Czech_Minister_of_Regional_Development_and_Minister_of_Labour_and_Social_Affairs.

years and was terminated because of “lack of resources”, but close examination reveals that the resources were drained from the fund not by support for social housing construction, but by support for private housing within different programmes. Neither the Housing Fund nor the Ministry monitor the impact of their programmes on Roma.

Integrated Urban Development Plans

A complex approach to social integration has long been promoted in the Czech Republic, but housing measures have always been the weakest part, partly owing to their unpopularity among the majority population. Practically speaking municipal authorities would be prepared to invest in the education of children, but they are very reluctant to improve the housing situation of Roma even if the costs could be covered by grants, because their electorate does not want them to do so.¹³⁵

The Czech NRIS mentions Integrated Urban Development Plans (IUDP) as the fundamental coordinating framework which would “link the overall vision and strategy for urban development with the aim of identifying and resolving the problems of the development areas of city.” One of the innovations of the 2009-2013 programming period was a complex housing program financed by the ERDF called “Improving the Environment in Problematic Housing Estates” through Integrated Urban Development Plans. This area-based approach aimed at concentrating resources for social integration from ESF, ERDF and state budget in one place.

While in the planning period it seemed that all resources from Integrated Operational Programme 5.2 (Problematic housing estates) would be dedicated to socially excluded localities, in the programming period the MAs decided to support Roma localities only within six pilot projects, and the rest (refurbishment of residential houses and public areas in parts of cities with over 20,000 inhabitants) was dedicated to another thirty-five cities which did not fulfil the objective of improving the state of socially excluded localities. While in the case of the six Roma localities the cities had had to plan the interventions in a complex manner and implement interlinked soft and hard interventions at one place, in the case of the other localities there were no such obligations. The results of the IUDPs in the pilot localities have not yet been evaluated as a whole, but it can be said that the impact was ambiguous: in some places the implementation of IUDPs even led to further segregation of Roma ghettos, and evictions of Roma who lived around the target area, as was the case in Brno, or even evictions of Roma living within the IUDP area as was the case in Kladno. The interlinking of hard and soft projects was in most cases artificial; i.e. the municipality was able to prepare hard interventions and project documentation, but they were not able to plan soft projects. As a result NGOs did the soft project planning, but they had no say in the planning of hard projects, and the relevant workgroups in some cases never actually met, so at the end of the day the soft projects implemented by NGOs and covered from ESF would have been the same if there had been no IUDP. On the other hand in some cases, such as the Individual ESF project of the Municipality in Most, part of the IUDP interlinking was achieved.¹³⁶ Nevertheless, local Roma were not involved in the preparation of the IUDP and the public involvement generally involved only the provision of information, not participatory preparation of the project.

135 This problem has been identified for example in Břeclav by Ripka, Š. (2008): *Lokalita Břeclav*; In: Janků, Kašparová, Ripka (eds.) *Dlouhodobý monitoring situace sociálně vyloučených romských komunit. Moravské lokality*. online at: http://www.academia.edu/1181068/Ripka_2008_Lokalita_Breclav_In_Janku_Kasparova_Ripka_eds._Dlouhodoby_monitoring_situace_socialne_vyloucenych_romskych_komunit_Moravske_lokality.

136 For further information on the pilot IUDPs see MRI (forthcoming): *Case study Chanov; part of the study on “Sustainable Regeneration in suburbs – promoting social integration in deprived neighbourhoods through housing interventions by the European Regional Development Fund (ERDF)”*.

Participation of regional and local authorities and local Roma and non-Roma communities in the development of housing solutions

The regional governments are not involved in the planning and implementation of housing intervention targeted at Roma at all. Some of the regional governments are monitoring the situation, but do not intervene. In 2012 the Královehradecký regional government organized a social housing conference, but did not carry out any Roma-targeted housing interventions subsequently.

Some of the municipal authorities started to meet during 2011 and 2012 to discuss Roma housing problems, especially the possibility of evicting Roma inhabitants from their municipalities, and distraining the incomes of indebted Roma more effectively. The most notable example was the 2011 conference in Nový Bydžov, attended by 50 Czech mayors who shared “good practice” in dealing with “inadaptable” citizens.¹³⁷ As a part of this initiative a bill was presented to a senate by the former mayor of Chomutov, which would allow the distrainers to access even the housing allowances of an indebted household, which were previously untouchable. In the end the bill was not approved by the government and the legislative process was stopped.

There are some noteworthy local efforts to deal with social housing, which are made independently by the municipalities, and not supported systematically by the government, such as interesting local social housing policies in Opava and Prague 2. In Hradec Králové the municipal authorities wish to acquire flats, so that within 10 years the municipality would own 30% of the flats in the city. The municipal authorities of Krásná Lípa provide their tenants with materials and they refurbish their own flats. In Horní Suchá, The Life Together NGO works closely with private owners of residential property to refurbish it and support the local community. There are several projects involving “reward housing ladders” organized in localities where the Agency for Social Inclusion operates. The municipalities of Obrnice and Rotava are struggling to reverse the bad policies adopted by previous local authorities and buy back property that had been sold off, in order to build up municipal housing stock.

In 2012 the first gathering of people living in social flats was organized in Brno by NGOs IQ Roma Servis and Podané Ruce with help from the Agency for Social Inclusion, where clients in social housing debated their needs. A continuation of this participatory initiative should lead to a platform of NGOs for the advocacy of social housing, which is currently being formed.

Two other new initiatives also crystallized between the second half of 2012 and beginning of 2013: “SOS Přednádražní”, involving the occupation of a residential house which was meant to be demolished, with its Roma inhabitants being evicted to hostels, and “Housing for all”, which held a demonstration at the Ministry of Labour and Social Affairs about social housing, and occupied a hostel in Ústí nad Labem whose tenants were going to be evicted. Not only NGOs, but also civil society activists and academics seem to getting more involved in the issue of social housing and the provision of accommodation for Roma.

137 <http://zpravy.ihned.cz/c1-50192170-starostove-hledaji-spolecny-bic-na-neprizpusobive-obcany>.

CASE STUDIES

Administrative Structures: The Agency for Social Inclusion

One of the most ambitious efforts in the field of Roma integration has been the creation of the Agency for Social Inclusion (until July 2012: "Agency for Social Inclusion in Roma Locations"). The following study is based on findings from the evaluations of several local partnerships conducted by the authors and on interviews with Agency employees, and representatives of municipalities and local NGOs in other municipalities that co-operate with the Agency.¹³⁸

The Agency was established in 2008 as one of the departments within the Government Office's Section for Human Rights.¹³⁹ Published one year after the Agency's establishment, the Concept for Roma Integration 2010-2013 describes the role of the agency in the following words:

"The Agency is a comprehensive programme for Roma integration and operates as a coordinating body for implementing state Roma integration policy at local level. (...) The aim of the Agency is the reduction and elimination of social exclusion in socially excluded Roma localities. Constituent aims are the mapping of the social and economic position of the inhabitants of these localities, the definition of their needs in local partnerships and in particular help and professional leadership in preparing and implementing local strategies aimed at the social integration of Roma. The Agency is endeavouring to become in the future a central administrative body, empowered with significant supervisory and audit powers when promoting Roma integration. At the present time the content is being prepared of an Act on the Agency for Social Integration."

