

**Version endorsed by the CAHROM at its 4th meeting**

CAHROM (2012)18

Strasbourg, 29 November 2012

AD HOC COMMITTEE OF EXPERTS ON ROMA[[1]](#footnote-1) ISSUES

(CAHROM)

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THEMATIC REPORT

by the CAHROM thematic group of experts on

INCLUSIVE EDUCATION FOR ROMA CHILDREN AS OPPOSED TO SPECIAL SCHOOLS

(following the CAHROM thematic visit to the Czech Republic and Slovakia on 1-5 October 2012)

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I. INTRODUCTION

* 1. *Background*

The thematic group on inclusive education for Roma children as opposed to special schools was set up at the request of the Czech and Slovak CAHROM members during the 3rd CAHROM meeting (Ohrid, 22-25 May 2012)[[2]](#footnote-2). Invitation letters to the CAHROM group of experts to visit these two countries were received on 5 and 25 September respectively (see Appendix 1 to this report).

With a view to preparing the thematic report and visit, each expert of the thematic group was asked to provide background information about the situation of Roma, the legislative framework pertinent to the topic, and measures and policies towards Roma education, including financial means. Written background documents submitted by the requesting and partner countries, extracts of relevant international texts and reports, as well as presentations made during the visit appear in an Addendum to this report.

The CAHROM team of experts is grateful to the Czech authorities for having provided simultaneous interpretation during the visit and offered a lunch. They are equally grateful to the Slovak authorities and to UNDP for having provided interpretation and local transport.

* 1. ***Composition of the thematic group of experts***

The nomination of the experts taking part in this thematic group resulted from consultation with CAHROM members from the requesting and partner countries followed by domestic consultation.

The choice of the partner countries, agreed upon by the Bureau of the CAHROM and supported by various studies and reports, was inspired by the wish to include experience with a) desegregation legislation and measures as a response to the practice of enrolling Roma children into special schools (e.g. Hungary), b) inclusive education, including for Roma migrants from the requesting countries (e.g. United Kingdom) and c) human rights approach in the field of Roma education and use of European funds for Roma education (e.g. Slovenia[[3]](#footnote-3)). Studies presented at the 3rd CAHROM meeting (Skopje, 22 May 2012) were also taken into consideration when choosing the partner countries[[4]](#footnote-4).

A summary of the professional background of the experts participating in this thematic group, their contact details, as well as the list of Czech and Slovak interlocutors appear in Appendix 2.

* 1. Agenda of the thematic visit

The agenda of the thematic visit was jointly prepared by the Secretariat of the Council for Roma Minority Affairs of the Office of the Government of the Czech Republic and by the Office of the Plenipotentiary of the Slovak Republic Government for Roma Communities, and the CAHROM Secretariat and respective CAHROM members. It includes visits to elementary schools (mainstream schools, special/practical schools for mentally disabled and so-called “Roma schools”), as well as meetings with state officials, teachers, school directors and NGO representatives. The agenda appears in Appendix 3[[5]](#footnote-5).

II. CONTEXT AND EXPECTATIONS

* 1. Context of the CAHROM thematic report and visit

In recent years, there has been growing concern at segregation of Roma children in the school system, in particular following the European Court of Human Rights (ECtHR) judgment of 13 November 2007 in D.H. and Others v. The Czech Republic. The Court held that the placement of a disproportionate number of Roma children in special schools, without an objective and reasonable justification unrelated to ethnic origin, amounted to discrimination contrary to Article 14 of the European Convention on Human Rights (ECHR) in conjunction with Article 2 Protocol 1. Before and after, several human rights bodies of the Council of Europe have expressed their concern at such segregation in education. In its role to supervise the execution of judgments of the ECtHR under Article 46 of the Convention, the Committee of Ministers supervises the execution of the D.H. judgment, notably to ensure that general measures are adopted to put an end to the violation found by the Court. This supervision of the execution process is on-going. The Committee is currently closely supervising the execution of the judgment under its Enhanced supervision track and has adopted a number of decisions in the examination process. The topicality of the theme of this CAHROM report may be illustrated by the following non-exhaustive chronological list of developments in 2012. Relevant extracts of reports, publications and statements appear in the Addendum to this report.

In January 2012, the Prešov District Court (Eastern Slovakia) delivered a landmark judgment in which it condemned the municipality of Šarkisské Michal’any for discrimination of Roma pupils who were taught in separate classes in the village school[[6]](#footnote-6);

In February 2012 the previous Council of Europe Commissioner for Human Rights, Mr Thomas Hammarberg, published “Human Rights of Roma and Travellers in Europe” in which he devoted a sub-chapter on school segregation of Roma children[[7]](#footnote-7);

On 19 March 2012 the Advisory Committee on the Framework Convention for the Protection of National Minorities published its Opinion on the Czech Republic (which was adopted on 1 July 2011) [[8]](#footnote-8);

In April 2012, the Roma Education Fund (REF) published “Pitfalls and bias: entry testing and the overrepresentation of Romani children in special education”;

On 23 May 2012 the European Commission against racism and intolerance (ECRI) published its conclusions on the implementation of the recommendations in respect of the Czech Republic[[9]](#footnote-9) and Slovakia[[10]](#footnote-10);

From 21 to 25 May 2012, a team of nine experts from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) visited the Czech Republic to assess educational opportunities for Roma children in the country. Advisers on Roma and Sinti issues from ODIHR, representatives of the Irish OSCE Chairmanship and the OSCE High Commissioner on National Minorities, as well as legal and academic experts on education and Roma issues travelled to six cities (Ostrava, Brno, Rumburk, Šluknov, Ústí nad Labem and Prague) to examine good practices and challenges in providing education for Roma children. The OSCE-ODIHR report was released on 22 October 2012[[11]](#footnote-11);

The **FRA/UNDP** report on the situation of Roma in 11 EU Member States and in neighbouring countries[[12]](#footnote-12), which was published end of May 2012, also provides information about school attendance of Roma children of compulsory school age in the Czech Republic and Slovakia;

On 4 June 2012, **UNDP/World Bank/EC** published their Regional 2011 Roma Survey “*Toward an Equal Start: Closing the Learning Gap for Roma Children in Eastern Europe*", followed by **UNDP** Issue 19 “*Opportunities for Roma Inclusion*”;

In June 2012, the **Ombudsman of the Czech Republic** released the results of a study covering 67 schools for children with special needs (now called “practical schools”);

In June 2012, the **Council of Europe Committee of Ministers’ Deputies** adopted their most recent decision on the implementation of the ECtHR Judgment concerning *D.H. and Others v. The Czech Republic*[[13]](#footnote-13). In that decision, it called on the authorities to provide a consolidated action plan setting out the steps to execute the judgement, which the Committee would examine at its 1157th meeting (4-6 December 2012).

In July 2012 the **European Roma Rights Centre (ERRC)** filed a lawsuit in the Czech Republic against four schools in Ostrava (two special schools and two mainstream schools with segregated classes).

In July 2012 the **Czech School Inspectorate** released a new report showing that the percentage of Roma pupils in special education decreased to 26.4%;

In August 2012 **UNICEF/OSF/REF** published an Overview Report *“Roma Early Childhood Inclusion”[[14]](#footnote-14);*

On 1 October 2012, the **Roma Education Fund** organised a debate and presented its publication “Ten years After: a History of School Desegregation in Central and Eastern Europe”[[15]](#footnote-15) at Charles University in Prague;

On 31 October 2012, the **Regional Court in Prešov, Slovakia**, has ruled that schools cannot place Roma children in segregated classes[[16]](#footnote-16);

On 8 November 2012, **Amnesty International and the European Roma Rights Centre (ERRC)** published their joint report “[*Five more years of injustice: Segregated education for Roma in the Czech Republic*](http://www.amnesty.org/en/library/info/EUR71/006/2012/en)”[[17]](#footnote-17);

On 8 November 2012, the **CoE Commissioner for Human Rights** published a Human Rights Comment on resolute measures to be taken by the member states to end school segregation of Roma[[18]](#footnote-18). On 12-16 November, he visited the Czech Republic.

* 1. Expectations and items for discussion

This thematic visit was aimed at gaining more information on the practice of school segregation in Slovakia and in the Czech Republic, at discussing measures undertaken or envisaged to combat misplacement of Roma children in practical schools, whilst at the same time looking at the situation and experience in partner countries, in particular inclusive education (United Kingdom), the human rights approach to education (Slovenia) or desegregation policies and measures (Hungary).

Prior to the CAHROM thematic visits to the Czech Republic and Slovakia, the following issues were identified by the team of experts as items for discussion during the thematic visit.

1. How do you define “special schools” and “children with special (educational) needs”?
2. What is the number/proportion of Roma children enrolled in special schools?
3. How are "special needs" or "support intensity scale" defined and measured?
4. Are social exclusion and/or ethnicity among criteria defining special needs?
5. How do you define “vulnerable” or “disadvantaged” children/families/social environment?
6. Do you test children before entry into school?
7. Do the tests take into consideration the reality of living conditions (families who speak Romani language at home, isolated and poor living environment, large families, illiteracy of parents...)?
8. What are incentives in place for children placed in special schools (free meals, free textbooks) and for special schools (extra salaries for teachers, state/local additional funding for special schools, etc.)?
9. How to make education practices more interactive, co-operative and inclusive?
10. How to work with and involve Roma parents and families to convince them to send their children to regular schools despite incentives for special schools or their fear for assimilation, mixed environment or hostility from non-Roma children/parents/teachers?
11. How to work with cultural, linguistic and social specificities of Roma children?
12. How can school mediators/teachers’ assistants help overcoming cultural, linguistic or social barriers?
13. How to prevent and combat hostility of parents/majority population?
14. How to avoid that non-Roma parents withdraw their children from regular schools if more Roma children are enrolled?
15. What can be done by mainstream schools to accommodate the needs of socially excluded Roma?
16. How to prepare regular elementary schools to be able to educate disadvantaged children?
17. Is compulsory pre-school an option?
18. How to allocate (financial, human) resources for the transformation from a segregated education system into an inclusive one?
19. How European Funds are being used for Roma education and/or for desegregation policies?
20. How do you define “inclusive education”?

Answers to these questions by the experts of the thematic group and participants of the workshops are summarized in comparative tables under Chapter 3.4 below.

* 1. Size and composition of the Roma groups and educational level of Roma

2.3.1 Czech Republic

Size and composition of the Roma groups

According to the 1991 census 32,903 people declared themselves of Roma nationality, and 16,630 Czech citizens as having Romani as their mother tongue[[19]](#footnote-19). At the next census in 2001 only 11,716 people declared themselves as of Roma nationality, with a further 784 people declaring Roma nationality in combination with Czech or Slovak nationality. The decline in the number of Roma declared can have a number of causes. In the past census counts of Roma were associated with a series of anti-Roma measures which has brought about mistrust on the part of Roma towards any state activities targeted at identifying people of Roma nationality.

Expert estimates of the number of members of Roma communities which depend rather on identification of members of Roma communities by another person or group (most often by experts or staff of public institutions) put the number at 150,000 to 400,000 Roma in the Czech Republic. The number of Roma has been estimated by the office of the government Interdepartmental Commission for Roma Community Affairs at 150,000 to 200,000. According to the 2010 Gabal and Víšek report the current estimate of the number of Roma in the Czech Republic is 250,000, of whom 80,000 (32%) are designated as socially excluded. According to the study “Promoting social inclusion of Roma in the Czech Republic: a study of national policies” published by Tomáš Sirovátka from Masaryk University in July 2011, the share of Roma in the Czech population is usually estimated at 200,000. This represents approximately two per cent of the entire population of the country.

According to the same study, the Roma are exposed to strong discrimination practices in the Czech Republic. The 2009 EU-MIDIS survey[[20]](#footnote-20) has shown that Czech Roma are among the groups to have declared the highest degree of discrimination (83%) when comparing EU countries. Due to the Act on the Protection of Personal Data, it is impossible to collect data on ethnic affiliation even though it would be an advantage for the Roma.

Educational level of Roma

According to the aforementioned 2011 Study by Tomáš Sirovátka, the age structure of Roma is much ‘younger’ when compared to the overall population: 30% of the Roma are below 15 years of age; only 5% are over 60. The low level of education of the Roma is considered to be a key factor (in addition to other factors) of their labour market disadvantage, which is apparent in their low participation rate (61% for men and 30% for women) and high unemployment rates. Specifically, 74% of the Roma have primary education at most, while in the overall population it is 20%. Their educational structure has improved within the past two generations in the sense that the share of those with no education dropped significantly; however, only to the extent of primary education (Census 2001). One of the problems is the persistent segregation of Roma children into special schools and recently into ‘practical’ schools. There are about 330 socially excluded Roma localities in the country (most of them in areas of high unemployment) where about 60-80 thousand Roma are living and where unemployment is estimated at 90-100%. About one-fourth of these localities are spatially segregated (Gabal 2006) and their numbers seem to be growing.

In the case of Roma pupils educated according to the (standard) Framework Education Programme, more than 30% went on to study for their school leaving certificate. The UNDP/WB survey shows the great likelihood that if a pupil completes elementary education conducted under the Framework Educational Programme for Elementary Education with an Annex for the education of children with mild mental disabilities (hereafter MMD), he or she will attain only secondary education without a school leaving certificate.[[21]](#footnote-21).

2.3.2 Slovak Republic

Size and composition of the Roma groups

In 1991 the Roma, for the first time, were given an opportunity to claim their Roma nationality. Ethnicity was recorded in the Census on the principle of self-declaration, which probably resulted in a significant statistical drop in the recorded number of Roma population compared to estimates. Such a trend persisted in the 2001 census as well. According to the 2011 Census of Citizens, Houses and Apartments, 89,920 persons declared themselves to be Roma.

According to some activists the size of the Roma population of Slovakia could reach 800,000, while field studies and statistical projections yield a range of 320,000 to 440,000. The 2004 ATLAS of Roma communities quotes the number of Roma living in Slovakia at 320,000 individuals. The Centre for Demographic Research estimates with great probability that 440,000 Roma resided in the territory of the Slovak Republic in 2011, which represents around eight per cent of the total population. Regionally, the Roma are mostly concentrated in the Prešov, Košice and Banská Bystrica regions.

The ATLAS mapped 1,087 municipalities and towns. Therein 1,575 settlements of various types were identified, populated by communities perceived as Roma. In 772 municipalities or town these communities live integrated, interspersed within the majority population. The ATLAS lists 149 segregated settlements located on the outskirts or outside the limits of municipalities/towns.

Educational level of Roma

Statistical projections indicate that the Roma population of compulsory school-age in Slovakia currently accounts for nearly one-fifth (18.8 per cent) of the country’s entire Roma population.

Roma`s educational achievements continue to be far below those of non-Roma, regardless of how these are measured.

There is a large gap in pre-school access, Roma children are much more likely to be streamed into special schools for mentally disabled children or into special classes in regular schools, and rates of secondary school completion and performance on standardized tests are much lower.

According to the 2010 sample household survey conducted by UNDP, 40.5 % of the marginalized Roma population has not completed full elementary education (ISCED 2). As a comparison, according to the 2001 census, 80 % of the Slovak Republic citizens have higher than full elementary education. With respect to secondary education, the 2010 UNDP survey shows that only 17 % of marginalized Roma population members has completed education at levels ISCED 3C (no GCSE) and ISCED 3A (with GCSE) [[22]](#footnote-22).

Among the Roma who have completed education, the dominant group comprised individuals who have completed elementary schools (48 %); 17 % of Roma have not completed elementary education. This amounts to almost 65 % of individuals who have not continued their studies at high school, but have finished their education on the elementary level, most of them successfully. There were 24 % of individuals continuing their studies after completing elementary school, the most numerous of which were Roma with completed high-school education (16 %), which included trade schools (14 %) and high schools with GCSE (2 %). Unfinished high-school education had been quoted by 8 % of respondents, while in most of the cases the school in question was a trade school (8 %).

Special elementary schools were attended and completed by 4 % of Roma. Other types of education reached were represented marginally, including high-school education with graduation.

Men differed to an extent from women with regard to the level of education reached. More frequent among Roma women were persons who had not continued their studies at high-schools, i.e. persons with incomplete mandatory 10-year elementary school and with incomplete elementary education. These differences manifested themselves in the respective representations of the higher level of education. Difference between Roma men and women in the number of persons with completed high school education represented more than eight percentage points. The educational structure of surveyed Roma women may be assessed as slightly lagging behind the educational structure of men.

The vicious circle of social exclusion is further reinforced by the fact that Roma students from the marginalized communities often fail at the elementary schools because they are unable to socialize in the current system of schooling (the process of socialization is too short). Thus the Slovak schooling system may contribute to the reproduction of social differences, since children from low-income families are more likely to achieve lower education, which in turn increases the likelihood of the next generation of children being raised in poverty.

2.3.3 Hungary

Size and composition of the Roma groups

According to the data of the census conducted in 2001, based on ethnic affiliation, 190,046 persons declared themselves to be Roma. In the present decade, researchers estimate the Roma population to be between 650,000 and 750,000. This represents approximately seven per cent of the entire population of the country.

Three linguistic sub-groups are identified: the Romungros (Hungarian-speaking Roma), the Vlach Roma (bilingual, speaking both Romani and Hungarian) and the Beash Roma group (who speak Hungarian and Beash, a dialect of Romanian).

The Roma population has an uneven geographical distribution in the territory of the country. In certain counties, Roma can reach fifteen per cent. Additionally, territorial differences are extreme at the level of smaller territorial units; in a number of localities and locality groups, the Roma constitute the majority of the population.

More than 60% of Roma live in the countryside, in a rural environment, mostly in segregated residential zones, in rather poor housing conditions. There are some one hundred localities in Hungary which have definitively turned into poor Roma ghettos, while in another two hundred localities, this situation will emerge in the near future as a result of seemingly irreversible processes. Most of the segregated localities and localities on their way to micro-regional ghettoisation are situated in the country’s economically depressed north-eastern and south-western regions which are typically characterised by a structure of small localities.

The age composition of the Roma population is substantially younger than that of the non-Roma population. In 2010, the rate of children aged between 0 and 14 amongst Roma was 36.8%, while this proportion within the non-Roma population was 15.4%.

Educational level of Roma

The general socio-economic situation of Roma in Hungary is worse than that of the majority population, specifically in the areas of unemployment, health and education. Most of the Roma suffer from a low educational level (barely 20% of them reach secondary final examinations).

The educational integration of the Roma population came to a halt in the years preceding the changes of 1989. While in the decades before the 1990s, the Roma significantly caught up with the national average in terms of the completion of their elementary studies and there was an increase in the ratio of Roma individuals with vocational qualifications, their ratio in secondary schools providing final examinations remained negligible and consequently so did their participation in higher education. Their relative situation regarding studies at a higher educational level has since further deteriorated. While their integration in elementary schools continued, their ratio in secondary schools providing final examinations remained below 15 per cent, in contrast to the national average in excess of 80 per cent. Additionally, most of the few Roma who do continue their studies tend to seek admission to vocational schools. They have a much higher drop-out rate than their non-Roma counterparts. In vocational schools, every fourth student on average is required to repeat at least one year during the course of his/her studies (the ratio of students required to repeat a year in grammar schools is 5% in relation to the total number of students), many of them indeed never complete their studies and depart the educational system without qualifications. This phenomenon, which has been on the rise in recent years, greatly contributes to youth unemployment and a rise in poverty and plays a major role in the regeneration of a population with low educational qualifications.

2.3.4 Slovenia

Size and composition of the Roma groups

The latest statistical data available (results of the 2010 population census) shows that there are 2,048,951 persons living in Slovenia. Autochthonous Italian and Hungarian national communities and the Roma ethnic community are recognized as being traditionally and historically settled on the national territory of Slovenia.

Official data on the number of members of the Roma community living in Slovenia were collected during the census of 1991 and 2002, but they do not distinguish between Roma residing in Slovenia permanently and those residing only temporarily. In the 2002 census, 3,246 persons claimed to belong to the Roma community[[23]](#footnote-23), and 3,834 persons stated that their mother tongue was the Romani language. These are official 2002 census figures; however, different bodies and non-governmental organisations in Slovenia estimate that the number of Roma living in Slovenia is between 7,000 and 10,000.

The majority of them live in Prekmurje and Dolenjska and, to a lesser extent, in Posavje and Bela krajina.

Educational level of Roma

The education situation in Prekmurje and Dolenjska regions is different: in Prekmurje the Roma children attend school and Roma people have a better socio-economic situation, whilst in Dolenjska region the school attendance is lower and people face bigger problems in terms of living conditions.

2.3.5 United Kingdom

Size and composition of the Roma, Gypsy and Traveller groups

A number of traditional travelling groups have lived and travelled in Great Britain and Ireland for centuries. They include Romani Gypsies, Irish Travellers and Scottish Gypsies/Travellers. Many now live in houses and do not travel, or do not travel all of the time, but nonetheless consider travelling to be part of their identity. There are no firm statistics on the numbers of Gypsies and Travellers in the UK. Estimates vary from 80,000 to 300,000. This represents approximately 0.31% of the entire population of the country.

The 2011 census for the first time included a Gypsy and Traveller tick-box in the ethnic origin question. When the results of this are available, it is hoped that they will provide clearer indication of the numbers of people who identify as Gypsy or Traveller.

The term “Roma” is usually used in the UK for people of Roma origin who have come to the UK in recent years, particularly following the end of the Cold war and successive enlargements of the EU in 2004 and 2007. There are no reliable data on the number Roma in the UK – entrants to the UK are not monitored by ethnic origin. The number of Roma migrants present in the UK is estimated by some NGO source as 500,000, a figure that is not backed up by governmental sources[[24]](#footnote-24).

Education level of Roma

The 2011 study ‘From segregation to inclusion: Roma pupils in the UK’[[25]](#footnote-25) found that Roma primary and secondary pupils, some of whom had been sent to special schools in the Czech Republic and Slovakia, studying at UK schools perform just as well as their non-Roma peers or slightly below average. Many go on to study in higher education, including tertiary education. Mainstream/inclusive schooling has proven to be a key factor in the process of every pupil’s socialisation and social inclusion as Roma and non-Roma pupils grow up side by side. It is a decisive force contributing to overall social cohesion.

As an example taken from this study, the Babington Community College has built up experience in working with Roma pupils from Central Eastern European countries for several years now. There are currently 70 Roma heritage pupils from Slovakia, the Czech Republic and Romania. Many of these pupils choose Babington as their preferred school even though there are several schools nearer to where they live because they appreciate the efforts Babington has made to engage with their community.

At Babington Roma pupils attend 90% of the time even though most live 5 miles away and the most common reason for absence is the inability to pay the bus fare when money is short. Many Roma pupils achieve well. Last year 38.3% of year 11 Roma pupils left with 5A\*-C with English and Maths and one Roma pupil passed maths GCSE at grade B at the end of year 9[[26]](#footnote-26).

III. COMPARATIVE ANALYSIS (LEGISLATION, POLICIES, MEASURES)

3.1. Legislation and policy measures covering education, including “special schools”

3.1.1 Czech Republic

Several programming documents have been adopted by the Czech Government since 2000, such as the Strategy of Roma Integration[[27]](#footnote-27), the National Action Plan for Social Inclusion, the National Action Plan for Inclusive Education, the Strategy to Combat Social Exclusion for 2011-2015. Responsible bodies have been established as well, including the Inter-ministerial Commission for Roma Community Affairs and the Agency for Social Inclusion in Roma Localities. Several initiatives, such as pedagogical assistants, preparatory classes, programmes of community field work and others have been started.

Mr Tomáš Sirovátka from Masaryk University, the author of a study on the Czech national policy for promoting social inclusion of Roma published in July 2011 concludes that, although the policy objectives in the above-mentioned documents cover all the important areas, the targets are formulated only at a general level (except for the new Strategy to Combat Social Exclusion 2011-2015). Social inclusion of Roma is not well mainstreamed or coordinated. Progress in key areas is minor, as indicated by the small increase in the numbers of pedagogical assistants, preparatory classes, kindergartens in Roma communities, field social workers, health assistants, social housing; employment programmes, etc.

This critical analysis has been echoed by other observers. The National Action Plan for Inclusive Education (NAPIE), adopted in 2010, was said to lack concrete actions for its implementation and fail to acknowledge racial discrimination as a main cause for segregation[[28]](#footnote-28). The European Commission, commenting the National Strategy for the Integration of Roma 2012-2020, equally reported a lack of concrete measures in the chapter on desegregation and a lack of focus on inclusive education[[29]](#footnote-29). The Strategy to Combat Social Exclusion (2011-2015), however, foresees a number of concrete measures to promote desegregation, including a progressive closing down of primary practical schools and increased access of Roma children to pre-school education.

