

‘This is the way they see Romani children; just a few tests and put them into a special school.’

Romani mother of a boy studying at a practical elementary school in Ostrava, Czech Republic,
February 2009

Romani children in the Czech Republic are denied the right to an education free from discrimination. The discrimination takes a variety of forms and has serious negative impacts on the quality of education they receive. Many Romani children are sent to schools and classes designed for pupils with “mild mental disabilities”. Others are effectively segregated in Roma-only mainstream schools and classes, where they receive a lower quality of education. This discrimination limits their future education and employment opportunities, and their opportunity to escape the vicious cycle of poverty and marginalization that Roma face in the Czech Republic.

EUROPEAN COURT JUDGMENT

In November 2007 the European Court of Human Rights found that the Czech Republic discriminated against Romani children by placing them in special schools (schools for pupils with “mild mental disabilities”), where they received a substandard education. The government was obliged to adopt corrective measures.

Two years later, however, the discrimination continues. Despite these measures (including legislation enacted before the judgment), government studies reveal that Romani children still lose out in the Czech education system. Amnesty International’s research confirms this.

A new Schools Act, which entered into force in 2005, renamed “special schools” as “practical elementary schools”, but the system which places children in these schools and teaches the limited curriculum, essentially remains the same. A disproportionate number of Romani children continue to attend these schools. In some places, Romani children make up more than 80 per cent of the student body of practical elementary schools. The government has acknowledged that the proportion of Romani pupils attending such schools is much higher than the average percentage of children with mental disabilities in any given population. But the problem is not just in practical schools: in mainstream elementary schools, many Romani children are placed in special classes for pupils with “mild mental disabilities”.

Amnesty International went to Ostrava in the Czech Republic, where the court case which eventually led to the European Court judgment was initially filed by 18 Romani children in 1999, in order to assess whether anything had changed. In one district visited by Amnesty International, approximately 75 per cent of the pupils in the four elementary schools were of Romani origin (one practical, three mainstream elementary schools). According to figures provided by the Institute for Information in Education, Romani children account for 95 per cent of the 172 pupils educated according to the curriculum for pupils with “mild mental disabilities” either in the practical school or in special classes of the mainstream schools.

The provision of a lower level of education in separate schools is only part of the problem. Discrimination in mainstream elementary schools, including the prejudice of teachers and non-Roma parents and the lack of adequate support for Romani children, is also responsible for the denial of the right to education for Roma in the Czech Republic.



MAINSTREAM ELEMENTARY SCHOOLS

The mainstream elementary school system remains largely ill-equipped and often unwilling to provide adequate support for the education of pupils who come from different ethnic and social backgrounds, and have different abilities. All too often, the real needs of Romani children (for instance for additional language lessons, pre-school classes or class-room assistance) which result from their social situation and cultural background are not met within the mainstream school system. When, as a result, they begin to fall behind teachers may begin to think that mainstream education is not the most appropriate environment for these children.

Romani children are, all too often, labelled as “mildly mentally disabled” regardless of their abilities, and end up in practical schools or special classes, as a result of the failure of mainstream educational establishments to meet short-term needs that result from their social backgrounds. This also presents parents with stark

choices. In mainstream schools, their children risk being isolated and ostracized. In practical schools, however, where the majority of the pupils are Roma, their child may receive better treatment from both teachers and fellow pupils, but they will receive an inferior education limiting their future prospects.

“[T]here are teachers who have prejudice against the Romani community... The problem is the rooted perception of the Roma as something alien, unfriendly, unclean and backward... It is based on prejudice, sometimes deepened by negative experience, but usually passed on from generation to generation.”

Director of NGO which works with Romani communities in Ostrava, Czech Republic, February 2009

Romani girl encouraged by her teacher participates during class, in grade four of a mainstream elementary school, which is primarily attended by children from the majority population, in Ostrava, Czech Republic, April 2009.

‘[W]e’re a very homogenous society and we’re not prepared to work with those who are different in a way that would enable them to succeed. There are laws about respect for diversity but in practice it’s different.’

Director of Institute for Pedagogic Research, Czech Republic, February 2009



TESTING FOR PRACTICAL ELEMENTARY SCHOOLS

"[D]ecisions are so often controversial... I see the whole area as an expression of a certain ideology, or common beliefs if you like, covered and justified by something which is called science, which it is not. This is a vicious circle."

Expert of the Institute of Educational and Psychological Guidance, Czech Republic, February 2009

The diagnosis of special educational needs is carried out by School Advisory Centres. The assessment procedures have not significantly changed in 10 years, however, and still do not take into account the social, cultural and linguistic specificities of Romani children, especially those coming from disadvantaged backgrounds. For example, children are assessed on communication skills, but for Romani children, Czech may often not be the language they speak at home.

In some cases investigated by Amnesty International, children who had been tested by School Advisory Centres in one town and

found to have no mental disability were subsequently re-tested by another Centre after they had moved with their families, and were then recommended to attend practical elementary schools. The reliability of the assessment results in many of these cases is questionable. There is considerable scope for subjectivity in the assessment process, which allows for both conscious and unconscious prejudice on the part of the assessor to influence both the placement recommendation and the assessment of what is in the best interest of the child.