During the following 4 years the Agency's institutional anchoring developed quite differently from what had been foreseen in the Concept for Roma Integration 2010-2013. Prime Minister Nečas ordered a stop to the preparations of the Act on the Agency for Social Integration, which would have been the precondition for the Agency's establishment as an independent state body outside of the government structure. As described in the report's chapter on structural requirements, the Agency is financed mostly from ESF and employs 38 people.¹⁴⁰ Even though the work of the agency is strongly supported by European funds, which cover around 60% of the Agency's budget, there are continuous discussions about whether (and in which form) the Agency will continue to operate.¹⁴¹ Compared to the proposals made 2009, the Agency's political power is significantly smaller. It defines itself as

"a governmental support tool for municipalities in the field of social inclusion of inhabitants of socially excluded localities"¹⁴²

138 Jakob Hurrle, Petr Kučera, Lucie Trlifajová: Kolín. Evaluace lokálních partnerství v lokalitách z roku 2011. Centrum pro společenské otázky – SPOT, o.s.; Jakob Hurrle, Petr Kučera, Lucie Trlifajová: Mělnicko. Evaluace lokálních partnerství v lokalitách z roku 2011. Centrum pro společenské otázky – SPOT, o.s. Both evaluation reports can be accessed on the website of the Agency for Social inclusion, www.socialni-zaclenovani.cz.

139 Government Resolution No. 85 of 23rd January 2008, prolonged by the Government Resolution No. 570 of 25 July 2012.

140 Calculated on the basis of the list of contacts on the Agency's website, this number includes a larger number of half-time positions and a few people working on the basis of contracts.

141 While the government proclaimed in July 2011 that the institution's existence should be prolonged by three years (resulting in the preparation of a follow-up ESF project, which was accepted and is currently ready to be signed), the internal government document discussed in the chapter on structural requirements proposed shifting the entire institution to the Ministry of Social Affairs and Employment. However, for the time being, this proposal has not been accepted by the government.

142 <http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/handbook-for-municipality-social-inclusion-in-the-municipality-asz-2012/download>, similarly (in Czech) <http://www.socialni-zaclenovani.cz/vize-a-poslani>.

Representing a core activity of the Czech Republic's Strategy for the Combat with Social Exclusion 2011-2015, the Agency is currently active in 24 municipalities with social exclusion problems, which were selected on the basis of the municipalities' applications in open competitions.¹⁴³ The Agency initiates the building of a network of local partners (representatives of the municipality's political elite and administration, state administration/branch offices of labour offices, providers of social services, NGOs). Divided into a number of working groups, the members of this local partnership are supposed to establish a local integration strategy. The Agency also has experts in crucial areas, such as employment or housing, who offer advice to partner municipalities (and those municipalities where the co-operation ended after 3 years) when developing local projects.¹⁴⁴

Having larger capacities than the secretariat of the Council, the Agency is also in contact with relevant ministries and consults for example on the development of calls for the usage of structural funds. However, as described in the chapter on structural challenges, its role is mostly consultative and is not formalised. There are also considerable differences between ministries regarding their openness towards such semi-informal ways of co-operation. In the case of some proposals, the recommendation of the Agency is required. While the Agency developed very good working relations with the Managing Authority within the Ministry of Social Affairs and Employment, it proved unable to do the same with the one in the Ministry of Education, which has chosen to develop Roma-relevant educational calls without consultation with the Agency.

The establishment of the Agency was initially seen viewed critically by many Roma representatives, who disliked the Agency's predominantly non-ethnic approach to the issue of Roma integration. The Agency was also seen by some Roma activists as a body that would take away money that could otherwise be spent by Roma organisations. However, judging on the basis of the findings of two evaluations of local partnerships that were conducted by the author of this report in summer 2011, such criticism seems only partly justified.

Local Interventions

The core activities of the Agency focus on development of cooperation between the local actors ("local partnership") and support for the activities at local level. Nonetheless this does not imply a more centralised approach to the issue. In terms of political power, the local administration still remains the most powerful actor in the process of social inclusion. Cooperation between the municipality and Agency is based on the voluntary principle: it is the municipality that invites the Agency, the Agency itself does not have any political authority to impose (or prevent) any measure and disposes of very limited financial resources.¹⁴⁵ Its role is merely mediation and consultative (one person, the "local consultant", working half-time for one locality).

Philosophically, the Agency's working method seems based on the idea of the "slim state", which does not intervene with massive resources on its own but rather trains local stakeholders and facilitates their co-operation in order to make use of locally existing potential. This lack of enforcement tools implies a non-hierarchical participative approach. Participation in a local partnership and preparation of the so-called "strategic plan" (strategy for social inclusion) is voluntary and based on the interests of different local actors. An important condition for the success of the local partnership is the identification and active involvement of these local actors. The implementation of the plan as well as that of particular projects depends to great extent on the political will of the municipality.

While these might be seen as positive factors, being dependent on the goodwill of its local political partners, the Agency is at times reluctant to denounce problematic municipal activities, as such criticism might

143 The Agency is currently starting new partnerships in a number of municipalities while the three-year-support is phasing out in a number of other municipalities. The number of 24 reflects the situation at the end of 2012.

144 An overview of the "set of methods and best practices which the Agency for Social Inclusion developed and gathered since its founding" is described in the recently published Handbook for Municipalities. Accessible on <http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/handbook-for-municipality-social-inclusion-in-the-municipality-asz-2012/download>

145 The Agency provides only support/expert know-how for the preparation of the grants, but cannot itself provide any financial resources. The lack of financial resource complicated the position of the Agency especially in the first years, when the cooperating municipalities were also expecting to receive financial support which was never delivered. Based on interviews in several localities, it seems - for the time being - that the expectations of local administrations are to a great extent unrealistic.

undermine the basis of the co-operation. In the cases of a few cities where disagreements over the handling of the Roma issue were too large, the Agency decided to terminate the partnership.

The weak position of the Agency consequently influences the work of the local partnership and limits its impact. It seems that especially in the beginning of the partnership, the success of a specific project might have an important impact on the building of credibility of the intervention of the Agency (local partnership). Generally, the municipalities are not inclined to support Roma integration (although the discourse is shifting to issues of social inclusion, as described above, the socially excluded localities usually have Roma majorities and the issues are perceived as Roma issues). Even when politically accepted, the implementation of the project depends on national (or European) funds, and thus is often uncertain.

The position of the Agency is further complicated by the perception of the Agency as a governmental institution. In view of the above mentioned recent social reforms (see chapter on Employment and separate case study), the support of the Agency, which does not dispose of any financial resources and has only limited political influence, seems insufficient in comparison to the negative impact of the government reforms which structurally limit the process of social (and especially Roma) integration.

Interviews with mayors of cities that were applying to become partners of the Agency showed that learning from other municipalities' experience and the chance to establish more direct contact with the central government are among the most important motivations for municipalities to apply for the Agency's programme. However, due to the Agency's fragile position and uncertain future, the possibilities of influencing the process of policy-making has in reality its limitations. All of these factors contribute to the often ambivalent evaluation of the intervention of the Agency by the local actors.

Moreover, it seems that the strategy used by the agency (formation of working groups with local actors) is most efficient in the case of medium-sized towns. In the case of large cities, with complex administrative structures and multiple levels of government, such an approach could work only if it had very strong political support from the local authorities. For different reasons, the Agency's working method is also not very well prepared to deal with the situation of small municipalities that have no specialized administration (these tasks are part of the responsibilities of larger municipalities in the area, which have the status of municipalities with enlarged fields of activity). Due to the lack of potential partners, it is difficult to establish local partnerships. Possibly, in these cases a community-based approach that would try to involve ordinary citizens from both the Roma community and the majority population would lead to better results.

Limits of participations

The participatory approach of the Agency described above offers the chance that local stakeholders will develop a sense of ownership towards achievements in the field of Roma integration. However, it must be stressed that the participatory approach is more or less limited to the representatives of the local administration and other professional stakeholders that meet in the working groups. It is quite rare for these working groups to be attended also by ordinary Roma, who do not deal professionally with social work or Roma integration. The non-participation of Roma in the established structures is not the intention of the Agency, but rather a side effect of the chosen form of intervention, which focuses on local decision-makers as the primary target group.