In June 2012, the Council of Europe Committee of Ministers’ Deputies, in the context of its supervision of the execution of the European Court of Human Rights judgment D.H. and Others vs. The Czech Republic of 2007[[30]](#footnote-30)

1. *“took note of the information provided on 15/05/2012 by the Czech authorities on legislative and practical measures, on-going or envisaged, aimed at inclusion of Roma children in the education system in a non-discriminatory manner (see DH-DD(2012)498*[[31]](#footnote-31)*);*

*2. regretted that a full assessment of the information provided proves difficult insofar as the information does not clearly link with the action plan initially provided by the authorities (the NAPIV), the status of which needs to be clarified in relation to the Strategy for the fight against social exclusion 2011-2015; also expressed concern on the absence of information to date on the impact of the measures adopted during the current school year and that the results of the monitoring carried out in this area by the Czech School Inspectorate will only be published in July 2012, just a few weeks before beginning of the next school year;*

*3. underlined the importance of accelerating the implementation of the judgment, which has been final for nearly five years, in order to achieve concrete progress on the ground; called on the authorities to provide a consolidated action plan based on a clear medium- and short-term strategy, with a time-table and budget for the implementation of the measures foreseen, and which responds to all the outstanding questions identified in memorandum CM/Inf/DH(2010)47;*

*4. invited the authorities to submit in due time for their 1150th meeting (September 2012) (DH) the results of the monitoring of the impact of the measures adopted during the current school year and the report of the Czech Public Defender of Rights (“Ombudsman”)**and decided to examine the case at its 1157th meeting (December 2012) (DH) in the light of the consolidated action plan to be prepared in a close co-operation with the Secretariat.* [[32]](#footnote-32)*”*

Indeed, while all remedial schools were renamed (from “special schools” to “practical schools”) in 2005 and some of them were transformed into regular primary schools, it appears that the content and methods of education applied in these schools have not changed. A report of the Czech School Inspectorate released in 2010 revealed that 83% of the now practical schools continued to function as “hidden special schools” just as before 2005[[33]](#footnote-33).

In July 2012, the Czech School Inspectorate published a new Thematic Report on Progress in Transformation of Former Special Schools in the School Year 2011/2012, with a view to monitoring progress in accordance with requirements set out in the Education Act, as per the latest amendments[[34]](#footnote-34). According to the reported data the number of Roma pupils included in programmes for mild mental disabilities (MMD) has moderately decreased to 26.4%. However, support measures for socially disadvantaged pupils and pupils who are borderline do not differ much from the support provided to pupils suffering from MMD. The Czech School Inspectorate considers that is partially caused by diagnostics, as well as by the way in which the diagnosis is further used, and partially by decisions taken by statutory representatives of pupils. According to that institution, amendments to legislation which came into effect in the 2011/2012 school year could have more considerable effects in the following year, in particular in the area of diagnostic placements which are permitted for a period of one year in the case of pupils with health impairment and for five months for socially disadvantaged pupils.

A more positive approach towards desegregation and inclusive education seems, however, to gain ground among Czech policy makers, as was noted by the CAHROM group of experts following discussion with the Ministry of Education during their visit in Prague. On 20 September 2012, the Ombudsman, the Human Rights Commissioner of the Government and the Minister of Education took part in a meeting on equal opportunities for Roma pupils in education. They discussed the results of the Ombudsman’s study of 2012 and ways of promoting desegregation of the education system and promoting inclusion of Roma pupils into mainstream education. They have inter alia discussed the need for a reform of the system of funding of schools and for providing additional financial support for children in need of support in mainstream schools, including at pre-school level.

3.1.2 Slovak Republic

Article 34 paragraph 1 of the Constitution of the Slovak Republic guarantees national minorities, including Roma, the right to comprehensive development, especially the right to develop – along with other members of the minority or group – own culture; the right to disseminate and accept information in a mother tongue, to associate in national associations; to found and maintain educational and cultural institutions.

Article 34 paragraph 2 of the Constitution of the Slovak Republic and international documents of the Council of Europe ratified by the Slovak Republic[[35]](#footnote-35) guarantee citizens of Roma ethnic origin, aside from the right to learn the state language, also the right to education in their mother tongue.

In the case of the Roma national minority, however, implementation of this right was complicated by the fact that the Romani language has been standardized only in 2008. Thus, in reality, the Roma minority has within the schooling system of Slovakia, to this day, officially only one school where Slovak and Romani languages are both used, i.e. the eight-grade private high school of Zeferin J. Malla in Kremnica. Besides this school, there are three other secondary schools and two primary schools instructing in the Romani language but they are not yet officially registered as minority schools by the Ministry of Education.

The terms pupils/students from “marginalized Roma communities” (hereinafter “MRC“), and/or pupils from “socially disadvantaged environment” (hereinafter “SDE“) are commonly used since Roma constitute one of the socially weakest and most disadvantaged parts of the Slovak population.

The main legislative norm regulating the regional school system, the School Act, uses, instead of “pupils from marginalized Roma communities”, the term “pupils from socially disadvantaged environment”. A SDE child/pupil is considered to have special educational needs.

An important institution that ought to assist SDE students is the so called **“zero grade”** (see a description in reply to question 8 under sub-chapter 3.4 below).

There are two sorts of Centres for pedagogy-psychological prevention (regular and special), but Special Centres for pedagogy-psychological prevention have stronger competencies and are mostly located in the same buildings with special schools and under the same administration.

With the adoption of the **Anti-discrimination Act**, definitions of equal treatment and discrimination were introduced into the Slovak legal system (2004).

In January 2012, the Government of the Slovak Republic adopted the ***National Roma Integration Strategy (NRIS) of the Slovak Republic up to 2020***. The main policy areas formulated in the National Roma Integration Strategy in the field of Education are as follows:

* access to schools with good-quality standard education should be provided for everyone, including pre-school, primary, secondary and higher education;
* Special emphasis should be placed on the elimination of ethnic segregation;
* Whilst the dropping out of education needs to be prevented at the earliest possible stage, attention should also be given to the facilitation of a smooth transfer for students from school to work.

The NRIS calls for the introduction of policies that will eliminate the grave disparities at the level of education between Roma and the majority population.

3.1.3 Hungary

The policy approach in Hungary is somehow a mixed approach between mainstreaming and targeting. Since most of the Hungarian Roma, about 80% of them, live in extreme poverty in disadvantaged regions, a policy aimed at the inclusion of the Roma in Hungary cannot be separated from the general fight against poverty and the improvement of social and economic competitiveness. At the same time, the Hungarian government agrees that particular attention should be paid to the ethnic group of the Roma as experiences show that they are the poorest of the poor and have been least reached by the various inclusion programmes.

In accordance with the EU basic principle of explicit but not exclusive targeting, the Hungarian government considers that special means, methods and approaches for the involvement of the Roma population are needed.

Article 68 of the 1990 Hungarian Constitution provides minorities, including Roma, with the right to preserve their culture, language and history, allowing political collective participation in public life as well as the rights to their own organisations and to establish regional and national self-governing bodies. The Romani language is recognised as an official minority language and the group is officially recognised as a minority[[36]](#footnote-36).

In 1990 the Office for National Minorities was set up, including a Department on Roma issues. The recognition of both individual and collective rights of minorities and members of minorities was granted through the 1993 Act on the Rights of National and Ethnic Minorities[[37]](#footnote-37) which granted 13 such groups, including Roma, the right to self-government and personal autonomy. All the 13 minorities listed in the Minorities Act of 1993 possess dual identity (Hungarian and ethnic minority) and have the right to elect their own local self-governments, parallel to the national one. This provided the path to Roma autonomy and the formation of the National Gypsy[[38]](#footnote-38) Minority Self-Government (National Roma Self-Government since 2011). The self-governing bodies act as advisory boards in co-operation with the national and local majority authority.

The *State Secretariat for Social Inclusion* plays a coordinative role between the various ministries and secretariats with the aim to promote social inclusion. It also closely co-operates with the *National Roma Minority Self-government*.

Through Act LXXIX of 1993 on Public Education (amended in 1996 and in 2003), an action programme was elaborated in the field of education, which allowed the regional minority self-governing bodies the possibility of setting up educational institutions in the minority language, alongside the possibility to address educational desegregation.

The National Roma Self-government and the Roma minority self-governments have the right to maintain and to establish schools and also operate schools of their own in the spirit of cultural and educational autonomy. Education in the school system enables Roma pupils to acquaint themselves with the cultural values of the Roma and provides information on the status, rights, organisations and institutions of the Roma. This form of education and teaching successfully operates in a number of localities. It is, however, necessary to provide further guarantees to prevent Roma minority education from becoming a means of segregation.

The forms, content and framework of the kindergarten and school education of the Roma minority are regulated in the Decrees on kindergarten education of national and ethnic minorities and on school education of national and ethnic minorities. The purpose of kindergarten education is to prepare children for a successful entry into the school system by consciously building on the differences and similarities between the Roma culture and the majority culture.

International organisations and human rights defenders had expressed over the last 20 years their deep concern about school segregation of Roma pupils and enrolment of children in remedial schools.

According to human rights monitoring bodies’ reports, segregation could and, to a lesser extent, still does take various forms. It started with limited access for Roma children to pre-school education (kindergarten level) due to a lack of kindergarten in areas with large Roma population and restrictive enrolment policies by a number of kindergartens. Many Roma pupils consequently started school later (age 8 and beyond) than children from the majority population (age 6 or 7). They were then often channelled to remedial school based on tests for school readiness carried out before entry to primary education.

Segregation also happened through Roma-only classes in mainstream schools, often as a means for schools to increase their school population (and funding provided accordingly) with a view to avoiding any “white flight” (majority pupils leaving the school). These classes could often be found in separate and lower quality buildings[[39]](#footnote-39). Physical separation of pupils within a school could at times be extreme, with different entry doors, separated meals and separate end-of-year ceremonies.

The curriculum in special schools/classes was significantly lighter and teachers were reportedly often not adequately trained to work with Roma pupils[[40]](#footnote-40).

Additionally, a growing number of Roma children were not attending school at all, as a result of becoming “private pupils” in line with the Public Education Act, which foresees the possibility for children to be exempted from class attendance while having to pass end-of-year exams in order to progress to the next grade. The decision of exempting a child from school attendance could be made by parents, but could also be recommended by the educational counselling services. The latter reportedly pressured Roma parents to request private pupil status for their children. Those facing special educational needs or disability could benefit from financial and academic assistance, including private lessons. However, in practice, it appeared that neither financial nor teacher assistance was available. This practice represented another form of segregation of Roma children and it often resulted in non-completion of compulsory education. Lastly, Roma having completed primary remedial education were often pushed into short-term vocational education, which trained pupils for low-skilled work and was usually disconnected from the employers’ needs.

Both the Act on the Promotion of Equal Treatment and Equal Opportunities adopted in 2003 and the Civil Code provide general anti-discrimination legislation. Article 10 (2) of the 2003 Act on the Promotion of Equal Treatment and Equal Opportunities defines segregation in education and prohibits it as a form of discrimination: “unlawful segregation is a conduct that separates individuals or groups of individuals from others on the basis of their characteristics as defined in Article 8 without a reasonable explanation resulting from objective consideration”.

The target groups of educational equal opportunities programmes are, in every instance and regardless of ethnicity, groups of pupils/students qualifying as pupils/students with multiple disadvantages or as disadvantaged as defined in Section 121 Point 14 of Act LXXIX of 1993 on Public Education. Decree No. 4/2010. (I.19.) OKM identifies the relevant procedure and the professional requirements of the tests and examinations serving as the basis of the subsequent expert opinion.

As a result of the adoption and implementation in recent years[[41]](#footnote-41)of the above-mentioned legislation, there has been a decrease in the number of pupils classified as having special educational needs due to a mild mental disability. This could be a source of inspiration for the requesting countries covered by this report.

3.1.4 Slovenia

The situation and rights of members of the Roma community are mainly regulated by Article 65 of the Constitution, the Government Programme of Measures to Assist Roma (adopted in 1995), the Strategy of Education of Roma in the Republic of Slovenia (adopted in 2004, revised in 2011), the Roma Community Act (adopted in 2007) and the National Programme of Measures for Roma for the Period 2010–2015 (adopted in 2010).

**Article 65 of the Constitution of the Republic of Slovenia** states that the status and special rights of the Romani community living in Slovenia shall be regulated by law.

In 1995 the Government adopted the Programme of Measures to Assist Roma. The underlying principle of the national programme of measures is the following: the Roma community in Slovenia enjoys special status and members of this community, in order to be successfully integrated into the Slovenian society and able to assume relevant responsibilities, are granted, besides the rights and obligations accorded to all Slovenian citizens, additional rights provided by law.

On 30 March 2007, the Slovenian National Assembly adopted the Roma Community in the Republic of Slovenia Act[[42]](#footnote-42). This Act comprehensively regulates the status of the Roma community in Slovenia and the competences of national authorities and authorities of self-governing local communities concerning the implementation of special rights of the Roma community. It stipulates that these bodies must ensure the implementation of the special rights of the Roma community at the national and local levels. The Act also regulates the organisation of the Roma community, including funds for financing activities. Under this Act, Slovenia has committed itself to ensure special rights to the Roma community in the fields of education, culture, employment, territorial management and environmental protection, health and social care, information and co-decision in public matters that concern members of the Roma community.

In order to ensure better education to Roma people, the Strategy of Education of Roma in the Republic of Slovenia was adopted in 2004 and revised in 2011. The Strategy was prepared in close collaboration with the Union of Roma of Slovenia. The Strategy is based on priority areas, such as:

* Inclusion of Roma assistants in the educational process;
* Early inclusion in educational processes (setting up conditions for inclusion in pre-school education);
* Creating conditions for developing confidence in schools, including the learning about Roma culture and the removal of prejudices;
* Raising the quality of education provided to Roma children;
* Establishing a "support for learning" network, in particular for secondary school Roma students.

Numerous activities defined in the Strategy have already been carried out (see details in the Addendum).

In 2010 the National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2010–2015 was adopted. It has been implemented through sector specific programmes and measures by relevant state bodies and self-governing local community bodies and is monitored by the Government Commission for the Protection of the Roma Ethnic Community. Indeed, all ministries and government offices are requested to devote special concern to Roma issues within their field of competence and include them in national programmes in their respective fields of work.

Among the specific support measures for the education of Roma community members, the following can be mentioned:

* The education of Roma children is guided by the [Strategy](http://www.mss.gov.si/si/solstvo/razvoj_solstva/projekti/enake_moznosti/) adopted in 2004 and amended in 2011;
* A [supplement to the curriculum](http://www.mss.gov.si/fileadmin/mss.gov.si/pageuploads/podrocje/vrtci/pdf/vrtci_Dodatek_-_ROMI.pdf) for pre-school institutions working with Roma children and instructions for the implementation of the elementary school programme for Roma children were approved.
* The child-adult ratio pre-schools groups including Roma children is more favourable (1st age period - 4 children per 1 adult, 2nd age period - 7 children per 1 adult).
* [Roma culture](http://www.mss.gov.si/fileadmin/mss.gov.si/pageuploads/podrocje/os/devetletka/predmeti_izbirni/Romska_kultura.pdf) is one of the elective subjects in the elementary school.
* In elementary schools the norms for forming class groups which include at least three Roma pupils are more favourable than in regular schools (maximum 21 pupils).
* In the 1st grade of elementary school two teachers are present in the class group for longer time than in regular class groups.
* The elementary school may employ an additional teacher or school counsellor who offers Roma children learning and other assistance; a school with more than 45 Roma pupils may employ two teaching assistants.
* Within the framework of a special project, Roma assistants are employed in pre-school institutions and schools, who are typically members of the Roma community and who help children to overcome the emotional and linguistic barriers and bridge the gap between a pre-school institution and school and the Roma community.
* The state additionally finances school meals, textbooks and excursions for Roma pupils.

3.1.5 United Kingdom

In 1993 the general principle that children with special educational needs should – where this is what parents want – normally be educated at mainstream schools was enshrined into law. However, pupils and their families had to satisfy a series of conditions – the mainstream’s ability to ensure the child received the educational provision his or her learning difficulty called for while also ensuring the efficient education of others with whom she or he would be educated and the efficient use of resources – before they secured access to mainstream education. These conditions were open to abuse and children who would have benefited from inclusion were denied access to mainstream education.

Like most countries in the world the United Kingdom supports the Salamanca Statement, drawn up by a UNESCO World Conference held in Salamanca, Spain, in 1994, which called upon all Governments to “adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise”.

In 1997 the new Government published ‘Excellence For All Children – Meeting Special Educational Needs’. This set out a strategy to improve standards for pupils with special educational needs. A clear commitment to promoting greater inclusion was signalled, as was the need to develop the role of special schools. In doing this the significant educational, social and moral benefits of inclusion were highlighted. Following substantial consultation ‘Meeting Special Educational Needs – A Programme of Action’ was published in 1998. This undertook to review the statutory framework for inclusion in conjunction with the Disability Rights Task Force.

The Task Force’s report ‘From Exclusion To Inclusion’ – published in 1999 – recommended “a strengthened right for parents of children with statements of special educational needs to a place at a mainstream school”.

The Special Educational Needs and Disability Act 2001 delivers a strengthened right to a mainstream education for children with special educational needs. This Act has amended the Education Act 1996 and transformed the statutory framework for inclusion into a positive endorsement of inclusion. The Act seeks to enable more pupils who have special educational needs to be included successfully within mainstream education. This clearly signals that where parents want a mainstream education for their child everything possible should be done to provide it. Equally where parents want a special school place their wishes should be listened to and taken into account.

*3.2. Main problems identified*

3.2.1 Problems identified in both requesting countries

Over-representation of children in special schools, and of Roma children in particular

In the Czech Republic, Slovakia and Hungary, the percentage of pupils with special educational needs placed in special schools is respectively at 8.6%, 7.7% and 5.8%, whereas it is at around 2% in Italy, France or in the United Kingdom.[[43]](#footnote-43). Many Council of Europe member states (including Finland that was recently visited by another CAHROM team of experts[[44]](#footnote-44)) are in the process of keeping the number of special institutions to the minimum and to enrol as many children with light mental or physical disabilities in the mainstream system.

Testing

Misplacement in remedial schools (called “practical schools” in the Czech Republic and Slovakia) occurs mainly in Central and Eastern European countries, where Roma pupils form a large share of the pupils attending these schools. The Commissioner for Human Rights of the Council of Europe has noticed that this problem is particularly acute in Slovakia and in the Czech Republic. One of the reasons for these practices is the existence of over-extended networks of remedial schools and generally low levels of integration of children with difficulties (including those with disabilities) into mainstream education[[45]](#footnote-45). Additionally, testing to determine the placement into remedial education continues in many cases to be based on the principle of “defectology”, which was the leading concept in dealing with disability under the Communist regimes. “Defectology” is a medical approach aimed at diagnosing disability or difficulties and then at placing children in various educational facilities according to established categories, in order to treat them. On the contrary, inclusive education aims at providing educational support to respond to possible specific needs of the Roma children with a view to helping them overcome difficulties in the context of mainstream education.

The tests applied to determine the intellectual abilities of children, sometimes before even they enter primary school, are often culturally biased and do not take into account the linguistic problems Roma children are often facing (due to the fact that they often speak Romani at home) and their socio-economic environment. The very idea of testing intellectual abilities of children with a view to providing them with different types of education is opposed by many experts as running counter to the concept of inclusive education. Inclusive education implies that children should not be tested but, in case specific needs are identified, supported as appropriate within the context of mainstream education. According to UNICEF, inclusive education is a strategy for addressing all forms of exclusion and discrimination resulting from the fact of being different, including ethnic origin, disability and other vulnerabilities[[46]](#footnote-46).

Attitude and living conditions of Roma parents

A number of testimonies heard from school directors in the Czech Republic and Slovakia indicate that there is a need for stronger efforts and more dialogue with Roma parents to convince them to send their children to mainstream schools and make them understand the benefit for their children to attend regular schools and finish their studies. A number of obstacles to this process have been identified during the visit:

* high level of illiteracy among the parents;
* mistrust towards the education system viewed as an instrument of assimilation;
* Roma parents asking for flexibility and not ready to receive any form of pressure from schools.

There are some other factors that prevent Roma children and youth to take advantage of the educational system; most common constraints are the lack of appropriate clothes, lack of financial resources, lack of electricity and drinking water. Such factors are not predominant, but they do exist and all mentioned goals should be therefore taken into account when dealing with Roma education.

3.2.2 Problems identified more specifically in the Czech Republic

According to the Czech Ombudsman’s 2012 report, the crucial causes of the school failure of Roma pupils at elementary schools include the lack of pre-school education, inadequate involvement of the parents of children from socio-cultural disadvantaged backgrounds in the education process, the language barrier (use of the Romani language at home) and the process of diagnosing (“testing”) the special educational needs of pupils (see above).

The status of the "MMD Annex" is not clear. It is supposed to be only a methodological tool for education pupils who score in IQ tests below certain line. Instead of this, the MMD Annex works as a separate educational programme according to which groups of pupils are educated in separate classes. Moreover, the whole separate schools work according to this "mere" Annex, which explains how "segregated schooling" is established in the Czech Republic. Many intellectually able Roma children in the Czech Republic are still being enrolled into the "practical primary schools" intended for children who are "lightly mentally disabled”.

In its 2012 report, the Czech School Inspectorate identified the following problems within the Czech schooling system:

To reduce the proportion of the Roma ethnic group at former special schools not offering education in compliance with the Educational Framework Programme for Primary Education. For the time being, at such schools the proportion of the Roma ethnic group is still significantly higher than corresponds to its representation in the regional demographic structure, out of which 26.4 % have been diagnosed with a mild mental disability (MMD) at the nation-wide level.

A material breach of the Education Act was ascertained in 110 cases during the school year 2009/2010; these schools used to allocate pupils to the MMD programmes without undergoing any diagnostic assessment; measures to remove these deficiencies were taken within the specified periods, a follow-up inspection was carried out at four schools last year.

The regional practical primary schools are competing in vain with municipal schools which have the duty to provide all pupils with equal access to education in accordance with the Act and which also have sufficient capacity available in terms of space.

Specific needs for supporting socially disadvantaged pupils and pupils with minor mental disorders are not distinguished. It is necessary to identify pupils’ needs correctly, to show them properly and allocate them to programmes of support of MMD at the school level. To remove risks of breaching the right to equal treatment and provision of corresponding education and, at the same time, also the unauthorized drawing of financial means from the state budget by this.

Systemic funding of special needs of the group of socially disadvantaged pupils has not yet been resolved. The situation when institutional support of pupils with MMD is most convenient in economic terms for schools is to be changed. Any targeted means of a comparable amount are not aimed at forms of the group and individual integration at common schools and specific support in accordance with the needs for socially disadvantaged pupils and Roma pupils. The means to offer economic provision implicitly supports continuous unwanted attitudes at former special schools. It is necessary to provide systematic support for teaching assistants, preparatory classes, individualized educational plans and other specific measures for education of socially disadvantaged pupils within the state budget.

3.2.3 Problems identified more specifically in the Slovak Republic

As it was mentioned by the Office of the Plenipotentiary of the Slovak Republic Government for Roma Communities during the workshop held in Košice, special school attendance in Slovakia is on the increase, and so is school segregation. Over one third (36%) of Roma children are reported to be in all or mostly Roma classes, and 12% of Roma pupils are reported to be in special schools. While only 6% of Roma over the age of 30 attended special schools, the rate stands at 11% among pupils who are currently of schooling age: in other words, in the space of approximately a generation, Roma‘s attendance rate of special schools has more or less doubled[[47]](#footnote-47).

A study conducted by the Roma Education Fund in 2009[[48]](#footnote-48) highlighted the fact that up to 60 % of all students in special schools are Roma from Marginalised Roma Communities (MRC), and in special classes in regular elementary schools more than 86 % of all students come from MRC. Having poor and uneducated parents - or parents who went to a special school - represents an enormous burden that is not easy to overcome, regardless of personal aspirations.

Special schools educate pupils with health disabilities – Roma pupils are mostly classified by the psycho-diagnostic tests as pupils with light mental disability or being on the „border-line“ – psychological testing may in many cases confuse socio-cultural disadvantage with mental disabilities.

Another problem is the philosophy of the School Act in relation to MRC pupils is currently pro special education oriented. As a consequence of the 2.7 times higher regular normative sum, teachers in special school are better paid than in mainstream schools. There are two sorts of Centres for pedagogy-psychological prevention (regular and special), but Special Centres for pedagogy-psychological prevention have stronger competencies and are mostly located in the same buildings with special schools and under the same administration board.

When it comes to Roma education, the present system of no pre-school education combined with streaming Roma children to special schools or classes is a “lose-lose proposition”. Failing to invest in Roma education dooms large numbers of Roma to unemployment or extremely low-paying jobs and deprives the Government of substantial fiscal revenues.

With regard to the low rate of secondary school completion among Roma pupils, there are three main factors to it:

1. Mandatory schooling ends at the age 16 – means that a pupil placed in the zero class and repeating a grade ends up being out of school system right after finishing the 9th grade in elementary school
2. The accessibility of upper secondary schools – on the one hand, the financial burden (transport + food + tools) and, on the other hand, the problem of enrolment of the graduates of special education into the mainstream vocational schools
3. Potential high/vocational school SDE students are motivated by the activation allowance which is higher than the scholarship assigned for the students in material/social need.

Despite increased financial interventions in the education of Roma students, it needs to be pointed out here, that SDE students fail within the Slovak educational system. The gap in the formal educational level of Roma (especially marginalized) population compared to the majority population is tremendous.

Another persisting problem in Slovakia is the continuing shortage of teachers skilled in Romani language courses, as well as the lack of textbooks and material in Romani. The vast majority of the Roma population therefore attends Slovak schools, which do not provide teaching on Romani language and literature.

