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**Strategy for Roma Equality, Inclusion and  
Participation (Strategy for Roma Integration)  
2021-2030**

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April 2021

Strategy for Roma Equality, Inclusion and Participation (Strategy for Roma  
Integration) 2021-2030  
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Office of the Government of the Czech Republic

## 1 Introduction

### 1.1 Basic information on the Strategy

BASIC INFORMATION ON THE STRATEGY	
Title of the Strategy	Strategy for Roma Equality, Inclusion and Participation (Strategy for Roma Integration) 2021-2030 (hereinafter also the "Strategy")
Category of the Strategy	national, mid-term with an impact on the society as a whole
Strategy commissioned by	Government of the Czech Republic
Supervisor responsible for the Strategy design	Office of the Government of the Czech Republic, Department of Human Rights and Protection of Minorities
Coordinator of the Strategy design	Department of Human Rights and Protection of Minorities of the Office of the Government, Office of the Government Council for Roma Minority Affairs and the Secretariat of the Government Council for National Minorities
Year of the Strategy development	2019-2021
Strategy approved by	Government of the Czech Republic
Date of approval	10 May 2021
Form of approval	Consideration by the Government
Last update	
Related legislation	<p>Council Recommendation on Equality, Inclusion and Participation of Roma of 12 March 2021</p> <p>Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin</p> <p>Act No 198/2009, on equal treatment and on legal means of protection against discrimination and amending certain acts (Anti-Discrimination Act), as amended</p> <p>Act No 273/2001, on the rights of members of national minorities, as amended</p> <p>Act No 29/2000, on regions, as amended</p> <p>Act No 128/2000, on municipalities, as amended</p> <p>Government Regulation No 98/2002, laying down the conditions and method of providing subsidies from the State budget for the activities of members of national minorities and for supporting the integration of members of the Roma community</p> <p>Framework Convention for the Protection of National Minorities</p> <p>European Charter for Regional or Minority Languages</p> <p>Proposal for a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument [COM/2018/375 final - 2018/0196 (COD)]</p>
Strategy implementation period	2021-2030
Responsibility for the implementation	members of the Government, to whom tasks are entrusted by the Strategy
Origin and purpose of the Strategy	The situation of the Roma minority is still one of the most pressing post-1989 social development issues. Since the adoption of the Report on the situation of the Roma in the Czech Republic by the Government on 29 October 1997 (called "Bratinka Report" after its sponsor), the Government has sought to improve the situation of the Roma through targeted conceptual frameworks. The current Strategy builds on the Roma Integration Strategy up to 2020. It also responds to the new EU Roma strategic framework for equality, inclusion and participation.
Outline of the problem addressed and of the Strategy content	The aim of the Strategy is to reverse the negative trends in the situation of the Roma in the Czech Republic, particularly in the areas of education, housing, employment and health; to accelerate positive changes and achieve progress in eliminating unjustified and unacceptable differences between a substantial portion of the Roma population and the majority population; to ensure effective protection of Roma people from discrimination and antigypsyism; and to encourage the emancipation of the Roma and the development of Romani culture and language.

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## List of abbreviations

CVVM	Public Opinion Research Centre
CTIA	Czech Trade Inspection Authority
CR	Czech Republic
CZSO	Czech Statistical Office
CSI	Czech School Inspectorate
ECRI	European Commission against Racism and Intolerance
ECHR	European Court of Human Rights
EU	European Union
FRA	European Union Agency for Fundamental Rights
PDR	Office of the Public Defender of Rights
MID	Mild intellectual disability
MoC	Ministry of Culture
MoRD	Ministry of Regional Development
MoLSA	Ministry of Labour and Social Affairs
MRK	Museum of Romani Culture
MEYS	Ministry of Education, Youth and Sports
Mol	Ministry of the Interior
NEET	Not in Education, Employment or Training, a label for young people who fit this description
SAO	Supreme Audit Office
UN	United Nations
GCNM	Government Council for National Minorities
GCRMA	Government Council for Roma Minority Affairs
SDGs	Sustainable Development Goals
SEA	Socially excluded area(s)
SEN	Special educational needs

## 1.2 Origin and purpose of the Strategy

The situation of the Roma minority is one of the most pressing issues in Czech society after 1989. It poses a serious challenge in the areas of human rights and social economics. Despite partial success, such as through creating conditions for the emancipation of the Roma, promoting Roma culture and language, and initiating fundamental reforms in relation to the education of Roma children and operation of institutions that facilitate integration of the Roma, it has not been possible set the developments in this area on an overall positive track. The trends leading to marginalisation, social exclusion and the territorial segregation of some Roma people continue to persist. The Roma face prejudice, intolerance and discrimination on a daily basis. Although fundamental, paradigmatic changes have been made in the protection of human rights and the promotion of equality since the collapse of the communist regime, Czech society keeps failing to effectively protect the rights of the Roma minority and to protect this minority from discrimination.

At the beginning of the 1990s, the Roma were recognised as a national minority and their leaders became involved in political life, but it soon became apparent that the social status of a significant portion of the Roma minority was rapidly deteriorating. In 1997, in response to this situation, the Government adopted the Bratinka Report,<sup>1</sup> which revealed the dramatic economic and social decline of a significant portion of the Roma minority for the first time since 1989 at the government level. In response to the disturbing findings, the first Roma Integration Concept was drafted in 2000.<sup>2</sup> The Concept was updated in 2005 and again in 2009. In February 2015, the Government through its Resolution No 127 the Strategy for Roma Integration up to 2020, which the current Strategy builds on.

As a Member State of the European Union (EU), the Czech Republic (CR) is bound by EU law and a number of EU documents that govern the implementation of common policies and objectives by the Member States. One of them is the **Council Recommendation on effective measures for Roma integration in the Member States (2013/C 378/01) of 9 December 2013**, which served as the basis for the previous Roma Integration Strategy up to 2020. This is the first soft law instrument explicitly targeting the Roma. The above Council Recommendation proposed to introduce thematic measures to ensure full equality for the Roma in the areas of access to education, employment, health care, social services and housing. The document identified horizontal policy measures in the areas of combating discrimination (Antigypsyism),<sup>3</sup> protecting Roma children and women, reducing poverty, promoting social inclusion and empowering the Roma.<sup>4</sup> Member States were to take action to implement the Council Recommendations by the end of 2016 at the latest and report back to the European Commission. Subsequently, a monitoring cycle of the implementation of the Council Recommendation by the European Commission was set up.

In a December 2018 Communication entitled **Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020**, the European Commission stated that the Framework was key to the development of EU and national Roma integration instruments, but that the goal of “ending Roma exclusion” has not been achieved. Therefore, the European Commission has recommended that in the next period the focus should be on better mainstreaming Roma integration across policies, combating antigypsyism, and improving partnerships and involvement of the Roma. Furthermore, the European Commission recommended focusing on diversity within the Roma population and paying attention to specific groups (such as Roma women, children and youth), better setting of targets, data collection and reporting. The four integration areas (education, employment, housing and health) are to continue and the new framework should also include a separate thematic area on combating discrimination and antigypsyism, which should remain a cross-cutting priority in the integration areas. In order to empower and involve the Roma in political life and to promote their say

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<sup>1</sup> Resolution of the Government of the Czech Republic of 29 October 1997 No 686 on the Report on the Situation of the Roma in the Czech Republic and on the Current Situation of the Roma Community.

<sup>2</sup> Government Resolution No 599 of 14 June 2000.

<sup>3</sup> In the official Czech translation, antigypsyism was translated as “protiromské smýšlení” (anti-Roma sentiment). For more information on this translation see chapter 1.5 Definition of the basic terms.

<sup>4</sup> Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, OJ 2013/C 378/01. Available at: [https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:32013H1224\(01\)&from=cs](https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:32013H1224(01)&from=cs).

in policymaking, the European Commission believes that the institutional, staff and financial capacity and resources of the National Contact Points should be increased.<sup>5</sup>

In October 2020, the European Commission presented a new **Strategic Framework for Equality, Inclusion and Participation of Roma in the EU**.<sup>6</sup> This strategic framework is made up of the Commission Communication “A Union for Equality: an EU Strategic Roma framework for Equality, Inclusion and Participation of Roma” (hereinafter the “Communication”)<sup>7</sup> and the Council Recommendation on Equality, Inclusion and Participation of Roma of 12 March 2021.<sup>8</sup>

The Commission Communication is the first contribution to the implementation of the EU Action Plan against Racism 2020-2025.<sup>9</sup> This plan sets out objectives in seven key areas: equality, inclusion, participation, education, employment, health and housing. The European Commission has proposed the following baseline targets for 2030 at EU level:

1. reduce by at least half the percentage of Roma who have been subjected to discrimination;
2. double the percentage of Roma who report their experience of discrimination;
3. reduce the poverty gap between Roma and the general population by at least half;
4. reduce by at least half the participation gap in pre-school education;
5. reduce by at least half the proportion of Roma children attending segregated primary schools in Member States with significant Roma populations;
6. reduce the employment gap and the gender employment gap by at least half;
7. reduce by at least half the gap in life expectancy;
8. reduce by at least a third the housing deprivation gap;
9. ensure that at least 95% of Roma have access to tap water.

The Council Recommendation on Equality, Inclusion and Participation of Roma of 12 March 2021 reflects the need to combat discrimination against Europe’s largest ethnic minority at Union level and to achieve equal treatment of this minority by promoting equality and social and economic inclusion. The Recommendation assesses, reviews and expands on the measures announced by Member States since 2016, following the previous Council Recommendation of 2013. The purpose is to renew and replace this Recommendation by providing stronger guidance to Member States and confirming their renewed long-term commitment to address the persistent issues and challenges of the Roma.

Similarly to the 2014-2020 programming period, which included thematic ex-ante conditionality for drawing from the European Structural and Investment Funds (ESIF) focused on Roma integration, the new 2021-2027 programming period also includes an enabling condition defined as the **National Strategic Framework for Roma Inclusion Policy**, which is worded as follows:

“The National Roma Integration Strategy (NRIS) is in place that includes:

1. Measures to accelerate Roma integration, prevent and eliminate segregation, taking into account the gender dimension and situation of young Roma, and sets baseline and measurable milestones and targets;
2. Arrangements for monitoring, evaluation and review of the Roma integration measures;
3. Arrangements for the mainstreaming of Roma inclusion at regional and local level;

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<sup>5</sup> Communication from the Commission to the European Parliament and the Council: Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020. Available at: <https://eur-lex.europa.eu/legal-content/CS/TXT/?uri=CELEX:52018DC0785>. The National Contact Point for Roma Integration in the Czech Republic is the Office of the Government Council for Roma Minority Affairs and the Secretariat of the Government Council for National Minorities.

<sup>6</sup> EU Roma strategic framework for equality, inclusion and participation. Available at: [https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package\\_en](https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en).

<sup>7</sup> Communication from the Commission to the European Parliament and the Council A Union of Equality: EU Roma strategic framework for equality, inclusion and participation. COM/2020/620 final. Available at: [https://eur-lex.europa.eu/resource.html?uri=cellar:9a007e7e-08ad-11eb-a511-01aa75ed71a1.0023.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:9a007e7e-08ad-11eb-a511-01aa75ed71a1.0023.02/DOC_1&format=PDF).

<sup>8</sup> Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation. (2021/C 93/01). Available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32021H0319%2801%29>.

<sup>9</sup> A Union of Equality: EU Anti-racism Action Plan 2020-2025. Available at: [https://ec.europa.eu/info/files/union-equality-eu-action-plan-against-racism-2020-2025\\_cs](https://ec.europa.eu/info/files/union-equality-eu-action-plan-against-racism-2020-2025_cs).

4. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in a close cooperation with the Roma civil society and all other relevant stakeholders, including at the regional and local levels.”<sup>10</sup>

At the international level, the situation of the Roma has long been intensively addressed by the Council of Europe, which has adopted two fundamental documents on the protection of the rights of national minorities and the protection of minority languages: **Framework Convention for the Protection of National Minorities** (1995) and the **European Charter for Regional or Minority Languages** (1998). Both documents have been ratified by the Czech Republic and are legally binding on it. The Czech Republic regularly sends reports on the implementation of both documents to the Council of Europe as part of the monitoring of progress towards the fulfilment of its commitments.<sup>11</sup>

At the universal level, **Article 27 of the United Nations International Covenant on Civil and Political Rights** (1976) is the only legally binding norm regulating the rights of members of national minorities. Similarly to the documents of the Council of Europe, the Czech Republic prepares regular reports on the progress towards the fulfilment of its commitments to national minorities, including the Roma minority, within the framework of the United Nations.

### 1.3 Purpose of the Strategy

The main objective of the 2030 Strategy is to set up tools in government policy systems through effective mechanisms and processes that aim to promote equal and fair treatment and equal opportunities with respect for the civic and national identity of Roma. The implementation of this national document involves the active participation of representatives of the Roma national minority. The civic empowerment of the Roma national minority should lead to their civic, socioeconomic, political, and cultural emancipation. The purpose of the Strategy is to create a framework for measures that will build on the positive changes achieved in some areas of Roma integration, and for measures that will reverse the negative trends where such trends are persisting and/or accelerating. The aim is to eliminate all unjustified and unacceptable differences between the circumstances of a significant portion of Roma and the majority population, to ensure effective protection of Roma against discrimination and antigypsyism, and to encourage the emancipation of Roma, Roma culture, language and their participation. Therefore, the main objectives of the Strategy are closely linked to the goals of the Strategy for Roma Integration up to 2020 and reflect the fact that those have not been achieved in a number of areas.<sup>12</sup>

The Strategy 2021-2030 revises and builds on existing tasks and approaches in several ways:

- It builds on the main objective of the Strategy for Roma Integration up to 2020, which, unlike previous Roma-oriented concepts aimed to “achieve conflict-free coexistence between Roma and the rest of society”, redefined the goal to “eliminate unjustified and unacceptable differences between the Roma minority and the majority population and reverse the negative trends in the circumstances of a significant part of Roma”.
- The Strategy 2021-2030 reflects more strongly the need for evidence-based and measurable policies.
- It foresees the creation of a better monitoring system with increased focus on monitoring progress towards the indicators set out in the Strategy.

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<sup>10</sup> The wording corresponds to the compromise draft of Annex IV of the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument, which was discussed at the COREPER II meeting on 18 December 2019. Available at: <https://eur-lex.europa.eu/legal-content/CS/ALL/?uri=CELEX:52018PC0375>.

<sup>11</sup> The Office of the Government of the Czech Republic, the Office of the Government Council for Roma Minority Affairs and the Secretariat of the Government Council for National Minorities is responsible for preparing reports on the progress towards fulfilling commitments arising from both documents. All reports from the monitoring cycles are published on the website of the Office of the Government of the Czech Republic at: [www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/rnm/dokumenty/mezinarodni-dokumenty/](http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/rnm/dokumenty/mezinarodni-dokumenty/).

<sup>12</sup> The implementation of the Roma Integration Strategy up to 2020 will be evaluated in 2021.

An integral part of the Strategy is its interconnection with policies implemented or coordinated at Union level, as well as with international initiatives within the Council of Europe and to the recommendations of UN monitoring mechanisms. The Government's policy on Roma integration is complementary to the Government's policy on the protection of the rights of members of national minorities, which aims to preserve and develop the Roma identity, culture and language. Whereas Roma integration is a long-term task, albeit a temporary one in principle, support for national minorities is a task of permanent nature determined by the constitutional foundations of the State." (Principles of the Long-Term Concept of Roma Integration until 2025, Office of the Government of the Czech Republic 2006).

The entire Roma Equality, Inclusion and Participation Strategy 2021-2030 is conceived as an open strategy with all related consequences, including budgetary ones, and the Strategy is expected to be revised on an ongoing basis.

#### 1.4 Users of the Strategy

Seeing as the Strategy will be adopted by a Government Resolution, the primary users of the Strategy are ministries and other public administration and local government bodies, if they perform tasks under delegated competence. The secondary circle of the Strategy includes local government bodies at all levels, the Parliament of the Czech Republic and its bodies, especially specialised committees and commissions, the President of the Czech Republic and other central institutions, such as the Czech Statistical Office ("CZSO"), the Czech School Inspectorate ("CSI"), the Office of the Public Defender of Rights ("PDR"), churches, political parties and movements, non-governmental, non-profit organisations that help integrate Roma into society, the academia, the media, and the general public. Last but not least, the Strategy is intended for the Roma minority as such, especially for Roma activists and local leaders who can be agents of bottom-up change. Given the broad spectrum of users involved, communication tools will be developed after the Strategy is adopted in order to bring the Strategy closer to specific target groups, in particular the media, non-profit organisations and the general public.

#### 1.5 Definition of the basic terms

Given that the Strategy builds on the Strategy for Roma Integration up to 2020, it uses the same definitions of key terms such as Roma, emancipation, social exclusion, social inclusion and discrimination. The strategy responds to the fact that the European Commission is beginning to replace the notion of integration, which can evoke assimilation or pressure to adapt a minority to the norms of the majority society, with the notions of *equality*, *inclusion* and *participation* (see the 2020 Strategic Framework for Equality, Inclusion and Participation of Roma in the EU<sup>13</sup>, which replaced the EU Framework for National Roma integration strategies up to 2020).<sup>14</sup>

Emancipation in this Strategy means equality, inclusion, participation and civic empowerment of the Roma national minority. Roma are citizens of the Czech Republic, and the State creates conditions for national minorities to enjoy full civil equality and the right to self-determination, while their declared or ascribed nationality must not be to anyone's detriment.

The Strategy now uses more consistently the term *antigypsyism*.<sup>15</sup> The original Czech version uses the word **Anticiganismus**, which is the equivalent of the English term *Antigypsyism*. In some official

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<sup>13</sup> Communication from the Commission to the European Parliament and the Council A Union of Equality: EU Roma strategic framework for equality, inclusion and participation (COM/2020/620 final). Available at: [https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package\\_en](https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en).

<sup>14</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. An EU Framework for National Roma Integration Strategies up to 2020. COM/2011/0173 final. Available at: <https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:52011DC0173&from=cs>.

<sup>15</sup> For more information on antigypsyism, its definitions and identification, see chapter 5. Antigypsyism.

documents<sup>16</sup>, this is translated as “anti-Roma sentiment”.<sup>17</sup> The term refers to the general anti-Roma attitudes defined according to the European Commission against Racism and Intolerance (ECRI) as follows: “a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination.”<sup>18</sup>

According to the definition established by the Alliance against Antigypsyism, “Antigypsyism is a historically constructed, persistent complex of customary racism against social groups identified under the stigma ‘gypsy’ or other related terms, and incorporates: 1. a homogenizing and essentialising perception and description of these groups; 2. the attribution of specific characteristics to them; 3. discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracising effect and which reproduce structural disadvantages.<sup>19</sup>” It is a specific racism towards Roma, Sinti, Travellers and others, which leads to a wide range of discriminatory expressions and practices, including many implicit or hidden manifestations.<sup>20</sup>

The “Gypsiness” in Antigypsyism has no relation to the actual people being stigmatized as ‘gypsies’, but presents a mirror image of our societies’ dominant norms: it pronounces how its members should not behave.<sup>21</sup> Antigypsyism is not a minority issue. It is a phenomenon of our societies, which has its origin in how the social majority view and treat those whom they consider “gypsies”. Because it is deeply entrenched in social and cultural attitudes, power dynamics and institutional practices of European societies, the fight against antigypsyism requires a shift of attention towards the collective imagination of the majority that ignores Roma culture and perspectives.<sup>22</sup>

The definition of the Alliance Against Antigypsyism also highlights the historical character of antigypsyism along with the fact that it has no fixed content: It adapts and readapts to changing social, economic and political realities, but always resurfaces.<sup>23</sup> The effects of historical discrimination and persecution do not end with the act itself, but continue to negatively affect the people persecuted as “gypsies” in their economic, social and psychological lives. Historical segregation policies have similarly isolated Roma communities from economic opportunities in many places and continue to affect the livelihoods of those communities.<sup>24</sup>

## 1.6 Other relevant strategic documents

The key relevant documents for the Strategy 2021-2030 include, in particular, the documents that determine the direction of the entire Czech Republic and the strategies for the focus areas of Roma inclusion (education, employment, health, housing, the fight against prejudiced hatred and crime). Documents dealing with another cross-cutting theme (e.g. gender equality) constitute another important group.

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<sup>16</sup> For example: Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, OJ 2013/C 378/01. Available at: [https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:32013H1224\(01\)&from=cs](https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:32013H1224(01)&from=cs).

<sup>17</sup> In Czech context, the word *anticiganismus* is also used, which is a transcription of the term Antiziganism. The Strategy uses the transcribed version of the term *Antiziganism* in accordance with the *Civil society monitoring report on implementation of the national Roma integration strategy in the Czech Republic*. Civil society monitoring report on implementation of the national Roma integration strategy in the Czech Republic. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-czech-republic-2017-eprint-fin-cz-2.pdf>.

<sup>18</sup> ECRI General Policy Recommendation No 13. On Combating Anti-Gypsyism and Discrimination against Roma. Strasbourg, 2020. Available at: <https://rm.coe.int/ecri-general-policy-recommendation-no-13-on-combating-anti-gypsyism-an/16808b5aee>.

<sup>19</sup> Alliance against Antigypsyism. Antigypsyism – A Reference Paper. 2016. Available at: <https://abv.a52.myftpupload.com/wp-content/uploads/2017/07/Antigypsyism-reference-paper-16.06.2017.pdf>. Page 5.

<sup>20</sup> Ibid. Page 8.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid. Page 3.

<sup>23</sup> Ibid. Page 5.

<sup>24</sup> Ibid. Page 7.