Based on our knowledge, there are usually no other incentives that would promote greater involvement of the Roma population of socially excluded localities. The approach towards Roma is usually hierarchical and in accordance with the beliefs of the local decision-makers. There is a widely shared belief among policy-makers that the interests of the ordinary Roma are better represented by expert entities, such as social services or NGOs, who would be able to "understand the true needs of their clients better than the clients themselves." Even when attempts are made, not only the form, but also the official style of communication within the working groups of the local partnership represent a very significant obstacle to the involvement of most Roma.

As a result, the knowledge shared within the local partnership reflects primarily the views and interests of the local administration, perhaps also the non-governmental sector, if there is one (here again it is impor-

tant to bear in mind the dependence of many NGOs on local funding). Even though not intentionally, the definition of the problems and their causes might not (and in fact as some of the evaluations have shown, actually does not) reflect the perspective of the inhabitants of the socially excluded localities or their needs and expectations. In the localities visited by the authors of this case study, this was often manifested in the application of the presumably “egalitarian” approach (conditionality of the support), which did not reflect the previous discriminative approaches towards Roma (forced moving together etc). Similarly, only very few (currently 1) of the Agency’s employees are Roma. Questioned about this, one employee of the Agency commented:

“We discuss this a lot, but it is important to bear in mind that our primary direct target group aren’t Roma, but officials in the municipal administration. Our employees need first of all knowledge about the way local self-governments work. The biggest obstacle I think is that they really need to be good at what non-Roma bureaucrats consider the appropriate style of bureaucratic communication - they need to be able to speak the language of bureaucrats.”

Shift towards a non-ethnic approach

If one compares the definition of the role of the Agency from 2009 and a recent definition of its mission, there is a visible shift towards a strictly non-ethnic approach to social inclusion, which is also reflected in the recent change of name of the Agency (from “Agency for Social Inclusion in Roma Locations” to “Agency for Social Inclusion”). In one of its recent publications, the Agency defined its approach in the following way:

“The issue of social exclusion often has an ethnic dimension; the localities are often populated by the Roma. (...) However, if we perceive the issue of social exclusion as an ethnic one, we de facto lose the ability to solve it, because it is primarily a social problem.”¹⁴⁶

On one hand, the strictly geographic (socially excluded locality) and ethnic (Roma) definition might be reductive, as many problems that are more visible in the socially excluded localities (indebtedness, unemployment, access to housing) are found also in other parts of the population. This is even more true in the context of the worsening economic situation. Roma are also not the only group threatened by social exclusion, as is demonstrated for example by the situation of poorer senior citizens or some group of immigrants. Moreover, in view of the generally negative attitude of Czech society towards Roma, and especially towards anything that is perceived as positive discrimination favouring the Roma, a more open and non-ethnically defined concept of social inclusion might help to counter resistance towards interventions in favour of Roma and other vulnerable groups. At the local level of the municipalities that were selected as the Agency’s partners, it seems justified not to focus exclusively on the integration of Roma but to consider also the needs of other vulnerable groups and come up with integration strategies that are truly inclusive. This also implies certain step back from the concept of socially excluded localities¹⁴⁷ and their inhabitants as the only target groups for support.

However, in the author’s view, it is in fact questionable whether the Agency’s overall ethnically neutral approach, which defines the ultimate beneficiaries of its activities in neutral terms as “socially excluded people” or “inhabitants of socially excluded localities”, does not need to be reversed. Whereas some of the problems that the Roma face are social and should be approached as such, many also have an ethnic background. The evaluations conducted by the authors of this report led to the impression that this definition of the problem makes it difficult to fully identify and address the impact of discrimination (including structural discrimination) against Roma.

It also seems questionable whether the Agency should indeed open itself more and more to other groups that are threatened by social exclusion (as the dropping of the “in Roma localities” part of the institution’s

146 <http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/handbook-for-municipality-social-inclusion-in-the-municipality-asz-2012/download>.

147 <http://www.esfcr.cz/mapa/>.

name in mid-2012 suggests). In view of the large number of groups that might be in need of such intervention (e.g. migrants, old people, long-term unemployed, homeless), there clearly exists a risk that the Agency would in this way stop being an important player in the field of Roma integration while at the same time lacking the capacity to substantially effect the situation of other groups. Interviewed for the purpose of this report, the Agency's director rebutted such concerns, stating that it is clear that the Agency will always focus primarily on municipalities where Roma are threatened by social exclusion, while being open to the consideration of the needs of other groups in the context of a local intervention.

Conclusion

The Agency for Social Inclusion represents an interesting attempt to enhance co-ordination between the local and central levels of government. One of the principle benefits of the Agency's work is the facilitation of the sharing of know-how between municipalities in different parts of the country.

The lack of enforcement tools is reflected in the choice of the municipalities – the Agency cooperates only with those municipalities that have proved not only that they face severe problems but also that they are willing to participate on (or even have already started) activities supporting local integration. Although some municipalities that tend to pursue rather anti-Roma policies still see cooperation with the agency as a way of ameliorating their image and negotiating a position vis à vis the government, such an approach a priori excludes municipalities where the problem might be serious but where there is minimal political will for change (or to support inclusion policies). Nonetheless, it is important to note that such a selective approach is the necessary outcome of the tools and rights of the Agency.

While there are many aspects that deserve further discussion, the evaluations also produced the picture of a state institution with highly motivated employees, who seem committed to delivering some positive changes even at the cost of a very exhausting and ill-rewarded work.

Financial Structures: EU-financed projects for Roma

As mentioned in several chapters of this report, a large share of the Roma inclusion activities proposed in the Concept for Roma Integration are financed through grants and state subsidies. Resources from the Structural Funds are among the most important types of resources available. What types of activities are funded from these resources? To what extent does the territorial distribution of spending correspond with the territorial distribution of Roma and socially excluded localities? And what is the experience of organisations that applied for these grants to finance their activities?

Based on data from the RIS (Regional Information Service) database (www.risy.cz) and on the interactive map of Roma localities in the Czech Republic which are either socially excluded or threatened by social exclusion (http://www.esfcr.cz/mapa/int_CR.html), this study focuses on the territorial distribution and dominant types of activities. Unlike in Slovakia, where the integration of marginalized Roma has been one of the so-called "horizontal priorities" of the Structural Funds, it is rather difficult to come up with an estimate of the number of EU-financed projects that have been targeted on Roma, as there is no simple way to identify Roma-relevant activities in the database. For the purpose of this study, the RIS database was searched with a number of keywords that are often used in the context of Roma integration.¹⁴⁸ As some of these key words are also used in the context of other target groups, the project description of all identified projects were analyzed as a second step in order to determine whether the project did in fact seek to target Roma. The result is a list of 241 EU-funded projects with a financial volume of 2,767,858,578 CZK (ca. 106 million EUR), where it was either clear or at least seemed highly probable that Roma would be targeted (directly or indirectly). Some of these projects were selected on the basis of open grant applications, while others are pre-defined projects by state institutions such as the Labour Offices, the Agency for Social Inclusion or regional authorities. Typically much larger in size, these projects in the public sector contain in many cases various activities that are realized

148 The following key words were used: "romsk?" (= Romani/Roma), "Rom" (= Roma), "vyloučen" (excluded), and "etnické menšiny" (ethnic minorities).

through tenders. Due to the above-described difficulties in establishing the ethnicity of project beneficiaries, the list of 241 can certainly not be considered to be complete: it has rather the function of a sample. Realized through the creation of a table that contains information on key aspects of each project, the analysis of this sample made it possible to access a certain amount of important information about how EU resources are used to help the Roma. For the interpretation of these results we also used other types of information, such as interviews with representatives of municipalities and organisations that are using structural funds resources.