*3.3. Visits to elementary schools: a comparative summary*

**3.3.1 Visited schools in the Czech Republic (Prague, 1 October 2012)**

|  |  |  |  |
| --- | --- | --- | --- |
| Visited schools / Prague district | “Havlíčkovo náměstí”  Prague 3 | “Lyčkovo náměstí”  Prague 8 | “Grafická”  Prague 5 |
| Type of school | So-called “Roma school” but not a practical school for mentally-disabled. | Mainstream elementary school. | So-called “Roma school” but not a practical school for mentally-disabled. |
| School master/mistress | Mrs Elena Masnerová, school director for the past 20 years. | Mr Jan Korda, school director for the past 9 years. | Mrs Ivana Rosová, school director for the past 15 years. |
| Surroundings/history | Located in Žižkov district (Prague 3) which used to be regarded as a Roma-district in Prague but not any longer. | Located in Karlín district Prague 8 which was flooded some years ago. Flats were renovated and rents got higher. Many Roma families moved away. The population in this district is now mixed: 50% Roma and 50% non-Roma. | Located in Smíchov district (Prague 5), Many Slovak Roma families used to live in this part of Prague. A number of those families moved away after the building of the tunnel close to the school in 1995. A new generation of mainly Slovak Roma families came later (with little contacts between the two groups). The population of this district is composed of 30% Roma and 70% non-Roma families. However, the number of Roma children is 85%. |
| Total number of pupils | The school used to have 450 children 20 years ago. The number dropped off to 176 at present. | The number of pupils in the elementary school has increased from 250 in 2004 to 435 in 2011. The school refused 40 applicants this year, essentially children living from other Prague districts. Local inhabitants, including Roma, receive priority (obliged by law). | 150 children at the moment. |
| Percentage of Roma pupils | Roma used to represent 40% of the total number of children 20 years ago; now they represent almost 85%. After the fall of communism, non-Roma parents progressively withdrew their children. As a result it became a so-called “Roma school”. Non-Roma pupils are often coming from socially-disadvantaged or migrant families (e.g. from Arab countries). | The school includes 15 to 20% Roma children (2 to 3 Roma children per class is an ideal number for effective integration programmes according to the school director). | Roma used to represent 35% to 40% of the total number of children; now they represent 80% to 85%. Most of the Roma children have non-educated Roma parents. |
| Average number of pupils per class | Around 10-12 the day we visited the school, mostly but not exclusively Roma. Some pupils were not at school due to bank holiday the Friday before. | 20 in average. | 15 in average. |
| Inclusion of children who are slightly mentally disabled | A number of children “with special needs” are integrated in the classrooms with other children. They receive the same schooling certificate with, however, a mention that they have followed a (lighter education programme. | A limited number of children with special needs are integrated in the classrooms with other children. | The school includes children with special education needs. The school has both very talented and borderline children (slightly mentally retarded). |
| School policy | The school has a long tradition in educating Roma pupils and favours a bottom-up inclusive policy approach.  There is a small number of children per class.  The school often substitutes itself to families since most of them are coming from socially-disadvantaged background. Flexibility in working methods (the school and parents are mutually accommodating).  Good atmosphere at school, with Roma assistants and teachers.  Trust building which progressively allows school staff to be stricter with Roma parents/children. | Effective integration and inclusive education but with a limited number of Roma children per class.  Quality education (which continues to attract non-Roma parents).  School is strict with Roma parents (no privileges). | The school places emphasis on arts and cultural activities (dancing, painting, gardening, etc.).  The classes are kept small.  The school provides specific classes with methodologies to teach in an illustrative way (using hands).  The school encourages motivation and responsibility.  Cooperation with other schools, in particular French schools. |
| Teaching of Romani at school | None | None. | None but Romani culture put forward. |
| Incentives to attract non-Roma parents/children | Early teaching of English.  Computer classes. | Quality education. | French classes.  The school tries to attract non Roma children possessing artistic skills. |
| Supportive/incentive measures for school enrolment of Roma children | Pre-school introduced since 1995 (one of the first schools to do so).  Use of Roma assistants since 1994 (currently 5). Two of them act as Roma mediators on a voluntarily basis (go and fetch the children at home in case of absenteeism).  Free after school activities.  Computer classes (also addressed to parents).  Counselling centre.  Special pedagogues.  Good cooperation with NGOs (e.g. ®. Moste). | Pre-school for children who are not mature enough has been introduced for the last 3 years.  The school does not use Roma assistants any longer (bad experience with other Roma not accepting the Roma assistant) but non Roma teaching assistants.  Extra-curricular school activities, including time for helping pupils with their homework.  The school tries to motivate parents in order let them know that education is important.  A full time special pedagogue and a psychotherapist who work with children individually and contribute to improve quality of the school (tailor-made education). | There is a kindergarten in the surrounding opened for three-year old children. However, most of the Roma parents do not send their children to kindergarten.  There are 4 Roma assistants working in the school.  The school acts as a community centre for the neighbourhood.  After school and leisure activities with the help of volunteers.  Use many projects, art, culture etc.  Specialists (psychologists) and an in-house counselling centre. The school has close contacts with the certified centre for pedagogy. |
| Financial issues | No ESF any longer since Prague is regarded as a rich city.  Roma assistants used to be funded until 5 years ago 100% by the Ministry of Education. It has decreased by 5% every year and now the Ministry of Education covers 75% of the costs. It obliges the school to ask for subsidies elsewhere (e.g. NGOs) or take money from the teachers’ budget. This year the school received financial support from the city district. | The grant received from the Ministry of Education is getting lower every year.  The school tends to recruit junior staff as it is cheaper. | In 1995 the school received almost all the funds from EU but now there are no longer such funds available. The school receives grants. |
| Main problems identified in that particular school | Financial difficulties.  The total number of pupils is decreasing due the fact that non-Roma children leave the school.  School absenteeism: if too much pressure is put on the parents, they take children away from school.  Education is not valued enough among Roma families. Due to the economic crisis, education is becoming less and less attractive for Roma families.  The burden of school enrolment falls on schools rather than on parents. | It is difficult for the school to reach parents who are not motivated enough for the education of their children  Some Roma parents do not accept the rules and requirements (a few families decided to withdraw their children from this school as it was too strict for them).  Inclusive education is more demanding so there is a trend for exclusive education in Prague. | They don’t have enough financial support.  The school is labelled as a «Gypsy school» and does not attract many non Roma parents.  The Roma parents look for a flexible approach. Parents adjust the education system to the child, not vice versa.  The presence of a shopping centre closed to the school creates competition for school presence. |
| Requests addressed to authorities | More financial support is needed (to cover e.g. twice more Roma assistants).  To help motivating Roma parents to send regularly children to school (e.g. through an awareness-raising campaign). | Need for feedback from state authorities.  Need for a definition of “inclusive education” and “quality education” (these are left to the discretion of school masters).  Need for financial but above all moral support and recognition. | The education system that leaves the choice to parents to choose their school should be changed. Parents should be obliged to send their children to the nearest school. This would encourage mixed classes. |
| Prospects for future education | 60% of the pupils manage to finish their compulsory education, whilst 40% fail to do so. The pupils apply to secondary schools (however most of the Roma pupils go to vocational schools).  95% of children finish 9 years compulsory education but some of them drop off before the last compulsory school year. | 80% - 90% of children finished 9 years compulsory education and passed to secondary school. (310 children, including 4 Roma).  Children are free to leave after accomplishing the 9 years compulsory education. Many Roma children do so (e.g. one Roma girl failed to graduate the last year but had already spent 9 years at school. Instead of repeating her 9th year, the parents decided to enrol her as hairdresser). | It depends on years. As an average about 60% of children finish their compulsory education and pass to secondary school; they mostly go to vocational schools. |

**3.3.2 Visited schools in the Slovak Republic (4 October) and meeting with school directors and teachers (5 October)**

On 4 October 2012, the CAHROM thematic group of experts visited the Elementary School in Spišský Hrhov and met with the principal of the school, Mr Peter Strážik. The visit was followed by a meeting with local authorities at the town hall. The group also met with Mr Alexander Mušinka whom, in his publication “The things that worked - Examples of successful activities on the level of local administration aimed at improving the situation of the Roma”[[49]](#footnote-49), quotes the primary school of Spišský Hrhov as a good example of an integrated educational programme based on inclusive principles and as one of the 21 listed good practices regarding Roma inclusion in Slovakia. The description of the school below is partly an extract of the abovementioned publication.

The choice of the Slovak organisers of the CAHROM thematic visit was to present a successful example of inclusive education in Slovakia and to demonstrate that it can be done.

The primary school with a nursery school in Spišský Hrhov is a fully organised state countryside school with Slovak as its teaching language. The school has 9 grades and in accordance with international standards for classification of education (ISCED) offers a primary education for approximately 270 pupils and a pre-primary education for 60 pupils in a nursery school every school year. The school provides primary and secondary levels (from 6 to 16 years old) and optional activities, like sports, gardening, cooking, computers and languages. The educational process is provided by 20 fully qualified teachers and professional employees. Some of them speak Romani. The average number of children per class is 20. Two special classes exist for children with specific needs and who require special attention (100% of children in these classes are Roma).

From the total number of pupils, more than half (exactly 51%) are of Roma origin, which to a significant measure influences the character of the school’s educational programme with elements of inclusion and enrichment by a multicultural dimension and cooperation with non-profit and non-governmental organisations. Many schools in the region consider the presence of a large number of Roma pupils as a negative element. The School in Spišský Hrhov has become, on the contrary, a positive example of problem-free co-existence, cooperation and removal of minority tensions and barriers.

Roma pupils attending the school are coming from Spišský Hrhov itself and from the marginalised community in Roškovce. These two communities are characterised by a diametrically different social environment, including the type of housing, the number of children in families, hygienic habits and the approach of pupils towards school obligations. Despite this diversity, the school accepts pupils from both communities and makes the effort for an individual approach.

The school director knows all of the pupils by name, regardless of differences in origin and nationality, which contributes to the exceptionally personal approach and feeling of importance from the viewpoint of the self-confidence of the pupils. Pupils coming from marginalised communities in particular respect this fact and are aware of a position of equality among majority residents. This method of approach of the school leadership brings positive feedback with the solving of disputes, which are rare anyway. The Roma pupils visit the school director during breaks without bashfulness or fear, with a feeling of satisfaction that their problems and attitudes are accepted and can be resolved.

The school ranks among its priorities the teaching of foreign languages, computer literacy, strengthening of the social and environmental awareness of pupils, respecting regional and folklore traditions, increasing reading literacy and a wide scale of different activities which are not commonly accessible at schools of the same type in this region. It places great emphasis on thorough preparation of pupils for studying at secondary schools. This is also shown in the excellent results of testing which the pupils achieved in Monitor 9 in the scope of the district during recent years. Each ninth class has a number of Roma pupils who are not only finishing their primary education with a successful percentage result in the monitor, but are continuing on to grammar school or vocational school in the district. As an average 90% of the children finish the secondary school. However, 10% of Roma girls leave before finishing the 9th grade (during the 6th or 7th class, they become pregnant, leave the school and obtain social benefits).

Ten Roma pupils who had left the school came back later and were provided a second chance to finish their studies. They received free textbooks from the school. Another four pupils left with their families to England but came back to Slovakia to pass their exams.

From an organisational point of view this school is not anything exceptional and we find this type of school in many villages. Its activities are, however, unique in this context. The success and attractiveness of the school for both Roma and non-Roma parents are essentially due to the great number of projects and activities which are carried out, the majority of which are done from the school’s own resources and initiatives, or from resources from different donation schemes, grants, foundations and the like.

The school is indeed very active in writing applications for donations and grants (doing it itself or recruiting an agency). It has in recent years been a successful applicant and initiator of projects from obtained from European Union funds, company philanthropy and foundations supporting education.

The school has for instance received, via the Ministry of Education, grants from European Structural Funds (ESF) amounting 230,000 €. These grants have been used to buy materials, books, laptops, to refurbish the kitchen or to connect the school with Wi-Fi and Internet. The school has also recruited two additional Roma assistants from these grants (one was already working at the school).

A non-exhaustive list of projects developed at the school is indicated below as food for thought. A more detailed explanation of each project can be found in the Addendum of this report.

* “Not-a-test” is an initiative of the school director to increase the visits of pupils to the school library. Pupils borrow a book and read it. This dispenses them once from participating in a test. By doing so, it increases the interest of pupils for reading (as a result, 40% of children are more motivated to read alone).
* Foreign qualified teachers and lecturers from the USA and from Great Britain helped Roma pupils focus on conversation, practice correspondence and simulate situations needed for travelling and working abroad. The lecturers also provided education to pupils’ parents.
* The programme of the Regional development partnership called the Roma Educational Development Fund (RED Fund) involves tutoring of selected intellectually gifted Roma students, financed by American donor and philanthropist Jarret Schecter from New York, who is known for activities in the process of supporting education of marginalised pupils.
* “Let’s Give the Weak a Chance”: thanks to a grant by the Orange Foundation in the amount of EUR 3,000, a group of 50 selected Roma children took part in activities focused on increasing literacy in the English language during the summer holidays.
* Through a grant obtained from the **Comenius Regio programme from the British Council**, a lecturer taught pupils the German language.
* The project “Christmas Gathering”, supported by the Polish institute in Slovakia, was implemented together with a Czech partner from Moravany and a Polish school from Poronin.
* The trans-border project “Let’s Learn about the Slovak-Poland Border Region,” supported through the Prešov VÚC by a sum of EUR 50,000, gave pupils the opportunity in the course of one year to visit places, villages and natural sites.
* “Get to Know Your Friends” is a cross-border cooperation project between Poland and Slovakia.
* In partnership with a Polish school, the project “Crafts Gathering” was carried out, in which approximately 20 craftsmen from the Spiš region trained pupils in individual crafts and skills. The entire activity was sponsored by small local businesses.
* In the project “Let’s Teach Children the Traditions of our Forefathers – Crafts of the Spiš, supported by the Orange Foundation with EUR 3,000, the school carried out over a six-month period hundreds of hours of crafts production of small objects.
* The project “An herbal mosaic – a step for the young toward health” received a grant of approximately EUR 5,000 from the foundations Deťom Slovenska (To the Children of Slovakia) and Hodiny deťom (Children’s Hour).
* Pupils from the school won first place in the Slovak-wide Medicinal Plant Olympics. Roma pupils looked over English translations and descriptions of herbs and medicaments.
* Through the school activity “Tourist Guide Services”, and with the help of a lecturer from Sandwell College, University of Birmingham (United Kingdom), pupils became a part of an intensive language and professional preparation for tour guide services in the region.
* Afternoon activities are organised in the segregated community in Roškovce supported by the organisation People in Need Slovakia.
* Together with volunteers from the same organisation, the school carries out so-called green days for all pupils of the school, with inter alia the aim of demonstrating the equality of people of different ethnic background, and the needs for protecting the environment.
* An Austrian philanthropist and student of Roma cultural studies at University in Vienna, Barbara Tiefenbacher, regularly supports the school not only financially but by offering the opportunity to participate in international meetings in the fields of culture, art and education.
* In 2008-2009 the school was involved in the project “An Equal Chance” which overall goals were to support the social integration or Roma pupils, reduce the number of Roma segregated classes, create a model of integrated (inclusive) school environment, improve quality education and train pedagogical workers on intercultural diversity.
* Through the project “The World of Bread – Bread of the World” the school currently carries out non-traditional teaching strategies to develop the pupil’s relations to nature, crafts, and traditions.
* Through cooperation with a methodological-pedagogical centre, a day-long educational system for pupils from marginalised Roma communities was launched.

This innovative methodology of implementing traditional classes combined with leisure activities and implication of parents and NGOs to promote cultural activities has been mainstreamed to other villages in Poland, England (London) and Scotland (Inverness)[[50]](#footnote-50).

The atmosphere at the school is for the pupils, but mainly for the school employees, remarkably motivational. Many of the employees accept to work extra hours as volunteers. Ideas and initiatives are highly welcomed and in the case of any problems, solutions are sought and not justification for why things are not feasible.

Proof of the attractiveness and popularity of the school is also its unprecedented mediatisation both at home and abroad, when for the past two years it has appeared 30 times in print media and 20 times in television in the news reports of Slovak and foreign television[[51]](#footnote-51).

The primary school has earned the reputation as a modern, democratic and rapidly developing institution of the family type where school-pupil-parent relations are an elementary element in the process of management and communication. Regardless of nationality close contact is built especially with parents of Roma pupils, who regularly communicate with the school leadership and class teachers in person or by telephone and occasionally through e-mail. The key of the success of this integrative policy is indeed the motivation and participation of Roma families. It creates an atmosphere of cooperation and reciprocity and improves relationships. Roma families are involved in the construction of buildings and apartments, as well as in social events (festivals, coffee evenings, etc.). The level of stereotypes is decreasing little by little among the majority society.

The school leadership and the pedagogical corps to a maximum extent respect the individuality of pupils, their social origin and the environment from which they come. Parents perceive the process of education at school positively, and they join directly in activities at school and outside of school. Parents are in contact with the school and through their input and cooperation improve the educational process. A well-developed school educational programme with elements of inclusion ensures balanced personal development of the pupils.

The recommendations addressed by the Spišský Hrhov school director to other schools are the following:

* to be more interested and confident in applying for donors’ support for projects;
* to manage correctly the funds so as to obtain good results, improve efficiency and quality of education;
* to spend funding properly with the view to improving methodologies and testing new perspectives;
* to have adequate and motivated staff;
* to keep good mutual relations with parents and with the municipality.

In that regard, the Deputy Mayor of Spišský Hrhov municipality, Mr Pavol Urda, expressed satisfaction as concerns cooperation with the school management and with Roma families. The municipality puts much emphasis on cohabitation. “From blocks of concrete, you can either build a wall or a bridge. We chose the second option”. Roma families are active members of the local community life. Roma teenagers do not create more problems than any other teenagers.

Mr Urda informed the CAHROM thematic group of experts that Roma represent 25% of the total number of inhabitants. The number of Roma increased from 900 to 1,400 over the last ten years as the municipality attracted people from other villages who settled in Spišský Hrhov. In that respect, the municipality would be interested to obtain advice how to deal with the legalisation of settlements.

The municipality further informed the CAHROM team of experts that a large part of local taxes (84%) is attributed to children’s education. This includes support for the municipality kindergarten. Indeed, one pre-school year is compulsory before entering primary school and has to be financed by local authorities’ budget. 36 children attend the kindergarten (30% of them are Roma). The municipality also used to provide support for a leisure centre; however, as from 2013, the municipality will have to reduce its financial contribution.

Roma are, however, not represented at the municipal council level. Their level of participation as voters is low and when they vote, they usually vote for non Roma. Therefore Roma candidates to the position of municipal counsellor were not elected (the best candidate got 1/4th of Roma votes). The municipality has nevertheless established a Roma Council with a consultative character composed of three Roma representatives (one woman and two men).

The programme continued with a visit to a Practical Elementary School for mentally disabled children in Spišská Nová Ves. The CAHROM team of experts had a chance to exchange views with PhDr Ľuboš Bazár, Head of the School, with his Deputy Head, as well as with teachers (including a recently recruited English teacher), psychologists, special pedagogues, and other staff responsible for the diagnosis and school enrolment of children.

The School Director, who has been teaching for 20 years and who is also teaching students in Bratislava University (some of them visiting the Spišská Nová Ves school as trainees), informed the CAHROM team of experts that 96% of pupils of the Spišská Nová Ves practical school were of Roma origin (270 out of a total of 280 children). The school is the biggest united school in Košice area and includes five different institutions in three different buildings, all under his responsibility[[52]](#footnote-52).

During the discussion, the School Director indicated that experience shows that Roma children are considered different because of their background and environment of poverty, relations with drugs, alcohol, robberies, poor settlements, etc. He considers that this is equivalent to having a mental disease or being disabled. This is why special schools are attended not only by children with real problems of mental disorder but also many Roma children. He was surprised that Roma pupils could follow regular education in England and suggested that either the British system has lower education quality standards, or that the British schools had not received from Slovak schools information indicating that these children had special educational needs.

According to him, the methods of teaching for special children are good because they do some testing regarding the skills at the beginning of the education (0 class) and if children are not able to pass, they stay at this 0 class. Children cannot go to primary school unless the academic staff has decided so. The psychologist decides who is able and who is not. After five years the diagnosis is repeated to see if any progress has been achieved. Social workers help the parents and the pedagogues to decide whether, in case of any improvements, children are able to go to elementary school. School offers specialization on subjects, such as artistic skills, social services, cleaning, and pastry-making. The school receives subsidies from the Ministry of Education for digitalization but not for implementing methodologies.

He considers that the Ministry for Education, apart from defining the rules for special education, should adapt the subjects to the children even if they are under the general average level of knowledge.

*3.4. Workshop discussions: a comparative summary*

A research conducted by the Czech Ministry of Education in conjunction with the Education Information Institute in the first half of 2009 shows that Roma children from a disadvantaged sociocultural background have a lower probability of obtaining a good education and during their school attendance show worse results compared to their peers; this prevents them from pursuing further study at secondary school or university, which in turn has a negative impact on their future working life. The investigation pointed out the unequal educational opportunities of Roma pupils in comparison with other pupils, since the probability that a Roma child will be educated in line with the RVP LMP is much greater than for other children.

Question 1:

* How do you define “special schools”[[53]](#footnote-53) and “children with special (educational) needs”?

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| SITUATION IN THE CZECH REPUBLIC |
| The term “special schools” was used until 2004 and was later replaced by “elementary practical schools” (zakladni skola prakticka). According to the Framework Educational Programme for Elementary Education (RVP ZV) with the Annex regulating education of pupils with mild mental disability (MMD), pupils who score in IQ tests below certain line are labelled as “light mentally disabled” and are directed to these “practical schools”. Some pupils are enrolled in regular elementary schools but follow the so-called LMP Annex curriculum. These children will receive a school certificate indicating that they have not followed the “regular” curriculum. |
| SITUATION IN THE SLOVAK REPUBLIC |
| The terms pupils/students from “marginalized Roma communities” (hereinafter “MRC“), and/or pupils from “socially disadvantaged environment” (hereinafter “SDE“) are commonly used since Roma constitute one of the socially weakest and most disadvantaged parts of the Slovak population.  The main legislative norm regulating the regional school system „the School Act“ uses, instead of “pupils from marginalized Roma communities”, the term „pupils from socially disadvantaged environment“. A SDE child/pupil from SDE is considered to have special educational needs. |
| SITUATION IN HUNGARY |
| The terminology used is “special and conductive educational institution” which is defined as an institution educating exclusively students with special needs and which can only enrol students based on the opinion of the Special Needs Experts Committee.  According to the Hungarian Public Education Act, a pupil/student with special needs is defined in the following way: “a student in need of special attention who - according to the opinion of the Special Needs Experts Committee - has a locomotor/sense perception/speech/mental/learning or behavioural disorder or who is suffering from autism”. |
| SITUATION IN SLOVENIA |
| The definition of children with special needs according to the Placement of Children with Special Needs Act of the Republic of Slovenia is the following: “Children with special needs, who need adjusted implementation of programmes with additional expert assistance or adjusted and special education programmes, include children with mental development disorders, the blind and partially sighted, the deaf and hard of hearing, children with speech and language impairments, movement-impaired children, children with chronic diseases, children with deficiencies in individual fields of learning and children with mental and behavioural disorders.”  Children with SEN have the following options:  • to attend regular schools and pre-schools;  • to attend schools offering the adjusted programmes;  • to attend units at  regular schools which follow the adjusted programme;  • to attend units at special institutions.  By a prescribed procedure, the Commission for Placement decides on the placement of children in a programme and integration into a pre-school institution or school as well as on the necessary adjustments of the education programme, the scope, type and manner of the implementation of additional professional or physical assistance and possible other rights (e.g. free transport, adjusted equipment etc.). Parents may appeal against the decision. The body deciding on the appeal is the second instance commission, which acts within the Ministry of Education and Sport.  In conducting the placement procedure, the commission takes into account the criteria and the achieved level of development, the capacity for learning and achieving the necessary standards of knowledge, aetiology and prognosis with regard to the child's deficiency, impairment or disability. The criteria for defining the types and degree of disadvantages, impairments and disabilities of children with special needs are laid down in the [Rules on the organisation and methods of work of commissions for the placement of children with special needs and on criteria for determining the type and degree of disadvantages, impairments and disabilities of children with special needs](http://zakonodaja.gov.si/rpsi/r04/predpis_PRAV4984.html). |
| The groups of children with SEN integrated in regular schools are as follows:   * Children with deficiencies in specific fields of education who could be very successful with adjustments and additional assistance; * Children with emotional and behavioural problem; mainly such problems are the result of a disorderly domestic environment; * Children with a long-term illness who, during their hospital treatment, attend the hospital school – a unit of a regular school, located in the same city as the hospital; * Children with speech and language problems, provided that such deficiencies are not too severe (autism); in such cases children attend special institutions for the deaf or schools offering an adapted programme; * Children with physical disabilities attending education at an institution which corresponds to their intellectual abilities; if their movement is heavily restricted or they suffer from any other deficiency that requires medical rehabilitation, they are integrated into special institutions; * The majority of deaf children or children with hearing impairments, and blind children or children with visual impairments; only children who suffer from an additional deficiency beside their main disability are integrated into specialised institutions.   Children with complex or severe mental problems attend schools with adapted programmes that provide education at a lower level and special education programmes. Formal recognition of practice based on the formation of groups, following the adapted education programme(s), within regular schools is increasing.  The Ministry of Education will introduce changes to the legislation regarding SEN probably in 2013. |
| SITUATION IN THE UNITED KINGDOM |
| Most of the children and young people are educated in mainstream schools with all the other children and young people in their locality. All children attend their local schools. Communities with different ethnicities will live in the same area or location and attend the same school. As an example, in Leeds there are schools with over 40 different nationalities and home languages.  Children and young people with complex physical or leaning needs which generally cannot be fully met in a mainstream setting are educated in special schools. In Leeds these schools are known as Specialist Inclusion Learning Centres (SLICs).  The Department for Education (DFE) has a consultation document out entitled “Support and aspirations: A new approach to special educational needs and disabilities” which includes wide-ranging proposals to improve outcomes for children and young people who are disabled or have special educational needs. The information in this publication supports this vision as it will help teachers, parents, school governing bodies, local authorities and those they work with to assess the quality and efficiency of the provision they make with a view to improving outcomes for children and young people. Chapter 1 of this publication covers the following topics:   * Prevalence of pupils with special educational needs * How do the achievements compare between pupils with and without special educational needs? * How does progression vary between Key Stages for pupils with special educational needs? * How do activities up to age 19 vary according to the level of provision and type of special educational need? * Absence and exclusion from school * Characteristics of pupils with special educational needs * Attainment of pupils with special educational needs * Progression of pupils with special educational needs * How do activities up to age 19 vary according to the level of provision and type of special educational need? * Absence and exclusions from schools for pupils with special educational needs. |

Question 2:

* What is the number/proportion of Roma children enrolled in special schools?