## Strategic documents determining the direction of the Czech Republic

The background for the formulation of the Roma Equality, Inclusion and Participation Strategy 2021-2030 includes the **Strategic Framework Czech Republic 2030**<sup>25</sup>, which was adopted by Government Resolution No 292 of 19 April 2017. The Strategic Framework sets the course of the Czech Republic in the nearest decades, with a view to improving the quality of life in the country and ensuring sustainable development in the social, economic and environmental aspects. It is also an umbrella framework for ministerial, regional and local strategies and concepts. The following specific objectives are particularly important for the Roma strategy:

- 2.3 As the general unemployment rate falls, the share of the long-term unemployed in total unemployment also falls
- 3.1 The share of people at risk of poverty and social exclusion has been declining in the long-term
- 3.4 Equal access to persons at risk of discrimination on the grounds of sex, age, care for dependents, disability, ethnicity, nationality, sexual orientation, religion or worldview is ensured. Particular emphasis is placed on preventing multiple discrimination.
- 4.1 The education system is inclusive and permeable, does not segregate pupils at an early age into the talented and untalented categories, and limits the dependence of educational pathways and outcomes on their socio-economic background.
- 5.2 The effects of health inequalities are reduced.

The Strategic Framework Czech Republic 2030 serves as an implementation document for Sustainable Development Goals (SDGs) in the Czech Republic<sup>26</sup>. The Agenda for Sustainable Development in the Czech Republic 2030<sup>27</sup> then serves as a supporting document that assesses the relevance of the SDGs for the Czech Republic and their connection to the Strategic Framework Czech Republic 2030 (Government Resolution No 670 of 17 October 2018). The following SDGs are particularly relevant to the Roma Equality, Inclusion and Participation Strategy 2021-2030:

- SDG 1 End poverty in all its forms everywhere
- SDG 3 Ensure healthy lives and promote well-being for all at all ages
- SDG 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- SDG 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- SDG 10 Reduce inequality within and among countries

Other relevant strategic documents setting the course of the Czech Republic include:

- National Concept of Cohesion Policy Implementation in the Czech Republic after 2020<sup>28</sup> (Government Resolution No 562 of 30 July 2019)
- National Reform Programme of the Czech Republic<sup>29</sup>

## Sectoral strategic frameworks

The Social Inclusion Strategy 2021-2030 is a key national sectoral strategic documents for the Strategy, given that it is a national document covering the main areas of importance for the social inclusion of socially excluded persons and persons at risk of social exclusion. According to the Social

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<sup>25</sup> Strategic Framework Czech Republic 2030. Available at: [www.cr2030.cz/strategie/](http://www.cr2030.cz/strategie/).

<sup>26</sup> Sustainable Development Goals (SDGs) were adopted by the UN on 25 September 2015 as part of the document 2030 Agenda for Sustainable Development.

<sup>27</sup> Implementation of the Agenda for Sustainable Development in the Czech Republic 2030. Available at: [www.mzp.cz/C1257458002F0DC7/cz/agenda\\_2030/\\$FILE/OUR\\_ImplementaceAgendy2030\\_20190121.pdf](http://www.mzp.cz/C1257458002F0DC7/cz/agenda_2030/$FILE/OUR_ImplementaceAgendy2030_20190121.pdf).

<sup>28</sup> National Concept of Cohesion Policy Implementation in the Czech Republic after 2020. Available at: [www.dataplan.info/img\\_upload/7bdb1584e3b8a53d337518d988763f8d/hkr-schvalena-verze.pdf](http://www.dataplan.info/img_upload/7bdb1584e3b8a53d337518d988763f8d/hkr-schvalena-verze.pdf).

<sup>29</sup> National Reform Programme of the Czech Republic. Available at: [www.vlada.cz/assets/evropske-zalezitosti/aktualne/Narodni-program-reform-2019---web.pdf](http://www.vlada.cz/assets/evropske-zalezitosti/aktualne/Narodni-program-reform-2019---web.pdf).

Inclusion Strategy 2021-2030, Roma are among the most at-risk groups in terms of poverty and social exclusion.<sup>30</sup> The Social Inclusion Strategy proposes objectives and measures in the areas of employment, debt, social services, family, education, housing, health and safety. Roma are one of the target groups of these mainstream measures. In a number of areas, the Roma Equality, Inclusion and Participation Strategy 2021-2030 follows up with measures specifically aimed at Roma, especially measures to prevent discrimination in access to particular areas. The Strategy does not duplicate the measures contained in the Social Inclusion Strategy 2021-2030, but rather aims to complement the mainstream measures of the Social Inclusion Strategy 2021-2030 and to create conditions for Roma benefit from these measures.

Other relevant sectoral strategic documents relating to individual areas of Roma integration include:

- Long-term Plan for Education and Development of the Educational System of the Czech Republic for the period 2019–2023<sup>31</sup>
- Strategy for the Education Policy Czech Republic until 2030+<sup>32</sup>
- Social Inclusion Strategy 2021–2030<sup>33</sup>
- National Strategy for the Development of Social Services for 2016–2025<sup>34</sup>
- Concept for Tackling Extremism and Prejudiced Hatred for 2020<sup>35</sup>
- Social Housing Concept of the Czech Republic 2015-2025<sup>36</sup>
- Housing Concept of the Czech Republic until 2020 (revised)<sup>37</sup>
- Spatial Development Policy of the Czech Republic (Full version binding from 11 September 2020)<sup>38</sup>
- Strategic Framework for Employment Policy until 2030<sup>39</sup>
- Strategic Framework for the Development of Health Care in the Czech Republic until 2030<sup>40</sup>
- Crime Prevention Strategy 2016-2020 and Crime Prevention Action Plan 2016-2020<sup>41</sup>
- Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020 and Action Plan to the Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020<sup>42</sup>
- Regional Development Strategy of the Czech Republic 2021+<sup>43</sup>

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<sup>30</sup> See Social Inclusion Strategy 2021-2030. Available at: [www.mpsv.cz/documents/20142/225517/Strategie+soci%C3%A1ln%C3%ADho+za%C4%8Dle%C5%88ov%C3%A1n%C3%A1D+2021-2030.pdf/dfd1647d-ebf7-efe3-e797-efcf865cb171](http://www.mpsv.cz/documents/20142/225517/Strategie+soci%C3%A1ln%C3%ADho+za%C4%8Dle%C5%88ov%C3%A1n%C3%A1D+2021-2030.pdf/dfd1647d-ebf7-efe3-e797-efcf865cb171).

<sup>31</sup> Long-term Plan for Education and Development of the Educational System of the Czech Republic for the period 2019–2023. Available at: [www.msmt.cz/vzdelavani/skolstvi-v-cr/dz-cr-2019-2023](http://www.msmt.cz/vzdelavani/skolstvi-v-cr/dz-cr-2019-2023).

<sup>32</sup> Education Policy Strategy of the Czech Republic until 2030+. Available at: [www.msmt.cz/vzdelavani/skolstvi-v-cr/strategie-2030](http://www.msmt.cz/vzdelavani/skolstvi-v-cr/strategie-2030).

<sup>33</sup> Social Inclusion Strategy 2021-2030. Available at: [www.mpsv.cz/web/cz/strategie-socialniho-zaclenovani-2021-2030](http://www.mpsv.cz/web/cz/strategie-socialniho-zaclenovani-2021-2030).

<sup>34</sup> National Social Services Development Strategy 2016-2025. Available at: <https://www.mpsv.cz/documents/20142/225517/NSRSS.pdf/bca93363-6f0b-52ab-a178-4852b75dab6f>.

<sup>35</sup> Concept for Tackling Extremism and Prejudiced Hatred for 2020 Available at: [www.databaze-strategie.cz/cz/mv/strategie/koncepce-boje-proti-projevum-extremismu-a-predsudecne-nenavisti-pro-rok-2020](http://www.databaze-strategie.cz/cz/mv/strategie/koncepce-boje-proti-projevum-extremismu-a-predsudecne-nenavisti-pro-rok-2020).

<sup>36</sup> Concept of Social Housing in the Czech Republic 2015-2025. Available at: [https://www.dataplan.info/img\\_upload/7bdb1584e3b8a53d337518d988763f8d/koncepce\\_soc\\_bydleni\\_2015.pdf](https://www.dataplan.info/img_upload/7bdb1584e3b8a53d337518d988763f8d/koncepce_soc_bydleni_2015.pdf).

<sup>37</sup> Housing Concept of the Czech Republic until 2020 (revised). Available at: [www.mmr.cz/cs/ministerstvo/bytova-politika/koncepce-strategie/koncepce-bydleni-ceske-republiky-do-roku-2020-\(revidovana\)](http://www.mmr.cz/cs/ministerstvo/bytova-politika/koncepce-strategie/koncepce-bydleni-ceske-republiky-do-roku-2020-(revidovana)).

<sup>38</sup> Spatial Development Policy of the Czech Republic. Available at: [www.mmr.cz/getmedia/4f3be369-24df-4975-81cb-c8fb91b4e65c/PUR\\_CR-Upline-zneni-zavazne-od-11\\_9\\_2020.pdf.aspx?ext=.pdf](http://www.mmr.cz/getmedia/4f3be369-24df-4975-81cb-c8fb91b4e65c/PUR_CR-Upline-zneni-zavazne-od-11_9_2020.pdf.aspx?ext=.pdf).

<sup>39</sup> Strategic Framework for Employment Policy until 2030. Available at: [www.komora.cz/legislation/163-19-strategicky-ramec-politiky-zamestnanosti-do-roku-2030-t-20-12-2019/](http://www.komora.cz/legislation/163-19-strategicky-ramec-politiky-zamestnanosti-do-roku-2030-t-20-12-2019/).

<sup>40</sup> Strategic Framework for the Development of Health Care in the Czech Republic until 2030. Available at: [www.dataplan.info/img\\_upload/7bdb1584e3b8a53d337518d988763f8d/191203\\_zdravi2030\\_eklep.pdf](http://www.dataplan.info/img_upload/7bdb1584e3b8a53d337518d988763f8d/191203_zdravi2030_eklep.pdf).

<sup>41</sup> Crime Prevention Strategy 2016-2020 and Crime Prevention Action Plan 2016-2020. Available at: [www.databaze-strategie.cz/cz/mv/strategie](http://www.databaze-strategie.cz/cz/mv/strategie).

<sup>42</sup> Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020 and Action Plan to the Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020. Available at: [www.mvcr.cz/clanek/strategie-pro-praci-policie-cr-ve-vztahu-k-mensinam-do-roku-2020.aspx](http://www.mvcr.cz/clanek/strategie-pro-praci-policie-cr-ve-vztahu-k-mensinam-do-roku-2020.aspx).

<sup>43</sup> Regional Development Strategy of the Czech Republic 2021+. Available at: [www.dataplan.info/img\\_upload/7bdb1584e3b8a53d337518d988763f8d/srr21.pdf.pdf](http://www.dataplan.info/img_upload/7bdb1584e3b8a53d337518d988763f8d/srr21.pdf.pdf).

## Strategies addressing horizontal issues

- National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2015-2020<sup>44</sup>
- State Policy Towards Non-Governmental Non-Profit Organisations for 2015-2020<sup>45</sup>
- Government Strategy for Equality of Women and Men in the Czech Republic for 2014-2020<sup>46</sup>

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<sup>44</sup> National Plan for the Creation of Equal Opportunities for Persons with Disabilities for the period 2015-2020. Available at: [www.vlada.cz/assets/ppov/vvzpo/dokumenty/Narodni-plan-OZP-2015-2020\\_2.pdf](http://www.vlada.cz/assets/ppov/vvzpo/dokumenty/Narodni-plan-OZP-2015-2020_2.pdf).

<sup>45</sup> State Policy Towards Non-Governmental Non-Profit Organisations for 2015-2020. Available at: [www.vlada.cz/assets/ppov/rnno/dokumenty/statni\\_politika.pdf](http://www.vlada.cz/assets/ppov/rnno/dokumenty/statni_politika.pdf).

<sup>46</sup> Government Strategy for Gender Equality in the Czech Republic for 2014-2020. Available at: [www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/dokumenty/Strategie\\_pro\\_rovnost\\_zen\\_a\\_muzu\\_2014-2020.pdf](http://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/dokumenty/Strategie_pro_rovnost_zen_a_muzu_2014-2020.pdf).

## 2 Definition and analysis of the problem addressed

### 2.1 Definition of the problem addressed

The activities of the Government, ministries, regions and municipalities, and other institutions and actors have not led to a significant improvement in the status of Roma in the society. On the one hand, the society's awareness of the gravity of the situation is continuously increasing, but on the other hand, despite objectively high investments, the society has failed to achieve effective remedy in some areas. So far, there has also been a tendency to respond to negative phenomena with repressive measures. This has been done not only at the local level but also at the government level (measures to combat the abuse of social benefits), but this has not led to positive developments in practice. On the contrary, it has strengthened the tendency of the majority to see the source of the problems in the Roma themselves, not in the attitude of the majority or in systemic issues. The introduction of supplement-free zones by the municipalities by means of a measure of a general nature<sup>47</sup> had similar consequences, when the payment of social benefits to all newly arrived residents in the localities identified by the municipality was suspended. (For more information on these zones, see the Housing chapter).

While there are examples of good practice at the local level, they are few in number and fail to change the general situation. Roma inclusion is a task that permeates all fundamental areas of social and political life and affects the entire country, albeit with significant regional and local differences and specificities.

In designing the Strategy, it was necessary to deal with issues penetrating all thematic chapters to varying degrees, which also represent limits in terms of a more specific description of the situation and subsequently in the development of measures and criteria.

#### 2.1.1 Data

The Roma Integration Strategy up to 2020<sup>48</sup> has already warned of the lack of data regarding the situation of Roma who are not “significant carriers of Roma culture and identity and do not live in social exclusion.” For this reason, the previous Strategy highlighted the difficulty of formulating objectives in a situation where no baseline is available. Despite the calls of the previous Strategy, there has not been a significant shift in this area. In order to base the policy on data and objective facts, this Strategy was also based, for example, on data relating to the total unemployment rate and the educational composition of the population of socially excluded areas claiming Roma nationality. While the primary issue is the lack of data on socially included Roma, it must be added that data on socially excluded Roma are also not available and not up to date in many areas. Therefore, monitoring the situation of Roma usually requires the involvement of the academic community and the use of social surveys and research.

As stated in the final report of the PDR on the research on the ethnic composition of pupils in special primary schools: “(...) in order to develop, implement and continuously evaluate anti-discrimination policies and specific equality programmes, stakeholders need to have data allowing them to thoroughly describe and understand the situation.”<sup>49</sup> Therefore, to monitor the progress of integration policies and measures affecting Roma, it is important to adopt and apply methods for monitoring data on Roma. Particular emphasis is placed on the monitoring and collection of data on Roma across the

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<sup>47</sup> Act No 98/2017 of 8 March 2017, amending Act No 111/2006, on assistance in material need, as amended, and Act No 117/1995, on state social support, as amended, provided for the non-entitlement to the housing supplement if the apartment or other living space is located in an area with an increased incidence of socially undesirable phenomena, which is declared by a measure of a general nature. Only those persons whose ownership title or right to use the apartment or living space was established before the promulgation of the measure of a general nature remain entitled to the housing supplement.

<sup>48</sup> Roma Integration Strategy up to 2020. Available at: [www.vlada.cz/assets/ppov/zalezitosti-romske-komuniti/Strategie-romske-integrace-do-roku-2020.pdf](http://www.vlada.cz/assets/ppov/zalezitosti-romske-komuniti/Strategie-romske-integrace-do-roku-2020.pdf).

<sup>49</sup> The Ombudsman – Public Defender of Rights. Description of the method and results of the research on the ethnic composition of pupils of former special schools in the Czech Republic in 2011/2012. Brno, 2013, page 3. Available at: [www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyzkum/Vyzkum\\_skoly-metoda.pdf](http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-metoda.pdf).

logical frameworks that define the strategic and specific objectives, along with indicators and individual measures, and that form an Annex to the text part of this Strategy (see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030). This strategy assumes the active involvement of members of the Government Council for Roma Minority Affairs in the preparation and evaluation of such data collection.

### 2.1.2 Self-identification

When describing the situation in individual areas and monitoring these areas, it is important to account for the difference between people who identify themselves as Roma (during the census or on other occasions) and who are identified as such by their surroundings. The situation is even more problematic when a particular person is ascribed a Roma identity by those around him or her and as a result becomes the subject of discrimination, even though the person in question rejects such identification, or if that person assumes such identity at the moment of discriminatory behaviour but not, for example, in the context of monitoring. Fluid self-identification is an under-described phenomenon among both socially excluded and socially included Roma. Social status characteristics may be biased for this reason, as may some of the data presented (Office of the Government of the Czech Republic 2018: 4, CZSO 2011, Hušek, Tvrďá 2016), which leads some authors to conclude that there is a lack of information about Roma in the Czech Republic and that assumptions and presumptions prevail (Šotola 2016: 34).

During the last census in 2011, a total of 12 953 persons declared their nationality as Roma. During the census, 4 919 persons listed “Romani” as their mother tongue, 33 351 persons listed “Czech and Romani”, and 2 100 persons listed “Slovak and Romani”.<sup>50</sup> Only a minority of them reported solely Roma nationality (5 135), whereas the majority (7 818) reported Roma nationality in combination with another nationality (CZSO, 2011)<sup>51</sup>. However, qualified estimates say that there are 262 000 Roma in the Czech Republic (Office of the Government of the Czech Republic, 2019: 30). The reasons for not declaring oneself a Roma can vary from bad historical associations associated with contemporary antigypsyism in society to distrust of institutions. Therefore, some Roma prefer to “hide” and state what they think is expected of them (Klíčová, 2006: 235-241).

As research in eastern Slovakia has shown (Uherek 2010, 2012), although the “integrated Roma” define themselves as different from the Roma living in settlements and, on the contrary, relativise the differences between them and the majority, they are in the same position as the Roma from the settlements in terms of access to the labour market and social employment: “For Roma people, the external attribution of ethnic identity by members of the majority often plays a fatal role in their lives, regardless of their subjective claim to an ethnic group or nation.” (Šotola 2016: 34, 38). The majority of Czech society often thinks it can describe the Roma based on stereotypes. Then it does not matter what the Roma thinks of themselves and how they identify themselves, because they are compartmentalised and stigmatised regardless of their will or opinion (Uherek 2010: 21). In terms of the direct consequences of antigypsyism (e.g., in the area of housing or employment), the primary factor is not the absence or refusal to self-identify with Roma nationality (or identity), but rather the attribution of Roma nationality (or identity) by those around.

Such mechanism attributing “Roma identity” to people, which is ultimately the determining factor in the lives of the individuals whose identities are “decided” in this way, cannot be replicated by the State authorities and they decline to replicate it. In accordance with Act No 273/2001, on the rights of members of national minorities and amending certain acts, as amended (the Minority Act), State administration bodies may collect data on ascribed Roma identity only as long as a particular person

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<sup>50</sup> CZSO: Population and housing census 2011. Available at: [www.czso.cz/csu/czso/scitani-lidu-domu-a-bytu](http://www.czso.cz/csu/czso/scitani-lidu-domu-a-bytu).

<sup>51</sup> The published results of the 2011 Population and housing census (see [https://vdb.czso.cz/vdbvo2/faces/cs/index.jsf?page=vystup-objekt&pvo=OBCR614A&z=T&f=TABULKA&katalog=30715&u=v1050\\_VUZEMI\\_97\\_19&v=v1051\\_null\\_null\\_null#w=](https://vdb.czso.cz/vdbvo2/faces/cs/index.jsf?page=vystup-objekt&pvo=OBCR614A&z=T&f=TABULKA&katalog=30715&u=v1050_VUZEMI_97_19&v=v1051_null_null_null#w=)) show only certain combinations of selected nationalities that include Roma nationality (Roma and Czech, Moravian, Silesian and Slovak). The total number of persons who have selected Roma nationality is 12 852. The number of persons who declared themselves to be of Roma nationality as stated in the text (12 953), was obtained by adding up all the combinations, based on detailed tables from the Czech Statistical Office.

is not associated with a nationality. This leads to a stalemate resulting in a lack of data and an inability to monitor the success of specific general measures and interventions.<sup>52</sup>

## 2.2 Environment and expected future developments

### 2.2.1 Institutionally assured Roma integration

The Government Council for Roma Minority Affairs (GCRMA), chaired by a member of the Government with responsibility for human rights and equal opportunities, acts as a permanent **advisory and initiating body** to the Government in the area of Roma participation and inclusion. In the event that no member of the Government is responsible for this agenda, the GCRMA shall be chaired by the Prime Minister. The Government Commissioner for Human Rights, who is also responsible for the Roma minority agenda, is a member of the GCRMA as well. From a national perspective, the Government Council for National Minorities (GCNM), an advisory and initiating body, watches over the rights of members of the Roma minority. The secretariats of both advisory bodies are part of the Department of Human Rights and Protection of Minorities of the Office of the Government of the Czech Republic. However, the unit responsible for the role of the office (Secretariat) has been understaffed for a long time.

The network for coordinating Roma participation and inclusion, which is connected to the GCRMA, also includes coordinators for Roma affairs working at regional authorities, Roma advisors at municipal authorities with extended powers<sup>53</sup>, and field workers at municipal authorities. The exercise of these functions is faced with persistent obstacles, such as the accumulation of functions or inconsistent positions in the organisational structures of authorities, which sometimes hinder effective communication. The understaffing of the Roma advisors network poses another problem.