Types of activities supported

Activities involved in the EU funded projects were classified in eight categories: consultation with clients, social work, low-threshold centres, housing, employment, education/training, culture/leisure time, and capacity-building. It was further decided to use rather restrictive definitions in the cases of housing and employment. Projects were only considered to be housing projects if the project planned to actually provide housing to Roma. By analogy with this, employment projects were for the purpose of this study defined as projects that actually lead to the creation of work, while the upgrading of beneficiaries' skills would be qualified as a training/education project.

Analysis of table 5, which was created on the basis of these definitions, allows us to reach one important conclusion: Even though many EU funded projects attempt to return socially excluded Roma inhabitants to the job market or help them with pressing housing situations, very few of them employ methods other than consultancy, motivational programs, or re-qualification and training. As a result, most projects offer consultation to beneficiaries (178), social work (192), training and requalification (198). On the other hand, the number of projects that directly help socially excluded Roma inhabitants by providing them with employment (74) and especially housing (14) is much lower.

Table 5: EU-funded Roma inclusion projects by type of activities

Type of activity	Number of projects including this type of activity	Average size of budget in CZK	MIN Budget (CZK)	MAX Budget (CZK)
Counselling	142	14,548,573	101,524	579,838,536
Social Work	158	16,604,746	575,200	579,838,536
Low-threshold centres	47	24,758,323.60	575,200	579,838,536
Housing	14	66,138,176.07	1,227,780	579,838,536
Employment	65	14,355,691.48	43,287	579,838,536
Education	235	11,781,681.31	43,287	579,838,536
Culture and recreation	58	382,240,000	20,803,353.78	579,838,536

Note: As many projects include more than one activity, the number of projects is not identical to the number of projects included in the table (241). Projects were identified on basis of information accessible on the web-based database at www.risy.cz.

It is not easy to comment on these findings. One important question, which cannot be directly addressed with the methodology of this study, is of course to what extent the supported organisations are competent and the activities of high quality. Judging from the experience of some well-established NGOs interviewed for the purpose of this report, this is not always the case. The interviewees expressed in particular doubt about the quality of the selection processes in the case of grants that are decided at the level of some regions. While it is impossible for the authors to verify such claims with regard to Roma-targeting projects, it is a known fact that many selection procedures for public tenders and grants have been manipulated. This led for example in the case of the NUTS 2 Northwest (Ústecký and Karlovarský regions) to the temporary halting of the regional operational programme and a substantial fine being imposed by the European Commission.¹⁴⁹

While it would be important to shed more light on the quality of the supported interventions, the wisdom of the choice of selected activities should also be discussed independently of the question of possible misuse by organisations that are better at writing applications than at integrating Roma. Is the prioritization of social work and the offer of consultation effective?

149 <http://www.ceskatelevize.cz/ct24/regiony/219851-ustecky-kraj-pokutu-za-rop-nezaplati-karlovarsky-dostal-specialni-nabidku/>.

As the available resources are probably too limited to allow improvements in the housing and employment situation of a large group of Roma in a sustainable way, training and social work might on the one hand be seen as a way to reach a larger group of Roma. There can be no doubt that social field work and similar services are a very important way to address the problems of Roma living in precarious conditions. On the other hand, these findings are grist to the mill of those Roma activists who have been accusing NGOs and social workers of making a living out of money that was supposed to reach the Roma.¹⁵⁰ While such claims are often populist and ignore social workers' low wages and difficult working conditions, they might nevertheless be taken as an opportunity to rethink the prevailing policy approach towards the Roma. So far, the funding priorities of donors and NGOs alike have been the provision and "professionalisation" of social services that are supposed to help Roma to master interactions with official institutions and potential employers and face other challenges of daily life. Due to the very large sizes of most budgets and the complicated administrative rules, which pose major challenges even for very experienced organisations, ordinary Roma have few opportunities to benefit from EU funding in other ways than as – more or less – passive recipients of social services. The complicated administrative rules of EU funding and the strict requirements concerning the qualification of social workers led at the same time to a process where local Roma organisations are increasingly "pushed out of the business" by more professional NGOs. At the same time the strict requirements about educational qualifications for social workers make it difficult to recruit social workers from within the Roma community. They also increase fluctuation, as many social workers with the required university degree refuse to work long-term for wages that are in many cases well below the regional average. While the imposition of educational requirements might at times ensure the higher quality of the services provided, the described development clearly undermines the goal of empowering Roma. Ivana Čonková, a Czech Roma activist who commented on an earlier version of this report, explained her sceptical attitude towards social work in the following words:

"To build the way to equality for Roma on social work (in the sense of counselling, free-time activities, short-term training) is not effective. The results of the practice of the last twenty years prove this. If social work doesn't start to use different ideas and working methods than those used hitherto (for example radical social work, community work, and others – methods that do not produce new clients, but partners!!!) then the work in the localities will not be successful. The objective of social work, the kind of social work we need, has to be to empower the people in the community, to strengthen their self-consciousness, their consciousness for their identity and their political consciousness. This means first for all informing them about themselves, about their situation. Social work should not mean working instead of them, should not maintain them in the position of those who need help. It has to stimulate their own activities within the community, work with the community, not just with individuals from the community."

Territorial distribution

The Czech Roma population is not spread out evenly over the territory of the Czech Republic. Focusing on localities where Roma are concentrated and are at least threatened with becoming socially excluded, the mapping of socially excluded localities conducted by the sociological consultancy GAC for the Government Office in 2006 makes it possible to identify the regions and cities where most Roma live. This is above all the case in the old industrial regions of Northern Bohemia (the Ústí, Karlový Vary and Liberec regions) and Northern Moravia (the Moravskoslezský and Olomouc regions), which since the beginning of the economic transition have been facing significant social and economic difficulties. While the majority

150 See for example the interview with human rights activist Klára Samková. Not of Roma origin herself, Ms. Samková has accused NGOs of being parasites on the Roma, and of living off money earmarked for Roma inclusion: "Roma might receive not even ten percent of the initial sums [spent for Roma integration]. The solution of the so-called "Roma problem" has been privatized, especially by People in Need and other organisations, which are able to write a project and a final report. The results of these activities? In the last ten years the number of socially excluded localities has increased by maybe one hundred. It is not necessary to conduct more analyses, as it is obvious that the hitherto practiced policies do not work. Despite this the "pro-Roma" perpetum mobile continues to be financed. I am talking about grants and projects, which are clearly not working, even worsen the situation or do in the best case do no damage. And no-one seems to mind." (<http://www.parlamentnilisty.cz/rss/zpravy/Cerna-hnusna-cikanska-duse-Klara-Samkova-uctuje-s-romskymi-aktivisty-i-Necasem-256401>).

of Roma are found in the industrialized parts of these areas, a significant number can also be found in the rural parts, which are among the economically weakest micro-regions in the entire country (e.g. Jesenícko, Frydlandsko, Krušné hory). In addition to these regional concentrations larger Roma populations are to be found in large cities such as Prague, Brno, Pilsen, and smaller industrial towns such as Kladno or Kolín.