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| SITUATION IN THE CZECH REPUBLIC |
| The Ombudsman of the Czech Republic released in June 2012 the results of a study covering 67 schools for children with special needs (now called “practical schools”). He estimates that, although Roma form only about 2% of the total population, they constitute 32% of the pupils in practical schools.  These results confirm figures obtained previously by the Czech School Inspectorate in March 2010. The latter studies indicated that Roma constituted up to 53% of the children enrolled in remedial schools in some regions, their average number being at 35%. At least 5,000 children without any diagnosis of disability were placed in special schools for disabled children. In the first level (grades 1 - 3), 39.52 % of the Roma children are enrolled in practical schools versus only 2.17% of children belonging to the majority population.  Of the total number of all Roma elementary school pupils, almost a third (26.7% to be precise) attend schools teaching according to the Framework Education Programme for Elementary Education of those with Minor Mental Disability (in Czech: RVP ZV LMP), whereas these schools are attended by only 2.17% of other pupils.  In August 2012, the School Inspectorate released a new report. According to the results of this research, the proportion of Roma pupils being educated as if they are mentally disabled has fallen over the past two years due to the impact of recent change in legislation. While Roma children previously comprised 35 % of the pupils educated in programmes for the disabled, they currently comprise only 26.4 %. Big differences between the individual regions have been detected here. The highest rate of Roma pupils classified as diagnosed with MMD was in the Region of Liberec (45.7 %), the Moravian-Silesian Region (39.0 %) and the Hradec Králové Region (34.7 %). There was a significant decrease of 22.7 % in the Ústí Region.  School inspectors conducted their investigation in practical primary schools which were previously designated "special" (zvláštní) schools. Only school children with diagnoses of "light mental disability" should end up in such schools, but children are often enrolled into them solely on the basis of their poor social backgrounds.  Since last school year, parents must give their "informed consent" to enrolling their children into the "practical primary schools".  According to the Czech Education Ministry, recent efforts to enrol Roma children - and not only them - into mainstream education have started producing some results. Two years ago, the former "special" schools educated a total of 68 % of their pupils on the basis of disability, but today only 49 % of their pupils are enrolled on that basis.  The Ministry of Education does not have any statistics concerning the number of children in elementary practical schools nor do they have statistics of children taught according to the programme for light mentally disabled in regular schools. However, in the context of the execution of the ECtHR Judgment in the case D.H. and Others v. The Czech Republic, the Ministry of Education is planning to perform annual investigations to establish the number of Roma pupils educated in programmes according to the LMP Annex of the Framework Educational Programme for Elementary Education (RVP ZV), as well as to collect information about the number of children enrolled in the so-called “integration groups”, i.e. classes created only for children with special educational needs. |
| SITUATION IN THE SLOVAK REPUBLIC |
| A 2009 study by the Roma Education Fund estimates the proportion of Roma pupils in special primary schools (for disabled –mentally and physically- children) to be at 59.4%, in special secondary schools at 35%, and in special classes in mainstream schools at 85.5%.  The proportion of Roma children in special schools can reach up to 75% in Eastern Slovakia, while it is of around 40% in Western Slovakia. It is also much higher in schools located in rural areas than in cities (above 75% against 50% respectively). The study also indicates that in families with one child enrolled in special education, the other children are also likely to be enrolled in these schools.  Regarding special classes in mainstream schools, Roma represent between 85% and 90% of all pupils in these classes, even though in the schools concerned Roma constitute on average only 40% of the school population. Special classes in mainstream schools are located mainly in the rural areas of Eastern Slovakia. |
| Moreover, the REF study shows that among pupils in special primary schools who completed mandatory education at grade nine, half were Roma. Among pupils in special primary schools completing mandatory education at a level lower than grade nine, Roma account for 80%.  Special primary schools and special classes in primary standard schools are reportedly in a significantly worse material situation and the proximity to Roma settlements makes the situation worse. Special classes in standard schools are sometimes located in unsuitable areas such as the basement of the school. It is to be noted that Roma pupils are often also segregated outside the classroom, for instance at lunchtimes, in corridors and sometimes in the very class room where Roma are attending mainstream education.  The curriculum is lighter in special primary schools than in mainstream schools (it consists of approximately 60% of the standard curriculum and there is a reported four-year gap between the two curricula) and more focused on practical subjects than on general knowledge. There is no possibility to learn a foreign language in special schools, as according to the school authorities, children with light mental disability (most Roma pupils are placed in special schools on this ground) cannot learn a foreign language (even though most Roma children speak Romani and Slovak). Pupils enrolled in special schools usually finish with the ISCED1 knowledge level. |
| SITUATION IN HUNGARY |
| Although school segregation is banned by the Act on Public Education of 1993 and the Equal Treatment Act of 2003, the proportion of Roma children studying in segregated schools or classes has steadily increased in Hungary since 1990. While in 1992, 7.1% of Roma pupils studied in a school attended mainly by Roma, this proportion rose to 20-25% in 2004. In 2007, schools were segregated in 170 villages and towns throughout the country and separate Roma-only classes existed in 700 communities.  The policy approach has, however, changed over recent years and through legal reform, the system is on its way towards a more inclusive educational system.  In Hungary, special schools are now reserved for children with autism background or children with severe psychological problems or physical disabilities. The current trend is to move Roma children who are purely socially vulnerable away from special schools and integrate them into the mainstream educational system. There is a Commission which decides who needs special schools and who does not. The opinion of an Equal Opportunities Officer is required. |
| SITUATION IN SLOVENIA |
| The starting point is that Roma children are not, as a group, children with special needs. If they have special needs, they are treated as any other children with special needs. There is a Special Commission which determines if the child has special needs or not.  There is a trend to close down special schools and to integrate children in the general system. Special units or departments exist within mainstream pre-school institutions and elementary schools implement adjusted and special programmes for children with special needs. The majority of children with special needs are therefore included in mainstream pre-school institutions and schools, which adjust the implementation of the programme and offer additional help. This combination of both models provides better qualitative results. In the school year 2009/2010, there were 0.9% of such children in pre-school institutions, 4.5% in elementary schools and 3.18% in secondary schools. In addition to that, the system allows individual programme for a child who is integrated into a mainstream class.  According to the Statistical Office of the Republic of Slovenia, adjusted programmes in mainstream pre-school institutions were conducted in 36 development departments in the school year 2009/2010, and included 0.3% of children. Adjusted elementary school programmes with a lower educational standard and special programmes in special departments were conducted in 21 mainstream elementary schools in the school year 2009/2010, and included 0.2% of children. Children with special needs may transfer to the regular elementary school programme in individual courses. |
| SITUATION IN THE UNITED KINGDOM |
| In the United Kingdom, the experience is focused on integration. The system does not distinguish between Roma and non-Roma children. Gypsy, Roma and Traveller (hereafter “GRT”) children and young people are not over-represented in *Specialist Inclusion Learning Centres* (SILCs). In Leeds there are 1.02% of GRT children and young people in a SILC.  Children learn and teachers learn too and the mainstream schools have a very high level of good results. Special schools for really disabled children or with mental disabilities also offer a good quality education. There is a penalty in case of abandoning school. |

Question 3:

* How are "special needs" or "support intensity scale" defined and measured?

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| SITUATION IN THE CZECH REPUBLIC |
| The concept of “special needs” is linked to health disabled, health disadvantaged or social disadvantaged children. There is a lack of definitions in laws and regulations. Schools decide or not to have a special needs assistance person. The mental disability is measured by psycho-diagnostic instruments in Pedagogical-psychological centres, at this time predominantly by WISC-III and the borderlines are defined by an IQ test. |
| SITUATION IN THE SLOVAK REPUBLIC |
| Special schools shall provide the Government with information identifying children mentally or physically disabled and therefore with special needs, together with the agreement of parents. |
| SITUATION IN HUNGARY |
| Special needs are not decided by politics. However, here has been a revision of criteria for diagnosis and new definitions of special needs treat separately autism, socially disadvantaged and mentally disabled children. |
| SITUATION IN SLOVENIA |
| Slovenia does not use the terms “support intensity scale”.  As regards the definition of “special needs”, see reply to question 1. The Ministry of Education will introduce changes to the legislation regarding SEN probably in 2013. |
| SITUATION IN THE UNITED KINGDOM |
| Children who are slow to learn or who are of a minority ethnic group are not segregated in special schools; they attend mainstream schools.  There are Specialist Inclusion Learning Centres (SILCS) for the profoundly physically and mentally disabled children and young people.  Having English as an additional language is not a special need. Being socially disadvantaged is not a special need.  Special Educational Needs Coordinator or Inclusion Coordinator in schools work with children who need to “catch up” their learning. Schools have now Inclusion Managers or Integrated Service Managers.  Special educational needs (SEN) in mainstream schools have three different levels:  Action – where the child is little below the rest of the peers and may be given extra intervention classes;  Action Plus – the school can apply for extra funding called FFI (Funding for Inclusion) to offer the child more support in classes or in intervention classes.  Statement – this is confirmed by an educational psychologist when the child is significantly below the peers. This will secure more funding to enable that child to, either stay in mainstream education and get the support needed for this, or to attend a SILC for the most profoundly disabled.  Action Plus and Statemented children all have individual educational programmes that the teachers write. They are shared with all who teach or work with the child. These are reviewed regularly to show improved learning.  Children with Statements have an annual review with all involved to improve outcomes.  The school provides support to these children and their families.  Roma twins in one school have an extra support from a “nurture group” as they have emotional problems. |

Question 4:

* Are social exclusion and/or ethnicity among criteria defining special needs?

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| SITUATION IN THE CZECH REPUBLIC |
| Socially disadvantaged is one of the groups of special needs children, though there is a lack of clear legal definition. Therefore, the psychologists and special needs specialists find it difficult to decide who is socially-disadvantaged and who is not. The term “socially excluded” is not used in education legislation.  Amendments were made in September 2011 to the Decree on Counselling (No 72/2005) and the Decree on Special Education (No. 73/2005). However, based on an assessment of the Office of the Commissioner for Human Rights, the two decrees still contain provisions which appear inconsistent with inclusive education goals. Section 3 of the Decree on Special Education (No. 73/2005) still allows for children with a “social disadvantage” to be placed in separate classes for children with disabilities for up to five months if that child fails to cope in mainstream school over an extended period. Currently, no clear checks exist to assess the type and quality of support provided to children with “social disadvantage” temporarily placed in “practical schools”, nor is adequate support provided to such students before or after such an assignment to “practical school”. Many Roma children in the Czech Republic fall into this category. |
| SITUATION IN THE SLOVAK REPUBLIC |
| Experience shows that Roma children are considered to be different because of their background and environment of poverty, relations with drugs, alcohol, robberies, living in settlements, etc. This is often seen as equivalent to having a mental disease or being disabled. As a result, especially in rural areas, not only children with real problems or disorders but also Roma children attend special schools. |
| SITUATION IN HUNGARY |
| Ethnicity or social aspects are not among the criteria defining special needs.  Ethnicity can only be taken into consideration for positive discrimination or vindicating minority rights and only if the individual makes a voluntary declaration that he/she considers him/herself a member of a minority group. |
| SITUATION IN SLOVENIA |
| Social exclusion and/or ethnicity are not criteria defining special needs (see reply to question 1). |
| SITUATION IN THE UNITED KINGDOM |
| Social exclusion and/or ethnicity are not amongst the criteria defining special needs/schools. Special schools are for pupils who have profound learning or physical disabilities. |

Question 5:

* How do you define “vulnerable” or “disadvantaged” children/families/social environment?

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| SITUATION IN THE CZECH REPUBLIC |
| One of the criteria to recognise a socially disadvantaged child, according to the Decree 73/2005 on Special Education, is the unsupportive, non-incentive family background meaning a family which is not able or not willing to support their child(ren)’s education. Broader social environment is not (formally) taken into account. |
| SITUATION IN THE SLOVAK REPUBLIC |
| The terms pupils/students from “marginalized Roma communities” (hereinafter “MRC“), and/or pupils from “socially disadvantaged environment” (hereinafter “SDE“) are commonly used since Roma constitute one of the socially weakest and most disadvantaged parts of the Slovak population.  The main legislative norm regulating the regional school system, the School Act, uses, instead of “pupils from marginalized Roma communities”, the term “pupils from socially disadvantaged environment”. A SDE child/pupil is considered to have special educational needs. |
| SITUATION IN HUNGARY |
| There is no definition of the concept of vulnerable groups in Hungarian legislation. The National Social Inclusion and Roma Strategy talk about people with low work intensity, income poverty or serious material deprivation and that these groups tend to be of low level of education. We also often talk about groups more exposed to discrimination.  The Child Protection Act defines the term “socially disadvantaged” based on the family’s income per capita and “socially multiply disadvantaged” based on the parents’ level of qualification (the maximum qualification of multiple disadvantaged students’ parents is elementary school certificate).  “Socially excluded localities” is not a terminology used in Hungarian legislation. According to the Central Statistical Office’s definition: segregated residential zones are areas where more than 50 % of the inhabitants of active age (15-59) have no permanent work income or have elementary level qualification at most.  In case of settlements below 2,000 inhabitants, segregated areas are considered those parts of the settlement which are judged by the local people as “poor zones” or “Roma zones”, i.e. those areas which are accommodated by the poorest in one unit of the settlement and are in a deteriorated condition. |
| SITUATION IN SLOVENIA |
| There is no special definition of vulnerable groups.  Acts define the following groups of children, pupils and students who due to personal, socio-economic or cultural circumstances are entitled to assistance or special measures:   * Persons belonging to the Italian and Hungarian ethnic communities have the right to education in their mother tongue and to form and develop education in ethnically mixed areas.; * Members of the Roma community are defined as a special group whose rights are regulated by legal provisions in the Constitution of the Republic of Slovenia. The exercise of special rights is regulated by the [Roma Community Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO4405.html) and, in the field of education, by the Kindergarten Act and the Basic[[54]](#footnote-54) School Act; * Migrants (foreigners): the rights of foreign children are regulated in detail by the Kindergarten Act, the Basic School Act, the Gymnasium Act and the Vocational Education Act; the Asylum Seekers Act ensures the right to education of refugees and asylum seekers; * Based on the Kindergarten Act and the Basic School Act children receiving hospital treatment are entitled to pre-school and elementary education in hospital. |
| In accordance with the education objectives in the Organization and Financing of Education Act, children from less favourable social and economic environments are entitled to receive support and assistance of a pre-school institution or school.  According to the governmental decision, there is a scale of regions according to their state of development :   * The so-called index of developmental endangerment, which is calculated on the basis of pondering between the indexes of development, endangerment and developmental possibilities ; * Indexes of development: GDP per inhabitant; gross value-added per employed; gross basis before income tax per inhabitant; number of workplaces per active population ; * Indexes of endangerment: index of ageing population; registered unemployment rate and employment rate; * Indexes of development possibilities: average number of years of schooling; equipment with municipal infrastructure, share of Natura 2000 areas, index of settlement. |
| SITUATION IN THE UNITED KINGDOM |
| It is very unclear whom the Department for Education (DFE) refers to as vulnerable children but certainly this group includes look after children, SEN children, those on the Child Protection register and those whose families are on benefits.  Families who are on benefits can apply for free school meals for their children and this will generate more money for the school through the Governments new Pupil Premium. The Government has put 1.25 billion pounds for this academic year and to rise to 2.5 billion in 2014-2015.  Socially excluded localities are an issue for the governments and town planners. Isolating communities leads to ghettoising these communities. Children and young people in these localities should have the same expectations of an excellent education as any other community.  Floor target developed by the Department of Education were set in 2000 by the Department of Education to help reduce the gap between the poorest areas and disadvantaged groups and the rest of the country. Each local authority has to prioritise areas of improvement and to minimum standard for poor areas and disadvantaged groups to improve and “close the gap”. |

Questions 6 and 7:

* Do you test children before entry into school?
* Do the tests take into consideration the reality of living conditions (families who speak Romani language at home, isolated and poor living environment, bi-size families, illiteracy of parents, etc.)?

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| SITUATION IN THE CZECH REPUBLIC |
| According to the Framework Educational Programme for Elementary Education with an Annex on Mild Mental Disabled pupils (MMD), pupils who score in IQ tests between 60 and 70 points are labelled as “mild mental disabled” and are directed to these “practical schools”.  One of the crucial causes of the school failure of Roma pupils at elementary schools includes the process of diagnosing the special educational needs of pupils (“testing”). The psychological diagnostic test itself does not take social background into account. The system of testing itself takes the children's IQ as granted and static figure. Moreover, the working language of these tests is Czech, therefore the ability to “measure” children from different or mixed language background is very limited. |
| SITUATION IN THE SLOVAK REPUBLIC |
| Approximately 60% of the children in special education in Slovakia during the 2008/2009 academic year were Roma. Roma are reportedly 28 times more likely to be assigned to a special school than non-Roma, up to 50% of them erroneously.  The tests for placing children in these schools do not take into account Roma children’s language barriers. |
| SITUATION IN HUNGARY |
| By Decree at the age of six (i.e. the year when in August the child is six years old) - and at the parents’ request - a committee examines if the child is physically, mentally, affectively and socially mature to start school. The Committee gives an expert opinion and a recommendation.  As a result of measures implemented in recent years, there has been a decrease in the number of pupils classified as having special educational needs due to a mild mental disability. Decree No. 4/2010. (I.19.)OKM identifies the relevant procedure and the professional requirements of the tests and examinations serving as the basis of the subsequent expert opinion.  These measures include the extraordinary reviews conducted as part of the “From the desk at the back” programme, the amendment of the relevant legal rules, and measures framing the establishment of the diagnosis of mildly mentally or intellectually disabled.  National competence test - standardised test measuring mathematical and reading skills in every year - students have an identification number. Institutions get a feedback about the results. It forecasts chances of the students getting into secondary education and success in the job market.  “Text evaluation” in the first 1.5 years in every end of the term. Previously only text feedback in the first 2 years.  The authorities have taken measures to remedy the impact of ability testing on Roma children and their resulting overrepresentation in remedial education. In 2007, an amendment to the Act on Public Education established a distinction between organic (physical, intellectual impairments, autism, etc.) and non-organic disabilities (adaptive, learning and behavioural difficulties). Pupils with organic disabilities are channelled to remedial schools, while children with non-organic disabilities are supposed to be educated in mainstream kindergarten and schools, with additional support.  Nonetheless, mild mental disability, which is the most frequent diagnosis for Roma children, is considered in Hungary to be an organic disability. Consequently, the amendments to the law did not have a substantial impact on the overrepresentation of Roma in remedial schools. Moreover, there is no clear diagnostic procedure, which renders the whole examination inconsistent and leaves space for bias. |
| SITUATION IN SLOVENIA |
| Testing before entry into school is not compulsory and is normally not used. Testing for special needs does not exist (for more details, see reply to question 1).  Pupils are tested when they are in school. At the end of year 6 and year 9, pupils are assessed in national examinations in the mother tongue and mathematics, in year 6 also in a foreign language, and in year 9 in a subject determined by the Minister. Assessment in year 6 is not mandatory. Results do not affect pupils’ grades; they are only additional information about their knowledge levels.  For pupils who need learning assistance, schools organise remedial classes, and for those who go beyond the prescribed knowledge standards, supplementary classes are available. Schools are free to adapt assessment to pupils who are enrolled in music schools, promising athletes, pupils with special needs and, since 2008/2009, to foreign pupils. The rules of assessment and examination are stipulated by the Basic School Act and by different rules and regulations. |
| SITUATION IN THE UNITED KINGDOM |
| No child or young person is tested before entry to school.  Pupils are tested when they are in school on the Early Years Foundation Stage Profile (baseline assessment). They are later tested at age 11 and 16 to measure progress. Statutory assessments (tests) at the end of each Key Stage are outlined below:   * Early Years Foundation Stage Profile (usually age 5): children are tested as a baseline to test how well the school does at teaching that child to improve outcomes. * Key Stage 1 (KS1): tasks and tests during Year 2 (usually age 7). * Key Stage 2 (KS2): National Curriculum tests in English and maths taken at the end of Year 6 (usually age 11). * Key Stage 3 (KS3): teacher assessment judgements at the end of KS3 (usually age 14). * Key Stage 4 (KS4): (usually age 16).   These are national tests and they help the Government to assess how well the school is doing. In the British education system, schools are ultimately the tested ones, not the children. It is a matter of providing quality education.  Schools are challenged and monitored by the Office for Standards in Education (OFSTED) to improve standards if the children are not performing well in the tests. When schools are inspected, inspectors will take into account groups of children in the school, including Roma. So schools have to improve outcomes, as well as their teaching and learning methods (solid pedagogy). Roma are often independent learners so they should be taught the way they learn best. Children are supposed to take responsibility for their own learning. Children and teachers set together learning targets.  Schools which fail meet floor targets (set in maths and English) and improve their children’ attainment significantly will go into special measures. Head teachers’ performance management is related to their pay, which itself is linked to how vulnerable groups perform educationally.  Apart from the abovementioned key stages tests, children and young people have continuous teacher-led assessments termly to measure progress. |

Question 8:

* What are the incentives in place for children placed in special schools (free meals, free textbooks) and for special schools themselves (extra salaries for teachers, state/local additional funding for special schools, etc.)?

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| SITUATION IN THE CZECH REPUBLIC |
| Health disabled children get higher “normative” sum per child. Therefore special education gets more funds to provide education of these children. Unfortunately both social disadvantaged and health disadvantaged children do not get any kind of such financial support. Regular schools teaching children from these two groups of special needs children are left only with regular amounts of money, but they have to provide more adapted teaching. This is one of the systemic reasons why Roma children are so often labelled as light mentally disabled.  The schools receive 2.7 times more per child with mild mental disability. On the contrary, they receive no financial support for enrolling purely socially disadvantaged children or children with physical disadvantages.  Since last school year, parents must give their "informed consent" to enrolling their children into the "practical primary schools". |
| SITUATION IN THE SLOVAK REPUBLIC |
| The education system as it stands provides financial incentives for special schools (or special classes in standard schools) to continue to enrol high numbers of Roma pupils. These schools receive more funding per children than mainstream schools - the normative sum is more than twice as high as in mainstream education - and the same applies to special classes in mainstream schools. It is therefore attractive for schools to keep Roma in special schools and/or open special classes in mainstream schools.  Furthermore, special schools are funded by regional authorities, whereas mainstream schools are funded by municipalities; therefore, transfers between schools result in competition for funding between the different levels of authority.  There are also incentives for Roma parents to enrol their children in special schools, among which the fact that pupils in special schools/classes receive higher marks and the educational expectations are lower. Additionally, there are material advantages, such as free meals, and the overall approach to pupils is more individualised.  The fact that the practical schools are provided with almost three times more funding than mainstream schools in direct proportion to the number of registered children is an incentive for schools to enrol Roma children even when they may not be disabled.  The allowance for improving conditions for education and upbringing of SDE students is granted (100€ in year 2012) to the school founders under § 107 paragraph 4 of the Act in question for students from families, the average income of which in the preceding six consecutive years was equal to or below the subsistence minimum (as specified by separate legislation).  The Notice of the Ministry of Education enabled using the allowance even for the purpose of covering the fee of a pedagogical assistant. Originally this institution was intended to provide students from MRC with a Roma teacher’s assistant, ideally from the given community, fluent in Romani and the local dialect. Currently out of the total number of more than 700 teacher’s assistants (tutors) only a minimum are fluent in Romani.  Another important institution that ought to assist SDE students is the so called “zero *grade”*. The minimum number of students per class in a zero grade is 8, while maximum is 16. Per each child enrolled in the zero-grade class, the school will receive 200 % of the regular normative sum. For many teachers this is an important and meaningful tool for SDE pupils to catch up in social and cognitive area with children who are raised in normal environment so that they could eventually move into the “education mainstream”. The school having SDE students should employ teachers’ assistants.  The pupils of the zero-class grade usually form a homogenous class and remain in the same class throughout their elementary school studies. SDE students are eligible for an allowance from the Ministry of Labour and Social Affairs which takes the form of school lunches, school supplies, and also a motivation allowance for the child’s regular school attendance. |
| SITUATION IN HUNGARY |
| Schools receive an extra fee for special needs children but there are nowadays strict rules for “diagnosing” a child with special needs.  Following the adoption of desegregation legislation, only those schools that engage in desegregation receive benefits. |
| SITUATION IN SLOVENIA |
| There are specific support measures for the education of children from less favourable social and economic environments (in schools generally, not as special incentives to place children in special schools):   * Children, whose parents submit certificate about vulnerability due to the social situation of the family to a social work centre, have an advantage for admission to the pre-school institutions. * The counselling service in a pre-school institution or school assists in searching and providing possible forms of support and assistance to the child’s, pupil’s or student’s family (e.g. assistance in seeking for scholarships, the programme for overcoming financial difficulties, the organisation of studying space in schools, assistance in ensuring textbooks and school supplies, the organization and coordination of additional assistance to students whose parents are unable to offer help etc.). * Schools may offer students individual or group help. * Pre-school institutions and schools cooperate with the relevant social work centre.   Support measures carried out under the Strategy of Education of Roma in the Republic of Slovenia include:   * a proper scholarship policy; * additional funding for individual and group support to Roma, * more favourable norms and standards for classes wherein the Roma children are integrated; * financing of nutrition, textbooks, school trips, etc. |
| SITUATION IN THE UNITED KINGDOM |
| Families who are on benefits can apply for free school meals for their children and this will generate more money for the school through the Governments new Pupil Premium. This support measure concerns, however, mainstream schools and is not an incentive to place children in “special schools”.  In the United Kingdom, all textbooks are free as is paper, pens, etc.  Schools can apply for extra funding called FFI (Funding for Inclusion) for pupils/students with special educational needs (SEN) to offer the child more support in classes or in intervention classes. Schools are accountable on how the money is spent. See reply to question 3 about the 3 different SEN levels. |

Question 9:

* How to make education practices more interactive, co-operative and inclusive?