Until serious attention is paid to the discrimination in the testing process, Romani children will continue to be significantly overrepresented in schools or classes for pupils with "mild mental disabilities".

PRACTICAL ELEMENTARY SCHOOLS

In comparison with mainstream elementary schools, pupils of practical schools are taught to a lower standard and therefore their future education or employment opportunities are reduced.

As indicated by their name, such schools focus on the development of "practical skills" and there is a two-year gap between the curriculum taught in practical schools, and that of mainstream schools. For example, while in mainstream elementary schools pupils normally learn the alphabet and how to count up to 100 in the first grade, pupils of the same grade in some practical schools only learn to count up to 10, and the alphabet is taught over two years. Finally, although the law permits children to continue their education at any secondary school, in practice pupils who finish practical elementary schools are most likely to move on to vocational training schools, if at all, as their acquired knowledge is limited and they cannot meet the criteria for entry into higher types of secondary education.

INFORMED CHOICE FOR PARENTS

Parents must give their consent in order for their child to be placed at a practical elementary school. This is often presented as an important safeguard against erroneous placement. However, Amnesty



Romani children in grade five of a Roma-only mainstream elementary school in Ostrava, Czech Republic, April 2009.

THE 'DIAGNOSTIC STAY'

Before a pupil is officially placed in a practical school, he or she can be transferred there for a trial period or “diagnostic stay” of between two and six months. On completion of the trial period a final decision is taken on the child’s suitability for that school. This procedure is used in cases where assessment results are ambiguous and it is uncertain whether the child in question actually has a mental disability.

However, due to the vague definition and terms under which a diagnostic stay can be applied, this procedure can be used inappropriately and without the necessary safeguards to protect the best interest of the child. Amnesty International is aware of several cases in which diagnostic stays have been authorized without any prior formal assessment, on the recommendation of teachers or the insistence of parents. Once wrongly placed in a practical school, however, it is very difficult for children to re-enter mainstream education, as they rapidly fall behind.

The Director of one practical school told Amnesty International that often Romani parents plead with him to accept their children at his school, as they are discriminated against in mainstream elementary schools. He ends up taking them temporarily, pending review of their case by a School Advisory Centre, but few of them ever return to mainstream education.

International is concerned that the decision by Romani parents to place their children in a practical school is often taken without sufficient information and in a context where they are under some degree of duress; Romani parents are often unaware of the real implications for the future prospects of their children of sending them to practical schools. Often, they feel that the prejudices their children face in mainstream schools, and the lack of support they receive there, mean that their children would be better off receiving a worse education in a friendlier environment.

Changing the name from “special schools” in 2005, and including “elementary” in the title of the new “practical elementary schools”, can confuse some parents, who believe their child will receive standard elementary education.

However, some parents were aware that attending the practical school left fewer options for further education, effectively limiting their children to vocational training. They were also aware that their children were intelligent, and did not really belong

in that school. Some parents felt that this was immaterial, however. Knowing that their children would face discrimination in all aspects of their lives, they believed that a better quality education in a mainstream school would ultimately bring no benefits for them.

LOCKED IN

Once a child is placed at a practical school or a class for pupils with “mild mental disabilities”, it is very difficult for them to re-enter mainstream education. The law does not require the regular reassessment of pupils, which can happen only on the request of parents. For the very few who do transfer back to mainstream education, the process is extremely difficult, owing to the simplified curriculum they have been following. Often, no assistance is provided by the mainstream schools to help children catch up.

Despite being aware of the many erroneous placements that have taken place in the past few years, and that continue to take place, neither the central government nor the regional educational authorities have

Right: Romani girls during rehearsal for the celebration of the International Roma Day at a Roma-only mainstream elementary school in Ostrava, Czech Republic, April 2009.

Below: Drawing by a Romani child attending a practical elementary school in Ostrava, Czech Republic, 2009. The theme of the drawings is: What I want to be when I grow up.

Bottom right: Romani children attending the first grade of a practical elementary school in Ostrava, Czech Republic, February 2009.



engaged in a systematic process of identification of Romani children who have been wrongly placed in practical schools and classes for pupils with “mild mental disabilities”, with the aim of reintegrating them into mainstream education. This is necessary to address the legacy of inadequate testing procedures and the complicity of Romani parents in placement decisions that do not reflect the real abilities of Romani children.

Although Romani parents are often blamed for such erroneous placements, the real responsibility lies with the state for failing to address the structural discrimination in the education system that is perpetuating the cycle of exclusion and poverty in which many Roma find themselves.

The duty to ensure the “best interests of the child” and the successful integration of Romani children into mainstream education lies with the Czech government. This responsibility cannot be abdicated on the basis of real or perceived parental shortcomings.

SEGREGATION

Although not an official government policy, effective segregation in education continues through Roma-only elementary schools (those predominantly or exclusively attended by Romani children) and Roma-only classes. These schools and classes often provide an inferior education owing to the ingrained prejudices and limited expectations of teachers.