To what extent were EU-funded Roma projects realized in the regions and municipalities where Roma actually live? Leaving out projects that covered more than one region, the regions that are most affected by EU projects are the Ústecký (55 projects), Moravskoslezský (55 projects), Olomoucký (36 projects) and Jihomoravský regions (34 projects), which are also the regions with the highest number of socially excluded Roma inhabitants. Relatively few projects cover the area of the capital city of Prague (8), however, even though in the GAC Mapping the city holds the position of the region with the third highest number of socially excluded Roma inhabitants. The most obvious explanation for this is the different status of the affluent capital city with regard to eligibility for EU funding. Possibly, the difference might also have to do with a different perception of the Roma integration question. Traditionally resident in Prague's proletarian neighbourhoods close to the city centre, the Roma in the capital city have already since the beginning of the transition been facing strong pressure through gentrification. While it is difficult to quantify the impact of this trend, it is well known that many Roma were encouraged by their private landlords to move to locations in other parts of the country. In consequence, the problems of social exclusion that are caused by gentrification processes in the capital will in many cases not be felt here, but in those localities to which the Roma either moved for economic reasons or were steered by the owners of their former flats.

Another important question that should be asked in the context of any analysis of the territorial distribution of projects targeting Roma concerns the situation in small municipalities. Only very few of the identified projects are carried out in rural municipalities. Even though the vast majority of Roma live in cities, recent studies have shown that the integration challenges are especially serious in case of some rural municipalities, which lack the capacity to initiate their own integration activities. As the EU funds are distributed on the basis of grant applications, the simple fact that no projects can be selected if there is no one to apply means that some particularly vulnerable groups will not be reached at all.

Conclusion

Combined with our own observations and information obtained in interviews with representatives of NGOs, this simple analysis of Roma-targeting projects financed by EU structural funds makes it possible to identify a number of issues that should be addressed in order to better use these funds to improve the situation of Roma. While the chosen methodology does not allow us to draw conclusions on the quality of individual projects, it reveals a strong prioritization of social work and the offer of consultations. While it would be misleading to deny the importance of high-quality services in these areas, the analysis of funding showed that other areas are quite neglected. This is especially the case in the important area of housing.

The second important issue concerns the accessibility of funding for Roma. The current funding procedures, which are characterized by high average budgets and complicated administrative rules, create barriers for inexperienced community-based organisations that are basically unable to use these funds to launch their own activities. There is at the same time a shortage of funds from other sources for this type of activities. In the opinion of the authors of this report, the support of activities is however absolutely crucial in order to ensure that Roma will reach a position where they will be the main engine of their own integration. Urgently needed are schemes for the provision of smaller grants, including micro-grants, which could be distributed by existing foundations. The experience of the EEA/N grants in the Czech Republic (and in fact also the example of the global grants that were used in the 2000-2006 programming period), where a part of the resources was distributed through the so-called NGO Fund that is administrated by a foundation, appear to offer examples that could be followed in order to better support grassroots initiatives. The establishment of specific funds could also be a better way to reach rural municipalities, which often lack the experience and capacities for developing projects and administrate grants.

Education: National Action Plan for Inclusive Education

The National Action Plan on Inclusive Education (NAPIE)¹⁵¹ was approved on 15 March 2010 as a part of the official Czech Government response to the D. H. judgment. The approved plan was designed for the period of 2010 -2013, also called the “Preparatory Stage”.

The main aim of the “Preparatory Stage” is, according to the document, to launch broad, open discussion by education experts from different institutions (schools, universities, NGOs) and representatives of government authorities which will result in the formulation of concrete strategies and measures that should lead to the development of inclusive education at all levels of the educational system in the Czech Republic. The “Implementation Stage” should follow, starting in 2014. Experts working with children with a variety of disadvantages and disabilities were nominated to the official NAPIE platform, which was divided into expert groups focussing on 12 different areas according to the NAPIE structure and the areas of indicated tasks and were intended to be linked with each other: 1) Coordination and planning of activities to develop inclusive education; 2) Strategic documents for education and educational programmes; 3) Legislation; 4) Support for inclusion in pre-school education; 5) Support for inclusion in primary and secondary education; 6) Support for inclusion in tertiary education; 7) Pre- and in-service teacher training; 8) Diagnostics and counselling; 9) Coordination of activities to develop inclusive education at local level; 10) Analytical and research activities; 11) Standardisation, methodical support and evaluation; 12) Providing information and media coverage of activities, Public Relations. Originally around 80 experts joined the platform and confirmed their willingness to cooperate with the Ministry of Education of the Czech Republic (MoE) on NAPIE.

The official intention of the MoE presented by Minister Ondřej Liška and Deputy-Minister responsible for Social Aspects of Education Klára Laurenčíková was close cooperation between the NAPIE Expert Platform and MoE officers on the formulation of proposals and measures that should be implemented in 2014 and beyond. However, Liška was removed during a Government reshuffle; Kopicová replaced Liška in May 2009 and supported the process of obtaining governmental approval NAPIE, but her support for the inclusive agenda was not as strong as Liška’s had been. The first official meeting of the NAPIE platform was held in Prague on 28 June 2010.

NAPIE has been criticized because it *“makes no firm commitments, in that it only lays out a timeline for the development of more concrete policies, and does not include specific targets for the inclusion of Roma into mainstream education”*; it also *“makes no reference to ethnic discrimination, and thus fails to recognize the failing identified by the European Court of Human Rights”* and finally, *“there is no concrete timeline or plan for the desegregation of Czech schools”*.¹⁵²

The officially presented reason is that NAPIE was intended as a leading document that would cover inclusive education as a holistic concept and that proposed measures should increase the readiness of regular basic schools to accept children with different special educational needs (including children with physical disabilities etc.). It is important to mention that NAPIE was also the official reaction of the MoE to the ratification of the Convention on Rights of Persons with Disabilities (October 2009).

After Minister Josef Dobeš replaced Kopicová in July 2010 the inclusive agenda lost political support and the Section for Social Aspects of Education led by former Deputy-Minister Klára Laurenčíková was dissolved. Engaged MoE officials either left the institution or were relocated to different departments.

There were no official meetings of the expert group established to support the implementation of the action plan until January 2011. On 28 January 2011 the first meeting of the platform under the Dobeš’s

151 National Action Plan on Inclusive Education, available (in Czech original) at: http://www.msmt.cz/uploads/Skupina_6/NAPIV.doc.pdf.

152 European Roma Rights Centre, Greek Helsinki Monitor, Open Society Justice Initiative, Submission to the Committee of Ministers: The Continued Segregation of Romani Schoolchildren, Article 28, available at: <http://www.errc.org/cms/upload/file/fourth-communication-to-the-committee-of-ministers-on-judgment-implementation-30112010.pdf>.

administration finally took place in Prague. As reported also by the media,¹⁵³ approximately 50 experts left the meeting with the clear understanding that educational inclusion was not a priority for the Ministry. These experts sent a formal letter to Prime Minister Petr Nečas, as well as to Minister Dobeš, explaining their reasons for leaving the platform and also expressing their concern about the implementation of the D. H. Case and the Convention on Rights of Persons with Disabilities.¹⁵⁴ The meeting was reportedly very poorly organized – no information was distributed in advance, especially on the new distribution of expert groups within the platform; experts were not informed in advance that they would be asked to choose new groups according to their expertise during the meeting as the new division of groups was only introduced at the meeting. The division of the experts into new groups was the only concrete result of the meeting. The role of the transformed NAPIE platform, the time frame and how the Ministry intends to treat group's output all remained unclear. Some group leaders appointed by the Ministry reportedly had very limited knowledge of their mandate and some were reportedly against inclusion. Redesigning the NAPIE Platform structure led to the formation of 25 groups devoted to specific forms of education, disadvantage or disability.¹⁵⁵ The revised structure clearly reflected existing structural forms of exclusion and segregation within the Czech education system.