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| SITUATION IN THE CZECH REPUBLIC |
| In the Czech Republic, several projects concerning teachers’ training and interactive, participative and co-operative methods are being developed. None of them is among central methodologies published by the Ministry of Education or other central bodies. The mainstreaming of such methods is done exclusively by the NGO sector and some passionate experts at universities. |
| SITUATION IN THE SLOVAK REPUBLIC |
| The Methodology-Pedagogical Centre in Prešov implements the national project ***"Education of teaching staff for the inclusion of marginalised Roma communities"***, which is financed under the Education Operational Programme. The aim of the project is to improve the professional competence of teaching staff and national professional staff involved in the education of the pupils coming from marginalised Roma communities. The main objectives of the activities are:   * to train pedagogical staff to obtain the professional competence required to deal with the specific educational needs of pupils coming from MRC; * to create an educational school model using the Day-long Educational System as an instrument of inclusion of pupils coming from MRC; * to promote the effective implementation of the pedagogical school model with the Day-long Education System; * to modernise the teaching process within the participating primary schools by using ICT technologies.   Strategic activities in the project are: education teaching staff, professional staff for a day-long educational system in primary schools and support technical activities of the national project.  The target group of the project are pedagogical staff, teachers’ assistants, elementary school pupils coming from socially disadvantaged backgrounds (age structure: 6-18 years old) and their parents, as well as the other employees of the state administration and self-government co-operating with MRC.  Some of the most important outputs of the project include:   * the development and implementation of programmes of continuous education; * the creation of learning resources for the pedagogical staff; * a platform for distance education; * the establishment and implementation of a pedagogical school model with a Day-long Education System in 200 elementary schools with respectively more than 20% of pupils from socially disadvantaged backgrounds; * the development of a methodology of teaching resources for students from disadvantaged backgrounds; * the implementation of awareness-raising programmes for socially-disadvantaged parents of these pupils.   Part of the project is devoted to the modernisation of the teaching process through interactive didactic systems and devices, as well as through the electronic support of activities and outputs. Schools are also involved in networking and sharing of experience through the Website of the project. |
| SITUATION IN HUNGARY |
| Measures include motivating schools to learn and apply co-operative, modern practices by a surplus of financial resources. It is also important to underpin the process with continuous pedagogical support and supervision.  Another possible measure is network-learning with mutual visits between schools to exchange of good practices. In Hungary, the School-Net Programme supports the development and distribution of exemplary educational programmes which promote equal chances of socially disadvantaged students in education. The programme seeks to support educational programmes which endeavour to reform the school itself, form the attitudes of teachers and the whole pedagogical programme of the school in order to make the school institutions inclusive. The schools get funding to develop their already existing programmes and to make their programmes adaptable for other schools. |
| SITUATION IN SLOVENIA |
| Under the Roma Education Strategy, a network including all schools with Roma children was set up in view of promoting the exchange of experience and good practices among teachers. Additional teacher training is also provided.  Teachers are required to observe the stipulations made by law and the Roma Education Strategy regarding individualisation and differentiation and additional learning support. |
| SITUATION IN THE UNITED KINGDOM |
| Based on the British experience, here are some suggestions:   * Early years education should be provided for all (early intervention is key). * Formal education should start at 3 for 15 hours per week and should be free to all children. * Families should be involved in the child’s education. * Romani culture, history and lifestyle should be reflected in schools. * Roma communities should be invited to launches and celebrations. * Race equality training should be organised and policies and action plans developed. * The SEAL (Social and Emotional Aspects of Learning) programme (which is successfully run in most English schools) should be used. SEAL is a comprehensive, whole-school approach to promoting the social and emotional skills that underpin effective learning, positive behaviour, regular attendance, staff effectiveness and the emotional health and well-being of all who learn and work in schools. * Clear messages to all should be transmitted via school prospectus and websites. |

Question 10:

* How to work with and involve Roma parents and families to convince them to send their children to regular schools despite incentives for special schools or their fear for assimilation, mixed environment or hostility from non-Roma children/parents/teachers?

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| SITUATION IN THE CZECH REPUBLIC |
| The practice of several schools in the Czech Republic shows that it is high standard of education, individual approach, positive school and class climate and conscious work with all kind of tensions among children that makes a school attractive to all families including Roma families. The work with Roma families itself is mostly done by NGOs providing social work. Several schools use Roma assistants to do this work.  One of the envisaged actions under the **Concept of In-Time Care for Children from Socio-Culturally Disadvantaged Environments** prepared by the Ministry of Education is to systematically work on the attitudes of the parents of disadvantaged children and increase their awareness of the positive impact of their children's attendance in early care on their educational achievement.  Some Roma parents have preferred the former "special" schools for their children, unaware that attending such schools would mean their offspring would lose the opportunity to attend higher education and a chance at a better future. Despite the recent reforms, the 2012 School Inspectorate’s investigation shows there are still cases of parents who do not want to transfer their children into mainstream education even though school guidance counsellors recommend the transfer. The report mentions that, since 2009, 38 pupils in 15 of the schools monitored were educated according to a "special education" regime at the wishes of their parents, even though they were actually intellectually healthy.  According to the Czech Education Ministry, recent legislative changes regarding this issue will become more apparent from the start of this school year. According to the new rules, pupils may only be assigned into the "practical primary schools" for one year at the very most. After that year, experts will have to verify whether the pupil enrolled in such a school still belongs there. In the case of pupils who are socially disadvantaged, the time in the "practical primary school" has been shortened to five months. |
| SITUATION IN THE SLOVAK REPUBLIC |
| Roma parents often value the almost entirely Roma environment in which children are not bullied as they often are in mainstream schools (by majority pupils) or discriminated against by teachers. More generally, it appears that Roma parents are rarely well informed and aware of the consequences of special education and of other existing options for their children.  Under the National Project developed by the Methodology-Pedagogical Centre in Prešov (see reply to question 9 above), a programme for further education called ***“Co-operation with Roma parents and Roma communities”*** was developed. |
| SITUATION IN HUNGARY |
| A number of state and private scholarship programmes, mentoring programmes and talent fostering programmes help to promote the educational success of disadvantaged elementary school pupils and secondary school students and students in higher education, including disadvantaged Roma, such as:   1. *Programmes designed and financed by the State:*  * **The Integrative Pedagogical System**. The programme has been running since 2003 and its main aim is to promote inclusive education and the equal distribution of multiply disadvantaged children in peer classes to ensure equal opportunities for them. Approximately 300,000 children, 90,000 of which have multiple disadvantages, as well as 15,000 teachers, take part in the programme annually. Approximately 1,600 public educational institutions were involved in 2011. The programme operates in two ways: on the one hand, it supports measures promoting equal opportunities; on the other hand, it issues wage supplements for teachers working with children from disadvantaged backgrounds. The theoretical base of the programmes is quality education based on individual diversity, therefore any institutional development and design need to align with that. The integrative pedagogical programme has a special status among the programmes of the State Secretariat of Social Inclusion. The programme is exclusively financed by the Hungarian State Budget, which provides more than 7 billion HUF (app. 24 million EUR) through budget estimates to the programme annually. * **The Higher Education Mentor Programme** has operated since 2005. |
| * **The scholarship programme (‘MACIKA’)** was first launched in 2000. Managed by the Hungarian Public Foundation for the Roma, it merged with the ‘On the Road’ (*Útravaló*) Scholarship Programme in 2010. This merged programme covers 20,000 students with almost 11,000 mentor-teachers participating in the programme on an on-going basis. The programme is exclusively financed by the Hungarian State Budget, which provides more than 2 billion HUF (app. 7 million EUR) through budget estimate to the programme annually. * **The Arany János Programmes**: * The Arany János Talent Fostering Programme for Disadvantaged Students was launched in 2000. A sub-programme was devised in 2004 under the title ‘Arany János’ Talent Fostering Boarding Facility Programme for Disadvantaged Students; * The Arany János Talent Fostering Boarding Facility – Vocational School Programme for Students with Multiple Disadvantages, was launched in 2007;  1. *Programmes designed by the State and financed by EU funds:*  * **TANODA extracurricular learning programmes**.  1. *Programmes designed and financed by non-governmental organisations:*  * The **Romaversitas Foundation** is operated by non-state and EU funding and was established in 1996; * Scholarships have been granted by the **Roma Education Fund** in the last five years. |
| SITUATION IN SLOVENIA |
| The Project ***“Increasing the Social and Cultural Capital in Areas Populated by Members of the Roma Community***” has started on 1 June 2010 and will finish at the end of August 2013. Its emphasis is placed on the development and implementation of various models and concepts of pre-school education of Roma children, the organisation of learning assistance for Roma pupils and secondary school students with the aim of raising the quality of learning and school performance, understanding, encouraging motivation and active self-managed learning. The project is carried out by the Institute for Ethnic Studies. The main activities are:   * + Analysis of demographic spatial features of Roma settlements in Slovenia;   + Promotion of the importance of knowledge and education and awareness-raising of the Roma population;   + Motivating children and parents to attend educational institutions regularly;   + Establishment of day centres (Roma Education Incubators) where the following activities are carried out: social activities and workshops for pre-school and school children and their parents; homework and study help; workshops for parents in social topics of interest;   + Development and implementation of various forms of extra-curricular and leisure activities for Roma children, youth and parents in the Roma community;   + Practical multi-lingual activities for the whole family; extra-curricular activities for all;   + Education and training of teachers and other professional staff with an emphasis on problem-oriented practical activities to promote the staff's motivation;   + Encouraging those members of the Roma community who possess a degree to serve as role models and help motivate Roma children to learn and develop their potential.   Under the Roma Community Act, Slovenia has committed itself to ensure special rights to the Roma community in the field of co-decision in public matters that concern members of the Roma community (sectorial legislation), implementing national regulations and regulations adopted by self-managing local communities, as well as special programmes and measures adopted by national authorities and organs of self-managed local communities.  Under the Roma Education Strategy,   * the Ministry of Education and Sport has been co-financing education of adult Roma by Institutions for adult Education; * Young Roma intellectuals endeavour for the awareness raising of members of the Roma community about the significance of knowledge and education through the Roma Academic Club. * Numerous symposia on enhanced inclusion of Roma children in education and training system were carried out. |
| SITUATION IN THE UNITED KINGDOM |
| Based on the British experience, here are some suggestions:   * All Roma special schools should be closed down. * Work with families both in school and at home should be developed. * Third sector and voluntary contributions should be used. * Legislation should be reformed at the top. * More rigorous attention should be paid to improve school attendance. * Anti-racist, anti-bullying policies and buddy systems should be put in place. * Both staff and children race equality ambassadors should be elected/designated. * Roma parents should be consulted and key Roma parents should be asked to play a bigger role. |

Question 11:

* How to work with cultural, linguistic and social specificities of Roma children?

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| SITUATION IN THE CZECH REPUBLIC |
| Several schools in the Czech Republic work with the history of Roma in the country and few of them use special methods of teaching the Czech language. However, the majority of schools do not work with these specific working methods. |
| SITUATION IN THE SLOVAK REPUBLIC |
| Within the schooling system of Slovakia, there is only one officially recognised school where Slovak and Romani languages are both used, i.e. in the eight-grade private high school of Zeferin J. Malla in Kremnica. Besides this school, there are three other secondary schools and two primary schools instructing in the Romani language but they are not yet officially registered as minority schools by the Ministry of Education.  In 2010 the Romani language, literature and culture curriculum effectiveness were evaluated experimentally, overseen by the State Pedagogical Institute. The evaluations led to developing content and performance standards for these courses and in including the subject “Romani language and literature” among optional courses for the General Certificate of Education (by amending a Decree on Completion of Studies at High Schools). A persisting problem here is the continuing acute shortage of teachers skilled in the aforementioned courses as well as a lack of textbooks and other materials. |
| SITUATION IN HUNGARY |
| In Hungary, 27 % of the Roma populations speak their own language(s) but almost all Roma speak Hungarian. Minority education provides children with the opportunity to learn their languages, to be educated in their languages and learn about their culture.  If the parents of eight children apply, organising minority education on the settlement is obligatory for the maintainer of the school.  Early childhood education has a crucial role in helping Roma and socially disadvantaged children overcome linguistic barriers. |
| SITUATION IN SLOVENIA |
| Following the adoption of the Roma Community Act in 2007, an inter-ministerial working group was set up. At its second meeting of 23 January 2008, it adopted a methodology for drafting measures aimed at improving the status of the Roma community and for its more rapid and better integration into society that would ensure at the same time the preservation of linguistic, cultural and other ethnic characteristics of the Roma community.  One of the main goals of the **National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2010–2015** is to preserve and develop cultural, informational activities of the Roma community, to preserve and develop different variants of the Romani language, as well as to raise raising awareness both among the majority population about the existence, culture, customs and traditions of the Roma community, and among the Roma minority population about their rights and obligations as citizens.  Within the chapter of the National Programme related to cultural and information activities, the goals include:   * creation of conditions for the protection of special rights of Roma community members (special programme); * monitoring and promotion of integration of Roma cultural activities (integration programme); * creating conditions for training and employing Roma in the field of culture, in due consideration of the gender aspect and provision of special services for authors, artists and professionals working in the field of Roma culture.   The following activities defined in the Roma Education Strategy pertinent to Romani culture and language have already been carried out:   * The standardization of the Roma language is being carried out as a basis for its teaching; * The syllabus for a course in Roma culture was drafted and adopted and [Roma culture](http://www.mss.gov.si/fileadmin/mss.gov.si/pageuploads/podrocje/os/devetletka/predmeti_izbirni/Romska_kultura.pdf) was introduced as one of the optional subjects in elementary schools.   Additionally, texts (books) in the Romani language were published. |
| SITUATION IN THE UNITED KINGDOM |
| One of the most successful programmes designed to the teaching of English to new-to-English pupils is the STEPs programme. The younger the child the quicker he/she will learn the language. It takes approximately six months for a 3-5 year-old child.  The main features of the British approach dealing with cultural, linguistic and social specificities of Roma children are the following:   * Children should be submerged in the language as much as possible; * Gifted and talented students (i.e. in music) should be put into higher academic classes; * Romani culture, history and lifestyle should be reflected in schools. |

Question 12:

* How far can school mediators and teachers’ assistants help overcoming these cultural, linguistic and social barriers? What are other measures in place to build bridges between Roma and non-Roma?

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| SITUATION IN THE CZECH REPUBLIC |
| Roma assistants are important because their role is not only to improve the quality of the measures but also to work as mediators with families and parents in order to engage and involve them in their children’s education.  Czech schools conceive Roma teaching assistants as one of the most effective measure to support Roma children’s education. However, the funds and the number of assistants are insufficient.  In the schools visited in Prague, Roma teachers’ assistants are considered as positive role models. Several Roma pupils indicated that they wanted to become teacher’s assistant when they grow up.  A **Programme “Teaching Assistants for Socially Disadvantaged Children, Pupils and Students”** has been developed under the framework of the Roma Integration Concept of the Czech Government for 2010–2013. In that context, the Ministry of Education - in conjunction with the regions - is considering developing a **methodological handbook** (the aim is to create a working group at the level of the Ministry of Education with the participation of staff from the regional government offices and Centres for the Support of Inclusive Education).  The output from the working group will be methodological material which will clearly **define the competencies of teaching assistants and the activities which they should perform in schools and teaching establishments**, as well as recommendations and clarifications of the teaching assistant's job. The aim of the current efforts by the Ministry of Education is to strengthen the skills of the school and schools advisory centres in respect of pupils from socio-culturally disadvantaged backgrounds.  The aim of the measure is:   * To improve the professional competence of teaching staff so that they are able to react to the specific needs of these children; * To change the climate in schools and ensure openness of the education system to children with different cultural and social experiences.   The training should be aimed at developing the skills of teachers in:   * The diagnosis of pupils' educational needs; * Setting up and implementing individual educational plans related to their specific needs arising from the different cultural and social experiences of these pupils; * Effective cooperation with the parents of disadvantaged children in implementing these plans; * Incorporate the topics of inclusive education, work with children from sociocultural disadvantaged backgrounds and the topic of Roma history, culture and language into the educational programmes of secondary schools with a teacher training emphasis; * Develop recommendations for universities also to include training for student teachers in the aforementioned areas in their accredited fields of study; * Make inclusive education and the upbringing of children from socio-culturally disadvantaged backgrounds part of further training and methodological support for teaching staff in their normal work; * Linked to this methodological support is regular supervision, which permits teachers to obtain an overview of their own work and solve everyday problems which they face in teaching; * A key part in methodological support and training for teaching staff is played by the Centres for Support for Inclusive Education which have been set up in each region. |
| SITUATION IN THE SLOVAK REPUBLIC |
| Teachers’ assistants are considered to be an effective instrument to improve the results of Roma students and co-operation with Roma families. More than 20 school mediators were trained in 2011 by the Council of Europe Roma mediators’ training programme ROMED. The challenges to develop sustainable financial support for teachers’ assistants and to create a legislative status for their work remain.  The school having SDE students should employ teachers’ assistants. |
| SITUATION IN HUNGARY |
| Roma assistants and mediators can help by strengthening the links between the family and the school, by convincing the parents, by seeing an example (role model). |
| SITUATION IN SLOVENIA |
| The inclusion of Roma assistants in the educational process is part of the objectives of the Strategy of Education for Roma in the Republic of Slovenia adopted in 2004. The post of Roma assistant is considered as an important measure for raising the school achievement and attendance of Roma children. The role of the Roma assistant is to help children overcome emotional and linguistic impediments during inclusion in kindergarten or school, and to act as a liaison between the kindergarten or school and the Roma community.  Under the Roma Education Strategy:   * A professional standard for Roma assistants was adopted; * A project introducing and educating Roma assistants is being implemented; * Annual programmes addressing intercultural co-existence are prepared and implemented by the Roma Union of Slovenia; * Training seminars for teachers are being carried out every year; * Schools projects and other activities fostering intercultural dialogue have been carried out.   Under the Project "Successful inclusion of Roma in educational processes", Roma assistants have been employed and financed from the European Social Fund (ESF). The first project (June 2008-August 2011) was co-ordinated by the Roma Union of Slovenia and the Ministry of Education and Sport and received 1,593,100 Euros from the European Social Fund.  The project selected in the call for tenders of the European Social Fund in July 2011, entitled ***“Successful inclusion of Roma in educational processes II"***, builds on the results of the project of the Roma Union of Slovenia, on the current project conducted by the Institute for Ethnic Studies, as well as on the solutions from the Strategy and its supplement from 2011. The project Phase II will last from 1 September 2011 until 31 August 2014. The contract value is 1,675,680 Euros. The project co-ordinator is the Adult Education Institute of Kočevje. |
| SITUATION IN THE UNITED KINGDOM |
| School mediators and teaching assistants along with all school staff and local educational authorities need to work in partnership to build bridges. This change involves everyone. The school staff who works closely with the families will be the one who supports both Roma and non Roma on a daily basis. They need 100% support.  In the United Kingdom, schools employ parent support workers, learning mentors and/or attendance officers. As part of their jobs they will work with all families to support them in accessing education for their children. This often requires home visit for the harder to reach families. It is vital that all children attend school every day and is part of the school’s responsibility to ensure this happens. In the United Kingdom, authorities pay for specialist teams to work with Gypsy, Travellers and Roma as an addition resource that schools can call on. These teams have the skills, experience and expertise to work closely with the families and schools. Over the year they have gained the trust of the families and find that inclusion in education has improved. These teams are known as *Traveller Education Services* - *TES*. The National Association Of Teachers of Travellers and other professionals –NATT+ is a national association which was established to support the TESs. There are also various Gypsy, Traveller and Roma 3rd sector organisations that support the work of the TESs and support GRT communities on issues of health, housing, jobs, finance, crime and education. |

Questions 13 & 14:

* How to prevent and combat hostility of parents/majority population?
* How to avoid that non-Roma parents withdraw their children from regular schools if more Roma children are enrolled?

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| SITUATION IN THE CZECH REPUBLIC |
| Two of so-called “Roma schools” that the CAHROM group of experts visited in Prague are proposing some ad hoc solutions to attract non-Roma parents, such as early teaching of foreign languages (English or French), putting emphasis on artistic activities, providing computer classes, etc. However, the effects of those measures remain limited.  The practice of several schools in the Czech Republic, including the 2nd school visited in Prague by the CAHROM group of experts, shows that it is high standard of education, individual approach, positive school and class climate, as well as conscious work with all kind of tensions among children that makes a school attractive to all families, including Roma.  At the end of the day, since parents in the Czech Republic have the right to choose the school, the school can do little to avoid this. Schools are obliged to accept children from the surroundings of the school environment but parents have the possibility to choose any school. We have seen examples in Prague where parents cross the city to bring their children in schools they consider better for their children. |
| SITUATION IN THE SLOVAK REPUBLIC |
| Despite some incentives to enrol Roma pupils in mainstream schools (by providing additional funding per student), non-Roma parents often oppose the enrolment of Roma pupils in mainstream schools. |
| SITUATION IN HUNGARY |
| Measures addressing hostility of non-Roma parents include:   * communication through media, forums, mentors, and mediators, as well as by high rank public figures (see for instance the *Hódmezővásárhely* model); * high-quality education programmes (*Hejőkeresztúr* model); * involvement of parents (*Generációk közti együttműködés*). |
| SITUATION IN SLOVENIA |
| **Roma assistants** are a good tool to combat hostility of non Roma parents as they are a bridge between Roma parents, school, teachers and other parents. **Roma educational incubators** are another example how the majority and Roma can work together for the benefit of their children. When children and parents are more co-operative (doing things together) such hostility is rare. Addition help for Roma children in school, when such help is needed and provided, also helps overcoming barriers because in this way the majority (other children) can be present at school without interruptions.  Other possibilities include meetings of parents at school; so called “school for parents”, which are financed by local communities and normally carried out in schools; projects carried out by non-governmental organisations, etc. |
| SITUATION IN THE UNITED KINGDOM |
| Here is a list of suggestions implemented in the UK to avoid hostility of non-Roma/migrant communities’ parents:   * Open and consistent message through website, prospectus, newsletters and notice boards; * School are clearly reflecting the community in staffing, displays, equipment, etc.; * Through legislation; * All committed to inclusive education; * School Open days; * Launch - welcome booklets ; * Positive press coverage; * Work with 3rd sector and voluntary organisations; * Roma parental workers – as highly respected members of the school staff; * Accountability from the Government; * Cluster working – schools supporting schools; |
| * Clear on catchment areas for the schools; * All school good schools or strong school giving the same messages to the Roma; * Supplementary schools, i.e. extra schools run at the weekends usually by community members paid for by the community to learn home language; * Awareness raising – training for ALL staff on Roma culture, history and lifestyle in a positive and celebratory way; * Awards ceremonies – here in Leeds – details on the GRT Leeds and NATT websites; * Motivational speakers – professional Roma role models; * Hubs of excellent practice - raise the profile; * Involve the parents; * Afterschool homework clubs. |

Questions 15 & 16:

* What can be done by mainstream schools to accommodate the needs of socially excluded Roma?
* How to prepare regular elementary schools to be able to educate disadvantaged children?