In 2019, the position of regional coordinators was established in all 14 regions, and the average number of their full-time position equivalents for the Roma affairs agenda was 0.8. In 2019, there were 157 Roma advisors in the Czech Republic, with an average of 0.11 full-time position equivalent on the agenda of Roma participation and inclusion (Office of the Government of the Czech Republic 2020: 16-17), which is insufficient especially in those municipalities with extended powers that have socially excluded areas on their territory.

Roma, as a national minority, have the right to participate in matters concerning national and ethnic minorities as guaranteed by the Charter of Fundamental Rights and Freedoms. At the central level, the implementation of this right is ensured through the aforementioned advisory bodies of the Government, the GCNM and the GCRMA. At least half of the members of both advisory bodies are representatives of civil society; in the case of the GCRMA, these are representatives of the Roma minority who work to improve the position of Roma in society and make a significant contribution to their integration. In particular, the civic members of the GCRMA are actively engaged in monitoring the fulfilment of the commitments of individual ministries in the area of Roma inclusion and participation, submitting suggestions and proposals for measures in the areas of education, safety, employment, health and housing for Roma.<sup>54</sup>

The activities of the non-profit sector are crucial and irreplaceable, both in promoting the interests of Roma as a national minority and in the area of social assistance and integration. Activities such as the high-quality, long-term work of the Romea<sup>55</sup> news website allow the issues of the majority and minority to be named and talked about, which is the first step towards their resolution. The activities of

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<sup>52</sup> The Government Council for Roma Minority Affairs has also repeatedly expressed its opinion on this situation, and at its meeting on 21 October 2019 by resolution No 12/2019, the Council took note of the priorities set by its civic members, which include, among other things, changes to legislation related to the possibility of collecting data on ethnicity. See the full document "Eleven Priorities of the Government Council for Roma Minority Affairs" at: [www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/Jednani\\_Rady/Priority-RVZRM-final.pdf](http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/Jednani_Rady/Priority-RVZRM-final.pdf).

<sup>53</sup> Roma advisors are workers who ensure the integration of members of the Roma minority in the administrative district of a municipality with extended powers.

<sup>54</sup> For more information on specific activities of the civic members of the GCRMA, see the minutes of the GCRMA meetings and the GCRMA Annual Reports at: [www.vlada.cz/scripts/detail.php?pgid=490](http://www.vlada.cz/scripts/detail.php?pgid=490).

<sup>55</sup> The Romea.cz news website is managed by the non-profit organisation Romea, o.p.s., which was founded in 2014 as a successor to the Romea association founded in 2002. For further details, see [www.romea.cz](http://www.romea.cz).

non-profit organisations can be linked to social or political movements; therefore, they form the basis of Roma civil society.

### 2.2.2 Expected future developments

The nature of the fundamental, society-wide phenomena described above, which form obstacles to Roma integration, does not allow for realistic assumptions about the expiry of their effects. Therefore, achieving the basic objective of the Strategy, i.e., reversing the process of marginalisation of the Roma minority, is a very difficult task. The proposed measures are expected to be difficult to enforce in the political environment, especially at regional level, as well as to be rejected by parts of the sceptical public. Therefore, significant efforts will need to be made to communicate with the public, raise awareness and negotiate with key stakeholders. Actors at the EU and international level will also play an important role in enforcing the Czech Republic's existing obligations (e.g. compliance with EU anti-discrimination directives, implementation of the ECHR judgment in *D. H. and others v. Czech Republic* from 2007)<sup>56</sup>, as well as by targeted efforts to influence future developments (e.g. by setting conditions for drawing financial resources from EU funds).

## 2.3 Summary of key analyses results

Each year the Office of the Government Council for Roma Minority Affairs (GCRMA Office) prepares a **Report on the State of the Roma Minority** in the Past Year, which is submitted to the Government. The last report for 2019 was approved by the Government on 23 November 2020. The report not only summarises information on the situation of the Roma minority based on the documents provided by the ministries and regions, but it also uses other available sources of information, primarily independent research and analysis. The following summary of key analyses results is based on these reports, as well as on research by the FRA, the Social Inclusion Agency and other expert studies.

However, as the annual reports on the state of the Roma minority remind us, there are currently not enough up-to-date, high-quality surveys, research and analyses available in the Czech Republic to cover the entire territory of the Czech Republic. Although a number of local studies have been carried out, for example in connection with the activities of the Social Inclusion Agency<sup>57</sup>, their conclusions cannot be applied to the entire Czech Republic without acquiring further information. Therefore, more extensive **research support** is a prerequisite for more effective strategy development and implementation of measures for Roma integration at the national level.

The above sources reveal the following key issues that require action:

*Emancipation, promotion of equality, inclusion and participation;*

- **Low participation of Roma in public affairs.**

The area of participation is crucial for the emancipation of Roma, but also for achieving change in other thematic chapters, from antigypsyism to health. According to the available data, the opportunities for Roma participation in addressing issues related to national minorities (national minority committees) are not sufficiently used (OG CR 2019a:15); Roma participate only to a small extent in the governance of public affairs through the political rights enshrined in the Charter of Fundamental Rights and Freedoms. Currently, Roma do not have a representative in the Chamber of Deputies of the Czech Parliament, and they are only marginally represented on regional and municipal councils (Romea 2018). Low voter turnout is another issue, prevalent especially in socially excluded areas (Open Society 2018: 3).

### *Antigypsyism*

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<sup>56</sup> *D.H. and Others v. Czech Republic*. Complaint No 57325/00 (ECHR, 13 November 2007).

<sup>57</sup> In accordance with Government Resolution No 552 of 30 July 2019, the Social Inclusion Agency was incorporated into the organisational structure of the Ministry of the Interior as one of the departments of the Housing and Social Inclusion Section as of 1 January 2020.

- **High level of perceived discrimination on the grounds of Roma nationality**  
32% of respondents reported having been discriminated against on the basis of their Roma origin in the last 12 months (FRA, 2016: 36-39).
- **High level of perceived harassment or persecution on the grounds of Roma nationality**  
56% of respondents reported having been harassed or persecuted on the basis of their Roma origin in the last 12 months (FRA, 2018a: 21).

### *Education*

- **Low participation of Roma children in preschool education (with the exception of participation in the last year, which is compulsory).**  
34% of Roma children between the age of four and the age of starting compulsory primary school attended pre-school education. Children in the general population were 2.5 times more likely (86%) to participate in pre-school education (FRA, 2016: 23).<sup>58</sup> The low participation of Roma children in pre-school education is confirmed by the annual survey of the MEYS, which includes qualified estimates of the number of Roma children in pre-school education.
- **Early school leaving of Roma pupils**  
57% of Roma pupils aged 18-24 dropped out of education in the 2015/2016 school year. The general drop-out rate is around 6% (FRA, 2016: 27).
- **Persistent segregation of Roma children in education**  
Despite the year-on-year decrease in the number of schools with more than 34% Roma pupils from 147 (2018) to 133 (2019) and the decrease in the number of schools with more than 50% Roma pupils from 70 (2018) to 69 (2019), the number of schools with more than 75% and 90% Roma pupils increased year-on-year. In 2019, almost 15% of all Roma pupils were educated in schools with more than 75% Roma pupils, and another almost 10% of Roma pupils were educated in schools with more than 90% Roma pupils. All of the 50 schools with more than 75% or 90% Roma pupils are located in the Ústí nad Labem and Moravian-Silesian Regions (Office of the Government of the Czech Republic 2020: 35). The reasons for this may lie in some partial aspects outside the MEYS's competence. There are certainly aspects at play outside the education sector, such as housing, employment, social exclusion and health care.

### *Housing*

- **Existence of spatially segregated areas and low quality of housing in these areas.**  
According to the Analysis of Socially Excluded Areas in the Czech Republic (GAC spol. s r. o.: 2015a, GAC spol. s r. o.: 2015b), there are 606 socially excluded areas in the Czech Republic, and approximately 80% of the inhabitants of these areas are Roma. One of the biggest problems in the SEAs is the low quality of housing, which is highlighted both by the Analysis of Socially Excluded Areas in the Czech Republic and by FRA research from 2016. According to the report, in 2016, up to 21% of Roma lived in dwellings with leaking roofs, damp walls, floors or foundations, or decaying window frames or floors, whereas only 9.2% of the general population faced these difficulties. Overcrowding is another issue on the housing area. Assuming that there were 1.4 rooms per person in the household for the general population, this would be only 0.7 rooms for the Roma (FRA, 2016: 35).
- **Discrimination and antigypsyism in the housing market:**  
Roma are one of the most at-risk groups in the housing market not only because they form a large portion of low-income households, but primarily because of discrimination and antigypsyism. Anti-gypsy attitudes can manifest themselves, for example, in the rules for allocating municipal housing or in the latent reluctance of property owners to provide housing to Roma. Based on FRA data from 2016, one-quarter of the Roma surveyed in the Czech Republic felt discriminated against in their access to housing in the previous 12 months and up to 65% in the past 5 years. Compared to other countries included in the survey, the level of

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<sup>58</sup> The data are from the period before the amendment to Act No 561/2004, on pre-school, primary, secondary, higher vocational and other education (the Education Act), as amended, implemented by Act No 178/2016, which introduced compulsory pre-school education for children who will reach the age of five by 31 August with effect from September 2017.

perceived discrimination in access to housing in the Czech Republic was the second highest (FRA 2016: 37-38).<sup>59</sup>

- **Absence of a law on social housing**

The absence of a law on social housing was identified by the SAO in its 2018 Annual Report as one of the major obstacles to the effective implementation of housing support policy in the Czech Republic (SAO, 2019: 43). The SAO notes that there is a no definition of the concept and basic attributes of the social housing system. The adoption of a law on social housing would contribute to creating such definition. According to the SAO, “due to the constant postponement of the adoption of the Social Housing Act (...) there is a risk that the availability of housing for various vulnerable groups will continue to deteriorate and such groups will grow.” (SAO, 2019: 45).

### *Employment*

- **Low rates of paid work among Roma** [in 2016, 43% of Roma aged 20-64 reported “paid work” as their main activity (including full-time/part-time work, casual work, self-employment, seasonal work, work in the last 4 weeks)]. The employment rate for the general population was 75% during this period (FRA, 2016: 19). In the context of favourable economic development and low unemployment rates after 2016, the employment situation of Roma has probably improved, but participation outside the legal labour market persists, particularly due to widespread indebtedness among Roma. There is a need to continue to monitor developments beyond 2021, which may be affected by the current crisis caused by the COVID-19 pandemic.
- **The high proportion of young Roma aged 16-24 who are neither in employment nor in education or vocational training** [in 2016, 51% of young Roma said they belonged to this group; in the general population; in 2015, the proportion of young people aged 15-24 who were neither in employment nor in education or vocational training was only 8% (FRA, 2016: 21)]. There has probably been an improvement in this area similar to the employment rate. However, it is still necessary to monitor developments after 2021.

### *Health*

- **Low life expectancy at birth of Roma** (Life expectancy of Roma is 10-15 years shorter than that of the majority population. According to the Roma Inclusion Index 2015 (Bojadjeva 2015: 43), the average life expectancy of Roma is 68.5 years; for the majority society, it is 78.5 years.
- **Compensation for victims of forced sterilisations** (These occurred mainly during the previous regime; in 1972, the Czechoslovakia introduced a policy that allowed public authorities to support the sterilisation of Roma women and women with disabilities placed in institutions for persons with mental disabilities in order to control their birth rates. Even though the sterilisation-promoting policy was ended in 1991, cases of involuntary procedures continued to occur long after the establishment of the independent Czech Republic.)<sup>60</sup>

### *Poverty*

- **High level of income poverty and debt among Roma** [Poverty is strongly linked to unemployment, but also to poor housing conditions, low education, bad health, discrimination on the labour market, and antigypsyism. Therefore, poverty is a cross-cutting issue that affects all areas of Roma life (58% of Roma in the Czech Republic were at risk of income

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<sup>59</sup> The research was carried out in 9 EU countries. In the last 12 months, the Czech Republic has overtaken Hungary in the level of discrimination on the basis of Roma origin in the area of housing, and it has also overtaken Portugal in the last 5 years (FRA 2016: 37-38).

<sup>60</sup> For further details, see for example <https://www.osce.org/files/f/documents/2/7/288621.pdf>.

poverty in 2016). Compared to the income poverty rate of the general population in 2016 (9.7%), Roma were six times more likely to be at risk of poverty. The proportion of Roma at risk of poverty was highest in areas reported by respondents to be inhabited by residents of whom “all” or “most” were of Roma origin (FRA 2016: 15)].

- **High level of debt among Roma** (All of the Strategy’s objectives are significantly influenced by the issue of debt, primarily related to employment, housing, but also health and education. In order to achieve most of the objectives, it is necessary to reduce the level of debt of the Roma population, especially those living in SEAs.)

In addition to these key issues, the thematic areas (see below) describe a number of other problematic findings and obstacles in the area of inclusion and participation of the Roma minority in the Czech Republic. Without positive developments in these underlying areas, there will be no improvement in the above key problems, as the individual problems and the measures responding to them are interdependent and interrelated.

#### 3.1 Intervention logic, hierarchy of strategic objectives

The thematic coverage of the Strategy was based on an analysis of several sources. These were primarily national and international documents, as well as recommendations and reports. Sources can be defined on the basis of the initialisation as “*bottom-up*” and “*top-down*”. The sources with bottom-up objectives and priority areas covered by the Strategy include the *Recommendation of the National Roma Platform III for the Implementation of the Roma Integration Strategy up to 2020*, which identified four key areas: unemployment, housing, education and participation. We can also draw on the consultation results set out in the *Communication from the Commission to the European Parliament and the Council: Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020* (European Commission 2018) concluded that successful Roma integration strategies at European and national level must cover at least the key areas outlined in the EU framework, as well as combat anti-Roma sentiment. From a list of 20 possible national priority areas, 76% of respondents at national level saw education as a top priority, 57% marked employment as a top priority, and more than a third identified combating discrimination and anti-Roma sentiment, affordable housing and access to healthcare as their priorities.<sup>61</sup> The evaluation also proposes that combating discrimination and anti-Roma sentiment (i.e. combating antigypsyism) should become a specific priority area of the evaluation framework, with the specific aim of prohibiting discrimination. This area should also remain a cross-cutting priority (European Commission 2018: 10).

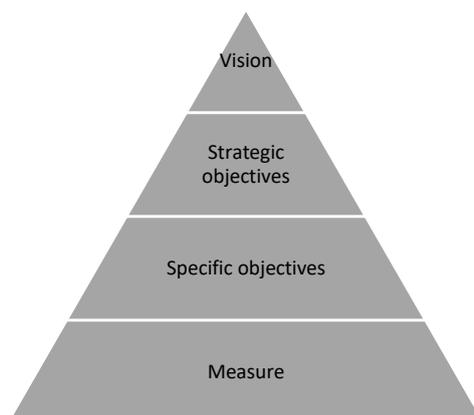
The thematic chapters of the Strategy are divided into the following internal sections: *The initial EU and international framework* describes the basic context of European law and related documents relevant to the thematic area. Similarly, the section on the *Initial national framework* summarises the current national legislation defining the boundaries for the relevant actors. Both of these sections intend to reflect on the **horizontal and vertical interdependence** of the Strategy with other strategic documents. The section of chapters entitled *Situation description* aggregates available data that are based on national documents, reports and expert research and analysis, providing data whose relevance is based on the transparency and replicability of the methodological approaches outlined. Sources mapping and based on the period of validity of the Strategy 2020 (2015 to 2020) were preferred; older sources were also used due to the absence of more up-to-date sources or with regard to the meaningfulness and informational value of certain sources. The purpose of the preceding sections is to collect and present background materials in a form and quality that will enable the Government to make **informed and responsible decisions**. The final part contains **specific and targeted measures** discussed with the supervisors (see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030). Being a supervisor means **assuming responsibility** for achieving the set objectives. Actions that are targeted to **address specific major issues** are based on the data in the *Situation description* and **Assessment of expected and realistic benefits** sections.

Discrimination and the fight against it, and the status of Roma women and youth are cross-cutting, horizontal areas, inseparable from the thematic chapters of the Strategy. The measures aimed at implementing this Strategy are centred on specific measures whose beneficiaries are predominantly, but not exclusively, Roma. This explicit, but not exclusive, approach appears especially in the context of the EU<sup>62</sup> (“mainly for Roma, but not exclusively”). It is an approach that consists of specific support for other groups in the same or similar socio-economic conditions. A typical example of the use of this approach is the **micro-regional approach** – measures targeted at SEAs, which are inhabited by a majority or large proportion of Roma.

<sup>61</sup> The findings are based on the views of national Roma contact points, civil society organisations, individuals from EU Member States and countries involved in the enlargement process (European Commission 2018: 1).

<sup>62</sup> The principle of “a clear but not exclusive focus” is enshrined in the Ten Common Basic Principles on Roma Inclusion. These were annexed to the Council Conclusions of 8 June 2009. These include: 1 Constructive, pragmatic and non-discriminatory policies; 2 Explicit but not exclusive targeting; 3 Inter-cultural approach; 4 Aiming for the mainstream; 5 Awareness of the gender dimension; 6 Transfer of evidence-based policies; 7 Use of European Union instruments; 8 Involvement of regional and local authorities; 9 Involvement of civil society; 10 Active participation of the Roma.

### Schema 1: Hierarchical Objectives of the Roma Equality, Inclusion and Participation Strategy 2021-2030



The Strategy is designed as an open strategy; the specific objectives may be followed by further sets of measures and action plans, both for sub-sectors and the regional dimension. These may include, for example, an action plan for inclusive education or, in the case of a regional focus, regional Roma integration strategies.

The most pressing problem in designing proposals for specific measures is the identification of appropriate indicators to measure progress, as well as the setting of quantified targets. This is caused by the lack of basic mapping of the situation of Roma in the Czech Republic in key areas such as employment, education, housing and health. Existing studies focus mainly on the situation of residents in excluded areas, and many of them are of regional nature. For example, in the area of Roma employment, there is a lack of statistical data relating to the entire Roma population, including the middle class. There is also a lack of methods for investigating various aspects of the situation of the Roma population, for example, the poverty rate. This situation is not unique to the Czech Republic, which is why the Czech Republic is participating in the working group of the EU Fundamental Rights Agency (FRA), which has proposed a portfolio of indicators for monitoring and intervening in Roma integration strategies after 2020 (FRA 2019b).

The key assumptions of the portfolio consist of a matrix composed of **outcome indicators, focused sub-areas** and **specific measures**. A set of *outcome indicators* is used to monitor overall progress in each thematic area. Each of the thematic areas is composed of *focused sub-areas*, progress in which contributes to the achievement of the objectives of the thematic area. The objectives of *focused sub-areas* are achieved through *specific measures* (either mainstream or targeted), which can be grouped by typology/categories depending on the specific content of the actions planned. Each of the thematic chapters of the Strategy works with outcome and process indicators for some of the specific objectives recommended by the FRA.

### 3.2 Vision

The vision towards which Czech society should work in the area of Roma participation, equality and inclusion has already been defined by the Roma Integration Strategy up to 2020, and that vision remains the same. It is to overcome all historically conditioned disadvantages of the Roma minority and to achieve a state with no unjustified and unacceptable differences between a significant portion of Roma and most of the majority society to the disadvantage the former in any sphere of social life. Roma shall retain their specificity as a national minority, i.e., their identity, language, culture, national

awareness and traditions, and contribute to the enrichment of society through their diversity. The coexistence of Roma with the rest of society shall be conflict-free.

To achieve this, the global objectives of the Strategy can be defined on two interlinked levels: (1) Emancipation and (2) Desegregation. In terms of emancipation, especially in the areas of culture and, to some extent, education (especially from a conceptual point of view), a turnaround has already been achieved in the previous period that contributes to the empowerment of Roma. However, on the desegregation level, significant inequalities still persist in the areas of education, housing and health. The improvement in the employment situation can be attributed more to the overall economic situation and the generally low unemployment rate in the pre-pandemic period. In education, the situation deteriorated during 2020 due to the impact of the COVID-19 pandemic and the difficult access to distance learning of some Roma children and children from socially disadvantaged backgrounds, which exacerbated existing inequalities.<sup>63</sup> Conceptually, in terms of desegregation, we can expect an improvement of the current situation along the lines of a systemic fight against antigypsyism, along with a reduction of general and institutional discriminatory obstacles, especially in the socio-economic sphere.

### 3.3 Strategic objectives

Based on the problems identified, the following strategic objectives were set:

#### **Support and development of civil, socio-economic, political and cultural emancipation of the Roma national minority, i.e. promotion of equality, inclusion and participation<sup>64</sup>**

- **Reduce the level of antigypsyism**
- **Increase the level of educational attainment of Roma**
- **Ensure equal access to quality housing for Roma**
- **Ensure equal access to employment for Roma**
- **Ensure equal access of Roma to quality health care and social services**

The cross-cutting strategic objective is set as follows: **Ensure capacity and resources for the implementation of the Strategy.**

Implementation of the strategic goals of the Roma Equality, Inclusion and Participation Strategy 2021-2030 will contribute not only to achieving the stated vision, but also to fulfilling the Strategic Framework of the Czech Republic 2030, or in a more general sense the Implementation of the 2030 Agenda for Sustainable Development in the Czech Republic. The linking of individual strategic objectives with selected specific objectives of the Strategic Framework of the Czech Republic 2030 and the Sustainable Development Goals is demonstrated by Table 1: Contribution of the Roma Equality, Inclusion and Participation Strategy 2021-2030 to the implementation of the Sustainable Development Goals in the Czech Republic.

Besides the main indicators for fulfilling the strategic objectives of the Roma Equality, Inclusion and Participation Strategy 2021-2030, we list in the individual logical frameworks other “auxiliary indicators” that are relevant to fulfilling the specific and, by extension, strategic goals.