There has been no news of another official NAPIE Platform meeting since January 2011. Some of the newly formed groups continued to work on individual tasks according to their agenda, but communication with MoE representatives was very difficult: members of these groups asked MoE representatives several times to set concrete goals, or to establish a time-frame and task specifications, but their requests remained unfulfilled. There have reportedly been several attempts to form parallel platforms to the NAPIE Platform. MoE published a press release on 28 March 2011 announcing that “the transformation of expert groups nominated to cooperate on the implementation of NAPIE in 2010 is on-going”. The work on NAPIE was distributed among different MoE departments without any coordination. Press release also informed that “former experts group will be, if needed, asked to cooperate with officers responsible for NAPIE implementation” and it also said that “information on NAPIE implementation will be published on MoE official web pages”. No information on NAPIE implementation has been published since April 2011.

Current Minister Fiala presented a Consolidated Action Plan for the Execution of the Judgment of the European Court of Human Rights in the Case of D. H. and Others v. the Czech Republic as the leading document for the implementation of the Judgment. The covering letter says regarding the implementation of NAPIE that: “Although the Czech authorities will not leave this path, they are also aware of the fact that the achievement of the fully functional inclusive educational system in practice is a question with a long-term perspective. The Czech authorities have therefore decided to adopt more tightly focused specific measures detailed in the consolidated action plan...”¹⁵⁶ The consolidated plan unfortunately contains only a few individual measures and therefore cannot lead to any significant changes in the prevailing segregatory practice at Czech schools. The implementation of NAPIE remains uncertain; unofficial sources say that NAPIE tasks will be incorporated in Strategy 2020, but there is no official report confirming this information.

153 Lidove noviny, Roma are not a priority to the Ministry of Education, experts say, 8 February 2011, available (in Czech original) at:

154 The text of the former NAPIE Platform members' open letter (in Czech original) is available at: [155 Counselling and diagnostics; Specific learning disorders and specific behavioural disorders; Speech disabilities; Physical disabilities; Visual disorders; Mental disabilities; Pervasive disorders; Long-term illnesses; Behavioural disorders; Social disadvantages and ethnics; Foreigners; Prevention; Non-governmental non-profit organisations; PR; Economics and budget; Law and legislation; Pre-school education; Primary education; High-school and higher education; Universities and colleges; Free-time activities; Teacher training; Further education; Institutional care.](http://www.romea.cz/cz/zpravy/otevreny-dopis-clenu-tymu-napiv-premieru-necasovi-a-ministru-dobesovi.</p>
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156 Action plan – Communication from the Czech Republic concerning the case of D.H. and others against Czech Republic (Application No. 57325/00) – Consolidated Action Plan for the Execution of the Judgment of the European Court of Human Rights in the Case of D. H. and Others v. the Czech Republic available at: [Civil Society Monitoring](https://wcd.coe.int/ViewDoc.jsp?Ref=DH-DD%282012%291074&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864.</p>
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Employment and Social Protection: Impact of the Social Reforms

Among the most important and most hotly debated policy developments of the last years was the introduction of the Social Reforms I and II, which were described earlier in the Employment chapter of this report. How are these reforms seen at local level by recipients of welfare on the one hand, and by those in charge of carrying out the reforms on the other? The result of a three-day visit of a small Western Bohemian town close to the German border by a group of Roma and non-Roma researchers, this case study is intended to assess the local impact of these reforms. During three days the team interviewed seven institutional actors, eleven Roma households, and three individual Roma.¹⁵⁷ The interviews focused especially on the following issues:

- How was the reform of public works locally managed? What was the experience of the local authorities and especially of the Roma participating in the works? How was the 2009-2011 period of public works organized and what was the impact of the changes in 2012 when the public works became obligatory?
- What impact did the DONEZ system of obligation for registered unemployed people to report to "Czech Points" have on the local unemployed Roma?
- What was the impact of the transfer of poverty benefits handling from the municipal social services department to the state Labour Office? Was the payment of benefits delayed? What were the consequences of potential delays for the recipients of benefits?

Structural impacts of the reform

The town is located in a region with deep structural problems. Some inhabitants have left the area in search of better employment opportunities, which led to the emptying of the local housing stock. Roma from larger cities in the region started to move here, either involuntarily (organized by the owners of their former accommodation in cities), or voluntarily, because of the cheap housing. Apart from these newcomers there had been local Roma living in the town since the late 1940s.

According to the local mayor the reform has had serious structural economic effects on municipalities. The new law on municipal taxes which was passed as a part of social reform (Zákon o rozpočtovém určení daní) caused a reduction of 6 million CZK (a decrease of ca. 3.5%) in the municipal budget. According to the mayor, the tasks and obligations of the municipality and the tasks delegated to the municipality by the state would have remained the same. However, while the reform should have brought more resources to medium-sized and lower-medium-sized towns, this promise did not come true, at least in this case. The negative financial impacts of the change for smaller municipalities have already been reported by the media.¹⁵⁸

The reform of the system of public works

The 2008 reform of the system of poverty benefits introduced a new division between the basic existential part of the benefit and the non-claiming part, which could be gained only by working twenty hours a month on "public works". While some municipalities were active in organizing public works for their receivers of poverty benefits, others offered insufficient places or even no places at all. In practice, this meant that welfare recipients living in such municipalities would receive lower benefits without any chance to influence this fact. In the case of our town, the municipality was very active in organizing the public works and during the 2009-2011 period it was able to meet the demand. However a change came with the Social Reform I, which destroyed the whole system. From 2012 onwards beneficiaries have had to work com-

157 During the first research day, the Regional Roma coordinator was interviewed, followed by the Mayor of the town, the head of the municipal Social Services Department, and representatives from the Departments of Property Grants. Furthermore a local police officer and the owner of private social flats were interviewed. During the second day the group split into five groups, each consisting of a Roma and a non-Roma researcher. The five groups conducted in-depth interviews in 11 households and with three individuals, all of whom were Roma. Most of the interviews followed prescribed questions, but in many cases space was given to larger narratives and episodes.

158 http://olomouc.idnes.cz/male-vesnice-dostanou-mene-penez-z-dani-d91-/olomouc-zpravy.aspx?c=A130304_1896866_olomouc-zpravy_stk.

pulsorily for 20 hours per week (instead of 20 per month) and if they do not they will not get any poverty benefit at all. This change made it impossible for the municipality to sustain the system of public services as practiced during 2009-2011. The head of the local Social department commented:

“After 2009 we were one of the first who implemented a public works scheme. It was quite difficult for me to convince the Municipality about it, because none of them could imagine what it would mean, how it would be organized, who would do it. But I saw help for our clients, so we organized it alone with the Social Services Department. It was not so difficult, because we handled the benefits as well. My colleague was administering the whole process, she was preparing contracts, which the Mayor signed, she cooperated with the clients and did the administration. We got a grant to pay for the coordinator of the public benefit works (Labour Office grant). We were able to satisfy the whole demand. We have made over 100 contracts every year since 2009. Most of it was work in the forest, technical services, and maintenance of the city, but I can tell you that the Municipality and the citizens of the town valued the public works a lot. I heard that our city had never been so clean before. The clients themselves were asking for these jobs. They wanted to work. They made more money and they felt more important. We could see who needed more money and came to work.”

The system of public works and its decline due to the Social Reform was further described by a representative of the Municipal property department:

“In 2009-2011 we had about fifty people, receivers of poverty benefits, who regularly participated in the public service. There were lists of groups who were taking turns, so that they made up their 20 hours a month. The people were very happy to come to the work. (...) Before it was much better; they would come and earn 1,000 CZK which for them was good money. Really, fifty stable people, the city was tidy, and also the residents noticed the change, that the city was tidy. Now the Technical Services do the job and they get a few public benefit works employees, but they are not able to cover the same tasks. It was good and now it has totally changed.”