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| SITUATION IN THE CZECH REPUBLIC |
| Due to individual and structural condition obstacles, it is not easy for Roma pupils and students to continue their studies in the secondary and tertiary education systems.  In order to accommodate the needs of socially-excluded Roma pupils, mainstream schools should:   * create the position of (Roma) teaching assistant; * create welcoming environment; * support children individually in achieving educational requirements (not lower than for non-Roma pupils);   The educational system as a whole should:   * adapt educational programmes; * educate teachers; * provide financial support for the schools to implement supportive measures.   Under the framework of the Roma Integration Concept of the Czech Government for 2010–2013, a **Support Programme for Roma pupils from elementary schools when transferring them to the secondary and tertiary education systems** has been developed. The aim of this programme is to:   * offer support to Roma pupils and students in improving their school results and eliminating barriers for the transfer to a higher educational level; * prevent the premature departure of Roma children from the education process by taking the following steps:  1. Closely link the activities of the schools advisory centres with the work of schools. The work of the staff at schools advisory centres should be closely linked to schools, where children requiring it should be offered individualised support in the form of targeted counselling, and the development and implementation of individual educational plans with the maximum involvement of pupils and their parents. Part of this support should also be the provision of additional specialised and related services from specialists. 2. Link the work of the school to tutoring programmes, to improve the educational achievement of Roma children from socio-culturally disadvantaged backgrounds The tutoring programme should operate intensively in particular for Roma children in the second level of elementary school where their achievement is demonstrably lower and the absence rate increases, but where success in the second level has a fundamental impact on the transfer of pupils into secondary education. An important part in this area is played by the non-profit sector which offers tutoring programmes at local level and links them into a whole series of supplementary development activities. 3. To apply a comprehensive approach to resolving the position of pupils from socio-culturally disadvantaged backgrounds. |
| SITUATION IN THE SLOVAK REPUBLIC |
| In the context of the on-going curriculum reform in the Slovak educational system, there is a need to introduce human rights-based multicultural education for all children both in primary and secondary schools. |
| SITUATION IN HUNGARY |
| The teachers often lack specialised training to teach individually integrated pupils “with special needs” in mainstream classes. Such training should be provided at a larger scale.  Methodology-based change and a change of attitudes in school environment are inevitable because these make the change sustainable.  Desegregation should remain a top priority as much as co-operation between experts in different fields (teachers, child protection service, health care, kindergarten teachers, etc.) for improving chances of disadvantaged children.  Involving parents and improving the relationship between the school and the family are also key aspects. |
| SITUATION IN SLOVENIA |
| One of the key factors is consultation with the Roma population, and in particular with Roma pupils, about their needs.  See in that respect the Roma Education Incubators, which is one of the actions of the Project “Increasing the Social and Cultural Capital in Areas Populated by Members of the Roma Community” (described under question 10 above).  In Slovenia, the project "Vocational information for the Roma" included an extensive survey on educational and professional interests of the Roma. The survey was carried out in October and November 2005, and the population surveyed was the active Roma population in Dolenjska, Bela Krajina, Posavje, Kočevsko and Grosupeljsko. The survey was carried out on a sample of 774 Roma aged between 15 and 45. The survey showed that 80% of respondents did not finish elementary school, more than 90% were unemployed, and 45% expressed the wish to be included in vocational training programmes, but anticipated hindrances and difficulties. |
| SITUATION IN THE UNITED KINGDOM |
| One prepares regular elementary schools to be able to educate disadvantaged children   * through Continuous Professional Development (CPD) and training for all staff; * through improving teaching and learning and pedagogy. Again through training, lesson observations and school to school support.   It is the schools responsibility to removing barriers to learning.  If the child comes from a dysfunctional or troubled family a CAF – Common Assessment Framework - may be called. This is in agreement from the parents. Professionals working with the family will all be involved – this could include teachers, doctors, hospital staff, educational psychologists, speak therapists, 3rd sector, social care, etc.  SEAL – Social and emotional aspects of learning - is another tool. |

Question 17:

* Is compulsory pre-school an option?

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| SITUATION IN THE CZECH REPUBLIC |
| Compulsory pre-school education is a valid option in theory. The last year of pre-school if free of charge and the school is obliged to enrol any children in this last preschool year.  However, this is not systematically implemented because Czech parents (and Roma parents too) consider the decision whether to send the child to pre-school or not as their own right. Many parents prefer to prolong the last pre-school year to two years (the child then starts compulsory education at the age of 7 instead of 6). There is a rather strong opposition in the Czech society, including at the level of the political spectrum, for enrolling children too early in pre-school. Among the Czech Roma population, 48% of individuals over 5 have never attended pre-school facilities (kindergarten or preparatory years). If one specifically looks at Roma children from socially excluded localities, approximately 52% of them have no pre-school preparation.  Unlike in other countries involved in the thematic group, the question of pre-school facilities is not considered as a critical issue in the Czech Republic. As a whole the number of children enrolled in pre-school is 94%. However, the distribution of facilities is highly unequal. Bigger towns and cities experience lack of places in public kindergartens and parents therefore have to pay substantial amounts to place the child into private kindergarten. Roma families are nearly completely excluded from pre-school education.  Under the framework of the **Roma Integration Concept of the Czech Government for 2010–2013**, the Government has proposed the development of a **network of early care services** to prevent the educational failure of Roma children from socio-culturally disadvantaged backgrounds.  The Government’ aim is to make available early care activities to families living in socio-culturally disadvantaged environments. Measures targeted at Roma children of pre-school age are based on the **Concept of In-Time Care for Children from Socio-Culturally Disadvantaged Environments** prepared by the Ministry of Education. One of the envisaged actions is to increase the accessibility and interlinking of early care services at local level in all required socially excluded Roma localities. For children from 0 to 6, there should be social activation services for families with children, whose activity should be linked to the activities of schools advisory centres. By means of these services there should be development of parental skills so that the parents are able to successfully arrange for the development of their children's potential, thus easing their entry into compulsory school attendance. |
| SITUATION IN THE SLOVAK REPUBLIC |
| Among the Slovak Roma population, 48% of individuals over 5 have never attended pre-school facilities.  According to the UNDP 2011 Regional Survey on Marginalized Roma, 18 % of Roma children aged 3-6 were enrolled in pre-primary education (boys – 20 %; girls 14 %) in the school year 2010/2011. As a point of comparison, the average for the general population was 72 % (school year 2008/2009). According to the latest figures, 28% of Roma children aged 3-6 are enrolled in pre-school, which is still far below the average for the general population.  The main obstacle for a higher enrolment rate of the Roma children in kindergartens are the missing personal and infrastructural capacities – pre-school education is financed almost exclusively (with the exception of last grade before entering the primary education) through municipalities and parent fees.  Even if the children, whose parents are in material/social need, do not have to pay these fees (which can amount to more than 50€ monthly for a child), the kindergarten is not even for them completely for free - kindergarten trips, additional leisure activities, like kindergarten clubs, fruit days, hygienic materials, kindergarten courses are paid extra.  Besides infrastructural and financial obstacles, low enrolment rates among Roma kinds are to a high degree caused by distance issues and lack of information on the side of Roma parents – this could be diminished by providing more jobs for (Roma) teaching assistants and creating positions for Roma mediators.  There is a need for a significant investment and a massive increase of SDE children aged 3 years and over in pre-school facilities/pre-primary education, along with supporting early childhood care-programmes. |
| SITUATION IN HUNGARY |
| In Hungary families that send their children to school receive additional social benefits (incentives) called “pre-school benefits”. A problem encountered in Hungary in the implementation of this measure is the lack of pre-school infrastructure.  In practice, Roma children have limited access to pre-school education (kindergarten level) due to a lack of kindergarten in areas with large Roma population and restrictive enrolment policies by a number of kindergartens. Many Roma pupils consequently start school later (8 and beyond) than children from the majority population (6 or 7).  Among the Hungarian Roma population, 30% of individuals over 5 have never attended pre-school facilities. |
| SITUATION IN SLOVENIA |
| In Slovenia, as a whole, 75% of children attend pre-school. The Government has now for objective to enrol as many children as possible from 1 to 3 years old. An incentive was introduced for families with multiple children. Pre-school education was supposed to be provided for free for the 2nd child. It resulted in a baby boom. However, due to the economic crisis, this measure can no longer be implemented and parents have to cover partly the costs.  One of the main goals of both the **National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2010–2015** and the **Strategy for Education of the Roma in Slovenia** is to increase the inclusion and attendance of Roma children in pre-school educational programmes (kindergartens or other forms of pre-school education) at least two years before the beginning of elementary school, i.e. at the age of 4 at the latest.  The idea behind this early inclusion is enhancing language skills (of both Roma and Slovenian languages) and socialisation of Roma children within an educational institution capable of providing experiences and patterns that will enable easier inclusion in the school environment.  The measure is implemented by the Ministry of Education and Sport under the project “***Increasing the Social and Cultural Capital in Areas Populated by Members of the Roma Community***”. It has been financed since 2010 by the European Social Fund (3,562,000 Euros).  Again in the context of the Project “***Increasing the Social and Cultural Capital in Areas Populated by Members of the Roma Community***” another activity consists of the establishment of day centres (Roma Education Incubators) where the following activities are carried out: social activities and workshops for pre-school and school children and their parents; homework and study help; workshops for parents in social topics of interest.  Two projects dealing with Roma Education in Slovenia are called “***Successful integration of Roma children into education” (I and II)***. They concern the integration of Roma children into the education and training system of Slovenia and the elimination of segregation and discrimination. The projects strive to enhance the efficiency of the on-going integration process through educating and training Roma teachers’ assistants, school teachers and staff, as well as educating and encouraging Roma parents to assume responsibility and to promote training of Roma by themselves, to acknowledge their potential to manage the project on their own, and to qualify Roma to make use of EU funds.  The first project (June 2008-August 2011) was co-ordinated by the Roma Union of Slovenia and the Ministry of Education and Sport and received 1,593,100 Euros from the European Social Fund. The second project builds on the results of the project of the Roma Union of Slovenia, on the current project conducted by the Institute for Ethnic Studies, as well as on the solutions from the Strategy and its supplement from 2011. The project-Phase II will last from 1 September 2011 until 31 August 2014. The contract value is 1,675,680 Euros. The project co-ordinator is the Adult Education Institute of Kočevje |
| SITUATION IN THE UNITED KINGDOM |
| Pre-school education should be an option. In England pupils are entitled to 15 hours free pre-school education from the age of 3. This can be in nursery schools attached to mainstream schools or in Children’s Centres. For pupils from a disadvantaged background pupils can access this 15 hours free from aged 2 and a half. All children can start mainstream school from the month of September of the academic year in which they reach the age of 5. Furthermore, schooling is compulsory from the term they turn 5. |

Questions 18 & 19:

* How to allocate (financial, human) resources for the transformation from a segregated education system into an inclusive one?
* How European Funds are being used for Roma education and/or for desegregation policies?

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| SITUATION IN THE CZECH REPUBLIC |
| On 20 September 2012, the Ombudsman, the Human Rights Commissioner of the Government and the Minister of Education took part in a meeting on equal opportunities for Roma pupils in education. They inter alia discussed the need for a reform of the system of funding of schools and for providing additional financial support for children in need of support in mainstream schools, including at pre-school level.  However, any progress in the financial aspects lies in the negotiation between the Ministry of Education and the Ministry of Finance about budgetary measures and in the overall consensus obtained at the level of the government on how to invest the state budget and how inclusive education is a priority. |
| SITUATION IN THE SLOVAK REPUBLIC |
| See the positive example of the project ***"Education of teaching staff for the inclusion of marginalised Roma communities"*** developed by the Methodology-Pedagogical Centre in Prešov, as described in reply to question 9 above. |
| SITUATION IN HUNGARY |
| Measures adopted in Hungary include:   * per capita support after socially disadvantaged students – for services, tools, training and also as a supplementary income for the teachers in return for their extra work; * allocating more resources to socially disadvantaged regions. * Integrative Pedagogical System- gives the ratio of students in the classroom, the school the settlement – only the schools fulfilling these requirements can apply for the extra support. * Schools can only run in tenders if they apply the Equal Chances Programmes; * Making inclusive education an important part of teacher training.   Legislation defines “skills development preparation” in the Framework Integrative Pedagogical System- in which education compensates for the child’s disadvantages. The school has to organise the education in a way that helps the child manifest his/her best skills and talent and promotes his/her development and learning skills to allow him/her to continue his/her studies. |
| SITUATION IN SLOVENIA |
| Slovenia provides a very good example within the European Union of using EU funds for Roma, and the education of Roma in particular.  As an example, see the description of the project “Successful integration of Roma children into education” in replies to questions 12 and 17 above.  Tasks that have been defined in the National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2010–2015 are also being implemented within the framework of the new financial perspective of the European Social Fund (ESF) Operational Programme for Development of Human Resources for the period 2007–2013, Priority 4: Equal opportunities and reinforcing social inclusion: equal opportunities and social inclusion among the young, in particular in education and training systems.  These tasks include for instance:   * providing for employment of Roma assistants in educational facilities; * preparing didactic materials; * carrying out activities aimed at overcoming stereotypes; * in-service teachers’ training. |
| Other measures to enhance Roma cultural and social potential have been co-financed from the ESF, for instance the development of various methods of pre-school education and inclusion of children in different forms of pre-school education, carried out by the project ***“The Increase in Social and Cultural Capital in Areas with Roma Population”,*** co-ordinated by the Institute for Ethnic Studies.  The National Education Institute of the Republic of Slovenia has set up a group of teachers specialised in teaching Roma children.  In addition, in the area of education and training there are a large number of very active NGOs and other professional and educational institutions.  An extensive survey on educational and professional interests of the Roma has also been carried out under the above Operational Programme. The population surveyed was the active Roma population in Dolenjska, Bela Krajina, Posavje, Kočevsko and Grosupeljsko. The survey was carried out on a sample of 774 Roma aged between 15 and 45.  A good practice in the Municipality of Murska Sobota: at the initiative of the Roma representatives, the municipality organised a school bus for the settlement of Pušča. In the long run, this helped to raise overall school achievement and attendance. The school bus is completely financed from the municipal budget. The bus is free for Roma children, although under the Basic School Act they would not be eligible for free rides (the Act provides for free rides in cases when the ride is longer than 4 km, while in this case the Roma settlement is 1 to 3 km from various schools). |
| SITUATION IN THE UNITED KINGDOM |
| Training is needed.  The Government provides additional finances for the most disadvantaged pupils who are on free school meals through Pupil Premium in mainstream schools.  This money to be spent on additional adults and resources.  Role models needed from the Roma community who speak the home language and who are managed well. |

Question 20:

* How do you define “inclusive education”?

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| SITUATION IN THE CZECH REPUBLIC |
| There is no definition of “inclusive education” in the Czech Republic. One of the school masters, whom the CAHROM team of experts met in Prague, called for national definitions of “quality education” and “inclusive education”. The Ministry of Education, however, responded to the CAHROM team of experts that there is no need for such a definition.  At policy level and in the political discourse, there has been a slight terminological move from “inclusive education” towards “equal opportunities” which does not create such a huge dissent among teachers. A slight inflation of the term “inclusive education” has been noticed since both the media and some lobby groups use the term in the way they want (either to support inclusive education or to oppose it). |
| SITUATION IN THE SLOVAK REPUBLIC |
| Under the previous government of the Slovak Republic (before the 2010 election), a Committee for Inclusive Education, consisting of experts from state institutions, local and regional authorities and from NGOs, was created by the Vice-Premier for Human Rights and National Minorities. The Committee developed some documents which included some definitions. One of possible definitions of inclusive education should be how to overcome the obstacles faced by disabled/vulnerable children to get quality education in mainstream schools. Three categories of vulnerable groups were identified: people with health disabilities, people who belong to a minority and socially-excluded people. |
| SITUATION IN HUNGARY |
| There is no specific definition of inclusive education*. A contrario*, Article 10 (2) of the 2003 Act on the Promotion of Equal Treatment and Equal **Opportunities** defines segregation in education and prohibits it as a form of discrimination[[55]](#footnote-55)*:*  Decree 11/1994 (VI.8.) on the operation of educational institutions defines **skills development preparation** (key activity of the Integrative Pedagogical System) as an activity that the educational institution (school or kindergarten) pursues in order to compensate for the child’s disadvantages following from their social background and development level. The institution takes action to deploy the children’s individual skills and gift, help the child’s development and boost their learning chances. In the framework of skills development preparation the school does  *a) help the personality development of children, community development*  *b) execute a programme which helps the development of children exposed to learning setbacks*  *c) pedagogical work that compensates or social disadvantages*  Students taking part inskills development preparation are educated together in a class with students not taking part in skills development preparation. The education and evaluation of students taking part in the preparatory program is carried out according to a programme issued by the Minister responsible for education.  Socially multiply disadvantaged students can take part in the programme and also up to 10 %, socially disadvantaged students. Students are developed according to individual development plans prepared by the teachers.  The students’ development is evaluated at least every 3 months. The child’s teachers and the head of the class are present at the evaluation and they have to invite the child, the parents, staff in the school responsible for child protection. If necessary representatives of the child welfare services or the counselling services are also invited. |
| SITUATION IN SLOVENIA |
| The concept of inclusive education is understood as a possibility for children with special needs to be educated together with their peers in the same age groups, in their school districts, with a guaranteed additional expert assistance and support services. |
| SITUATION IN THE UNITED KINGDOM |
| Inclusive education aims at providing educational support to respond to possible specific needs of the Roma children with a view to helping them overcome difficulties in the context of mainstream education.  Story of a Roma family now living in England: Older children went to a special school in the Czech and did not learn much - according to their dad. But a young child of 5 who has only been in school for 6 months can already speak English and is doing well. Dad said that he was told that his children cannot learn and are not clever but now he realises they are. |

IV. LESSONS LEARNT AND GOOD PRACTICES IDENTIFIED

4.1 Systemic desegregation measures and legislation envisaged by the authorities of the two requesting countries

**4.1.1 Changes proposed in the Czech Republic**

Mr Jakub Stárek, Director of the Department of Education System in the Ministry of Education recalled that the new Czech Government was trying to offer inclusive education to all children according to Article 2 of the Education Act adopted in 2004. The new approach aims at providing equal chances, controlling the system to avoid abuses and integrating children from an individualised perspective. As a consequence of the ECtHR judgment D.H and Others v. The Czech Republic, some positive measures had been undertaken. The number of Roma in “practical” schools had declined for the past five years. Today the number of Roma enrolled in special schools is around 25%. The objective is to make sure that in 2017 children will not be any longer wrongly enrolled in special schools.

Mr Stárek also orally presented to the CAHROM thematic group of experts the main measures foreseen in the consolidated action plan that is currently being prepared for submission to the Committee of Ministers in the context of their supervision of the implementation of the ECtHR judgement in D.H. and Others v. the Czech Republic during the period 2013-2017:

1. **To find out how many Roma children are educated inside and outside the mainstream schooling system** and how many are educated under the Annex for pupils with mild mental disability:

* An annual survey will be conducted starting from September 2013 in cooperation with the Statistical Office. Class teachers from all type of schools (practical, as well as mainstream schools, including the so-called “Roma schools”) will be requested to provide information about the number of children enrolled as mild mental disabled and to specify if they are Czech Roma citizens.
* The full cooperation from the teaching staff is expected. In case the Czech Government does not see any result in collecting this data, it will enforce data collection by law.

1. **To introduce exams in Czech language, English and Maths** at the end of the 5th and 9th grade.
2. **To modify the Education Act so as to generalize pre-school education for Roma children as from the age of three** and to have it financed through the regions. So far the only last year of preschool can be funded by local authorities (it is an obligation). Preparatory classes or nursery school, however, should not be established in practical schools as it could serve as a recruitment factor for such schools.
3. **To modify Decree NO. 73/2005 Coll. which so far provides the possibility to enrol in a class for pupils with health disabilities up to 25% of pupils with health disadvantages or who are socially disadvantaged**. The Ministry agrees that the tolerance of 25% of children without indication of mild mental disabilities in classes for pupils diagnosed with MMD is not justified.
4. **To give a new task to the Czech school inspectorates requesting them to supervise/monitor the diagnostic (audit of the testing system).** Voluntary enrolment of children without mental disability in schools for mentally disabled, including at the request of parents, should not be allowed. One of the obstacles might be the financial interest for schools that include children with mild mental disabilities.
5. **To introduce regular annual check** in order to attest of any progress made by the child. According to the new rules, pupils may only be assigned into the "practical primary schools" for one year at the very most. After that year, experts will have to verify whether the pupil enrolled in such a school still belongs there. In the case of pupils who are socially disadvantaged, the time in the "practical primary school" has been shortened to five months.
6. **To revise the diagnostic tools**. At the moment, children not exceeding 70 in the IQ test are directed to practical schools. In case a child is border-line, currently the Czech Republic foresees that the child goes to a practical school and that a reassessment is made towards the end of the first school year to take decision to leave him or not in the practical school. Mr Stárek personally believes that this system is wrong and the child should be enrolled in the mainstream school. Only if the child is not doing well enough during the first year, his case should be reviewed.
7. **To standardize the methodological management**.

In July 2012, following the summary findings of an inspection carried out in a group of former special schools for 2009-2012 (1st term), the Czech School Inspectorate prepared a Thematic Report on the Transformation Progress of Former Special Schools in the School Year 2011/2012[[56]](#footnote-56) which includes as an annex the following suggestions to transform former special schools in accordance with requirements set out in the Education Act, as per the latest amendments:

“To focus on the duty of schools to provide pupils without any minor mental disorders with education at common primary schools preferentially

•To specify the wording of the Education Act and implementing regulations in the matter of accepting pupils into the educational programmes for disabled pupils (MMD). It will not be possible to accept a pupil into such a programme without receiving a recommendation from an educational-psychological advisory centre and a doctor. Should this necessary condition be breached, it is considered material breach of the Act.

• To prepare the methodology and formulate practical recommendations for schools and teaching staff to implement the required forms and procedures for educating pupils at risk of failing school distinguishing the needs of socially disadvantaged pupils and pupils diagnosed with MMD.

• To provide teaching staff with further education, to focus preferentially on teaching staff in the excluded localities.

• To prepare a model school educational programme focusing on educating Roma pupils in cooperation with social partners.

• To reduce capacity at regional primary schools for pupils with MMD funded from the state budget and to offer particular support to municipal primary schools preferring the individual integration of pupils with special educational needs as part of their school educational programmes.

To provide the conditions for correct identification of socially disadvantaged pupils in accordance with the Education Act

• To create tools for timely identification of pupils threatened by social disadvantage linked to the national system of social benefits (below the poverty line) for educational needs.

• To start reforming the current system of advisory institutions, methods and procedures for identifying pupils who are not successful within the main educational stream for other reasons than MMD.

• To innovate the content and system of the advisory system, to unify the methodology for evaluation of unsuccessfulness of pupils, to add tools and methods for determining handicaps for groups of socially disadvantaged pupils.

• To change the practice of the system of identifying and to focus it more on supporting and equalling activities related to pupils and in cooperation with the catchment primary school.

• To limit the personal and institutional link between school advisory institutions and former special schools.

• To renew the obligation for a medical assessment to diagnose MMD, thus increasing the chances for pupil allocated within the margin zones in particular and specifying the definition of necessary support.

To create a system for funding the support of socially disadvantaged pupils

• To specify the principles for providing direct financial support to pupils with special educational needs, especially socially disadvantaged pupils, who are entitled to this in the Education Act.

• To use ESF development projects for changing schools and their educational programmes so that the objectives of the Education Act are met and transformation of the former special school is finished.

To ensure communication with legal representatives of pupils in the matter of informed consent of legal representatives before allocating a pupil to the MMD support programme

Following the recent creation by Decree of a legal framework for meeting the conditions for the informed consent of legal representatives:

• At the level of former special schools, to direct measures to enhance awareness of the public on offers by schools of the educational stream of the educational framework programme for primary education – annex adjusting education of pupils with MMD (RVP ZV LMP) and an educational framework programme for primary education (RVP ZV) for both legal representatives and teachers working with pupils.

• At the same time to support motivation among parents to give their consent to allocating a pupil to the RVP ZV LMP as an opportunity to prepare him/ her for relocation into the main educational stream and not perceiving this as the final solution.

To improve penetration of school educational programmes in accordance with the RVP ZV

To enhance the readiness of school educational programmes and thus to strengthen penetration of individual school educational programmes at primary schools. To implement diagnostic stays at specialized schools and school facilities in compliance with the respective decree consistently.

• At the primary schools of the educational stream of the RVP ZV, to definitely exclude the option of relocating pupils failing primary schools with the RVP ZV LMP without taking prior improvement measures.

• To use the possibility to establish preparatory classes for socially disadvantaged pupils more and to get an assistant support for their inclusion in the main education stream.

The Czech Ombudsman recommends in his 2012 report amendments to the Schools Act that unambiguously anchor the priority of integration of all pupils with "special educational needs", including pupils with disabilities, into mainstream elementary schools.

He also recommends that the discrepancy between the decrees on the education of pupils with "special educational needs" and the Schools Act be eliminated as one of the decrees still makes it possible to assign children into classes for disabled who are either not disabled at all or who suffer from a different type of disadvantage, i.e., children with difficulties at school or children who are socially disadvantaged. Both the School Act of 2005 and the Anti-discrimination Act of 2009 forbid any discrimination in access to education.

Additionally, the Ombudsman recommends that the Ministry of Education collect data on the number of pupils enrolled in remedial schools for children with light mental disabilities.

Over recent months, there has been a series of declarations from the Czech authorities indicating their willingness to reform the system and stop with the practice to send disproportionate numbers of Roma children into so-called “practical” schools, where they receive an inferior education that leaves them without meaningful qualifications.

On 24 October 2012, Mr Vladimir Galuŝka, Deputy Minister for Foreign Affairs declared before the UN Human Rights Council Universal Periodic Review (UPR) that the Czech Republic will end segregated schooling for children of its Roma minority. He told the Council that “even the temporary placements of socially disadvantaged children in practical schools as a last resort measure to improve their education chances will be abolished and individual integration in mainstream schools will be preferred”[[57]](#footnote-57).