Schools which draw their pupils mainly from surrounding areas mirror the patterns of residential segregation in their district. According to the law, the parents have the right to choose their child’s school. In theory, this freedom can be beneficial for the elimination of school segregation because Romani children can enrol at any school. In practice, however, freedom of choice appears to have facilitated de facto segregation in education because parents of non-Roma children use it to leave schools in which the proportion of Roma is high or growing.

Many teachers who work in Roma-only, mainstream elementary schools are

opposed to segregation. They can see the negative impact it has on the children’s motivation to study and progress in education. However, they are constrained by the role parents play in the school placement process. One teacher said:

“I do not think that segregation is a good alternative, because they are in ghetto at home and at school as well. They will be segregated here for nine years and then they will come back to their ghetto, and they will be again segregated, socially excluded.”

Teacher at a Roma-only mainstream school in Ostrava, Czech Republic, April 2009

A Romani mother shared with Amnesty International her opinion about the segregation of her children into a Roma-only school in Ostrava: “I would prefer to have my children in the same school with white children. Now they are just with Romani children... They are learning just the Romani mentality. They know how to behave themselves among the Roma, but they have no experience with white children.”



11-YEAR-OLD FRANTIŠEK'S STORY

František is one of the few Romani children who attend a mainstream elementary school primarily attended by non-Roma pupils in Ostrava. When František was in the fourth grade his teacher started to complain that the boy was “too lively”. The teacher advised his mother, Renata, to send František for assessment by a psychological advisory centre; the centre recommended his temporary transfer for four months to a practical school for a “diagnostic stay”.

After the four months passed, the director of the practical school recommended that František should return to the mainstream elementary school, as his results and behaviour were so good that there was no reason to continue his schooling at a practical school, teaching a reduced curriculum.

When František returned to the mainstream elementary school at the end of the school year, he failed his final exams as the four months he spent at the practical school had had a negative effect in his learning process. František had to repeat the fourth grade and his new classmates would make fun of him because they knew that he had been sent to the “special school”. František now does not want to go to school. His mother says that the teacher excludes him from different class activities and insists that František should be sent to a practical school or to another elementary school with solely Romani children, where he would be “among his peers”. His mother finally decided to move him to another mainstream school attended mainly by Romani pupils.

The de facto segregation of Romani children into schools or classes that offer an inferior education is both a symptom of discrimination within the Czech education system and one of the factors that contributes to ongoing discrimination, prejudice and intolerance in Czech society.





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CONCLUSION

The recent steps taken by the government to address this situation have been ineffective, and the underlying causes of violations in accessing the right to education for Romani children have not been consistently tackled. The continued failure to ensure the right of Romani children to an education free from discrimination restricts their enjoyment of a whole range of human rights, as it perpetuates their social exclusion and drives them deeper into poverty.

To comply with its human rights obligations and effectively implement the judgment by the European Court of Human Rights, the Czech Republic must ensure that Romani children fully enjoy their right to education free from discrimination. Ending segregation must become a central

objective of the educational policy. Immediate action must be taken to ensure the full inclusion of Romani children in integrated mainstream schools.

Amnesty International is calling upon the government of the Czech Republic to show leadership and direction in order to reverse racial discrimination in education and address grave violations of the right to education for Romani children.

Left: Romani teaching assistant helping a girl in grade seven of a Roma-only mainstream elementary school in Ostrava, Czech Republic, April 2009.

Front cover: Romani children attending grade three of a practical elementary school in Ostrava, Czech Republic, February 2009.
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RECOMMENDATIONS

THE CZECH AUTHORITIES SHOULD:

- Freeze all placements of children into practical schools and classes for pupils with “mild mental disabilities” for the school year 2010/11, pending a review of the need for such a curriculum and schools.
- Formulate and adopt a comprehensive plan with clear yearly targets, and adequate support systems, to eliminate school segregation of Romani children, enforceable by law.
- Ensure that additional support is immediately made available for children who need it in order to effectively participate in and develop to their fullest potential within the mainstream elementary school system.

- Identify pupils who have been wrongly placed in practical elementary schools in order to ensure their reintegration in the mainstream school as a matter of priority with the help of every supportive measure available.

- Ensure that effective remedies are established and are accessible to parents and others to complain about the discriminatory/inappropriate placement of a child in a school or class.

- Amend legislation to define the category of children from “socially disadvantaged backgrounds” so that it is used only to identify children for temporary special measures to support their education in mainstream schools. In no circumstances should this lead to placements at schools and classes for pupils with “mild mental disabilities”.

- Abolish the provision in the law, which allows for the temporary placement (diagnostic stay) of children in practical elementary schools and classes for pupils with “mild mental disabilities”.

- Roll out special measures systematically, to provide inclusive mainstream equal education for all, which adapts to the needs of the pupil, including linguistically and culturally.

- Develop outreach programmes targeting Romani parents, providing accurate information in an accessible manner, in order to raise awareness about the choice of schools and implications of placement of a child at a practical school.

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