Some of the interviewed local Roma were also very positive about the way the public works scheme worked initially (and they were not aware that before 2009 they would have got the same amount of money without having to work) and stated they would instantly go back to work again if the system was restored. On the other hand some of them mentioned that they would get very little money for the work. However, others would earn as much as 1,500 CZK monthly extra, which for the local poor meant a great deal. A disadvantage lay in the fact that if they were ill and could not go to work, they would lose the bonus if they did not make up for the missed hours next month.

In 2012 the system was changed as part of Social Reform I. and it became an obligation to work in the public works scheme without pay for 20 hours a week. All the Roma interviewees were either talking directly about forced labour or about work with no economic logic. The most blatant fact was that the same work they had done in 2011 was valued as nothing, although they would have to work four times more than before 2012. Linked to this was an organizational issue, because since the reform the municipal office had not been able to fulfil its tasks as well as before:

“After the reform in 2011/2012, when public service became obligatory, it was difficult for us to find even twenty people to do the job. They took it as forced labour and they started to complain that they were not getting any money for the work any more. Some of them stated that they were ill and could not do the work and got confirmation from the doctor. (...) So, even those who had welcomed the public works earlier started to mangle later. And what I personally heard from them, what they told me was “I prefer to work illegally and get paid, than tidying up this city for free”. And they were happy when the constitutional court ruled against the obligatory public works.”
(Municipal Property Department)

The head of the Social Services Department found a person who would work as a carer as part of her public service duties, so this new carer was trained and worked well for six months. However, after the six months she did not have the obligation to work without pay any longer, so she left the job, and the Social Services Department did not find the resources or have the will to employ her. While the obligatory public works

scheme opened more qualified job opportunities to her, the employer was not interested in keeping this qualified worker after the period of compulsory unpaid service finished. In mid-2012 the Constitutional Court of the Czech Republic ruled against the obligatory public service scheme and the whole system of public service was abolished by the government. While there exist public works programmes on a limited scale, the motivational system has not been restored to the condition described during the 2009-2011 period.

DONEZ system

Described in the Employment chapter, the DONEZ system requires registered unemployed people (especially the long-term unemployed) to report regularly at so-called “Czech Points” (which are for example found in Post offices). The official justification was that this measure should prevent them from working illegally abroad or at other places.

According to the head of the local Social Services Department, as a result of this system many of her clients were removed from the Labour Office database, because they were not able to show up at the given time. In the course of 14 interviews with local Roma we did not come across any such cases; however, some of them mentioned that the system forced them to report even in situations when it was very difficult for them. This might for example prevent them from attending an interview with a potential employer. According to the law and to the current practice, activities related to seeking employment are not listed among the acceptable excuses for not reporting.¹⁵⁹

Failure to pay social benefits during the change of system

One part of Social Reform I, mentioned earlier in the “Structural Requirements” chapter, was the transfer of the handling of social benefits (specifically for people “in material need”) from municipal Social Services Departments to state Labour Offices. At the end of January 2012 the media reported that people had still not received social benefit payments for January, and the Labour Offices were signalling the collapse of the system.¹⁶⁰

The head of the social department shared her experience of the collapse of the databases:

“Until the end of 2011 the Municipal Office dealt with benefits for the “materially needy”, which means that we paid the benefits, and we made social inquiries and did social work with the clients. In the middle of 2011 when the Ministry decided to change the system, their argument was that they could save money by concentrating all the benefits in one place – the Labour Office. I do not think this was the real reason. The vast majority of municipalities were against the reform, because it took us quite a long time to understand the old system and make it work when it was introduced in 2003. And now the whole system was changed again. So in 2011 we divided it all up and handed it over to the Labour Office, together with the staff. We kept only two employees, one of whom had to leave owing to the bad financial situation of the Municipality. Everything worked here, but after December 31 2011 we did not have a chance to rescue the situation. We had lists of all the current benefits, all the closed benefits, we handled the technical equipment and that was it. In 2012 our clients started to have serious problems. They were still used to coming to our office, and they blamed us for all the benefits they were not getting. We had to deal with that together with our colleagues from the Labour Office, because they had problems as well. (...) We acted as intermediaries; we were sending the clients to the right people. We would accompany the most serious cases who were in danger of becoming homeless to the Labour Office and we tried to prioritize them. But if you have 500 clients who all need help urgently because all of them are dependent on the benefits, it is a big problem.”

Local Roma dealt with this unexpected absence of income in different ways. According to our interview partner in the Social Services Department some of them would get loans from their relatives, but there were many whose families did not have any more money, so they would be forced to turn to the loan-sharks and pay extremely high interest. Other clients would explore new possibilities of earning a semi-le-

159 <http://www.donez.cz/ZneniZakona.htm>.

160 <http://www.ceskatelevize.cz/ct24/domaci/161728-urady-prace-varuji-vyplaceni-davek-je-na-kraji-kolapsu/>.

gal or illegal income, such as sex work in Germany, scrap-metal collection and so on. The interviewed Roma families encountered problems with the delay in payment, which in some cases lasted two months. On the other hand this delay, although very serious, was not new to them, as they were used to encountering surprises with the system of social benefits, so they had not been able to plan their incomes properly even before the collapse.

According to the head of the Social Services Department, the reform led to the institutionalization of the 12-year-old child of one of her clients:

“There was a single mother, my client, with a 12-year-old son. She could not find a job for a while here. So she went to a larger city where she made 10,000 CZK. Out of the 10,000 she paid 8,000 in rent, so you can imagine how much remained. Her son came to us before Christmas 2012 saying he was hungry, and we had to deal with it, so we had to put the child in a children’s home. This was an outcome of the reform. They will tell you that this is not true, that everyone can apply for benefits. But look, one person gets a bare minimum of 3,400 CZK. So if the person gets 7,000 together with the housing benefit, it is not enough. On the other hand we (the Social Services Department) are not allowed to institutionalize the child because of his or her economic or housing situation. The son is still living in the children’s home, and he was recently transferred from temporary status to long-term status. We are supposed to work with the family, but if the mother has not enough income we cannot change anything.”

Conclusion

The case study on local impacts of the government reforms showed that the local system of public works which was created in 2009-2011 in the town involved in our case study and which was able to meet the demand, collapsed after the reform. It was not the ruling of the Constitutional Court that paralyzed public works in the town, but the very change in the nature of public works from a possible source of additional income to obligatory unpaid labour. The working system which was abandoned in 2011 has not yet been restored. We did not find much evidence about the impact of the DONEZ system of obligatory reporting of the unemployed at Labour Offices; our incomplete findings suggest that unemployed Roma understood it as an obligation which could prevent them performing important tasks related to searching for a job, such as attending job interviews. The transfer of the poverty benefits system, the collapse of databases and delays in benefits payments forced some receivers to seek semi-legal or illegal sources of income, such as offering sexual services. They also had to turn to loan-sharks and it was reported by the head of the local Social Services Department that the change in the benefits system led to the long-term institutionalization of the child of one of her clients. The reason why the impact of the delay in benefits payment has not been even more devastating lies in the fact that the system of benefits has already been unpredictable for the local Roma for a long time, so they developed strategies of survival when the expected benefits did not arrive.

Housing: Discriminatory Effects of Privatization

The Anti-Discrimination Law makes it possible to address discrimination in the field of housing. However, as was pointed out in the chapter on housing, the Office of the Ombudsman is not aware of a single case up to this point of a victim of discrimination in the area of housing suing the provider of the housing in court. In the case of individual relationships between a landlord and a person applying for accommodation, it is extremely difficult to prove that the reason for rejection was the applicant’s ethnicity, and not other factors, such as his or her employment status. Even though this has not been tested so far, the Anti-Discrimination Law could also be used to question decisions by local municipalities or private owners of housing stock that bring disproportionate disadvantages to members of one ethnic group. The following case study provides information on a case where at least some consideration was given to the possibility of suing a local municipality for discrimination, as the selling off of houses would have negatively affected Roma in a disproportionate way. It also helps to better understand the possibilities and constraints of the Agency for Social Inclusion (see separate case study), which in this case decided to terminate its co-operation with the local municipality in consequence of the disagreement on housing policies.