On 20 September 2012, Czech Government Human Rights Commissioner Monika Šimůnková said that “the objective fact that [Romani children] are not prepared for school has been confused with mental disability. The enrolments into the "practical primary schools" occur because mainstream schools have an aversion to Romani pupils and are unwilling to enrol them because of pressure from majority-society parents - and sometimes even pressure from Romani parents who believe the "practical primary schools" are the best for their offspring. Greater involvement of teachers' aides and teaching assistants in the mainstream schools could help the situation.”[[58]](#footnote-58)

**4.1.2 Changes proposed in the Slovak Republic**

The Slovak system of education needs a comprehensive reform. Measures foreseen by the Slovak authorities under their Roma national strategy mainly rely on:

* massivily increasing the enrolment of MRC/SDE[[59]](#footnote-59) children aged 3 years and over in pre-school facilities (this includes a significant investment into pre-primary education of MRC/SDE children along with supporting early childhood care programmes);
* developing and implementing desegregation standards in schooling (along with indicators and subsequent monitoring of segregation), which should respect the principle of social interaction of Roma and non-Roma children while maintaining the highest possible quality of education and achieving best results (with the exception of Roma national schools, such as the school in Kremnica);
* developing specific models of school integration (inclusion) for a whole portfolio of situations and target groups, with an ambition to establish a general model of an inclusive school (for that purpose a so called “school inclusive index” assessing both internally and externally the quality of the school would be added as one of the motivation tools for implementing programmes of inclusive education);

In creating an inclusive educational environment a priority must be placed on the specifics of students coming from the environment of marginalized Roma communities, physically handicapped persons, members of national minorities, foreigners and immigrants;

* improving access to quality education including education and care provided in the early childhood, but also elementary, secondary and university education with special emphasis on removing possible segregation at schools;
* preventing premature termination of school attendance and ensuring a smooth transition from school to employment;
* implementing policies that will bridge gaps in the educational level of Roma and the rest of the population;
* increasing the participation of SDE/MRC children in pre-primary education from approximately 18 % (in 2010) to 50 % by 2020, subject to broadening the capacity of the network of kindergartens and programmes for education and upbringing of children of a pre-school age in regions where the number of Roma steadily increases, including the implementation of programmes targeting the improvement of co-operation with the parents, and the increase in the number of teacher’s assistants in pre-primary education.
* improving motivation, school results and attendance of Roma children in elementary schools and ensuring that ISCED 2 is reached by 100 % of all school children (this means in regions with steadily increasing Roma population to:
  + broaden the capacity network of elementary schools;
  + ensure the availability of qualified and diverse educational programmes focused on supporting the individualised needs of the student;
  + increase the inclusiveness of the educational system;
  + increase the effectiveness of the system of social support of education;
  + re-evaluate the system of funding the SDE/MRC students;
  + establish a permanent funding mechanism for supporting all-day educational and caretaking system in elementary schools with more than 20 % SDE/MRC students;
  + ensure conditions for supporting activities targeting work with families;
  + apply comprehensive integration of gender sensitive and multicultural upbringing in elementary schools;
  + gradually establish conditions preventing teenage mothers to drop out of school prematurely.
* increasing the proportion of Roma students who reach ISCED 3B and ISCED 3C and ISCED 3A to the level of the general population of the Slovak Republic. This means to
  + devote targeted attention to SDE/MRC children at the time of their transfer from elementary to secondary schools;
  + support the improvement of grades at high schools;
  + set up adequate financial support;
  + eliminate barriers in the transition to high schools by increasing the permeability of the schooling system;
  + link secondary education with the needs of the labour market (labour market prognosis, links to employers) and supporting the extension of targeted career consultancy services to children endangered with the transmission of generation poverty (e.g. long-term unemployed).
* improving the care of pedagogical staff and specialists and increase the proportion of teachers and specialists fluent in Romani (local community dialect).
* exercising the right to education in a Romani language or to learning the Romani language, and supporting further development of identity using support for the use of Romani language on all levels of education; providing education for teachers of Romani language and literature and supporting further education of teachers teaching in the Romani language; preventing all forms of discrimination, racism, xenophobia, homophobia, anti-Semitism and other manifestations of intolerance; support for inter-ethnical and intercultural dialogue and understanding.
* addressing problematic issues of education and upbringing in special schools and school facilities, including school consultancy and prevention services; improve the process of diagnostics and placement of children into the system of special education and remove the reason for unjust placement of children into this system (methodology of diagnostic exams must take into reasonable account the abilities of children from SZP/MRK); gradually eliminate the process of placing children educated under variant A to special schools and special classes in elementary schools, provide their mainstream education while increasing the number of teacher’s assistants fluent in the Romani language. Create specific models of school inclusion for all types of disadvantaged children.

**4.1.3 Conclusions of the team of experts and lessons learnt as regards the Czech Republic**

The CAHROM thematic group of experts took note of the intentions of the authorities to undertake speedy measures and legal reforms to decrease the number of Roma children enrolled in practical schools in response to the ECtHR Judgment in D.H. and Others v. The Czech Republic.

The team was informed by the Ministry of Education – and this was confirmed during the meeting with NGOs and a representative of the Czech Ombudsman’s office on 3 October 2012, that regular consultation is held between Czech Education Minister Petr Fiala, Czech Government Human Rights Commissioner Monika Šimůnková and Czech Ombudsman Pavel Varvařovský with a view to find the best solutions to eliminate discrimination against children and the creation of an education system that guarantees equal access to education for all. These measures proposed by the Ministry of Education are, generally speaking, considered to go in the right direction.

The team of experts wishes to stress that, apart from the obvious need to reduce the number of Roma children who follow the curriculum for mild mental disabilities (whether in practical or regular elementary schools), there is also a complementary need to develop inclusive education.

The team of experts considers that complementary measures to develop inclusive education are important in order to avoid possible unwanted side effects in practice of the envisaged policy measures on the placement of Roma pupils in mainstream education. One side effect might be the shift from Roma pupils from “practical elementary schools” into schools where Roma children are already, or become, over-represented (the so-called “Roma schools”), which could lead to, or reinforce, *de facto* segregation. As an example of the side effect of desegregation policy and measures in Hungary, the authorities stated in 2011 in their [National Social Inclusion Strategy –Extreme Poverty, Child Poverty, the Roma, 2011-2020](http://ec.europa.eu/justice/discrimination/files/swd2012_133_en.pdf) that the number of Roma-majority schools (so-called «Roma schools») had increased by 34% since 2004. In addition, practice in several member states shows that schools with predominantly or exclusively Roma children end up being low priority schools with poor quality education.

Among the complementary measures, the team of experts suggests that the authorities consider increasing capacity (infrastructure, human and financial resources) of mainstream schools, increasing mixed classes in mainstream schools (e.g. through redrawing catchment areas) and assisting current so-called “Roma schools” with additional financial and human resources to help them provide quality education and innovative activities to attract non Roma children/parents. The schools themselves, using the example of the inclusive elementary school of Spišský Hrvov in Slovakia, should actively engage in diversifying their activities and submit projects to donors to provide children and their parents with attractive activities.

Under previous governments, there has been a lack of co-operation with the NGO sector and that a general mistrust has installed between the authorities and civil society organisations, in particular as regards the topic of school segregation. The team took note of the intention of the Ministry of Education to improve dialogue with the NGOs.

As far as testing is concerned, the existing legislation might need to be amended to specify which mechanisms will determine, in a non-discriminatory way, the educational support needed by children with a “social disadvantage” and whether such support will be assessed through testing. It is suggested to amend the Education Act so as to include a principle saying that pupils with MMD shall be educated in ordinary elementary schools with individual integration measures except if it is impossible to meet their MMD in such a way.

Additionally, funding should be made available for providing specific support to meet the needs of the children concerned in the mainstream education.

**4.1.4 Conclusions of the team of experts and lessons learnt as regards the Slovak Republic**

The team of experts considers that a change is needed in the Slovak legislation as regards the philosophy of the School Act in relation to MRC pupils because the current system is pro special education oriented. As a consequence of the 2.7 higher regular normative sum, teachers in special school are better paid than in mainstream schools. There are two sorts of Centres for pedagogy-psychological prevention (regular and special), but Special Centres for pedagogy-psychological prevention have stronger competencies and are mostly located in the same buildings with special schools and under the same administration board. The team of experts considers that it would be more useful, including for parents, to have united centres.

Due to the number of Roma living in Slovakia and the fact that they are concentrated in certain geographical (mainly rural) areas, the team of experts believes that the Hungarian experience on desegregation and recent measures proposed by the current Czech Ministry of Education might be a relevant for source of inspiration for the Slovak authorities.

Unlike the recent proposal from the Czech Ministry of Education to foster dialogue with NGOs, such a dialogue seems completely lacking in the current Slovak context, according to information received from NGO representatives at a meeting in Košice on 3 October 2012. NGOs leaders indicated that they feel considered as second class citizens, are not consulted, including for the drafting of Roma-related projects and not involved in any sort of monitoring or decision-making.

In Slovakia, there is a need for a significant investment and a massive increase of SDE children aged 3 years and over in pre-school facilities/pre-primary education, alongside with supporting early childhood care programmes.

When it comes to Roma education, the present system of no pre-school education combined with streaming Roma children to special schools or classes is a “lose-lose proposition”. Failing to invest in Roma education dooms large numbers of Roma to unemployment or extremely low-paying jobs and deprives the Government of substantial fiscal revenues.

The team of experts recommends that the Slovak Ministry of Education launches a reform with regard to a) the content and the form of psychological-diagnostic tests; b) the system of pedagogical-psychological consulting; c) prevention mechanisms; and d) the funding and functioning of the special schools.

**4.1.5 General conclusions, good practices and follow-up proposals**

The CAHROM thematic group of experts, following the visits and meetings organised in both the Czech Republic and Slovakia, came up with the additional following conclusions, good practices and proposals for follow-up:

As regards the educational policy:

* the system of “elementary practical schools” should be radically downsized and children with special educational needs should in principle be enrolled in mainstream education (good practices in various member states, including the United Kingdom). This principle could be enshrined in legislation
* higher normative rules for socially excluded children should be defined by law;
* external and internal monitoring regarding school enrolment of Roma children should be improved.
* greater input from the Government and in particular the Ministry of Education and common rules are needed. At the moment, it is up to schools to decide about their inclusion policy. If not all the schools in the same municipality/capital district follow the same rules, the ones who do not impose any sorts of barriers will end up as totally «Roma or migrants schools», whilst others will become totally «white schools».

As regards testing:

* Testing of children should be limited and should be replaced by testing of the schools’ outcomes;
* if tests are applied by state authorities and school professionals to assess the academic suitability of (Roma) pupils for mainstream education, these tests should not be limited to IQ tests but include skills testing;
* tests should meet a legitimate, educational need;
* tests should not serve the purpose to distort evaluation scores and favour the inclusion of specific groups in schools for mentally disabled;
* tests should be based on clear criteria unrelated to ethnic origin;
* tests should differentiate between children with intellectual impairment and children whose knowledge required for school was hindered by their (social) environment but are otherwise fully capable;
* tests should be linguistically and culturally sensitive;
* tests should not be superficially conducted and be impartial (good practice in Hungary with the involvement of an equal opportunities officer).
* proper pedagogical and psychological counselling and assessment should take place prior to any placement of a child in a special class.

As regards incentives:

* Incentives for Roma families and/or to schools for enrolling children in “practical schools” should be redirected towards promoting enrolment into mainstream education;

As regards pre-school:

* pre-school education as an important factor for success should be promoted;
* where needed, infrastructure and facilities should be increased;
* develop teaching plans and programmes for the primary “zero/preparatory class” in order to speed up the children’s development for one year so that they could join the first primary class at the end of this preliminary year (see good practice of the State Pedagogical Institute (SPU) in Bratislava between January 2000 and June 2003 in the Council of Europe database on policies and good practices[[60]](#footnote-60));
* develop a network of early care services to prevent the educational failure of Roma children from socio-culturally disadvantaged backgrounds (good practice in the Czech Republic);

As regards quality education:

* define quality education in the Law;
* develop quality education, not just by limiting the number of SEN children per school/class but by being innovative and developing projects (using the positive example in Spišský Hrhov, Slovakia, which with 51% of Roma children still manages to attract both Roma and non Roma children due to a great variety of projects);
* introduce school performance, ensure regular inspection on school performance and shift the burden of school attendance from Roma parents to the schools (good practice in the United Kingdom: OFSTED inspect the school on behalf of the government. OFSTED inspect the way children are learning not the way they are being taught. For a school to pass OFSTED they must show they are improving outcomes for all the children in the school. It is the school’s responsibility to educate);

As regards the training of teachers and teaching methods:

* increase school support and pedagogical/teachers’ training (using the Pestalozzi programme);
* redefine curriculum for teachers;
* train future teachers in pedagogical universities how to teach to minority groups, in particular Roma;
* provide training to teachers already in post on inclusive class environment;

As regards school, pupils/students and family support:

* expand the use of (Roma) teacher’s assistants and/or (Roma) mediators;
* establish Roma day centres (Roma educational incubators) using the **good practice** in Slovenia;
* define job profiles, institutionalize their positions, organise training [using both the ROMED programme and Council of Europe Committee of Ministers’ Recommendation CM/Rec(2012)9 on mediation as and effective tool for promoting respect for human rights and social inclusion of Roma];

As regards extra-curricular activities:

* extra-curricular activities for Roma children should be promoted (good practice in Hungary);
* establish Roma day centres (Roma educational incubators) using the **good practice** in Slovenia;

As regards awareness-raising activities:

* develop arguments to combat the lobby of schools/teachers/parents for the special schools system;

As regards the use of European funds and any additional financial means:

* European structural/social funds should be used for Roma mainstream education (good practices identified in Slovenia, in Hungary, as well as in the Elementary School in Spišský Hrhov in Slovakia);
* fund projects favouring the development of inclusive policies;

As regards the involvement of (Roma) parents, including as regards their decision to enrol children in mainstream schools:

* work on empowerment and awareness-raising of Roma, and promote Roma role models;
* involve Roma in the design and implementation of projects (good practice in Slovenia with the project Successful integration of Roma children into education – designed and implemented with the Roma Union of Slovenia – that contributes to the elimination of segregation and discrimination and to make Roma parents responsible);

As regards actions towards non-Roma **parents to convince them to accept Roma pupils/students in regular/mainstream schools[[61]](#footnote-61):**

* communicate through media, forums, school websites, local newspapers, etc. about success stories;
* involve Roma and non-Roma parents in joint school activities;

As regards the involvement of local and regional authorities in school desegregation practices:

* Good examples should be promoted at national level but also at international level (e.g. in the framework of the European Alliance of Cities and Regions for Roma Inclusion) such as:
  + Free bus transport in Babington (United Kingdom) or Murska Sobota (Slovenia);
  + Support to inclusive schooling in Spišský Hrhov (Slovakia);
  + Catchment areas that show good results in terms of balancing the number of Roma per school/class in Krnov (Czech Republic) and Hódmezővásárhely (Hungary);

As regards ensuring proper co-ordination:

* To ensure better co-ordination (good practice in Hungary with the Ministerial Commissioner with Responsibility for Integration of Disadvantaged and Roma Children who ensures better coordination between national, regional and local administrative bodies);

As regards mutual learning and possible follow-up events:

* Exchange of experience regarding the use of European funds (could be provided by Slovenia);
* Exchange of experience in desegregation legislation and measures (could be provided by Hungary);
* Networking between schools at national level to share experience and good practices (good practices identified in Hungary (School-Net programme) and Slovenia (schools network);
* Peer-to-peer school support and exchange of experience involving not only teachers but also heads of schools (good practice between the Czech Republic and the United Kingdom)
* Networking and provision of capacity-building to local authorities, as well as support to schools, Roma children and their families (the positive role played in the Czech Republic by the Agency for Social Inclusion should be shared with other member states (e.g. in the framework of the European Alliance of Cities and Regions for Roma Inclusion);
* On 21-24 November 2012, the **Youth Directorate of the Council of Europe** will organise in Strasbourg a Seminar for youth workers and actors in formal education on *“The Role of Youth Work in Combating Segregation in School Environments”.* This will be an occasion for the CAHROM Secretariat to present the main conclusions of the present thematic report to (Roma) youth organisations.
* On 17 December 2012, an International Seminar on Examples of Inclusive Education for Roma and on Roma Minority Schools will be organised in Budapest under **the European Alliance of Cities and Regions for Roma Inclusion**. A number of municipalities quoted in this thematic report will be invited to further exchange experience on inclusive education and/or minority school education.

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Appendix 1: Formal invitation letters from the Czech Republic and the Slovak Republic

 

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Appendix 2: Programme of the thematic visits to the Czech Republic (1-3 October 2012) and to the Slovak Republic (3-5 October 2012)

 

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Appendix 3: List of participants of the thematic visits to the Czech Republic and to Slovakia

  

Profile of the CAHROM team of experts

Ms Zsófia Pillár (Hungary) works for the Hungarian Ministry of Human Resources as Deputy of Social Inclusion in the field of education. She participates in planning and managing programmes for equal chances in education financed by the domestic budget and by EU Funds as well. For instance, she works on a Scholarship and Mentorship Programme designed to improve the chances of socially disadvantaged students in public education from the age of 13 to the first year of university. Prior to working in the Ministry Ms Pillár spent half a year at the Budapest Office of the Roma Education Fund (REF) as an intern. At REF she had the chance to get to know several grassroots programmes initiated and/or or implemented by NGOs.

Mag. Erika Rustja (Slovenia) has been working at the Ministry of Education, Science, Culture and Sport as a Senior Advisor and Under-secretary in the Education Development Office since 2005. She works particularly on Human Rights Education, Social and Civic Competences, History, Civic Education, and Education for Sustainable Development. She often takes part as a member of the Slovenian delegation to hearings at United Nations and the Council of Europe authorities where Roma education is emphasized. She is also part of a team that visits Roma in schools and controls the implementation of education projects co-financed by her Ministry. She was invited by the Slovak UNESCO Commission to present Roma education in Slovenia at the 2011 International Conference “Respecting Cultural Diversities in Quality Education of Socially and Differently Disadvantaged Children -with special focus on Roma Children”.

Ms Claire Lockwood (Leeds, United Kingdom) has visited Brno in the Czech Republic several times over the last two years working on a Comenius region programme funded by the British Council entitled “Roma Inclusion through Culture and Education – RICE”. She has therefore been working with three schools in Brno and six in Leeds as well as with voluntary organisations in both cities and the Roma Museum in Brno. She is well aware of the Educational system in the Czech Republic and works with schools in Leeds who have a growing number of Roma in roll. She has also experience working with Gypsy and Travellers in the UK, as a joint President of the National Association of Teachers of Traveller and other professional – NATT+, an organisation that works nationally to improve the education of Gypsy, Roma and Travellers. Ms Lockwood is also involved in a NATT+ group of people who work on improving outcomes for Roma.

Mr Igor André (Slovak Republic) has recently joined as Education Officer the Office of the Plenipotentiary of the Slovak Republic Government for Roma Communities, which has been recently placed under the Ministry of Interior.

**Mr Ján Hero (Slovak Republic)** was a member of the Council of Europe Committee of Experts on Roma and Travellers (MG-S-ROM) during the period 2000-2010. He is now a member of the Council of Europe Ad Hoc Committee of Experts on Roma Issues (CAHROM) established in 2011. In 1991, when Roma in Slovakia received the status of national minority, Mr Hero became the first officer responsible for the Education of Roma Children and Youth at the Department for Minority Mixed Education of the Ministry of Education of the Slovak Republic. Later, he has been working as General Director for Primary and Secondary Education at the Ministry of Education of the Slovak Republic. Mr Hero used to work at the State Pedagogical Institute in Bratislava at the Department for Roma National Minority Education. Since 2010, he has been a Board member of the European Roma Information Office (ERIO) in Brussels.

Mr Viktor Piorecký (Czech Republic) works as an expert for education in the Agency for Social Inclusion which is part of the Office of the Government. Previously he worked in several projects providing support to schools educating Roma children, as well as support to children and their families. He is one of the authors of the Education chapter of the “National Strategy to Combat Social Exclusion".

**Mr Ondřej Klípa (Czech Republic)** is the Head of the Secretariat of the Council for Roma Minority Affairs and the Council for National Minorities at the Office of the Government of the Czech Republic. He is also a member of the Council of Europe Ad Hoc Committee of Experts on Roma Issues (CAHROM) established in 2011.

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Appendix 4: National, European and International reference texts and reports

The right to education for all children, and for Roma children in particular, including the issue of segregation/special schools, has been extensively addressed and documented by European and international governmental and non-governmental organisations through conventions, recommendations, case-law, reports and specific projects. References to a number of those and specific quotations are made in footnotes of this thematic report or in the Addendum.

For additional research, it was felt; however, useful to recall the titles of the most relevant texts and documents of reference in this chapter.

* Council of Europe standards, reference texts, case-law and reports

As far as the Council of Europe is concerned, special attention should be given to:

* the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), in particular in Article 14 (Prohibition of discrimination), in Protocol No. 1 thereto (ETS No. 9), in particular in its Article 2 (Right to education), and in Protocol No. 12 thereto (ETS No. 177);
* the 1995 Framework Convention for the Protection of National Minorities (ETS No. 157)[[62]](#footnote-62);
* the 1992 European Charter of Regional or Minority Languages (ETS No. 148)[[63]](#footnote-63);
* the 1961 European Social Charter (ETS No. 35)[[64]](#footnote-64);
* the Recommendation CM/Rec(2012)9 of the Committee of Ministers on mediation as an effective tool for promoting respect of human rights and social inclusion of Roma;
* the Recommendation CM/Rec(2009)4 of the Committee of Ministers on the education of Roma and Travellers in Europe;
* the Recommendation CM/Rec(2008)5 of the Committee of Ministers to member states on policies for Roma and/or Travellers in Europe;
* the Recommendation No. R (2000) 4 of the Committee of Ministers on the education of Roma/Gypsy children in Europe;
* the Recommendation 1924 (2010) and Resolution 1740 (2010) of the Parliamentary Assembly on The Situation of Roma in Europe and relevant activities of the Council of Europe”;
* the Congress Recommendation 315 (2011) and Resolution 333 (2011) on the situation of Roma in Europe: a challenge for local and regional authorities;
* ECRI General Policy Recommendations No. 3 on combating racism and intolerance against Roma/Gypsies (1998), No. 7 on national legislation to combat racism and racial discrimination (2002), No. 10 on combating racism and racial discrimination in and through school education (2006) and No. 13 on combating anti-Gypsyism and discrimination against Roma;
* the Final Declaration of the 22nd session of the Standing Conference of the Ministers of Education, on “Building a more humane and inclusive Europe: role of education policies” (Istanbul, 4-5 May 2007);
* Recommendations and policy orientations included in the White Paper on Intercultural Dialogue “Living together as equals in dignity”, launched at the 118th Session of the Committee of Ministers (Strasbourg, 7 May 2008);
* the Strasbourg Declaration on Roma adopted at the High Level Meeting on Roma (Strasbourg, 20 Oct. 2010);
* the Declaration adopted at the Summit of Mayors on Roma (Strasbourg, 22 September 2011), which inter alia calls for the support of the ROMED programme and the setting-up of a European Alliance of Cities and Regions for Roma Inclusion[[65]](#footnote-65);
* the Roma Youth Action Plan based on guidelines proposed by the participants of the Roma Youth Conference (September 2011, updated in May 2012)[[66]](#footnote-66);
* the CM Declaration on the rise of anti-Gypsyism and racist violence against Roma in Europe (Febr. 2012)[[67]](#footnote-67).