The strategic objective **“Support and develop the civic, socio-economic, political and cultural emancipation of the Roma national minority”** and the cross-cutting strategic objective **“Ensure capacity and resources for the implementation of the Strategy”** have special significance. These two objectives must be achieved in order for all other strategic objectives to be fulfilled. Promoting the participation of Roma in decision-making processes, supporting the development of their identity,

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<sup>63</sup> See e.g. Cooperation of schools with pupils in difficult living conditions at the time of fight against the spread of COVID-19. Sample survey of the Social Inclusion Agency in primary and nursery schools in cooperating areas. Research team of the Social Inclusion Agency, 2020. Available at: [www.socialni-zaclenovani.cz/dokument/spoluprace-skol-s-zaky-covid-19/](http://www.socialni-zaclenovani.cz/dokument/spoluprace-skol-s-zaky-covid-19/).

<sup>64</sup> These objectives correspond in content to the three horizontal objectives of the new EU Roma framework for equality, inclusion and participation. Reducing the poverty rate is addressed in the Social Inclusion Strategy 2021-2030, which explicitly states that Roma are one of the groups most at risk of poverty and social exclusion.

including the development of their culture, language and the preservation of their history, is a basic prerequisite for improving the situation of the Roma minority in the areas of education, housing, employment and health. At the same time, through community work and the active involvement of Roma in all aspects of society, the strategic objective of emancipation contributes to combating stereotypes and prejudices, thus reducing antigypsyism in society. On the other hand, in order to meet all of the thematic strategic objectives, it is essential to strengthen the position of key actors responsible for Roma integration at the central, regional and local levels, including the funding for individual positions, to improve coordination across public administration, the non-profit sector and research institutions, and last but not least to acquire the data necessary to evaluate the indicators. These areas are included in the cross-cutting strategic objective.

Social work is an important tool that permeates a significant part of the areas addressed across the chapters, although a specific section is not dedicated to social work in the material. Social work is directly related to the strategic objective of **Ensuring equal access of Roma to quality health care and social services**. This professional activity is aimed at protecting human dignity and rights and consists of assisting individuals, groups or communities to improve or restore their social functionality in their natural environment (see Social Inclusion Strategy 2021-2030, 49). The strategic importance of social work lies in its holistic focus and the possibility of highly individualised interventions. Considering the potential of social work or social workers in the various identified areas, it is necessary to create conditions to use and involve them as much as possible in all the various systems (authorities, employment offices, social services, schools, prisons, etc.). In order to ensure the synergy of individual actors, effective use of financial resources and, above all, positive impacts on the socially excluded, it is essential to create links between social policy instruments. There is a need to call for sufficient background to be created, especially in terms of accessibility, sufficient staffing and capacity and strengthening of competences needed to link the above measures and guarantee the ethical principles of social work in relation to clients.

**Table 1: Contribution of the Roma Equality, Inclusion and Participation Strategy 2021-2030 to the implementation of the Sustainable Development Goals in the Czech Republic**

SDGs	Selected specific objectives of the Strategic Framework of the Czech Republic 2030	Selected indicators for measuring progress towards the SDGs in the EU context <sup>65</sup>	Key indicators for measuring progress towards the strategic objectives of the Roma Integration Strategy 2021-2030	Strategic objectives Roma Integration Strategy 2021-2030
Objective 1 End poverty in all its forms everywhere	3.1 The share of people at risk of poverty and social exclusion has been declining in the long-term	Persons at risk of income poverty after social transfers (% of population)  Persons living in dwellings with leaking roofs, damp walls, floors or foundations or decaying window frames or floors (% of population)	Roma at risk of income poverty after social transfers (% of Roma) <sup>66</sup>  Roma living in dwellings with leaking roofs, damp walls, floors or foundations or decaying window frames or floors (% of Roma)	Ensure equal access to quality housing for Roma
Objective 3 Ensure healthy lives and promote well-being for all at all ages	5.2 The effects of health inequalities are reduced.	Life expectancy at birth (years)	Life expectancy at birth of Roma (years)	Reducing inequalities in Roma health
Objective 4 Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all	4.1 The education system is inclusive and permeable, does not segregate pupils at an early age into the talented and untalented categories, and limits the dependence of educational pathways and outcomes on their socio-economic background.	Participation in pre-school education (% of group aged 4 years to the age of compulsory schooling entry)  Early school leavers (% of population aged 18-24)	Participation in pre-school education of Roma children (% of Roma children aged 4 years to the age of compulsory schooling entry)  Early Roma school leavers (% of Roma aged 18-24)	Increase the level of educational attainment of Roma
Objective 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	2.3 As the general unemployment rate falls, the share of the long-term unemployed in total unemployment also falls	Young people not education, employment or training (% of population aged 15-29)  Employment rate (% of population aged 20-64)	Young Roma not education, employment or training (% of Roma aged 16-24) <sup>67</sup>  Employment rate of Roma (% of Roma aged 20-64)	Ensure equal access to employment for Roma
Objective 10 Reduce inequality within and among countries	3.4 Equal access to persons at risk of discrimination on the grounds of sex, age, care for dependents, disability, ethnicity, nationality, sexual orientation, religion or worldview is ensured. Particular emphasis is placed on preventing multiple discrimination.		Roma who reported that they had been discriminated against on the basis of their Roma origin in the last 12 months (% of Roma)  Roma who reported being harassed or persecuted because of their Roma nationality in the last 12 months (% of Roma)	Reduce the level of antigypsyism

<sup>65</sup> See indicators for measuring progress towards the SDGs in the EU context: <https://ec.europa.eu/eurostat/web/sdi/indicators>.

<sup>66</sup> Cross-cutting indicator for strategic objectives, in particular education, housing, employment and health.

<sup>67</sup> Cross-cutting indicator for strategic objectives in the field of education and employment.

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### 4.1 Initial EU framework

The *Lisbon Treaty* introduced the term “minorities” into EU primary law and the *EU Charter of Fundamental Rights* made “national minorities” a term of EU law, although definitions of these terms were not included in the documents. Respect for the rights of minorities is included in Article 2 of the *Treaty on European Union* as one of the fundamental values on which the EU is founded. However, the Treaties do not explicitly list the minority rights. Respect for cultural and linguistic diversity is emphasised in several places [Article 3(3) of the *Treaty on European Union*; Article 22 of the *EU Charter of Fundamental Rights*; or Articles 165 and 167 of the *TFEU*].

The European Parliament has addressed the issue of the protection of the rights of national minorities in more detail in non-legally binding resolutions. In 2013, for example, the EP adopted a resolution on Endangered European languages and linguistic diversity in the European Union [2013/2007(INI)] (European Parliament, 2013). Among the more recent resolutions, the protection of minority rights was addressed in the EP resolution of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States [2017/2937(RSP)], which emphasised the link between minority rights and the rule of law. At the same time, the resolution called on Member States to respect the rights to use minority languages (European Parliament, 2018a). In its resolution of 13 November 2018 on minimum standards for minorities in the EU (2018/2036(INI)), the European Parliament called on the European Commission to develop a common framework of EU minimum standards for the protection of minorities. According to this resolution, the European Commission and Member States should protect the cultural and linguistic identity of national and ethnic minorities and create conditions for their promotion (European Parliament, 2018b).

### 4.2 Initial national framework

The Czech Republic is obliged to protect the rights of members of national minorities and to create conditions for the realisation of these rights in accordance with national legislation (the Constitution, the Charter of Fundamental Rights and Freedoms, Act No 273/2001, on the rights of members of national minorities and amending certain acts, as amended, the Minorities Act, etc.) and international treaties on human rights and fundamental freedoms that it has ratified.

Of the international legal documents in the area of protection of the rights of members of national minorities, the most important documents for the Czech Republic are those of the Council of Europe, such as the *Framework Convention for the Protection of National Minorities* and the *European Charter for Regional or Minority Languages*. These documents are binding on the Czech Republic and influenced the adoption and content of the Minorities Act. The Czech Republic regularly submits monitoring reports to the Council of Europe on the progress towards the fulfilment of its obligations under international legal instruments and, after their evaluation, receives recommendations from the relevant Council of Europe committee<sup>68</sup> for improving the level of protection of national minority rights.

The constitutional order of the Czech Republic, specifically Article 3(2) of the Charter of Fundamental Rights and Freedoms, enshrines the right of a person to freely choose his or her nationality, and any influence on such decision is prohibited. Therefore, it is a right, not an obligation, to declare oneself a member of a national minority. The Government also respects the multi-layered identity of Roma. No one must be forced to “give up” his or her origin or identity in order to be considered a member of the Czech nation (OG CR 2006: 2). The possibility to declare several nationalities is also taken into

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<sup>68</sup> In accordance with Article 24 of the Framework Convention for the Protection of National Minorities, the Committee of Ministers of the Council of Europe is responsible for monitoring the implementation of the Convention. In the case of the European Charter for Regional or Minority Languages, the reports submitted to the Secretary General of the Council of Europe are examined by a committee of experts (Article 16).

account in the Population and housing census, which takes place at 10-year intervals on the basis of a special legal regulation.

According to the Minorities Act and international treaties, other rights of national minorities include, in particular, the right to association, participation in the resolution of matters relating to national minorities, language rights, the right to education in the language of the national minority, the right to cultural development and the right to disseminate information in their own language; the exercise of some rights is regulated by other legal regulations.<sup>69</sup>

The legislative framework for the exercise of the rights of members of national minorities is further supplemented by Government Regulation No 98/2002, establishing the conditions and methods for providing subsidies from the State budget for the activities of members of national minorities and for supporting the integration of Roma. On the basis of the above Regulation, State administration bodies provide subsidies from the State budget to support the activities of national minorities in the fields of culture, education and language.

A prerequisite for the Roma minority to enjoy the rights of members of national minorities is their emancipation. Emancipation is understood as the liberation by one's own power from an unequal position, with the will of a substantial minority for emancipation being decisive for emancipation. Without such will, decided by the Roma themselves, society can only ensure individual equality (Office of the Government of the Czech Republic 2015: 13).

The emancipation of Roma has already been addressed in the Roma Integration Strategy up to 2020<sup>70</sup>, which sought to create the conditions for the emancipation of members of the Roma minority. Significant milestones and examples of successful emancipation related to the implementation of the Roma Integration Strategy up to 2020 include the purchase of the pig farm in Lety u Písku, which stood on the site of the genocide of Roma and Sinti during World War II, or the construction of the Holocaust Memorial in Hodonín u Kunštátu. These successes – investments in the public interest – were achieved primarily thanks to the collective emancipation of the Roma minority. Therefore, in the future, it is important to continue to create conditions for the enjoyment of all national minority rights, including preserving existing forms of support for the development of Roma culture, which significantly contributes to the collective emancipation of the Roma minority.

### **4.3 Description of the situation**

A number of national minority rights, as well as the tools to exercise them, are conditional on a certain proportion of citizens declaring themselves to be a national minority through official channels, i.e. in the census. From the right to participate in matters concerning a national minority through national minority committees to the right to education in the language of a national minority, the relevant legislation sets a percentage limit for persons claiming to be members of a national minority in the territory of a region or municipality. In addition to this condition, there is also the requirement for a manifestation of will on the part of the members of the national minority that they are interested in exercising the relevant national minority right.<sup>71</sup>

However, many of the fundamental rights of members of national minorities are not directly linked to the existence of national minority committees. These include the right to develop the culture of members of national minorities, the right to disseminate and receive information in the language of a national minority, the right to create and disseminate radio and television programmes relating

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<sup>69</sup> For example 128/2000, on municipalities (municipal constitution), as amended; Act No 129/2000, on regions (regional constitution), as amended; Act No 561/2004, on pre-school, primary, secondary, higher vocational and other education (the Education Act), as amended, etc.

<sup>70</sup> In Chapter 4, Support for Roma as a distinct national minority, promotion of the Roma language and culture, page 35.

<sup>71</sup> See e.g. the condition for the establishment of a national committee in Section 117(3) of Act No 128/2000, on municipalities (municipal constitution); Section 78(2) of Act No 129/2000, on regions (regional constitution); Section 78(2) of Act No 131/2000, on the City of Prague; conditions for the establishment of classes and schools with education in the language of national minorities specified in Section 14 of Act No 561/2004, on pre-school, primary, secondary, higher vocational and other education (the Education Act), as amended.

members of national minorities, and the right to use the name and surname in the language of a national minority.

#### 4.3.1 Number of persons claiming Roma nationality

The number of persons claiming Roma nationality in the census has been declining or stagnating for a long time. In 1991, as much as 32 903 persons declared their Roma nationality; in 2001, approximately only a third still declared solely Roma nationality (11 746), and including those who declared dual nationality only bring that number to 12 530 persons. In 2011, the number of persons who declared their Roma nationality as their exclusive nationality or as one of two nationalities was 12 953, marking a slight increase.

**Table 2: Persons claiming Roma nationality in the 1991, 2001 and 2011 censuses**

Nationality	1991	2001	2011
Roma	32 903	11 746	5 135
Roma and other	unknown <sup>72</sup>	784	7 818
total	32 903	12 530	12 953

Source: Czech Statistical Office, 1991. Source work 1991 – population in data. Table 7. Population by nationality and sex, five-year age groups and citizenship; Czech Statistical Office, 2003. POPULATION AND HOUSING CENSUS AS OF 1 MARCH 2001 – population of the Czech Republic; Czech Statistical Office, 2014. Nationality structure of the population.

The Roma were exposed to a three-fold shock on the territory of the Czech Republic during the 20th century: (1) the murder of the majority of the settled population in concentration camps during World War II; (2) the socialist experiment of forced assimilation combined with paternalistic practices; (3) the market transformation (Navrátil, Šimíková, 2002: 10). All of the above has fundamentally shaped the willingness of Roma to publicly declare their membership of the Roma ethnic group. The tragic experiences of the Roma with official censuses and official ethnicity-based records constitute historical milestones of Roma discrimination: a series of anti-wanderer laws from the Austro-Hungarian period should be mentioned here (Janák, 1969: 86), Act No 117/1927, “on wandering gypsies”,<sup>73</sup> associated with the collection of anthropometric and dactyloscopic data, which served as a database of persons destined for liquidation by the Nazi authorities during the Second World War (Nečas, 2002: 83), or the lists of travelling persons in socialist Czechoslovakia resulting from Act No 74/1958, which prohibited the traveller way of life.<sup>74</sup> The censuses were carried out in the late 1950s in the form of raids on Roma camps and the confiscation and destruction of property; moreover, there was a high error rate during the census, and thousands of people who did not belong on the lists were included nonetheless (Jurová, 2008: 69).

Therefore, it is understandable that the reason for not declaring oneself a Roma national may lie in fear and distrust of the anonymity of the census and experience with discrimination, antigypsyism and

<sup>72</sup> In 1991, any dual nationality entries were processed according to the first nationality listed.

<sup>73</sup> Act No 117/1927, on wandering gypsies. Available at: <http://ftp.aspi.cz/opispdf/1927/052-1927.pdf>.

<sup>74</sup> Act No 74/1958, on the permanent settlement of travellers. Available at: <https://www.zakonyprolidi.cz/cs/1958-74>.

racist attacks. Some Roma prefer to “hide” and state what they think is expected of them. The low number of persons claiming Roma nationality may also be related to conflicting demands placed on Roma by the majority society. Roma are confronted daily with the norms of “Czechness”, they are asked to act identically, but at the same time they are called upon to declare their “Romaniness”. On the one hand, they are required to adapt to the habits, norms and socio-cultural strategies (lifestyle) according to the normative ideas of the majority nationality and on the other hand, they are also required to adapt to the same way of declaring collective existence (in the category of nationality) (Klíčová 2006: 252-253).

V. Ševčíková (2012:43) mentions another reason for the decline in the number of persons declaring their Roma nationality, a so-called “crisis of Roma identity” after 1989. According to her, the crisis of Roma identity is manifesting itself as a “shared loss of ethnic self-esteem among Roma people”. Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation calls on EU Member States to promote “measures to foster positive narratives about Roma and Roma role models, including by means of support for inter-community encounters and inter-cultural learning.”<sup>75</sup> Such systematic support can not only strengthen the fight against discrimination, but can also encourage Roma to accept and declare their identity.

Although declaring oneself a member of a particular nationality and national minority is an optional declaration, it plays a significant role in the lives of national minorities. Data on the country’s national composition are essential for the development of social policy (national, cultural, linguistic, integration) and they are required for the recognition of national minorities living in the Czech Republic and the rights arising from their status. That is why the CZSO cooperated with the Office of the Government of the Czech Republic and the GCRMA in the preparation of the 2021 census. Instructions for filling in the census forms in the languages of the most numerous minorities of the Czech Republic are already regularly prepared. Therefore, it is desirable to introduce methodological support and training for census officials in the future, as these can help respondents to navigate the differences between the categories of “nationality” and “citizenship”, if they wish so. For further details, see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective A: Emancipation – promotion of equality, inclusion and participation).

#### 4.3.2 *Participation in matters concerning the Roma minority*

In accordance with the Minorities Act, members of the Roma minority, like members of other national minorities, have the right to actively participate in cultural, social and economic life and in public affairs. Therefore, the GCNM and GCRMA have been established at the national level with representatives of the Roma community. In order to improve the participation of Roma in the decision-making process at the national level, Roma civil society has long agreed on the need to establish a commissioner for Roma affairs.<sup>76</sup>

Representatives of the Roma minority are participate in subsidy committees at the Ministry of Culture (MoC), the Ministry of Education, Youth and Sports (MEYS) and the Office of the Government of the Czech Republic. They are also represented in some other working bodies of the State administration, such as working groups established by the Ministry of Labour and Social Affairs (MoLSA) or the Ministry of the Interior (Mol). Committees for national minorities are established at the level of regions, the capital city of Prague and municipalities with extended powers.<sup>77</sup> In order for a committee to be formed, it is necessary that at least 5% of the citizens of the region/City of Prague or 10% of the citizens of the municipality declared a nationality other than Czech in the latest census. An association representing the interests of a national minority must also request the establishment of such committee.

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<sup>75</sup> See [https://ec.europa.eu/info/files/proposal-draft-council-recommendation-roma-equality-inclusion-and-participation\\_cs](https://ec.europa.eu/info/files/proposal-draft-council-recommendation-roma-equality-inclusion-and-participation_cs). Page 20.

<sup>76</sup> See, for example, the request of the National Roma Association of the Czech Republic from 2012 at: [www.radio.cz/cz/rubrika/udalosti/vladni-zmocnenec-pro-romy](http://www.radio.cz/cz/rubrika/udalosti/vladni-zmocnenec-pro-romy), or the 4th priority of the GCRMA from 2019 at: [www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/Jednani\\_Rady/Priority-RVZRM-final.pdf](http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/Jednani_Rady/Priority-RVZRM-final.pdf).

<sup>77</sup> Section 117(3) of Act No 128/2000, on municipalities (municipal constitution); Section 78(2) of Act No 129/2000, on regions (regional constitution); Section 78(2) of Act No 131/2000, on the City of Prague.

In 2019, four committees for national minorities were established at the level of the regions and the City of Prague in accordance with the relevant Acts, namely in the South Moravian, Karlovy Vary, Moravian-Silesian Regions and in the City of Prague. Roma were represented on all of these committees, with the exception of the Moravian-Silesian Region, where no Roma participated in 2019 (the situation in the Moravian-Silesian Region changed after the regional elections in the fall of 2020, when persons who identify as Roma became members of the Committee on National Minorities of the Regional Council). In most regions, another advisory body has been established beyond the scope of the relevant Act to deal with the issue of national minorities. Roma people were represented in the bodies in the Hradec Králové, Liberec, Olomouc and Ústí nad Labem Regions.

According to data from the CZSO, 55 municipalities met the requirement for establishing a committee for national minorities based on the latest population and housing census in accordance with the Municipalities Act. In 2019, a committee was established in just under half (25) of these municipalities. In 2019, Roma were represented on the committees for national minorities in the municipalities of Cheb, Aš, Vysoké Mýto, and Chomutov. The reasons for not establishing a committee for national minorities in municipalities where the legal condition is met may be related to the lack of interest in establishing a committee on the part of members of said national minorities or the absence of an association representing the interests of a national minority or migration of the population at the time of the census (OG CR 2019a:15). In addition, the lack of a national minority committee for Roma may be caused by the lack of persons who declare Roma nationality in the census, which may also be a reason for the low involvement of the Roma minority in public affairs.

In addition to the specific bodies that are established specifically for national minorities to ensure their participation in the resolution of matters relating to those minorities, Roma as citizens of the Czech Republic also have the opportunity to participate in the governance of public affairs through political rights enshrined in the Charter of Fundamental Rights and Freedoms (Articles 17-23). However, the enjoyment of these rights among Roma is low. Roma are under-represented in elected bodies at both national and regional level. The last Roma candidate to the Chamber of Deputies of the Czech Parliament was elected in 1998. This is due primarily to low turnout of Roma voters and the low number of Roma candidates in the parliamentary elections. The average voter turnout in the 2017 elections to the Chamber of Deputies was 60.8%. The low electoral participation of Roma can be seen on the example of the town of Most, in its district called Chánov, which is mostly inhabited by socially excluded Roma. Turnout in Chánov was less than 5% (4.4%). Other “Roma areas”, such as Ostrava – Přívoz (17%) and certain areas in Brno (20-27%), also recorded low participation. Moreover, there are very few Roma candidates to the Chamber of Deputies (the largest number of Roma candidates ran in the 2013 elections, 20 people), and when they do run, they are often placed on unelectable positions on the candidate lists (Open Society 2018: 3). The situation at the local level is similar. In the most recent municipal elections, which took place in October 2018, 13 Roma representatives were elected to municipal councils from among an estimated 170 Roma candidates (Romea 2018). If we compare the number of elected Roma representatives to the total number of elected representatives, which was approximately 60 000 (0.02%) (CZSO 2018a), we are far below the estimated level of Roma representation in Czech society (approximately 2.5%). Elections of one-third of the senators were held simultaneously with the municipal elections; the only two Roma candidates were unsuccessful in these elections (Romea 2018).