Genesis of a Northern-Bohemian Roma Enclave

Duchcov is city of 9,000 inhabitants in Northern Bohemia with a considerable Roma population. From the 1970s to the 1990s there was a freeze on development in the southern part of Duchcov, which is located next to a large opencast coal mine. In consequence of the ban on new construction and even refurbishment, this part of the city deteriorated steadily during the period. During the 1990s, much of the municipal housing was sold off in a fairly chaotic way. Many of the houses in bad repair ended up in the hands of real estate agencies and speculators, who attracted Roma from other localities. As a result, the southern part of Duchcov started to turn into an ethnic enclave. Some of the houses were still owned by the municipality, but were very dilapidated. The municipality applied for support from the Agency for Social Inclusion and in August 2011 a local partnership was established. However, co-operation with the Agency ended however after less than six months, when the Agency's monitoring council decided to terminate the partnership. The main reason for this decision was the Agency's opposition to the proposed sale of sixteen buildings in the southern part of Duchcov, which were predominantly inhabited by Roma.¹⁶¹ The municipality had been approached by a group of entrepreneurs who claimed that they wanted to help the city by buying and refurbishing the 16 buildings within one year. Pointing to the negative experiences of other municipalities, Martin Šimáček, head of the Agency, summarized the likely consequences of such a deal in a press release published on the occasion of the Agency's withdrawal from Duchcov: "In consequence of the privatization, the city will lose the possibility of influencing the mix of inhabitants in these buildings. It will also lose an instrument for working with socially weaker families. In the case of Duchcov we are talking about socially weak families with a considerable potential to improve their situation."¹⁶²

Assessing Housing Privatization's Impact on the Poor

The Agency for Social Inclusion commissioned in this context a study of the impact of the planned sale of municipal housing on the inhabitants of the 16 buildings.¹⁶³ The study was carried out by the author of this case study, and 42 out of the 48 households in the houses were visited. The study found that 12 households already lived below the poverty line (14 if indebtedness is taken into account). Based on the assumption that rents would rise by 100% after the sale, a model of the predictable impact on the tenants was constructed. The model showed that due to the rent increase six more households with 21 persons would fall below the poverty line. Using information on the households' ethnicity provided by the local Roma social field worker, the study also estimated how the impact on tenants would differ with regard to tenants of different ethnicity. Out of the group of 21 persons threatened by poverty, 18 were Roma. This not proportionate to the number of Roma living in the houses for sale, so it was reasoned that by making the sale the municipality would indirectly discriminate against the Roma tenants. The study interpreted this as a violation of the Czech Anti-discrimination Law, on the basis of a consultancy with one of the co-authors of the Law, Michal Mazel.

Unfortunately even the threat of legal action based on the Anti-discrimination Law did not prevent the municipality from selling. Finally the houses were put on the market,¹⁶⁴ but the private investors became less interested in buying them, owing to the increased media attention which followed the study and the involvement of the Agency. In June 2012, most of the houses were nevertheless sold. During a meeting in Budapest in summer 2012 the European Roma Rights Centre was urged by the author of this case study to

161 The opposition of the Agency was made public in November 2011, for example on Czech TV, where the ASI local consultant criticizes the idea of selling the houses to private entrepreneurs: <http://www.ceskatelevize.cz/ct24/regiony/153701-duchcov-je-kritizovan-kvuli-prodeji-domu/> where and also press release: <http://www.romea.cz/cz/zpravy/agentura-upozornuje-na-rizika-spojena-s-privatizaci-mestskych-domu-v-duchcove>.

162 <http://www.socialni-zaclenovani.cz/tiskova-zprava-agentura-pro-socialni-zaclenovani-ukonci-spolupraci-s-mestem-duchcov>

163 Results of the study were made public in a press release:

<http://www.romea.cz/en/news/czech/czech-govt-agency-research-shows-building-privatization-will-push-dozens-into-poverty>.

164 Media attended the case in March 2013 for the last time:

<http://www.romea.cz/en/news/czech/czech-republic-tenants-of-buildings-to-be-privatized-still-not-sure-what-will-happen>.

step in and take up the case as strategic litigation in housing in the Czech Republic. However, the ERRC has not so far decided to become active in the case.¹⁶⁵

Conclusion

Even though the case studies in this report are supposed to analyze general policies, it was decided to include this case study on the housing privatization in the city of Duchcov as it illustrates very well a number of structural issues of general importance.

The first of these issues is the position of the municipalities, who are key actors in the processes of Roma inclusion and exclusion. The Concept for Roma Integration/NRIS assigns tasks to the municipalities, yet notes at the same time that these are only recommendations, as the central government has to respect the principle of local self-government. In accordance with this principle, the government's interventions mostly take the form of offers (grants, know-how). While there are municipalities in the Czech Republic that are interested in the goal of integration and ready to use at least some of these offers, others are not. The premature end of the local partnership in Duchcov has not been an isolated case – however, more common are certainly situations where municipalities with socially excluded Roma inhabitants do not even consider applying for a partnership with the Agency. One might well ask if this approach is not too voluntary. Having the power to enact legislation that is binding also for municipalities, the central government would be well-advised to provide a clearer definition of the responsibilities of municipalities in tackling the challenge of social exclusion.

The second issue concerns the use of anti-discrimination legislation. Even though the 2007 landmark ruling *DH and other vs. the Czech Republic* has not yet led to a breakthrough towards inclusive education, it cannot be disputed that the court ruling has been essential for building up pressure for systemic changes. It is impossible to predict how Czech courts, and in the final instance possibly the European Court of Human Rights, would have decided if the inhabitants of the privatized houses in Duchcov had sued their city for acting in a discriminatory way against members of an ethnic minority. Their case is only one of many examples of municipal policies which might be considered discriminatory. It might be seen as a missed opportunity that no organisation focusing on strategic litigation tried to use the well-documented case of Duchcov in order to find out if the Law on Anti-discrimination could become a strategic tool to counter some municipalities' opposition to Roma integration. This leads back to the question of institutions. Should this be solely a task for NGOs or should the state not take the lead in protecting vulnerable citizens more proactively from discrimination? While it would be possible to address this problem through a number of measures, such as the strengthening of the competences and capacities of the Office of the Defender of Public Rights (Ombudsman), it is clear that tenants in such a situation cannot be realistically expected to start legal proceedings on their own.¹⁶⁶

165 The study Ripka, Š. (2012): *Zmapování situace domácností v městských bytových domech v Duchcově* (Mapping of social situation of households in privatised municipal flats in Duchcov). Prague: Agency for Social Inclusion; accessible online: <http://www.socialni-zaclenovani.cz/dokumenty/dokumenty-pro-lokalitu-duchcov/zmapovani-socialni-situace-domacnosti-v-mestskych-bytovych-domach-v-duchcove-ripka-s-2012/download>.

166 The obstacles are manifold and range from financial aspects and the tenants' limited legal awareness to the prospect of having to deal as a disadvantaged person with the institutions of a city with which one is engaged at the same time a medialized legal dispute.

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In the pilot year of 2012, the Decade Secretariat decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia and Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic. In addition, the Decade Secretariat made a template public in order to encourage additional civil society actors to monitor the implementation of National Roma Integration Strategies (NRIS) and Decade Action Plans.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

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