Additionally, apart from the reports of the relevant Council of Europe monitoring bodies (the Commissioner for Human Rights, the Advisory Committee of the Framework Convention for the Protection of National Minorities, the Committee of Experts of the European Charter for Regional or Minority Languages and the European Commission against Racism and Intolerance (ECRI), the case law of the European Court of Human Rights regarding education of Roma, in particular D.H. and Others v. The Czech Republic, Sampanis and Others v. Greece, and Oršuš and Others v. Croatia[[68]](#footnote-68), and the conclusions and decisions of the European Committee of Social Rights, the following Council of Europe reports and publications were used as sources of inspiration for this thematic report:

* [Report by Thomas Hammarberg](https://wcd.coe.int/ViewDoc.jsp?id=1885987), Commissioner for Human Rights, following his visit to Slovakia from 26 to 27 September 2011, doc. CommDH(2011)42;
* [Follow-up report on the Slovak Republic](https://wcd.coe.int/ViewDoc.jsp?id=983969&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679) (2001-2005): Assessment on the progress made following the recommendations of the Commissioner for Human Rights, for the attention of the Committee of Ministers and of the Parliamentary Assembly, doc. CommDH(2006)5.
* The Commissioner for Human Rights’ Viewpoint “The key to the promotion of Roma rights: early and inclusive education”[[69]](#footnote-69) (31 March 2008);
* The Commissioner for Human Rights’ publication “Human Rights of Roma and Travellers in Europe”, Council of Europe Publishing (February 2012);
* Jean-Pierre Liégeois “Roma in Europe”, Council of Europe Publishing (2009);
* Jean-Pierre Liégeois “The Council of Europe and Roma: 40 years of action”, Council of Europe Publishing (2010 for the French edition; 2012 for the English one);
* The 2nd Thematic Commentary on Education and the 3rd Thematic Commentary on the Language Rights of Persons belonging to national minorities published by the Advisory Committee on the Framework Convention for the Protection of National Minorities (in March 2006 and July 2012 respectively)[[70]](#footnote-70);
* The project “Education of Roma children in Europe” (2002-2009)”[[71]](#footnote-71) and its publications;
* The current joint CoE/EU ROMED programme “Intercultural mediation for Roma”)[[72]](#footnote-72).
* Other international organisations’ reference texts and reports

Other relevant European and international reference texts and documents include:

* United Nations Convention on the Rights of the Child (into force since 1990)[[73]](#footnote-73);
* OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (Dec. 2003)[[74]](#footnote-74);
* European Monitoring Centre on Racism and Xenophobia (EUMC) Overview of the situation of Roma and Travellers in Public Education in EU Member States (May 2006)[[75]](#footnote-75);
* Roma Education Fund (REF) Country Assessment: “Advancing Education of Roma in the Czech Republic” (2007)[[76]](#footnote-76);
* Open Society Institute (OSI) Report “Equal Access to Quality Education for Roma – Vol. 1: Bulgaria, Hungary, Romania, Serbia” (2007)[[77]](#footnote-77);
* Open Society Institute (OSI) Report “Equal Access to Quality Education for Roma – Vol. 2: Croatia, Macedonia, Montenegro, Slovakia” (2007)[[78]](#footnote-78);
* OSCE-ODIHR Status Report on the Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (2008)[[79]](#footnote-79);
* European Union Fundamental Rights Agency (FRA) “European Union Minorities and Discrimination - EU-MIDIS - Survey - Data in focus: The Roma” (April 2009)[[80]](#footnote-80);
* Roma Education Fund (REF) “School as ghetto: systemic overrepresentation of Roma in special education in Slovakia” (September 2009);
* OSCE-ODIHR Mapping of participation of Roma and Sinti children in early education processes within the OSCE Region[[81]](#footnote-81) (November 2010);
* European Parliament Resolution on the EU Strategy on Roma Inclusion (March 2011);
* European Union Council conclusions on an EU Framework for National Roma Integration Strategies up to 2020 (19 May 2011);
* Open Society Foundation (OSF) publication “Answers to Questions on (de)segregation of Roma students in Slovak education system” (2011);
* UNICEF Position Paper “The Right of Roma Children to Education” (2011)[[82]](#footnote-82);
* European Commission PROGRESS Report “Improving the tools for the social inclusion and non-discrimination of Roma in the EU”[[83]](#footnote-83) (2011);
* Roma Education Fund (REF) Country Assessment: “Advancing Education of Roma in Slovakia” (2011)[[84]](#footnote-84);
* Roma Education Fund/Equality Pilot Research “From segregation to Inclusion: Roma pupils in the United Kingdom” (November 2011)[[85]](#footnote-85);
* Roma Education Fund (REF) Publication “Pitfalls and bias: entry testing and the overrepresentation of Romani children in special education” (April 2012);
* FRA/UNDP Report on “The situation of Roma in 11 EU Member States and in neighbouring countries” (May 2012)[[86]](#footnote-86);
* UNDP/World Bank/EC Regional 2011 Roma Survey “Toward an Equal Start: Closing the Learning Gap for Roma Children in Eastern Europe” (published on 4 June 2012)[[87]](#footnote-87);
* UNDP Issue 19 “Opportunities for Roma Inclusion” (June 2012);
* UNICEF/OSF/REF Overview Report “Roma Early childhood Inclusion” (August 2012)[[88]](#footnote-88);
* Roma Education Fund (REF) Publication Ten years After: a History of School Desegregation in Central and Eastern Europe (2012)[[89]](#footnote-89).
* National reference texts and reports

Czech Republic

* Act No. 561/2004 Coll., on Pre-school, Elementary, Secondary, Tertiary Professional and Other Education (the Education Act), as amended.
* Decree No. 72/2005 Coll. on Providing Advisory Services in Schools and School Advisory Centres, as amended in 2011;
* Decree No. 73/2005 Coll. on. Education of Children, Pupils and Students with Special Educational Needs and Exceptionally Gifted Children, Pupils and Students, as amended by Decree No. 147/2011);
* Decree No. 364/2005 Coll. on Maintaining School and School Facility Documentation and the School Vital Registers and on Forwarding the Data from Schools and School Facilities and from School Vital Registers (the Decree on Documentation of Schools and School Facilities), as amended;
* Anti-discrimination Act of 2009;
* National Action Plan for Inclusive Education (NAPIE) (adopted by Government Resolution No. 206 of 15 March 2010);
* Czech School Inspection Thematic Report, “Compendium of results from the thematic control activity in practical elementary schools” (March 2010);
* Opinion of the Czech Ombudsman concerning suspected discrimination of Roma children and pupils – findings from the Thematic Report of the Czech School Inspectorate’s Inspection in Elementary Practical Schools of 20th April 2010;
* Roma Integration Concept of the Czech Government for 2010–2013[[90]](#footnote-90);
* National Strategy for the Fight against Social Exclusion (2011-2015);
* “Promoting Social Inclusion of Roma in the Czech Republic, a study of national policies” by Tomáš Sirovátka, Masaryk University (July 2011);
* Publication “The Education System in the Czech Republic” published by the Ministry of Education, Youth and Sport of the Czech Republic” (November 2011);
* Thematic Report on “Progress in Transformation of Former Special Schools in the School Year 2011/2012” (in accordance with requirements set out in the Education Act, as per the latest amendments) published by the Czech School Inspectorate in July 2012;
* Principles of the Long-Term Czech Strategy for Roma Integration to 2025[[91]](#footnote-91);
* Concept of In-Time Care for Children from Socio-Culturally Disadvantaged Environments.

Hungary

* 1993 Act on the Rights of National and Ethnic Minorities, as amended in 2011;
* 1993 Public Education Act, as amended in 199, 2003 and 2007;
* 2003 Act on the Promotion of Equal Treatment and Equal Opportunities;
* Child Protection Act;
* Decree on kindergarten education of national and ethnic minorities;
* Decree on school education of national and ethnic minorities;
* Decree on Completion of Studies at High Schools, as amended;
* Decree No. 4/2010. (I.19.) OKM on relevant procedure and professional requirements for the tests and examinations.
* National Social Inclusion Strategy of Hungary – extreme poverty, child poverty, the Roma (2011-2020).

Slovak Republic

* Act No. 596/2003 Coll. on the State Administration in Schools and School Administration and on amending and supplementing certain legislation as amended by later regulation;
* Act No. 597/2003 Coll. on Financing Elementary Schools, Secondary Schools and Facilities as amended by later regulation;
* 2004 Anti-Discrimination Act;
* Act No. 108/2006 Coll. on walk-in social activation services for children;
* Act No. 245/2008 Coll. on Education and Upbringing (School Act) and on amending and supplementing certain legislation as amended by later regulation (new School Act prohibiting discrimination and segregation in education);
* Act No. 184/2009 Coll. on Professional Education and Training and on amending and supplementing certain legislation;
* Act No. 317/2009 Coll. on Pedagogical Staff and Specialists and on amending and supplementing certain legislation;
* National Strategy of the Slovak Government for the integration of Roma communities up to 2020 (adopted in January 2012);
* Act on Socially Excluded Communities (under preparation);
* Alexander Mušinka “The things that worked – Examples of successful activities on the level of local administration aimed at improving the situation of the Roma” (University of Prešov, 2012).

Slovenia

* The Constitution (in particular Art. 65);
* The 2007 [Roma Community Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO4405.html) in the Republic of Slovenia
* The Strategy of Education of Roma in the Republic of Slovenia (2004, amended in 2011);
* The National Programme of measures for Roma of the Government of the Republic of Slovenia for the period 2010-2015;
* The Placement of Children with Special Needs Act;
* The [Rules on the organisation and methods of work of commissions for the placement of children with special needs and on criteria for determining the type and degree of disadvantages, impairments and disabilities of children with special needs](http://zakonodaja.gov.si/rpsi/r04/predpis_PRAV4984.html);
* The Kindergarten Act;
* The Basic School Act;
* The Gymnasium Act;
* The Vocational Education Act;
* The Organisation and Financing of Education Act;
* The Asylum Seekers Act;
* The [Act Regulating the Exercise of the Special Rights of Members of the Italian and Hungarian Ethnic Communities in the Field of Education](http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO2611.html).

United Kingdom

* UK government response to the EU Council Conclusions of an EU Framework Strategy for Roma Integration up to 2020;
* UK Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers (2012)[[92]](#footnote-92);
* Equalities Act 2010;
* Special Educational Needs and Disability Act 2001;
* Race Relation Amendment Act 2000;
* Education Act 1996, as amended in 2001.

1. The term “Roma” used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies. [↑](#footnote-ref-1)
2. See document CAHROM (2012)10 Abridged Report of the 3rd CAHROM meeting and document CAHROM (2012)14 Report of the 3rd CAHROM Bureau meeting, as well as previous CAHROM thematic reports at <http://www.coe.int/web/coe-portal/cahrom1>. [↑](#footnote-ref-2)
3. See <http://www.coe.int/t/commissioner/Activities/GoodPractices/Slovenia_RomaEducation.pdf> and Good Practice n°14 in the Council of Europe Database on Roma-related policies and good practices <http://goodpracticeroma.ppa.coe.int/en>. [↑](#footnote-ref-3)
4. In particular REF publication Ten years After: a History of School Desegregation in Central and Eastern Europe presented by Iulius Rostas, Roma Education Fund expert, and REF/Equality Pilot Study From segregation to Inclusion presented by Lucie Fremlova, Equality expert. See Appendix 4 for links to these reports. [↑](#footnote-ref-4)
5. On 2 October 2012, the Special Representative of the Secretary General for Roma issues held bilateral meetings with Ms Šimůnková, Czech Government Human Rights Commissioner, and with Mr Fryc, Deputy Minister, and Mr Stárek from the Ministry of Education. [↑](#footnote-ref-5)
6. See Amnesty International: Press release of 9 January 2012: [Slovak court rules against segregation in education](http://www.amnesty.org/en/for-media/press-releases/slovak-court-rules-against-segregation-education-2012-01-09). In 2008, the school authorities had transferred all Roma pupils who were attending standard school into the special class already attended only by Roma children. The court dismissed all the arguments of the school regarding the fact that separate education was presumably the only way of providing equal access to education to Roma children. The Court ordered the municipality to eliminate all forms of segregation and replace it with inclusive education. [↑](#footnote-ref-6)
7. <http://www.coe.int/t/commissioner/source/prems/prems79611_GBR_CouvHumanRightsOfRoma_WEB.pdf> [↑](#footnote-ref-7)
8. <http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_CzechRepublic_en.pdf>. FCNM/AC Opinions on other countries participating in the CAHROM thematic group can be consulted at: <http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/Table_en.asp>. [↑](#footnote-ref-8)
9. See ECRI Conclusions on the implementation of the Recommendations in respect of the Czech Republic subject to interim follow-up (adopted on 23 March 2013) <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech_Republic/CZE-IFU-IV-2012-027-ENG.pdf>. [↑](#footnote-ref-9)
10. See ECRI Conclusions on the implementation of the Recommendations in respect of the Slovakia subject to interim follow-up (adopted on 21 March 2013) <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Slovakia/SVK-IFU-IV-2012-029-ENG.pdf>. [↑](#footnote-ref-10)
11. See OSCE-ODIHR press release following this visit at <http://www.osce.org/odihr/90813>. The OSCE-ODIHR report is available at <http://www.osce.org/odihr/96662>. [↑](#footnote-ref-11)
12. <http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf>. [↑](#footnote-ref-12)
13. See the Committee of Ministers Deputies’ decision, whilst sitting as a body to supervise the execution of the Court’s Judgment, on *DH and others v. The Czech Republic* at

    <http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=&StateCode=CZE&SectionCode>. See also the supervision of the execution of the judgments in the case of D.H. and others against Czech Republic, judgment of 13/11/2007 - Grand Chamber - prepared by the Department for the Execution of Judgments of the European Court of Human Rights (DG-HL) dated 24 November 2010 at <https://wcd.coe.int/ViewDoc.jsp?id=1707993&Site=CM> and documents submitted by the authorities/civil society at <http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/CZE-DH_en.asp>. [↑](#footnote-ref-13)
14. <http://www.soros.org/sites/default/files/Roma-Early-Childhood-Inclusion-Report-20120813.pdf>. [↑](#footnote-ref-14)
15. <http://www.romaeducationfund.hu/news/ref/news-and-events/ten-years-after-history-roma-school-desegregation-central-and-eastern-europ>. [↑](#footnote-ref-15)
16. Read more at: <http://www.upi.com/Top_News/World-News/2012/10/31/Slovak-court-No-separate-classes-for-Roma/UPI-41991351710118/#ixzz2C0eqiCZz>. [↑](#footnote-ref-16)
17. <http://www.errc.org/cms/upload/file/five-more-years-of-injustice-november-2012.pdf>. [↑](#footnote-ref-17)
18. See the Commissioner’s Human Rights Comment at <http://www.coe.int/t/commissioner/Activities/IPList_en.asp> and the press statement following his visit to the Czech Republic at <http://www.coe.int/t/commissioner/News/2012/121115CzechRepublic_en.asp>. [↑](#footnote-ref-18)
19. Romani variants spoken in the Czech Republic include Northern Central Romani and Lovari. [↑](#footnote-ref-19)
20. See <http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm>. [↑](#footnote-ref-20)
21. See UNDP/World Bank/EC Regional 2011 Roma Survey “Toward an Equal Start: Closing the Learning Gap for Roma Children in Eastern Europe” (published on 4 June 2012). [↑](#footnote-ref-21)
22. ISCED stands for International Standard Classification of Education. GCSE stands for General Certificate of Secondary Education. [↑](#footnote-ref-22)
23. The number of self-declared Roma increased by 28.2% in comparison with the 1991 census. [↑](#footnote-ref-23)
24. The University of Salford is currently undertaking a major piece of research to explore the size of the UK's Roma population (not including Gypsies and Travellers). This includes a survey of all local authorities in the UK and semi-structured interviews in specific case study areas. The University researchers are currently chasing responses from the local authorities that have not yet responded. The final report will be produced in March 2013 and should give us a much better understanding of the size and origin of the Roma population of the UK. [↑](#footnote-ref-24)
25. The Report of the Research by Lucie Fremlova and Heather Ureche is available at [www.romaeducationfund.org](http://www.romaeducationfund.org). [↑](#footnote-ref-25)
26. Additional information about the Babington Community College is available in the Addendum to this report. [↑](#footnote-ref-26)
27. See details of the measures foreseen under the Roma Integration Concept of the Czech Government for 2010-2013 in the Addendum to this report. Some references to those measures have been also made throughout this report. [↑](#footnote-ref-27)
28. See [Joint Statement of the League of Human Rights and MDAC concerning the implementation of the ECtHR judgment D.H. and others v. Czech Republic](https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2104411&SecMode=1&DocId=1899072&Usage=2), 29 May 2011. [↑](#footnote-ref-28)
29. See [European Commission: National Roma Integration Strategies, a first step in the implementation of the EU framework](http://ec.europa.eu/justice/discrimination/files/roma_nat_integration_strat_en.pdf), 2012. [↑](#footnote-ref-29)
30. See also Open Society Justice Initiative, European Roma Rights Centre and COSIV: [Submission to the Council of Europe Committee of Ministers: D.H. and others v. Czech Republic](http://www.errc.org/cms/upload/file/eighth-communication-to-the-committee-of-ministers-on-judgment-implementation-18-may-2012.pdf), June 2012. [↑](#footnote-ref-30)
31. <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2087410&SecMode=1&DocId=1890262&Usage=2> [↑](#footnote-ref-31)
32. The CAHROM thematic group of experts and the Special Representative of the Secretary General for Roma issues were given oral information on the main measures envisaged for the consolidated action plan during the visits organised at the Czech Ministry of Education. [↑](#footnote-ref-32)
33. Source: [Equality: From segregation to inclusion, Roma pupils in the United Kingdom, a pilot research project](http://equality.uk.com/Education_files/From%20segregation%20to%20integration_1.pdf), November 2011. [↑](#footnote-ref-33)
34. Amendments were made in September 2011 to Decree No. 72/2005 Coll. on Providing Advisory Services in Schools and School Advisory Centres and to Decree No. 73/2005 Coll. on. Education of Children, Pupils and Students with Special Educational Needs and Exceptionally Gifted Children, Pupils and Students. [↑](#footnote-ref-34)
35. The Slovak Republic ratified the Framework Convention for the Protection of National Minorities in 1995 and the European Charter for Regional and Minority Languages in 2001 (Part II and III of the Charter are applicable to Romani). [↑](#footnote-ref-35)
36. Hungary ratified the Framework Convention for the Protection of National Minorities in 1995. The extension of the European Charter for Regional and Minority Languages to the Romani and Beash languages spoken by the Roma in Hungary was promulgated by Act XLIII of 2008. [↑](#footnote-ref-36)
37. The Act on the Rights of National and Ethnic Minorities was modified in 2011. According to the new Act, Roma are also recognised as a minority. [↑](#footnote-ref-37)
38. Cigány, the Hungarian term for “Gypsies” is not as derogatory and pejorative as in neighbouring countries of Central and South-Eastern Europe. The word “Roma” (Romák), however, is increasingly used in official documents since 2011. [↑](#footnote-ref-38)
39. Roma Education Fund: [Pitfalls and bias: entry testing and the overrepresentation of Romani children in special education](http://www.achanceforchildren.org/), (2012). [↑](#footnote-ref-39)
40. See [National Social Inclusion Strategy –Extreme Poverty, Child Poverty, the Roma, 2011-2020](http://ec.europa.eu/justice/discrimination/files/roma_hungary_strategy_en.pdf). [↑](#footnote-ref-40)
41. In particular, the extraordinary reviews conducted as part of the “From the desk at the back” programme, the amendment of the relevant legal rules, including measures related to the establishment of the diagnosis of pupils with mild mental or intellectual disabilities. [↑](#footnote-ref-41)
42. Official Gazette RS, No. 33/2007. The Act came into force on 28 April 2007. [↑](#footnote-ref-42)
43. Source: Roma Education Fund: [Pitfalls and bias: entry testing and the overrepresentation of Romani children in special education](http://www.achanceforchildren.org/), April 2012. [↑](#footnote-ref-43)
44. See CAHROM thematic report on school drop out and absenteeism of Roma girls – CAHROM (2012)19. [↑](#footnote-ref-44)
45. In the Czech Republic, Slovakia and Hungary, the percentage of pupils with special educational needs placed in special schools is respectively at 8,6%, 7,7% and 5,8%, whereas it is at around 2% in Italy, France or the UK. Source: Roma Education Fund: [Pitfalls and bias : entry testing and the overrepresentation of Romani children in special education](http://www.achanceforchildren.org/), April 2012. [↑](#footnote-ref-45)
46. See 2002 UNICEF report: [The right of children with disabilities to education: a rights-based approach to inclusive education](http://www.google.com/search?hl=en&q=schwimmbad+kehl&meta=). [↑](#footnote-ref-46)
47. Source: UNDP/World Bank/EC regional Roma survey (2011). [↑](#footnote-ref-47)
48. School as a Ghetto, Roma Education Fund (2009). [↑](#footnote-ref-48)
49. Alexander Mušinka “The things that worked - Examples of successful activities on the level of local administration aimed at improving the situation of the Roma”, Institute of Roma Studies, Publication Department of the University of Prešov, 2012. [↑](#footnote-ref-49)
50. More information about the school is available in Slovak at [www.skolahrhov.sk](http://www.skolahrhov.sk). [↑](#footnote-ref-50)
51. Nearly 30% of media coverage, particularly in TV Markíza, was associated exclusively with programmes and activities carried out especially for Roma pupils. [↑](#footnote-ref-51)
52. This United School *(Spojená škola*) include the five following organisational components: a special primary school *(Špeciálna základná škola*), a practical school (*Praktická škola*), vocational training (*Odborné učilište*), a primary school by the Hospital and a centre for special educational consultancy. [↑](#footnote-ref-52)
53. See in the Addendum the definition of “special school” in the Dutch context provided for information and comparison. [↑](#footnote-ref-53)
54. “Basic” is officially used in English translation. It should, however, be understood as “Elementary”. [↑](#footnote-ref-54)
55. *“Unlawful segregation is a conduct that separates individuals or groups of individuals from others on the basis of their characteristics as defined in Article 8 without a reasonable explanation resulting from objective consideration”*. [↑](#footnote-ref-55)
56. See the PDF version of this report in the Addendum. [↑](#footnote-ref-56)
57. Open Society Justice Initiative considers that the statement of the Czech Government to the UN Human Rights Council’s came without any solid commitments, such as a firm timeline for implementation, or measurable targets along the way to achieving zero school segregation. For more details, [read this report by Katrine Thomasen](http://soros.us1.list-manage.com/track/click?u=52d98944f5466486ab8567329&id=126fbb89ad&e=62edf06ba2). [↑](#footnote-ref-57)
58. Article translated into English and published by ROMEA. [↑](#footnote-ref-58)
59. MRD stands for “marginalized Roma communities” and RDC for “socially disadvantaged environment”. [↑](#footnote-ref-59)
60. <http://goodpracticeroma.ppa.coe.int/en/>. [↑](#footnote-ref-60)
61. The more drastic proposal to reform the educational system by obliging the families to send their children to the nearest school does not seem to be a short term option in the Czech Republic due to a historical approach of school competitiveness and due to the fact that such a freedom to choose one’s school is a result of the fall of communism. For those reasons, the Czech society is not willing to change the system, according to the Ministry of Education. It was observed that in other Council of Europe member states, including France, Slovenia, Spain and the United Kingdom, parents should in principle send their children to the nearest school. If they do not want this, they must provide concrete arguments to the School Inspectorate for choosing another school (e.g. having all children of a same family in one school, choosing a school which is closer to the parents’ workplace). Some sort of limitations to the total freedom of choice of parents should probably be considered in the Czech Republic and Slovakia to reduce de facto school segregation as one cannot expect in the near future a move from the society itself towards mixed education. [↑](#footnote-ref-61)
62. <http://www.coe.int/t/dghl/monitoring/minorities/default_en.asp>. [↑](#footnote-ref-62)
63. <http://www.coe.int/t/dg4/education/minlang/>. [↑](#footnote-ref-63)
64. <http://www.coe.int/T/DGHL/Monitoring/SocialCharter/>. [↑](#footnote-ref-64)
65. If not specified in footnotes, these documents are electronically accessible at <http://www.coe.int/web/coe-portal/roma_reference-texts>. [↑](#footnote-ref-65)
66. <http://www.coe.int/t/dg4/youth/Source/News&Calls/2012_Roma_Youth_Action_Plan_en.pdf>. [↑](#footnote-ref-66)
67. <https://wcd.coe.int/ViewDoc.jsp?id=1902151&Site=CM>. [↑](#footnote-ref-67)
68. Supervision of the execution of the ECtHR judgments in the case of Oršuš v Croatia prepared by the Department for the Execution of Judgments of the European Court of Human Rights (DG-HL):

    <https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf/DH%282011%2946&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>; Documents submitted by the authorities/civil society - <http://www.coe.int/t/dghl/monitoring/execution/Themes/Add_info/CRO-ai2_en.asp> [↑](#footnote-ref-68)
69. <http://www.coe.int/t/commissioner/Viewpoints/080331_en.asp>. [↑](#footnote-ref-69)
70. <http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/Thematic_Intro_en.asp>. [↑](#footnote-ref-70)
71. <http://www.coe.int/t/dg4/education/roma/histoCulture_en.asp>. [↑](#footnote-ref-71)
72. <http://www.coe-romed.org/>. [↑](#footnote-ref-72)
73. Full text of the UN Convention at <http://www2.ohchr.org/english/law/crc.htm>. [↑](#footnote-ref-73)
74. Full text of the OSCE Action Plan on Roma and Sinti at: <http://www.osce.org/odihr/17554>. [↑](#footnote-ref-74)
75. EUMC Study available on FRA website at: <http://fra.europa.eu/fraWebsite/attachments/roma_report.pdf>. [↑](#footnote-ref-75)
76. <http://www.romaeducationfund.hu/sites/default/files/publications/czech_report.pdf>. [↑](#footnote-ref-76)
77. <http://www.soros.org/sites/default/files/2roma_20070329_0.pdf>. [↑](#footnote-ref-77)
78. <http://www.soros.org/sites/default/files/equal_20071218.pdf> [↑](#footnote-ref-78)
79. <http://www.osce.org/odihr/33500?download=true>. [↑](#footnote-ref-79)
80. <http://fra.europa.eu/sites/default/files/fra_uploads/413-EU-MIDIS_ROMA_EN.pdf>. [↑](#footnote-ref-80)
81. See this OSCE-ODIHR mapping published in Warsaw in November 2010 at <http://www.osce.org/odihr/73874>. [↑](#footnote-ref-81)
82. <http://www.unicef.org/ceecis/UNICEF_ROE_Roma_Position_Paper_Web.pdf>. [↑](#footnote-ref-82)
83. Available on Internet in English in pdf format. [↑](#footnote-ref-83)
84. <http://www.romaeducationfund.hu/sites/default/files/publications/ref_ca_2011_sk_english_screen.pdf>. [↑](#footnote-ref-84)
85. <http://equality.uk.com/Education.html>. [↑](#footnote-ref-85)
86. <http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf>. [↑](#footnote-ref-86)
87. <http://siteresources.worldbank.org/EXTROMA/Resources/RomaECD_FinalReport.pdf>. [↑](#footnote-ref-87)
88. <http://www.soros.org/sites/default/files/Roma-Early-Childhood-Inclusion-Report-20120813.pdf>. [↑](#footnote-ref-88)
89. <http://www.romaeducationfund.hu/news/ref/news-and-events/ten-years-after-history-roma-school-desegregation-central-and-eastern-europ>. [↑](#footnote-ref-89)
90. <http://ec.europa.eu/justice/discrimination/files/roma_czech_republic_strategy_en.pdf>. [↑](#footnote-ref-90)
91. <http://ec.europa.eu/justice/discrimination/files/roma_cz_strategy_perspectives_en.pdf>. [↑](#footnote-ref-91)
92. <http://www.communities.gov.uk/publications/planningandbuilding/mwgreporttravellers>. [↑](#footnote-ref-92)