In the Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation, the European Commission calls on Member States to adopt measures that “promote capacity building and leadership in Roma civil society to enable Roma people to participate in all stages of the policy cycle and public life in general.”<sup>78</sup> In particular, it is essential to improve Roma representation at local level through community-led local development, to involve Roma youth and women and to increase Roma employment in public institutions. In order to increase the active participation of Roma people in decision-making processes, it is necessary to support activities aimed at their participation in elections and community activities, and at increasing the civic competencies of Roma people. For further details

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<sup>78</sup> See [https://ec.europa.eu/info/files/proposal-draft-council-recommendation-roma-equality-inclusion-and-participation\\_cs](https://ec.europa.eu/info/files/proposal-draft-council-recommendation-roma-equality-inclusion-and-participation_cs). Page 21.

see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective A: Emancipation – promotion of equality, inclusion and participation).

In the framework of this Strategy, community work is understood as “a method of participatory approach to (resolution of) collective/communal problems, based on the concept of civil society and participatory democracy” (Henderson, Thomas 2007). The community defines common goals and needs, establishes priorities, process and procedures, and actively participates in the solution.<sup>79</sup> Community work is not limited only to socially excluded areas and social work with socially excluded Roma, but it also acts as a tool for preventing social exclusion, with an overlap into community organising, participation of the local public, involvement of institutional partners, strengthening civil society, and development of neighbourly coexistence in municipalities with or without SEAs. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective A: Emancipation – promotion of equality, inclusion and participation).

#### 4.3.3 Development of Roma culture

The right to participate in cultural life is enshrined in Article 27 (1) of the *Universal Declaration of Human Rights*: “Everyone has the right to participate freely in the cultural life.” Article 15(1)(a) of the *International Covenant on Economic, Social and Cultural Rights* provides that States recognise the right of everyone “to take part in cultural life”. In accordance with Article 2 of the *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, minorities have the right “to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.” Access to *cultural rights* is defined by the UN Committee on Economic, Social and Cultural Rights as “the right of everyone (...) to know and understand his or her own culture and that of others through education and information, and to receive quality education and training with due regard for cultural identity.”<sup>80</sup>

While cultural rights are generally considered a soft part of human rights, the level of recognition of minority cultural rights can be an indicator of deep issues and suggest much about how countries whose minorities have been subjected to persecution and genocide in the past have dealt with this trauma.<sup>81</sup>

Roma people living in the Czech Republic were for the most part forcibly deprived of their cultural identity and way of life due to discriminatory measures that maintained historical continuity across different states and regimes (Nečas, 2002, Jůrová, 2008, Spurný, 2007). Therefore, the aforementioned fear and reluctance to claim Roma nationality may have historical roots, but overcoming that reluctance is a fundamental prerequisite for the process of successful Roma empowerment and active civic participation. One of the ways the State can actively contribute to the process of reconciliation is by supporting cultural and educational activities related to education about Roma history, language and history. This should include, in particular, reflection on the Roma Holocaust, the attempted genocide of the Roma, which resulted in the extermination of 90% of the Roma population with the help of the Protectorate authorities; efforts to place a stronger emphasis on this chapter of Czech history have become one of the sources of the Roma emancipation process in recent years.

#### Description of the situation

In accordance with Section 12 of the Minorities Act, the State has a positive obligation to create such conditions for members of national minorities who have traditionally and for a long time lived in the Czech Republic that allow them to develop their culture, traditions and language. To that end, the

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<sup>79</sup> See the community work handbook of the Social Inclusion Agency: <https://www.socialni-zaclenovani.cz/dokument/manual-komunitni-socialni-prace/>.

<sup>80</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No 21, Right of everyone to take part in cultural life (art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights)*, 21 December 2009, E/C.12/GC/21, 15 (b).

<sup>81</sup> Stamatopoulou, E. (2012). Monitoring Cultural Human Rights: The Claims of Culture on Human Rights and the Response of Cultural Rights. *Human Rights Quarterly*, 34(4), p. 1171.

State should support not only traditional cultural forms (theatres, museums, galleries, libraries), but also documentary activities of national minorities and live culture.

The Museum of Romani Culture (MRC), a contributory organisation of the MoC, plays a key role in preserving and displaying the Roma culture and history. The MRC houses a permanent exhibition entitled *The Story of the Roma/Le Romengero drom*, which presents the history of Roma from their ancestors in ancient India to the events of World War II and the present. The MRC creates and preserves collections that document the history and culture of various Roma groups around the world. It organises a number of temporary exhibitions based on the above sources. The MRC is engaged in research, documentation, education, lecturing, publishing and the organisation of other public events and cultural activities. In 2018, the MRC published a project entitled *Amendar* (Romani for “from us” or “by us”), which presents brief information on 254 inspiring Roma personalities; the MRC received the Gloria Musealis award in the category of Museum Publications for this project.<sup>82</sup> The MRC is also the administrator of the Roma Holocaust memorials in Lety u Písku and Hodonín u Kunštátu. In the 1970s, the National Association of Gypsies-Roma (1969-1973) unsuccessfully sought to build a memorial to the Roma Holocaust on the site of the original concentration camp at Lety u Písku. It was only in 2017, after many protests, blockades, a long-term campaign by civil society, and thanks to the work of the non-governmental, non-profit organisation Committee for the Reparation of the Roma Holocaust (Výbor pro odškodnění romského holocaustu, z.s.), that the State purchased the large-capacity pig farm that stood on the site of the concentration camp and demolished the building in order to create a place of dignified remembrance. The result of the architectural competition for the construction of the memorial was presented in June 2020.<sup>83</sup>

Every year public events of a cultural and educational nature are organised to celebrate the International Romani Day on 8 April. Furthermore, there is the Roma Resistance Day on 16 May to commemorate the uprising of the Roma in the Auschwitz II-Birkenau extermination camp in 1944. It also serves as an opportunity to commemorate Roma people who participated in the anti-fascist resistance and fought in partisan units (see Tesář 2016 for further details) and in the Allied armies during World War II.

Other significant events of living culture that help break down barriers between Roma people and the majority population include the World Roma Festival Khamoro. Its international significance is evidenced, for example, by the 2019 award of the prestigious EFFE Label (*Europe's quality stamp for remarkable arts festivals*), which guarantees its high quality and value. The label is awarded by international experts from the festival environment. However, the organisers are facing increasing difficulties in securing financial support for the festival. The current support for the Khamoro Festival from the State budget is insufficient, which may directly affect the quality of the festival as well as its very existence.

Roma artists are also the voice of Roma cultural emancipation. Prominent representatives include the artist Ladislava Gažiová, the theatre group AraArt, the conceptual art projects Romane KALE panthera/Roma Black Panthers, or musicians Tomáš Kačo and Radek Bagár.

Improvement of funding for activities aimed at promoting Roma culture, the work of Roma artists, and educational activities devoted to Roma history remains a prerequisite for the cultural emancipation of the Roma national minority. Since the Roma themselves are the carriers and drivers of the emancipation process, it is crucial to develop projects initiated by Roma and to support Roma memory, identity and self-esteem.

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<sup>82</sup> <https://amendar.cz/>.

<sup>83</sup> <https://letypamatnik.cz/architektonicka-soutez/>.

#### 4.3.3.1 *Reparation for crimes and injustices committed against the Roma during the Second World War*

The genocide of the Roma and Sinti took place in 1942 and 1943 in the camps at Lety u Písku and Hodonín u Kunštátu with the help of local authorities in the Protectorate of Bohemia and Moravia. In 1943, Roma people were transported to the Auschwitz-Birkenau concentration camp. Czech and Moravian Roma and Sinti were almost exterminated at the time, and only 583 of the total number of about 5 500 survived their stay in the disciplinary labour “gypsy camps” and concentration camps (Nečas, 2002: 55).

In 2016, the Federal Republic of Germany awarded a one-time compensation of EUR 2 556 to the last surviving Roma victims of Nazism.<sup>84</sup> The funds were allocated from the fund for non-Jewish victims; Roma organizations, in cooperation with the Committee for the Reparation of the Roma Holocaust, applied for them through the Czech Ministry of Foreign Affairs. Compensation applied only to holders of the “certificate of suffering during the Nazi era” in accordance with Act No 255/1946, issued by the Ministry of Defence of the Czech Republic. The authorities do not have information on the exact number of Roma applicants who have already been compensated in the past under compensation programmes for victims of Nazism. Given the time that has elapsed since the Second World War, it seems problematic that these compensations did not apply to the heirs of the victims, and that they were only a one-off, relatively small amount, not a regular compensation payment. Therefore, the Committee for the Reparation of the Roma Holocaust continues to seek compensation for Roma victims of the Holocaust in a manner analogous to that for Jewish victims.<sup>85</sup>

The Government of the Czech Republic has not yet taken steps to fairly compensate the property that was confiscated from Roma people during World War II. Since this is a significant symbolic step in the process of reconciliation, it is proposed to create an analysis of the property of the Roma and Sinti in Bohemia, Moravia and Silesia in the period 1938-1945, which will allow for the creation of an adequate compensation mechanism and the subsequent fair compensation of the Roma victims. Seeing as the crimes committed against the Roma minority during World War II are falling into more distant past every day, it is necessary to try to obtain information and documentation for compensation and reparations as quickly as possible. Thus, the necessary basic research and the establishment of research infrastructure should be given high priority. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective A: Emancipation – promotion of equality, inclusion and participation).

#### 4.3.4 *Preservation and development of the Romani language*

As a signatory of the *European Charter for Regional or Minority Languages*, the Czech Republic is internationally bound to protect the Romani language. In June 2019, the Committee of Ministers of the Council of Europe adopted at its 1350th meeting a recommendation on the 4th Monitoring Report on the implementation of this document, which calls on the Czech Republic to “continue efforts to promote awareness and tolerance vis-à-vis all regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the Czech Republic, both in the general curriculum at all stages of education and in the media” and specifically “further protect and promote Romani, including by extending teaching of Romani as a minority language in co-operation with Romani speakers, and create favourable conditions for its use in public life.”

Romani language is perceived as an element of Roma identity, although those who do not speak Romani are also considered Roma. A series of sociolinguistic research conducted by the Seminar of Romance Studies at the Faculty of Arts of Charles University in 2007-2009 showed that the number of speakers of Romani is declining with each new generation. Respondents to the survey claimed that they communicate more often in Romani with older family members (parents, grandparents), and on the contrary, they use other than Romani language more often in communication with their children,

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<sup>84</sup> See [www.sinti-roma-berlin.de/index.php/aktuell/tschechische-roma-erhalten-entschaedigung.html](http://www.sinti-roma-berlin.de/index.php/aktuell/tschechische-roma-erhalten-entschaedigung.html).

<sup>85</sup> See [https://www.mzv.cz/file/1387173/Zprava\\_o\\_plneni\\_zavazku\\_IHRA.pdf](https://www.mzv.cz/file/1387173/Zprava_o_plneni_zavazku_IHRA.pdf). Page 5.

grandchildren, or with each other. The researchers divided Roma school-age children into three groups according to their proficiency in the Romani language. Approximately 30% of the children are assumed to be able to actively use Romani and another 30% have almost no knowledge of Romani. Between these two groups there are children with varying degrees of passive knowledge of Romani. However, the ability to actively use the Romani language is predominant among the children of Vlachika Roma (Kubaník, Červenka, Sadílková 2010: 24, 30 and 35).

The decline in the use of the Romani language was caused by a number of factors, including the resettlement of Slovak Roma to the Czech Republic and the related separation of kinship groups and greater contact with the non-Roma population; the long-term assimilation of Roma (including linguistic assimilation); the influence of schools and State institutions, which recommended that Roma speak Czech with their children; and other factors (Kubaník, Červenka, Sadílková 2010: 37). As shown in the latest evaluation report of the Council of Europe’s Committee of Experts (2018: 8), the influence of teachers on the use of Romani is still strong: “Most parents still share the prevailing general opinion – also shared by educational specialists – that immersion in a completely Czech language environment is the best way for Roma pupils to learn Czech. ... The Committee of Experts learned about cases where pedagogical-psychological experts discouraged Roma pupils to speak Romani in order to properly learn Czech.”

As stated above, according to the last three censuses, the number of persons claiming Roma nationality is declining or stagnating. However, the situation is more favourable in the case of the number of persons with a Romani mother tongue. The number of persons claiming Roma nationality with Romani as their mother tongue has significantly decreased. In the 1991 and 2001 censuses, the majority of persons who declared their Roma nationality reported Romani as their mother tongue (1991: 50.5% and 2001: 56.8%). In 2011, however, only 16.3% declared this (see Table 3: Romani as a mother tongue and Roma nationality in the 1991, 2001 and 2011 censuses). On the other hand, since the 2001 census, in which for the first time persons had the opportunity to choose more than one mother tongue, the number of persons who reported Romani as their mother tongue and the number of persons who reported Romani and other mother tongues has increased. In 2011, 41 087 people chose Romani or Romani in combination with another language as their mother tongue(s) (see Table 4: Persons stating their mother tongue as Romani or a combination of Romani and Czech).

The fact that there are more people who reported Romani as their mother tongue than those who declared their Roma nationality may mean, for example, that the information on mother tongue is a more understandable and/or less conflicting category in the census than nationality. At the same time, this figure cannot be considered to show the actual number of speakers of Romani; it only shows people who considered stating Romani as their mother tongue essential/understandable/non-conflicting for some reason and according to the given requirements (Kubaník 2010: 26-27).

**Table 3: Romani as a mother tongue and Roma nationality in the 1991, 2001 and 2011 censuses**

	1991	match	2001	match	2011	match
Nationality	32 903	16 630 (50.5%)	11 746	6 672 (56.8%)	5 135	837 (16.3%)
mother tongue	24 294		23 211		4 919	

Source: Czech Statistical Office, 1991. Source work 1991 – population in data. Table 6. Population by nationality, mother tongue and sex. Czech Statistical Office, 2014. Nationality structure of the population.

**Table 4: Persons stating their mother tongue as Romani or a combination of Romani and Czech**

language	1991	2001	2011
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Romani	24 294	23 211	4 919
Romani and other	unknown	12 970	36 168 <sup>86</sup>
total	24 294	36 181	41 087

Source: Czech Statistical Office, 1991. *Source work 1991 – population in data*. Czech Statistical Office, 2003. *Population and housing census as of 1 March 2001 – population of the Czech Republic*. Czech Statistical Office, 2014. *Nationality structure of the population*.

According to the Report on the State of the Roma Minority (2019b: 26-27), Romani was taught at four higher education institutions, two secondary schools and one primary school in 2018.<sup>87</sup> Teaching of Romani language at higher education institutions took place within the framework of an independent study field of Romani studies (Faculty of Arts of Charles University) or other study fields (Faculty of Education of Masaryk University, Faculty of Education of Charles University, Faculty of Arts of the University of Pardubice, Faculty of Arts of the University of Ostrava). The Romani language was also taught as part of thematically related subjects at the Secondary Vocational School of Management and Law in Jihlava (as part of the subject of multicultural education) and at the Secondary School of Prof. Z. Matějček in Ostrava (as part of the subject of work with minorities). The Romani language was taught as part of the subject of multicultural education at the Florián Bayer Primary School in Kopřivnice. Unfortunately, according to the most recent data, this has already been cancelled at this school, i.e., Romani is currently not being taught at any primary school.

The publishing house of Roma literature KHER<sup>88</sup> is dedicated to the original works of Roma authors in both the Romani and Czech languages, and its activities help promote the identity of Roma people and present their works to the majority society. Roma writers associated in the first Czech Romani writers' club, Paramisára ("storytellers" in Romani), also contribute to the development and preservation of the Romani language.<sup>89</sup> Awareness of Roma history, culture and Romani language is being spread by the Romano džaniben organisation through publications and educational activities.<sup>90</sup>

#### 4.3.5 Disseminating information in the Romani language

In order to preserve and develop culture, traditions and language, the State also supports the national minority press, radio and television broadcasting. The MoC and the Office of the Government of the Czech Republic subsidise this from the State budget. At the same time, the development of the cultural identity of national minorities is one of the task of public service broadcasting.<sup>91</sup> Currently, the Romani language is promoted on public radio in the form of the O ROMA VAKEREN programme. It is a journalistic-cultural-social magazine in which Romani is used partly along the dominant Czech language. Czech Television does not currently include broadcasts specifically in Romani. The Sousedé ("neighbours" – monthly) and Babylon (weekly) programmes target all national minorities. According to the Council of Europe Committee of Experts (2018: 7, 13), Romani language is limited in the public media; therefore, they recommend that its representation in radio and television broadcasts be increased. The Working Group on National Minority Broadcasting established by the GCNM, where Roma people have two representatives, has been addressing this recommendation for a long time.

<sup>86</sup> In 2011, 33 351 people reported the combination of "Czech and Romani" and 2 100 people reported the combination of "Slovak and Romani". See <https://vdb.czso.cz/vdbvo2/faces/cs/index.jsf?page=vystup-objekt-vyhledavani&vyhltext=mate%C5%99sk%C3%BD+jazyk+&bkv=bWF0ZcWZc2vDvSBqYXp5ayA.&katalog=all&pvo=OBCR614B>

<sup>87</sup> This is information from the coordinators for Romani affairs. According to MEYS statistics, Romani is not taught at any primary or secondary school or higher education institution. Within the framework of the statistical monitoring, only the teaching of the language as a separate subject is monitored, not its inclusion in primary and secondary schools as part of other subjects (this applies to any language, not just Romani). The MEYS also does not have information on subjects taught at higher education institutions (only on fields of study and programmes).

<sup>88</sup> <http://www.kher.cz/>.

<sup>89</sup> See <https://www.slovo21.cz/aktuality/734-klub-romskych-spisovatelu-paramisara-ma-velke-ambice>, <http://www.krajinouprivehu.cz/literatura-romu/>, notable authors include: Vladimír Oláh, Elena Lacková, Tera Fabiánová, Jan Horváth Döme, Irena Eliášová, Jana Hejkrliková, Stanislava Miková, Iveta Kokyová, Dana Hrušková, Renata Berkyová.

<sup>90</sup> See <https://www.dzaniben.cz/publication.html?t=201901>.

<sup>91</sup> In accordance with Section 2(2)(d) of Act of the Czech National Council No 484/1991, on Czech Radio, as amended, and Act of the Czech National Council No 483/1991, on Czech Television, as amended.

Moreover, the contribution to the development of the culture of national minorities is one of the evaluation criteria for the decision of the Council for Radio and Television Broadcasting to grant a licence for the operation of private radio and television broadcasting.<sup>92</sup> In accordance with Section 31(4) of Act No 231/2001, on radio and television broadcasting and amending other acts, as amended, a broadcaster is obliged to compile its programming in such a way as to provide a balanced offer for all citizens, taking into account their age, sex, colour of skin, faith, religion, political or other opinion, national, ethnic or social origin and membership of a minority group.

As part of the celebration of International Roma Day 2019<sup>93</sup>, an online poll (Ara Art 2019) was held on the topic of the presentation of the Roma community in public service media. A total of 178 respondents took part in the vote, one-third (34%) of whom were Roma. The overwhelming majority of respondents (94%), regardless of nationality, agreed with the statement that Czech Television should regularly broadcast a Roma-themed programme prepared by Roma people. Almost two-thirds of respondents (64%) said a regular programme should be broadcast once a week, and this frequency of broadcasting was preferred by both Roma and non-Roma respondents. In terms of the length of the programme, most voters overall opted for 31-60 minutes (49%) and 16-30 minutes (46%); Roma respondents preferred the latter option.

Besides public service media, Roma-focused broadcasting can also be developed in a community-based manner and on the Internet. According to the Creative Czech Republic platform (Kreativní Česko) (2016), the Czech Republic lacks a third broadcasting sector (alongside public service and private broadcasting), i.e. community media. Community media are civic, participatory, alternative radios and televisions that are independent, with non-professional journalists and non-vertical decision-making. In community media, the communities broadcast “about themselves, for themselves and for others” (Creative Czech Republic 2016).

In relation to media content, it is necessary to draw attention to two other facts: the media literacy of Roma people and the media presentation of Roma people. A study entitled Media literacy of vulnerable groups: elderly, ethnic and national minorities and selected aspects of media literacy (FOCUS Marketing & Social Research 2016: 53, 55, 56) focused on media literacy in relation to commercial messages, specifically testing whether vulnerable groups were able to distinguish different formats of commercial messages (teleshopping, audiotext, Šlágr television broadcasts, product placement, advertising and sponsorship) from standard editorial content, whether they were susceptible to manipulation by these formats or whether they knew their rights. In the study, Roma people placed below-average on the media literacy index, making them, along with Vietnamese and Ukrainians, one of the most at-risk national minorities in terms of media literacy. Low index values were also reported by respondents with low education, low economic status, low level of integration into the majority society, low level of proficiency in the Czech language and strong consumers of television content.

The portrayal of Roma people in the media is often negative, associating Roma people with difficulties and thus promoting stereotypical thinking and even hatred on the part of the majority. This way of presenting Roma in the media corresponds to the characteristics of the presentation of race in the media according to Teun A. van Dijk (1987: 45). According to him, ethnic minorities are presented in the media only marginally, and when they are presented, they are presented negatively. In addition, the media neglect topics related to the everyday life of ethnic groups and cases of discrimination. The issue of the media image of Roma people is dealt with in more detail in chapter 5. Antigypsyism.

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<sup>92</sup> Section 17(1)(g) of Act No 231/2001, on radio and television broadcasting and amending other acts, as amended.

<sup>93</sup> The representativeness of the vote is influenced by the nature of the respondents – most of them were probably visitors of the International Romani Day celebrations, who can be expected to have a more positive perception of the Roma minority.

### 5.1 Initial EU framework

In accordance with Article 2 of the *Treaty on European Union*, the EU is based, among other things, on respect for human rights, including the rights of minorities. The prohibition of discrimination is enshrined in Articles 2 and 3(3) of the Treaty on European Union, Articles 10 and 19 of the Treaty on the Functioning of the EU and Article 21 of the *EU Charter of Fundamental Rights*. The prohibition of discrimination on the grounds of race or ethnic origin is regulated in detail by *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin* (Racial Equality Directive).

In its Recommendation (ECRI General Policy Recommendation No 13) *on Combating Anti-Gypsyism and Discrimination against Roma*, the ECRI has defined antigypsyism as “a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech,<sup>94</sup> exploitation, stigmatisation and the most blatant kind of discrimination” (ECRI, 2011). This definition was adopted by the European Parliament in its resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-gypsyism [2017/2038/INI], which has used the term “antigypsyism” in its reports and resolutions since 2005 and has continuously called on the European Commission and the Member States to take measures to combat antigypsyism.<sup>95</sup>

On the basis of the above-mentioned resolution of the European Parliament, the FRA has prepared a study entitled *A Persistent Concern: Anti-Gypsyism as a Barrier to Roma Inclusion* (2018a), which characterises antigypsyism as a major cause of discrimination and social exclusion of Roma, undermining integration in education, housing, employment and health (FRA, 2018a). The European Commission, in Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation, also stresses that discrimination, anti-Roma sentiments and social and economic exclusion are interlinked phenomena: “There is no equality when discrimination persists, and it is impossible to combat discrimination effectively without tackling antigypsyism and improving the socioeconomic inclusion and participation of the Roma population.” (European Commission, 2021 3).

It is partly for this reason, and on the basis of the *Evaluation Report on the EU Framework for National Strategies up to 2020*, that the fight against discrimination and anti-Roma sentiments (antigypsyism) should form a separate priority area of the new EU Framework for National Roma Inclusion Strategies (European Commission, 2018: 9).

In 2016, the Council of the EU adopted conclusions in the area of Roma integration and the fight against discrimination and racism or antigypsyism, entitled *Accelerating the Process of Roma Integration* (Council of the EU, 2016). In these conclusions, the EU Council calls on Member States to:

- Acknowledge the discrimination and racism affecting Roma, and with this in mind, take measures at national and local levels to implement and enforce legal safeguards against discrimination, racism, xenophobia, hate crime and hate speech, in line with the *Charter of Fundamental Rights of the European Union* and in particular with its Article 21 and the *Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law*.

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<sup>95</sup> See European Parliament resolution of 28 April 2005 on the situation of the Roma in the European Union [P6\_TA(2005)0151]; European Parliament resolution of 15 April 2015 on the occasion of International Roma Day – anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II [P8\_TA(2015)0095]; European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism [P8\_TA(2017)0413]; European Parliament resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism.

- Fight all forms of racism against Roma, sometimes referred to as anti-Gypsyism, as it is a root cause of their social exclusion and discrimination.
- Tackle prejudices against Roma through awareness raising and sensitising measures aimed at the mainstream population, for example by promoting a positive image of Roma, or promoting Roma culture, language or history, through school curricula, media, academic programmes or research.

Furthermore, the recommendations of the *Conference on Anti-Gypsyism* experts were adopted under the Austrian Presidency of the EU Council. *How to Address Anti-Gypsyism in a Post-2020 EU Roma Framework?* (Federal Chancellery of Austria 2019), e.g.:

- Recognize the horizontal nature of antigypsyism. Measures should be horizontal and cross-cutting across all policies.
- Combat structural antigypsyism (e.g. segregation).
- Finance the fight against antigypsyism from European funds (e.g. direct support for Roma and pro-Roma organisations).
- Improve enforcement of anti-discrimination legislation and access to justice. Improve the ability of Roma to seek justice when they are victims of discrimination.
- Define indicators for measuring antigypsyism, e.g. criminal statistics – type of discrimination reported; cases of antigypsyism reported to the police, etc.

## 5.2 Initial national framework

Combating discrimination and racism against Roma is a long-term objective of the Government's Roma integration strategies. As part of the *Long-Term Concept of Roma Integration until 2025* (Office of the Government of the Czech Republic 2006: 2), the Government has expressed its commitment to creating conditions for the punishment of discrimination and “creating a tolerant environment free of prejudice, where membership of a group defined by race, colour of skin or nationality is not a reason to judge and treat individuals differently and where, on the contrary, diversity is respected and valued as an enrichment of society and positively accepted.” Creating a more realistic and differentiated view of Roma in society is supposed to be a prerequisite for ensuring that declaring oneself to be of Roma nationality is not detrimental to any person. As some research has shown (e.g. Klíčová, 2006: 235-241), fear stemming from negative historical experience, negative perceptions by the majority population, or racism are often reasons for not declaring oneself a Roma national.<sup>96</sup>

The *Roma Integration Strategy up to 2020* has already used the term “antigypsyism” to describe a specific form of racism directed against Roma, as per the ECRI definition (Office of the Government of the Czech Republic, 2015: 26). It associated antigypsyism primarily with the violent manifestations that often accompanied the neo-Nazi marches in 2012, but also with the widespread negative attitudes and stereotypes of the general public, often replicated by the media.

National strategic documents

- Concept for Tackling Extremism and Prejudiced Hatred for 2020
- Crime Prevention Strategy 2016-2020 and Crime Prevention Action Plan 2016-2020
- Social Inclusion Strategy 2021-2030
- Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020 and Action Plan to the Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020

## 5.3 Description of the situation

### 5.3.1 Hate violence

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<sup>96</sup> For more details see chapter Emancipation.

Hate violence, of which Roma people in the Czech Republic are victims, can be defined as an act motivated by prejudice or hatred directed against a person, group, their property, values and way of life, when it is a symbolic attack against an individual because of his or her membership of a particular group. The motive for a hate violence incident is a group characteristic of the assailant, which cannot be changed or it is not fair to demand such a change (In Iustitia, 2019a).

The Mol introduced the term “manifestations of prejudiced hatred” in the 2018 *Report on Manifestations of Extremism and Prejudiced Hatred in the Czech Republic*. Prejudiced hatred is defined as an act that is motivated by intolerance and social prejudice against a particular group of people. These are usually groups defined by race, nationality, ethnicity, religion, sexual orientation, political or other opinion, social origin, etc. This may concern not only an actual group affiliation, but also perceived affiliation (e.g., if a person is mistaken for a Roma because of his or her darker skin, but is not actually Roma). Such manifestations do not necessarily constitute the qualified facts of a criminal offence. This can include physical violence, verbal attacks, or the use of offensive symbolism. Manifestations of prejudiced hatred differ from extremist manifestations in that they do not have to be associated with a totalitarian ideology. The perpetrators are not necessarily members or supporters of extremist movements. Such manifestations also lack a clear call for the overthrow of the system of pluralist democracy and its replacement by a totalitarian system (Mol, 2019: 5, cf. Kalibová, 2011:12-13, In Iustitia, 2019b:17).

Legally, the most serious manifestations of hate violence are classified as hate crimes in accordance with Act No 40/2009, the Criminal Code, as amended (Criminal Code). Crimes with motivation by hatred included in the qualified facts are specified, for example, in Section 352(2) Violence Against Group of People and Individuals, Section 355 Defamation of Nation, Race, Ethnic or other Group of People or Section 356 Instigation of Hatred towards a Group of People or of Suppression their Rights and Freedoms. In the case of murder in accordance with Section 140(1), (2), (3)(g), bodily harm in accordance with Section 146(1), (2)(e) and other criminal offences, the hate motive is part of the qualified facts of the crime, i.e., a higher severity of sentence shall be applied. Hate motive is also included as a general aggravating circumstance in Section 42(b); it shall be applied if the qualified facts of a particular criminal offence do not contain a specific aggravating circumstance. The general aggravating circumstance is then taken into account when deciding on the severity of the sentence to be imposed.

Other hate crimes include, for example, grievous bodily harm on another person for their true or presupposed race, belonging to an ethnical group, nationality in accordance with Section 145 (1), (2)(f), illegal restraint in accordance with Section 171(1), (3)(b), or extortion in accordance with Section 175(1), (2)(f).

Victims of hate violence have the status of particularly vulnerable victims in accordance with Act No 45/2013, on victims of crimes and amending certain acts (Act on Victims of Crimes), as amended. This status grants special rights to victims, such as the right to be accompanied by a person of confidence, to be represented by a proxy, to receive free legal aid or to be protected from the perpetrator (Toušek et al. 2019: 83-84).

### 5.3.2 *Hate violence statistics*

The results of the 2016 FRA survey showed that 53% of Roma women and 59% of Roma men in the Czech Republic said they had been harassed or persecuted because of their Roma nationality in the past 12 months. At the same time, this was the highest rate of harassment based on nationality among the Roma population among EU Member States (FRA 2018a: 21).<sup>97</sup> During the preceding 12 months of 2016, 5% of Roma people in the Czech Republic directly experienced physical violence as a victim because of their Roma nationality and 34% knew someone in their close family circle who had been a victim of violence because of their Roma nationality.

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<sup>97</sup> The Czech Republic, with 56% of Roma reporting experience with ethnicity-based harassment in the 12 months preceding the survey, placed in front of Greece (50%), Slovakia (37%), Croatia (31%), Spain (30%), Romania (27%), Portugal (20%), Hungary (18%) and Bulgaria (12%) (FRA 2018: 20-21).

The MoI keeps statistics on crimes with extremist implications, which include, in addition to hate crimes (e.g., in accordance with Section 355 of the Criminal Code), acts associated with the activities of extremist movements (e.g., establishment, support and promotion of movements in accordance with Sections 403, 404, 405, or disorderly conduct in accordance with Section 358 of the Criminal Code); these crimes are not necessarily motivated by prejudice. Crimes with extremist implications are presented annually in the Report on Extremism through statistics of the Police of the Czech Republic, the Supreme Public Prosecutor’s Office, the Ministry of Justice of the Czech Republic and the Probation and Mediation Service of the Czech Republic. In the case of police statistics, these are crimes for which criminal proceedings were initiated in a given year, not crimes that occurred in that year (In Iustitia, 2019b:17).

In contrast to the MoI, In Iustitia’s<sup>98</sup> methodology on prejudiced violence uses the prejudiced incident or attack as the main unit of analysis, which could have targeted one or more social groups but was not necessarily prosecuted under the Criminal Code. This methodology does not merge multiple prejudiced attacks under one crime or incident, as is sometimes the case with the Police of the Czech Republic. Thus, if multiple attacks are committed on a single target, each attack is counted separately, and the same is done in the case of multiple perpetrators attacking the same person or the same target at different times in different places (In Iustitia, 2019b: 19). Similarly to the definition of prejudiced hate speech by the MoI, it is not relevant to In Iustitia’s definition of hate incidents whether the victim, who was attacked because he or she was Roma, considers himself or herself to be Roma. It is essential that the perpetrator attacked that person for this reason (In Iustitia, 2019b: 68).

**Table 5: Incidents of hate against Roma (In Iustitia) and criminal acts with extremist implications motivated by hatred against Roma (MoI)**

source	2014	2015	2016	2017	2018
In Iustitia	34	34	53 <sup>99</sup>	38	32
MoI	53	33	25	27	36

Source: In Iustitia, 2019b: Report on Prejudiced Violence in the Czech Republic in 2017, Quarterly Reports on Hate Violence 2018; Ministry of the Interior of the Czech Republic 2015/2016/2017/2018: Report on Extremism in the Czech Republic in 2014/2015/ 2016/2017; Ministry of the Interior of the Czech Republic, 2019: Report on Manifestations of Extremism and Prejudiced Hatred in the Czech Republic 2018.

MoI statistics do not include acts that the police have not become aware of or have not assessed as criminal acts (hidden or latent criminal activity) (In Iustitia, 2019b: 17). Latency rates are higher in cases of hate violence than in other types of victimisation. Victims of hate violence often do not report their victimisation to the police. According to research conducted by the University of West Bohemia in Pilsen, only 8% of respondents from socially excluded areas who were victims of hate violence in the past 12 months reported their victimisation to the police. The most common reasons for not reporting victimisation to the police as reported in a survey were “it was not worth it”, “the police would not do anything about it” and “I do not trust the police” (Toušek et al. 2018: 136-137).

In addition to the victims not reporting cases of hate violence, the reason for the high latency rate of hate violence may also be related to the way in which the police evaluate and subsequently record the reported attack. According to research conducted in the Czech Republic, England and Wales, Ireland, Latvia and Sweden (Schweppe, Haynes and Walters, 2018: 60-63), the quality of police records of hate violence is low because of inconsistent understanding of hate motives by police officers. In an effort to reduce the lacking police records of hate attacks, some of the countries surveyed<sup>100</sup> apply a “perception test”. If the victim says during questioning that the attack was motivated by hate, the

<sup>98</sup> In Iustitia specialises in helping victims of prejudiced violence: [www.in-ius.cz/o-nas/](http://www.in-ius.cz/o-nas/).

<sup>99</sup> The increase in the number of incidents was influenced by the assault of R. B. (for more details see In Iustitia, 2019: 33).

<sup>100</sup> England and Wales, Ireland and Sweden (Schweppe, Haynes and Walters, 2018: 60).

police will register the attack as hate violence. However, for this method to be successful, it is necessary for police officers to know what hate violence is, i.e. to ensure training in this area.

Therefore, it is desirable to create a working group to address the issue of the perception test and a related pilot project. The priority task of this working group would be to evaluate the use of the perception test in the Czech law environment and to define its exact purpose. Depending on the outcome of the above task, this working group should focus on designing the form of such test, the methods of its use and evaluation, including the way of subsequent publication of its results, and on reaching an agreement on these. The handbook published by the FRA in 2018 for members of the armed forces in EU countries (Preventing unlawful profiling today and in the future, FRA, 2018) can be used as methodological support. There is also a need to ensure training on hate violence for judicial trainees and public prosecutors. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective B: Antigypsyism).

### 5.3.2.1 Institutional racism

One of the reasons for the mistrust of the police by members of minorities is the racism that occurs in the ranks of the armed security forces. The problem is global, although its intensity varies from country to country. In 2020, for example, he was heavily articulated in the media in connection with the killing of an African American, George Floyd, by a police officer. The incident occurred in the United States, where police violence is one of the common causes of death among young men of dark skin (Edwards, Hedwig, and Esposito 2019).

Institutional racism is also prevalent in criminal justice systems across the EU and affects how racist crimes are recorded, investigated and prosecuted. The European Network Against Racism (ENAR) research report, covering 24 EU Member States including the Czech Republic, presents data on racist crimes committed between 2014 and 2018 and analyses the practice of law enforcement authorities with regard to recording, investigating and prosecuting racially motivated hate crimes. The report shows that certain forms of racism still persist in criminal proceedings, from reporting racist crime to the police, through investigation, to prosecution (ENAR, 2018).

FRA research from 2018 concluded that 63% of victims of racist physical attacks by police in EU countries do not report the incident to anyone, either because they feel it would make no difference or because they no longer trust the police (FRA, 2018). In 2020, the FRA called on EU Member States to take action against discriminatory *racial profiling* by the police<sup>101</sup>. In autumn 2020, the German Ministry of the Interior commissioned a scientific study to research racist attitudes in the ranks of the German armed security forces.<sup>102</sup> The need for such analysis can be expected to increase across EU countries in the coming years. The existence of monitoring and data collection on the incidence of racist attitudes among police officers in the Czech Republic would greatly simplify the provision of support to law enforcement, which is one of the objectives of this Strategy. In order to improve the confidence of the Roma minority in authorities of the executive branch, it is also desirable to promote greater representation of Roma among the members of the Police of the Czech Republic, as recommended by the UN Committee on the Elimination of Racial Discrimination in its Final Report from the Inquiry on the Czech Republic of August 2019 (CERD, 2019). Roma can be motivated to join the police themselves, for example, through recruitment campaigns. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective B: Antigypsyism).

### 5.3.3 Forms of hate violence attacks

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<sup>101</sup> <https://fra.europa.eu/en/news/2020/stop-racist-harassment-and-ethnic-profiling-europe>.

<sup>102</sup> See [https://www.zeit.de/politik/2020-10/rassismus-polizei-studie-horst-seehofer-zustimmung-rechtsextremismus?utm\\_referrer=https%3A%2F%2Fwww.google.com%2F](https://www.zeit.de/politik/2020-10/rassismus-polizei-studie-horst-seehofer-zustimmung-rechtsextremismus?utm_referrer=https%3A%2F%2Fwww.google.com%2F).

Although hate violence does not affect only Roma people, they are statistically the most at-risk group in the Czech Republic (see Chart 1: Most frequent motives for prejudiced violence in year-on-year comparison (%)). Antigypsyism plays a central role in motivating and legitimising hate violence against Roma people, based on the overall atmosphere in society and the image of Roma in media. Raising a general consensus that Roma people pose a threat to the shared idea of an orderly society can lead to a downplaying or even, in many cases, a positive evaluation of an attack against a representative of such a group (Kalibová, 2011:16-17). Therefore, it is necessary to promote communication by the Police of the Czech Republic towards the public: the police should transparently inform the public about the nature and circumstances of the cases of hate crimes against a group of persons that are being publicised, bring to light any misinformation, combat prejudices and stereotypes, and at the same time inform about the social harm of such acts and the relevant criminal liability.

Individual attacks on Roma people usually occur in places where the victims belong to a minority, and rarely in neighbourhoods with significant Roma minority (with the exception of organised attacks by the far right). The substitutability of victim plays an important role in such attacks. Cases of attacks on integrated Roma families are common because the actor of the hate violence attack does not attack a specific person, but a person who symbolically represents the group against which he or she holds a grudge (Kalibová, 2011:16-17). However, hate violence can also be observed in socially excluded areas. According to the findings of a sample survey conducted by the University of West Bohemia in Pilsen, 18% of respondents from the SEAs were victims of hate-motivated violence in 2017 and the largest proportion of these claimed to be of Roma nationality (24%) (Toušek et al. 2018: 106-107).<sup>103</sup>

The most common forms of attacks in 2017 were verbal assault, intimidation or threats, and physical assault. Most of the attacks against Roma people took place in the City of Prague (7), South Bohemian Region (5) and Ústí nad Labem Region (5) (In Iustitia, 2019b: 69, 77).

### **Hate speech on the Internet**

The United Nations characterises *hate speech* as “any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.”<sup>104</sup> Council of Europe Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>105</sup> criminalises public instigation of violence or hatred directed against a group of persons defined by race, colour, religion or ethnic origin. The Framework Decision defines such hate speech as a criminal offence, even if it occurs online.

Roma people are often the target of attacks on the Internet, especially on social media and in discussion forums. In recent years, the most notorious case of hate speech in the virtual world was the verbal assault of singer Radek Banga (Gipsy.cz) in 2016, who was attacked because of his Roma ethnicity. As mentioned above, his case also affected In Iustitia's statistics on hate incidents (see Table 5: Incidents of hate against Roma (In Iustitia) and criminal acts with extremist implications motivated by hatred against Roma (Mol)). The case was first considered by the District Court in Kladno, which did not grant Radek Banga the status of a victim. Following the victim's complaint, the case was further examined by the Constitutional Court (2019), which in its Decision III. ÚS 3439/17 concluded that the constitutional complaint was well-founded and that the District Court in Kladno erred in not granting R. Banga the status of a victim. It also communicated to the courts how to proceed in similar cases in the future: “The particular nature and variability of so-called hate crimes obliges the courts to assess the nature of each of these attacks also from the perspective of their potential specific victims and the environment (social network) in which they are committed.”

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<sup>103</sup> According to respondents from the SEAs who had themselves experienced a prejudiced attack, almost one-fifth of the attacks happened on the street near their home or directly in their home. The fact that hate violence also takes place within the SEAs is also suggested by the fact that the neighbours of the attacked respondents were also among the perpetrators, which is especially true in large areas where Roma people tend to be a minority (Toušek et al. 2018: 107).

<sup>104</sup> See

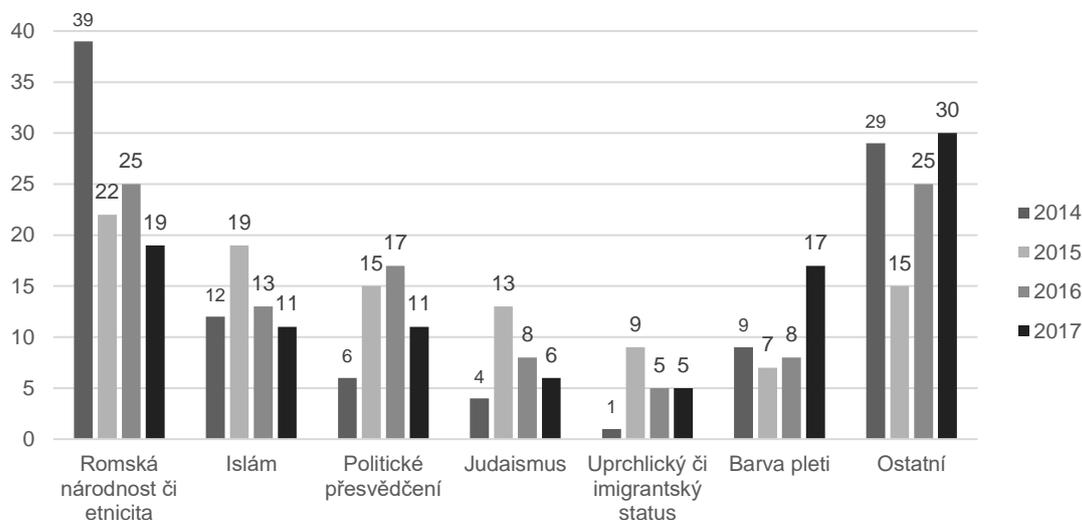
[www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf](http://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf).

<sup>105</sup> <https://eur-lex.europa.eu/legal-content/CS/TXT/?uri=celex%3A32008F0913>.

In accordance with Section 5(1) of Act No 480/2004, the provider of a service consisting of storing information provided by the user is liable for the content stored at the user's request if the provider could have known that the content was manifestly unlawful and did not take steps to remove it. In a dispute between Jaroslav Suchý as the applicant, and the publisher of the server Parlamentní listy OUR MEDIA, the High Court in Prague ruled in 2015 that the server's operator was responsible for racist comments made by its users under published articles and fined it CZK 150 000 for failing to remove them. The High Court in Prague relied on the ECHR judgment *Delfi AS v Estonia*<sup>106</sup> on the liability of the operator of an internet news portal for comments by third parties inciting violence and containing *hate speech*. The ECHR found that the publisher's obligation to keep these comments under continuous review and to remove them not constitute a violation of Article 10 of the Convention and the right to freedom of expression. The operators of internet portals cannot be regarded as mere passive facilitators of discussion, but they are legally responsible for the content. Manifestations that can be assessed as *hate speech* are incompatible with the values guaranteed by the Convention and therefore do not enjoy the protection of Article 10. Holding the operator liable for this information is thus not a violation of the freedom to disseminate information.

Also, Directive 2018/1808 of the European Parliament and of the Council sets out requirements to protect users of audiovisual media services and video sharing platforms from incitement to violence or hatred. It requires platforms to take measures to protect users from racist and xenophobic content.<sup>107</sup>

**Chart 1: Most frequent motives for prejudiced violence in year-on-year comparison (%)**



Source: *In Iustitia, 2019b: Report on Prejudiced Violence in the Czech Republic in 2017*

### Antigypsyism in political speeches

The UN Committee on the Elimination of Racial Discrimination, in its Final Report from the Inquiry on the Czech Republic of August 2019, expressed concern about the use of racist, hateful and anti-Roma rhetoric by politicians, including members of the Government and parliament (CERD, 2019: 3). During the campaign for the October 2018 municipal elections, some political entities used anti-Roma rhetoric in an effort to secure a better result in the elections. In the city of Most, for example, one entity came up with a slogan *“Rodent control in not enough for that vermin”* and another entity used a

<sup>106</sup> *Delfi AS v Estonia*. Complaint No 64569/09 (ECHR, 16 June 2015)

<sup>107</sup> Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities. Available at: <https://eur-lex.europa.eu/legal-content/CS/TXT/?uri=CELEX:32018L1808>.

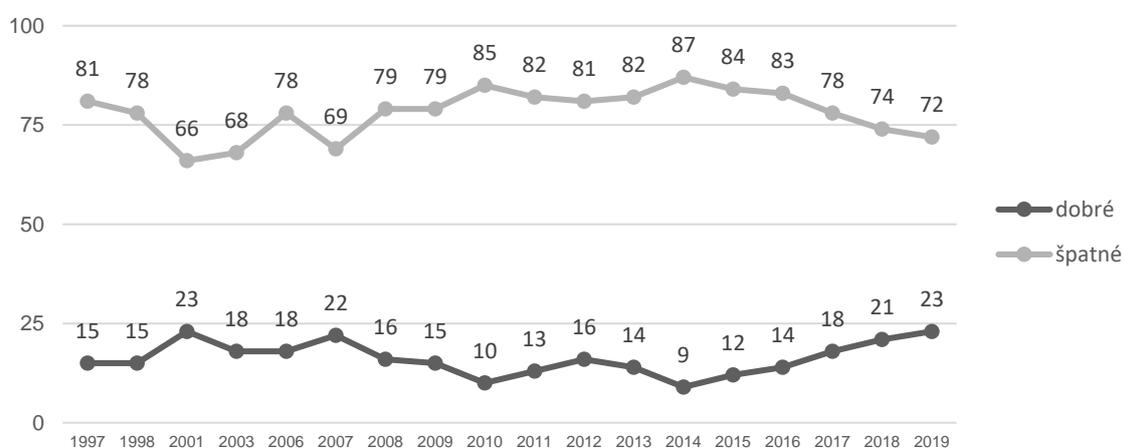
slogan “Villages for the riffraff – we will displace the maladjusted from the city and introduce supplement-free zones in all housing districts at risk” (OG CR, 2019: 8).

At the national level, according to the *Report on Manifestations of Extremism and Prejudiced Hatred in the Czech Republic in 2018* (MV, 2019: 10-11), Tomio Okamura of the Freedom and Direct Democracy movement was the leading disseminator of expressions of racial, ethnic or religious hatred and intolerance. In 2018, police officers investigated and dropped criminal charges against Czech deputies Tomio Okamura, Radek Rozvorál and Milošlav Rozner for anti-Roma speeches related to the camp in Lety u Písku. However, the Chamber of Deputies of the Czech Parliament decided not to allow its members to be prosecuted. Therefore, it is necessary to rigorously monitor the speeches of politicians in terms of inciting hatred against Roma people, both during election campaigns and in their public speeches. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective B: Antigypsyism).

### 5.3.4 Antipathy towards Roma

According to a survey conducted by the CVVM (2019b), almost three-quarters (72%) of respondents rated the coexistence of Roma people with other residents as bad in 2019. On the contrary, less than a quarter of respondents (23%) perceived such cohabitation positively. Compared to 2017, there has been a slight positive development in the evaluation of coexistence between Roma people and the majority, with a 2 percentage point decrease in the evaluation of such coexistence as “bad”, while at the same time 2 percentage points more respondents evaluated coexistence positively (this slight shift is within the statistical margin of error). Nevertheless, a trend of increasing positive perceptions can still be observed, as the percentage of respondents rating the coexistence of Roma people and the majority society as “good” has more than doubled since 2013 (from 9% to 23%). The value of positive perception has thus reached a level last seen in the 1990s (1999). It was also found that there are only statistically insignificant differences between the various sociodemographic groups in their assessment of the coexistence of Roma people with others.

**Chart 2: Evaluation of the coexistence of Roma and non-Roma population in the Czech Republic – comparison in time (%)**



Source: CVVM SOÚ AV ČR [Public Opinion Research Centre Institute of Sociology Academy of Sciences of the Czech Republic], 2019b. *Our Society. Roma and Coexistence with Them Through the Eyes of the Czech Public – April 2019*

In terms of public opinion research, Roma people have long been one of the ethnic groups in the Czech Republic against which the majority shows the highest level of antipathy. The level of non-sympathy polls around 4 of 5, with 1 being “very sympathetic” and 5 being “very unsympathetic”. Although the rate of non-sympathy has been decreasing slightly since 2015 (from 4.3 points in 2015 to 3.96 points in 2019), this may be related to the growth of antipathy toward Arabs, who overtook Roma in negative ratings in 2017 and are perceived by the public as the least sympathetic ethnic group. In 2019, Roma and Arabs aroused antipathy in approximately 70% of respondents (Roma 70%, Arabs 72%) (CVVM 2019a).

### 5.3.5 *Discrimination*

FRA research (2016: 36-39) of discrimination concluded that 61% of respondents in the Czech Republic had been discriminated against on the basis of skin colour, ethnic origin and religion or religious beliefs in the last five years and 32% in the last 12 months. At the same time, the Czech Republic has the highest proportion of Roma respondents of all EU countries surveyed who believe that discrimination based on ethnic origin, skin colour or religious beliefs is widespread or relatively widespread in their country. 85% of Roma respondents believe discrimination based on ethnic origin is widespread in the Czech Republic, and 73% believe discrimination based on skin colour is widespread.

Respondents from the general population in the same survey (FRA 2016: 36-39) assume widespread discrimination on the basis of ethnic origin in the Czech Republic only in 52% and 44% of respondents consider discrimination to be rare. Only 2% of respondents in the general population are convinced that there is no discrimination. In the case of the 2019 Eurobarometer survey (European Commission, 2019b), the percentage of respondents in the general population in the Czech Republic who consider discrimination on the basis of national and ethnic origin to be very widespread is even lower (38%). This result is paradoxical in relation to the assessment of the prevalence of discrimination on the basis of Roma origin, where 62% of respondents expressed that discrimination on the basis of Roma origin is very widespread in the Czech Republic, with 35% perceiving it as an exception and only 1% considering it non-existent.

As with hate violence, there is a high degree of latency in discrimination. Only 15% of respondents who felt discriminated against at least once in the previous 12 months on the basis of their Roma origin reported the most recent case of discrimination to an authority or submitted some sort of complaint. 21% of Roma respondents in the Czech Republic are aware of organisations that offer support or counselling to victims of discrimination (the second highest figure in the EU countries surveyed) and 55% of Roma respondents in the Czech Republic know that there is a law that prohibits discrimination based on skin colour (FRA 2016: 40-41). A similar result was obtained in a study of victimisation in socially excluded areas (Toušek et al. 2018: 151), which found that only 16% of the 1 200 discriminated respondents from SEAs reported at least some cases of discrimination. Therefore, measures that will lead to a reduction in antigypsyism consist in consistent monitoring and evaluation of antigypsyism in society, refinement of statistics on crimes motivated by hatred against Roma people, and monitoring of court decisions in criminal and civil proceedings concerning discrimination and hate violence. All materials submitted to the inter-ministerial comment procedure are also to be evaluated for possible discriminatory effects. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective B: Antigypsyism).

### 5.3.6 *Image of Roma in the media*

The media portrayal of Roma in the Czech Republic corresponds to the five general features characterising the presentation of race in the media according to Teun A. van Dijk (1987): 45)<sup>108</sup>

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<sup>108</sup> Teun A. van Dijk's research, presented in *Communicating Racism* (1987), focused primarily on print media. His characteristics can be considered applicable to all media in the Czech Republic even after more than 30 years.

1. ethnic minorities are minorities in the media, they are presented marginally and their lives are less covered than those of the majority population;
2. dominant themes are directly or more subtly associated with problems and difficulties or threats to the dominant culture, its values or interests;
3. ethnic minorities are consistently described from the perspective of the white majority population, whose authorities are given more space and presented more credibly than minority speakers;
4. topics relevant to everyday life of ethnic groups, such as work, housing, health, education, political life and culture, as well as discrimination in these areas, are rarely discussed unless they lead to “problems” for society as a whole or unless they can be presented in sensationalist manner;
5. information about racism against these groups is systematically underrepresented, reduced to cases of discrimination against individuals or attributed to “marginal” right-wing groups and situated in poor or peripheral areas. The racism of political elites or institutions is rarely discussed (cf. Sedláková 2003: 96).

According to T. A. van Dijk (2000), meanings about ethnic minorities<sup>109</sup> are not explicitly expressed in the news, but are communicated between the lines. Media messages work to divide society into “us” and “them”, thus promoting cohesion among members within the group and inciting hostility towards other groups. Negative representations of others function as a source of negative mental models, stereotypes, prejudices and ideologies about others, thus indirectly reproducing racism.

The above supports the thesis that a new form of racism is emerging in contemporary society. Minorities are no longer seen as biologically inferior, but as different. The new form of racism has a democratic face and is expressed discursively in texts, in everyday conversation, in laws, films, political debates, news, etc. The mainstream media play an important role in reproducing this new form of racism (van Dijk, 2000: 34) encouraging audiences to construct dichotomous meanings (“us” and “them”), emphasise group polarisation by viewing various problems and threats from the perspective of the majority, assume negative attitudes about minorities, associate members of minorities with certain difficulties, generalise or trivialise their media representations (Badáňová, 2010: 47, Sedláková, 2003 96-97).

In accordance with Article 32(1)(i) of Act No 231/2001, on radio and television broadcasting and amending other acts, as amended, a broadcaster is obliged to ensure that programmes which may reinforce stereotypes concerning ethnic, racial or religious minorities are not included in the broadcast. Furthermore, in accordance with Section 48(1)(l) of the above Act, broadcasters may not include advertising that discriminates on the basis of individual discriminatory grounds, including race, colour or membership of a national or ethnic minority. Section 12(12)(b) of Act No 231/2001 provides for the non-renewal of the licence of an operator by the Council for Radio and Television Broadcasting in the event that an administrative penalty has been repeatedly imposed on that operator by a final decision for a serious breach of the following obligations: inclusion in the broadcast of programmes which incited hatred on grounds of race, colour, language, religion or belief, political or other opinion, national or social origin, membership of a national or ethnic minority, property, birth or other status.

### 5.3.7 *Image of Roma on the Internet*

The widespread prevalence of antigypsyism in society is illustrated by an internet buzz<sup>110</sup> analysis conducted by Yeseter in 2016.<sup>111</sup> The buzz on the topic of “Roma” remained virtually unchanged in the previous two years, i.e., mostly negative and strongly stereotyped (Yeseter, 2016: 4). Based on the buzz classification of the Roma topic, the most discussed topic on the Czech Internet was unemployment (22% of the total discourse about Roma), followed by housing (20%), crime (18%), “freeloading” (10 %), education and schooling (9 %) and racism (8 %).

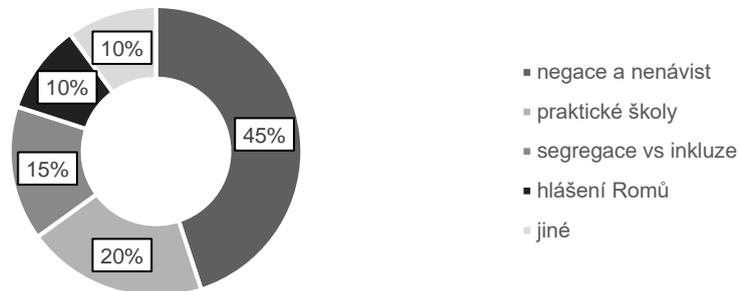
<sup>109</sup> “Meanings” is a term from the field of media studies that can be described as “the core/essence of a message”.

<sup>110</sup> Internet buzz analysis or *buzzmonitoring* is performed by machine tracking various metadata about all publicly accessible Internet conversations using keywords (Yeseter 2016: 3). In layman’s terms, a “buzz” is a discussion activity, a commotion about a particular topic.

<sup>111</sup> The research captured a total of 330 000 Czech internet users on social networks, discussion and news sites and other domains that allow direct expression of internet users (Yeseter 2016: 24).

The prevalence of negative discourse on particular topics is evidenced, for example, by the sub-classification of the topic of education and schooling, where implicitly negative and hateful buzz accounted for 45% (see Chart 3: Subclassification of the topic of education and schooling).

**Chart 3: Subclassification of the topic of education and schooling**



Source: Yeseter, 2016. Report 8. Media campaign against racism and hate violence, page 11

Overall, however, sentiment regarding Roma during the period under review (2014-2016) showed a very high level of very negative sentiment on the Czech Internet (up to 85% of all buzz associated with Roma was negative) (Yeseter, 2016: 18).

The results of the analysis showed that the positive references to the Roma community come mostly from references to or quotations from journalistic texts, newspaper articles, blogs, etc. On the contrary, the authors of negative posts often argue from their own or other people's experiences, usually without citation support. The authors of the negative contributions work with "collective guilt", even though they refer to their own individual experience, which paradoxically again leads to the attribution of collective guilt to the Roma (Yeseter, 2016: 19).<sup>112</sup> It was also found that positive articles about Roma people only worked if they were authentic and spontaneous. On the contrary, positive articles supported by grants are often rejected programmatically, which of course undermines their context and meaning. The increased incidence of negative contributions occurred when the media published articles that played on the note of anti-Roma hysteria and let familiar stereotypes ring out (Yeseter, 2016: 4).

<sup>112</sup> For example: The use of the adjective "typically Romani", the plural "gypsies robbed me", "gypsies don't want to go to school", "you just can't live with gypsies", etc. (Yeseter, 2016: 19).

### **6.1 Initial EU framework**

Article 2 of the *Treaty on European Union* enshrines respect for human rights, including the rights of minorities, and non-discrimination as constitutive values of the EU; the prohibition of discrimination on racial or ethnic grounds is explicitly defined in Article 21 of the *EU Charter of Fundamental Rights*; furthermore, Article 3(3) of the *Treaty on European Union* also lays down a commitment to combat social exclusion and discrimination and to protect the rights of the child, including the right to education. The *Treaty on the Functioning of the EU* declares the principle of defining and implementing policies with a focus on combating any discrimination based on racial or ethnic origin in accordance with Article 10 thereof; furthermore, Article 9 of the same specifies that the fight against social exclusion and the achievement of a high level of general and vocational education should be reflected in the definition and implementation of policies (FRA 2018: 25-27). In accordance with Article 14 of the *EU Charter of Fundamental Rights*, the right to education is a fundamental right and access to vocational and continuing training is open to all without distinction, including free compulsory education in accordance with the national laws governing this area.<sup>113</sup> The prohibition of discrimination also applies in the field of education under Article 3(1)(g) of the Racial Equality Directive.

In the Annex to the Czech Republic Report 2019 on the investment guidelines on cohesion policy financing for the programming period 2021-2027, the European Commission (2019a: 65) points out that educational outcomes in the Czech Republic are significantly influenced by the pupils' socio-economic background, and that there is also the issue of increasing disparity between regions. In view of this, the Czech Republic should again include inclusion and equal access to quality education and training among its investment priorities in the next programming period. This recommendation should be implemented in particular through the Jan Amos Komenský Operational Programme, specifically Priority 2 A more social Europe implementing the European Pillar of Social Rights and the specific objective Promote equal access to and successful completion of high-quality and inclusive education and training, in particular for disadvantaged groups, from pre-school education and care, through general education and vocational education and training to tertiary level, as well as adult education and learning, including facilitating learning mobility for all.<sup>114</sup>

### **6.2 Initial national framework**

The right to education is anchored in the legal order of the Czech Republic, specifically in Article 33(1) of the *Charter of Fundamental Rights and Freedoms*. The right to equal treatment and the prohibition of discrimination in "access to education and its provision, including vocational training" is regulated by Section 1(1)(i) of *Act No 198/2009, on equal treatment and on the legal means of protection against discrimination, as amended* (Anti-Discrimination Act). In terms of specific legislative provisions, *Act No 561/2004, on pre-school, primary, secondary, higher vocational and other education, as amended* (Education Act), is key for the field of education. In accordance with Section 2(1)(a) of the Education Act, education is based on the principle of equal access to education without discrimination on the basis of race, colour, sex, language, faith and religion, nationality, ethnic or social origin, property, descent and health or other status of the citizen. Evaluation of the conditions, course and results of education is carried out by the CSI in accordance with Section 174(2)(b) or (c) of the Education Act. As part of its inspection activities, the CSI checks whether the school or educational facility creates equal educational opportunities for children regardless of their gender, age, ethnicity, culture, native language, religion, family background, economic status or need for support measures (CSI, 2019).

<sup>113</sup> In the Czech Republic, Act No 561/2004, the Education Act.

<sup>114</sup> See <https://opvvv.msmt.cz/clanek/op-jak-zamereni-a-navrh-struktury-op-jak.htm?a=1>.

With effect from 1 September 2016, an amendment to the Education Act (Act No 82/2015) introduced compulsory pre-school education for children over the age of five and set new rules for the provision of pedagogical and special educational support in the education of children, pupils and students<sup>115</sup> with special educational needs

(SEN). The related implementing decree regulates the definition, specification and determination of the scope of the first to fifth level of support measures. According to this decree, pupils from different cultural backgrounds or with different living conditions may be provided with support measures of a standard financial intensity on the basis of a recommendation from the school counselling facility.

The reform of the education system, which has been implemented since September 2016, was prompted by the ECHR judgment *D.H. and Others v. Czech Republic* (No 57325/00, Grand Chamber judgment of 13 November 2007).<sup>116</sup> Based on the above judgment, the Czech Republic should ensure that Roma pupils will no longer be excessively educated outside the mainstream educational system. The implementation of the judgment is being monitored by the Committee of Ministers of the Council of Europe, which in its decision of 25 September 2019<sup>117</sup> praised the education reform, increased funding for inclusive education and increased capacity in nursery schools. On the other hand, it pointed to the persistently high proportion of Roma pupils who are educated in the special education system. Therefore, the Committee of Ministers has reiterated its call for further monitoring analysis of the Czech Republic, which includes both the participation of these pupils in education with reduced curriculum and the participation of children in compulsory pre-school education. The reasons leading to this monitoring at the national level are directly related to the aforementioned persistent overrepresentation of Roma pupils in education outside the mainstream or in segregated schools, which by their nature cannot prevent further limits in the educational trajectory of pupils and further gaps in social exclusion.

In addition to the judgment in *D.H. and Others v. Czech Republic*, the Czech Republic still deals with the implementation of the remedy concerning the European Commission's proceedings against the Czech Republic for infringement of an obligation due to non-conformity with the Racial Equality Directive<sup>118</sup>. Similarly to the judgment in *D.H. and Others v. Czech Republic*, the infringement also criticised the Czech Republic for discriminating against Roma pupils in education, specifically by excessively and systematically placing them outside the mainstream education.

#### National strategic documents

- Education Policy Strategy of the Czech Republic until 2030+

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<sup>115</sup> For the purposes of the Strategy, we will use the single term "pupils" or "learners" to refer to children, pupils and students, regardless of the level of education they attend.

<sup>116</sup> In 2007, the ECHR issued a judgment condemning the Czech Republic for indirect discrimination against Roma children from Ostrava. Eighteen young Roma claimed they were, as children, incorrectly placed in special schools for pupils with mental disabilities. They were thus educated according to modified educational programmes, which limited their further education and access to the labour market. The Czech Republic was obliged to ensure that Roma pupils would not continue to be disproportionately and unjustifiably excluded from mainstream education. Several plans were subsequently adopted, with the key document being the Action Plan for the implementation of the ECHR judgment in *D. H. and Others v. Czech Republic – "Equal Opportunities"* from 2012 and its subsequent updates. The plan included a series of key measures to desegregate Roma children into the mainstream education with lower educational aspirations. The interim MEYS report on the implementation of the Action Plan is discussed annually at the meeting of the Committee of Ministers of the Council of Europe. Judgment in *D. H. and Others v. Czech Republic* [cit. 2019-05-13]. Available at: [https://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Judikatura/2006-DH-proti-CR.pdf](https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Judikatura/2006-DH-proti-CR.pdf).

<sup>117</sup> [https://hudoc.exec.coe.int/eng#{"EXECIdentifier":\["CM/Del/Dec\(2019\)1355/H46-7E"\]}](https://hudoc.exec.coe.int/eng#{).

<sup>118</sup> In 2014, the European Commission initiated infringement proceedings against the Czech Republic to review the Czech Republic's non-conformity with the Racial Equality Directive (Infringement No 2014/2174). Infringement decisions [cit. 2019-05-13]. Available at:

[http://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement\\_decisions/index.cfm?lang\\_code=EN&typeOfSearch=true&active\\_only=1&noncom=0&r\\_dossier=&decision\\_date\\_from=&decision\\_date\\_to=&EM=CZ&DG=JUST&title=&submit=Search](http://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/index.cfm?lang_code=EN&typeOfSearch=true&active_only=1&noncom=0&r_dossier=&decision_date_from=&decision_date_to=&EM=CZ&DG=JUST&title=&submit=Search).

- Long-term Plan for Education and Development of the Educational System of the Czech Republic for the period 2019-2023
- Strategic Framework Czech Republic 2030, specific objective 4.1
- Implementation of the 2030 Agenda for Sustainable Development in the Czech Republic, Sustainable Development Goal 4
- Social Inclusion Strategy 2021-2030

The key national document in the field of education is the Education Policy Strategy of the Czech Republic until 2030+, which has two main strategic objectives. The first focuses on transforming the content and delivery of education, the second focuses on reducing inequalities in access to education and developing the potential of all children. The pathways to fulfilling these goals are laid down in five strategic lines – transforming education itself, addressing inequalities, supporting teachers, increasing professional capacity, trust and mutual cooperation, and ensuring stable funding.

The second strategic objective is particularly important from the perspective of inclusion: reducing inequalities in access to education and developing the potential of all children.

### 6.3 Description of the situation

Long-term research, national strategies and international documents continue to identify the education of Roma pupils as problematic in the Czech Republic. Key issues include the strong influence of socio-economic background on educational outcomes and regional disparities, low educational attainment and discrimination.

According to a secondary analysis of the results of the PISA 2015 international survey (CSI 2018: 11), socio-economic status is the dominant factor influencing the performance of tested students. Higher scores were achieved by pupils in regions with higher socio-economic development, and lower scores in regions with lower socio-economic development. Pupils' performance was influenced not only by their motivation level, but mainly by the level of disadvantage caused by the socio-economic context of the school. Students with low motivation scored higher on tests in schools with higher economic status than motivated students in schools with low average socio-economic status. At the same time, pupils with lower socio-economic status performed worse in schools with lower average socio-economic status than in schools with higher average socio-economic status, which supports the effectiveness of focusing on education in heterogeneous classes.

Regions with low socio-economic index of pupils (CSI 2018: 15) were approximately the same as those regions with a high number of inhabitants living socially excluded areas. Based on data from research on SEAs with a significant representation of the Roma minority,<sup>119</sup> significant educational differences between the population in SEAs and the general population in the Czech Republic are evident. 63% of people living in SEAs only attained completed or not-completed primary education, while only 18% of the general population of the Czech Republic falls in this group.

On the contrary, the continuous increase in the educational level of the Czech population since 1990 does not correspond with the long-term deepening of intergenerational inequality in the field of education among the inhabitants of socially excluded areas, where the older population has a higher level of education than the younger (World Bank 2008: 7, GAC spol. s.r.o. 2015, Toušek et al. 2018: 39 and cf. CZSO 2014).

According to FRA data from 2016, 19% of Roma respondents over the age of 16 felt discriminated against because of their Roma identity in their contact with school, either as parents of pupils or

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<sup>119</sup> According to qualified estimates by the Social Inclusion Agency (Office of the Government of the Czech Republic 2019b: 25), the rate of Roma representation among SEAs residents is 80-85%. During the research Security Risks of Socially Excluded Areas. Creating Knowledge and Tools for the Management and Prevention of Crime in Socially Excluded Areas, from which the following data is drawn, 30% of respondents claimed a Roma identity. However, as the researchers note (Toušek et al. 2018: 46), it can only be "assumed that not all of the respondents who might situationally consider themselves 'Roma' in other contexts did so, or that only a fraction of those who are labelled as such by their surroundings did so."

students or as pupils and students in the last five years, and 9% felt the same in the last 12 months. Although there has been a decrease of 14% (from 33%) of Roma respondents who considered themselves discriminated against in their contact with school in the last five years compared to 2011, this is still the third highest rate among the EU countries surveyed (FRA 2018: 17).<sup>120</sup>

In addition to relative poverty and low educational aspirations, discrimination and segregation in the educational process and schooling are also linked to the ascribed “Roma” identity (Toušek et al. 2018: 38, FRA 2016, GAC spol. s.r.o. 2007, Morvayová 2008, World Bank 2008, Svoboda and Morvayová 2010, Council of Europe. ECHR 2007). Low education not only reduces employability on the labour market and the chance of finding standard housing, but “it is also a factor increasing the likelihood of victimisation and criminalisation” in relation to social exclusion (Toušek et al. 2018, Crews 2009).<sup>121</sup>

### 6.3.1 *Pre-school education*

In connection with the amendment to the Education Act, pre-school education has become part of compulsory schooling, as regulated by the relevant legal regulation. With effect from the 2017/2018 school year, an amendment to the Education Act (Act No 82/2015) introduced compulsory preschool education for children who reach the age of five before the start of the school year, until the start of compulsory primary education. The rule of free annual participation in pre-school education in nursery school has been retained in relation to this obligation. Furthermore, the possibility of compulsory pre-school education in preparatory classes of primary schools (preparatory classes) has also been introduced.

Preparatory classes are set up for children in their last year before compulsory schooling, if it is assumed that inclusion in a preparatory class will balance their development. Children who have been granted a deferment of compulsory schooling are preferentially included in the preparatory classes, and from September 2019, five-year-olds can also be enrolled with the recommendation of a school counselling facility. Parents of children for whom pre-school education is compulsory may, in justified cases not specified in the Education Act, decide that the child will be educated individually. According to the Education Act, the nursery school director should recommend to the parent what the child should learn individually, and the nursery school should then verify the expected outcomes. However, the Education Act does not address a situation where the child fails to meet the expected outcomes.

According to the CSI (2019b), approximately 1 500 children (1.2% of all children covered by compulsory pre-school education) were educated individually in the 2017/2018 school year, with the highest proportion of children receiving individual education in the Ústí nad Labem Region (1.5%). The Ústí nad Labem Region is also among the regions with the lowest values of the social capital index and the index of domestic resources for learning. Both indices are related to the pupils' socio-economic status, which is the factor with the most significant influence on pupils' achievement (CSI 2015:14). At the same time, the Ústí nad Labem Region is one of the regions with a high number of inhabitants living in socially excluded areas, including Roma people. Based on the above, it can be concluded that some socially excluded children are fulfilling their compulsory preschool education at home even though they might not have adequate conditions for doing so. This can subsequently have an impact on their actual readiness for attending school. In the case of compulsory pre-school education, 3% of the children in the demographic age group failed to participate in the 2017/2018 school year. According to estimates reflecting the number of children living or staying abroad, the estimated percentage of children who are not enrolled is 2.6 %, and according to the CSI (2018), these are mainly children from socially and economically disadvantaged backgrounds who would benefit the most from pre-school education in terms of preparation for compulsory schooling.

The participation of Roma children in non-mandatory pre-school education has been low for a long time. Theoretical concepts show that in the case of pre-school children from socially excluded

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<sup>120</sup> The study entitled *A persisting concern: anti-Gypsyism as a barrier to Roma inclusion* (FRA 2018: 17) monitored 9 countries. In 2011, the Czech Republic had the highest rate of discrimination against Roma in contact with schools (33%), ahead of Greece (31%) and Croatia (17%). Only Croatia (22%) and Greece (20%) had higher rates of discrimination against Roma in contact with schools than the Czech Republic (19%) in 2016.

<sup>121</sup> Victimization is the process or experience of becoming a victim of crime. See Chapter Antigypsyism

backgrounds, schooling should be supplemented by coordinated family care support provided by experts and workers, usually from the non-profit sector, or by field social workers. The early socialisation of a child growing up in social exclusion suffers from a severe lack of a number of key aspects. Communication and linguistic skills and competences are not sufficiently developed.

In the 2018/2019 school year, according to the qualified estimates of the MEYS (2018c), 3.57% of the total number of children (125 498) fulfilling the compulsory pre-school year were Roma, a proportion that is slightly lower than the representation of Roma children in primary schools (3.7%). In contrast, the proportion of Roma children participating in pre-school education in the optional grades of nursery schools was only 1.37% in 2018/2019. Assuming no significant changes in demographic terms<sup>122</sup>, the participation rates of Roma children in pre-school education and primary education should be equal or at least similar.

The low participation of Roma children in pre-school education has also been confirmed by research of the FRA (2016: 23), according to which only 34 % of Roma children between the age of 4 and the age of starting compulsory primary school attended pre-school education. Children in the general population were 2.5 times more likely (86%) to participate in pre-school education. This situation has changed rapidly after the Inclusion Reform (2016) and currently the overall participation rate is around 97%. In order to increase participation, the MEYS has already prepared a new subsidy title for 2021 – lunches in nursery schools for those in social need.

With effect from 1 September 2016, an amendment to the Education Act introduced significant inclusive components into the education system: pre-school education became compulsory, with the aim of bringing all children, including those at risk of school failure, into nursery schools and supporting them in the successful entry into later schooling; a system of entitlement and State-funded support measures for the education of children, pupils and students with special educational needs in mainstream schools was introduced, where these support measures also target pupils with needs for adjustments in education and school services appropriate to their cultural background or other living conditions.

On the basis of a questionnaire survey conducted in areas with a high level of social exclusion (Kraslice, Sokolov, Ostrava and Karlovy Vary), the barrier causing the low participation of Roma children in pre-school education was identified primarily as the financial demands associated with it.<sup>123</sup> Respondents whose child did not participate in nursery school education saw the greatest financial burden in the payment for education – the “nursery school fees” (72%) – and in payments for lunches (73%) (Hůle 2015: 97).<sup>124</sup> In addition to financial demands, parents of pre-school children living in an environment of social exclusion identify other barriers that they believe could be overcome: (1) The possibility (introduction of more possibilities) for a parent or both parent to participate in the nursery school teaching (or the presence of another close or adult assistant); (2) The low number of children in classroom teams (sufficient time capacity of pedagogical staff for their professional work with children); (3) The responsiveness of pedagogical staff in nursery school (pedagogical approaches of pedagogical workers, e.g. patience, pedagogical skills to deal effectively with other children’s attacks, individual approach); (4) Mutual support of parents and pedagogical workers (e.g. in the framework of parent-teacher meetings at joint events organised by the school) (Kolaříková 2015: 93-94).

**Table 6: Estimated participation of Roma children and pupils in pre-school and primary education in the school year 2017/2018 and 2018/2019**

	2017/2018	2018/2019

<sup>122</sup> Based on reports from the qualified estimates of the MEYS (2018c), the proportion of Roma pupils in compulsory primary education is changing only slightly: 2015/2016 – 3.9%, 2016/2017 – 3.6%, 2017/2018 – 3.6%, 2018/2019 – 3.7%.

<sup>123</sup> The research was a project commissioned by the MEYS and included two other areas: teacher preparedness, analysis of the concept of education policy in two different cities.

<sup>124</sup> In contrast, only 7% of respondents whose child did not attend nursery school (and only 3% of respondents whose child attended nursery school) identified transport costs as a financial burden (Hůle 2015: 97).

Number of Roma children out of all children in non-compulsory grades of nursery schools	3 055	3 257
Percentage of Roma children out of all children in non-compulsory grades of nursery schools	1.29%	1.37%
Number of Roma children out of all children in compulsory pre-school education	4 449	4 480
Percentage of Roma children out of all children in compulsory pre-school education	3.54%	3.57%
Number of Roma pupils out of all pupils in primary schools	33 704	34 767
Percentage of Roma pupils out of all pupils in primary schools	3.6%	3.7%

Source: CZSO, 2018. *Schools and school facilities – school year 2017/2018*. MEYS, 2018c. *Report from the survey of qualified estimates of the number of Roma pupils in primary schools in the school year 2018/2019 and OG CR, 2019. Information on the implementation of the Roma Integration Strategy up to 2020 in 2018. A high proportion of Roma pupils in programmes for pupils with mild mental disabilities and in special primary schools.*

### 6.3.2 Primary education

Ethnic segregation occurs when Roma and non-Roma pupils are educated separately in a school or classroom and the number of Roma pupils significantly exceeds their representation in the area or the population as a whole. At the same time, there is little interaction between children of different ethnic backgrounds and pupils do not have the same educational opportunities (PDR 2018: 12), which is a predominant characteristic of primary education in the Czech Republic.<sup>125</sup>

According to qualified estimates for the 2018/2019 school year (MEYS 2018), 20.1% of Roma pupils were educated in 70 primary schools (mainstream and special schools), where the Roma pupils accounted for 50 % or more of all pupils in the school. The proportion of Roma pupils educated in segregated schools has decreased slightly compared to the 2017/2018 school year (22.1% in 2017/2018). According to the FRA survey (2016: 28), the proportion of Roma children attending schools where all or most of their classmates at school were Roma was as high as 30 %. However, the qualified estimates for 2019/2020 (see separate paragraph) suggest a continued positive development.

The most common causes of segregation in education include segregation in housing, where socially excluded areas represent a clearly defined form of segregation<sup>126</sup>(the number of Roma children in a catchment school is growing); inaction or inappropriate intervention by the founder (e.g. inappropriate setting of school districts); reluctance and intolerance of some non-Roma parents to inclusive education (“white flight”, the departure of non-Roma pupils to other schools with a low proportion of Roma pupils); reluctance/unpreparedness, including fears of a segregated environment and loss of prestige of some schools to accept Roma children (e.g. purpose entrance examinations, unpreparedness of teachers to work with a heterogeneous collective, prejudice on the part of teachers and, on the other hand, a more welcoming attitude towards Roma pupils in schools with a higher representation of Roma pupils); the placement of pupils with SEN or higher levels of support in segregated schools that are labelled as those that “know how to work with such pupils”; and the absence of a systemic solution and support from the State (e.g. the position of the MEYS on segregated schools) (PDR 2018: 79-93). The negative consequences of segregation are manifested

<sup>125</sup> Probably because of the low number of Roma pupils in secondary and tertiary education, it is not practically possible to trace institutional segregation at higher levels of education at present.

<sup>126</sup> According to the responses of representatives of four schools with more than 75% proportion of Roma pupils, these schools have tried to provide pupils with the highest-quality education, have developed innovative teaching methods, have provided children with clubs for extracurricular activities and tutoring, have helped solve problems in their families, have assisted parents when dealing the authorities, etc. (PDR 2018: 88).

in the following areas: social (poverty and inequality), pedagogical (burden on schools, their teachers and pupils) and economic (financial costs and losses) (PDR 2018: 13).

The number of Roma pupils educated according to school education programmes reflecting mild mental disability (MMD) remains high, although according to the current qualified estimate from the 2019/2020 school year, the situation is improving (see below). According to the qualified estimates of the MEYS (2018c), in the 2018/2019 school year, Roma pupils accounted for up to 29.1% of all primary school pupils educated in programmes for pupils with MMD, i.e. in the FEP PE MMD and in the Framework Educational Programme for Primary Education with Adjusted Outputs (FEP PE AO). Although the number of Roma pupils educated according to the FEP PE MMD decreased compared to 2017/2018 (from 39.0% to 36.7%), the proportion of Roma pupils educated according to the FEP PE AO increased from 24.7% to 27.5%. The qualified estimates for the 2019/2020 school year again indicate a positive development (see separate paragraph).

**Table 8: Comparison of the estimated proportion of Roma pupils educated according to the FEP PE MMD with the estimated proportion of Roma pupils in primary schools in the school years 2015/2016 to 2019/2020**

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Percentage of Roma pupils out of all pupils educated according to the FEP PE MMD and AO	30.60%	30.90%	29.50%	29.10%	24.20%
Percentage of Roma pupils out of all pupils in primary schools	3.90%	3.60%	3.60%	3.70%	3.50%

*Source: MEYS 2017b. Report from the survey of qualified estimates of the number of Roma pupils in primary schools in the school year 2016/2017 and MEYS 2018c. Report from the survey of qualified estimates of the number of Roma pupils in primary schools in the school year 2018/2019, 2019/2020.*

Schools that were designated as practical primary schools and whose school curriculum was based on the FEP PE MMD had to be transformed into regular primary schools, regular primary school with class(es) for pupils in accordance with Section 16(9) of the Education Act or into schools established in accordance with Section 16(9) of the Education Act.

In 2018/2019, the proportion of Roma pupils educated in special schools [classes in accordance with Section 16(9) of the Education Act] was 4.5 times greater than the total proportion of pupils educated in special schools. In the 2018/2019 school year, a total of 22 170 pupils were educated in special schools (2.4% of all pupils attending primary school), and the number of Roma pupils was 3 733 (10.7% of all Roma pupils attending primary school). There were still significant differences between regions in 2018, with the lowest proportion of Roma pupils in special schools seen in the Karlovy Vary Region (7.3%) and the highest proportions in the Zlín Region (23.3%), Liberec Region (20.7%) and in the City of Prague (20.2%) (MEYS 2018c:8). Current data (see below) for the 2019/2020 school year indicate an overall positive development.

### **Comparison of the estimated proportion of Roma pupils educated according to the FEP PE MMD with the estimated proportion of Roma pupils in primary schools in the school year 2019/2020:**

According to the MEYS's qualified estimates of the number of Roma pupils in primary schools in the 2019/2020 school year (MEYS 2020), the proportion of Roma pupils educated according to the FEP PE AO and FEP PE MMD has decreased by 3.7 percentage points (from 29.1% to 25.4%). This corresponds to an overall increase of 4.2% in the number of pupils in these programmes (however, in reality, this only applies to the FEP AO), but at the same time a decrease of 9.1 % in the number of Roma pupils. If we compare only pupils educated according to the FEP PE AO, we can again see a positive trend – an increase of 16.3% in the total number of pupils, but only 2.4% for Roma pupils. This declining share of Roma pupils educated according to the FEP PE AO is even more pronounced when compared to the increase in the number of non-Roma pupils, which was 21.5% year-on-year. It can be concluded from the above that Roma pupils are gradually completing their compulsory schooling, just as they are completing their education according to the FEP PE MMD, but a significantly smaller proportion of them are being newly enrolled in the FEP PE AO. Therefore, positive trends seem to be emerging. These trend will be verified as part of the Roma Integration Strategy update.

#### *6.3.3 Secondary education*

The dropout of Roma pupils from secondary education remains a persistent problem in the Czech Republic, affecting Roma pupils to a much greater extent than pupils from the majority society. According to the FRA survey (2016), up to 57% of Roma pupils drop out of education. Compared to 2011, there has been a decrease in the proportion of Roma pupils who dropped out of secondary education (72% of Roma pupils in 2011), but compared to the majority population, Roma pupils were more than eight times more likely to drop out of secondary education (Eurostat, 2019).

According to the *2018 Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy in the Czech Republic*, the most frequent causes of dropping out of secondary school are social environmental factors (peer influence, household responsibilities, pregnancy, difficulty adapting to a new school environment) and economic circumstances (difficulty paying for education-related expenses, the need for financial security), with the student's academic performance being a secondary factor (Slovo 21 2018: 50).

Other economic reasons for early dropouts from education, according to the *Research on Early School Leaving and the Issue of Progression from Primary to Secondary School in the Ústí nad Labem Region*, include the extensive offer of jobs in low-skilled professions, a distorted perception of the situation on the labour market, and the economic strategy of families that differs from the socially accepted norm. Another issue can be seen in the poor choice of secondary schools, which is determined more by commuting distance, the "safety" of the school, and the presence of friends than by ability and interest in the given field of education. Roma pupils from the socially excluded areas encounter racial discrimination in secondary schools, which leads to their not fitting in with the collective at secondary school, whereas they were "safe" at their segregated primary school. For pupils from the Ústí nad Labem Region, the pupils' gender also played a role. The boys justified leaving school on the basis of the need to "earn money to sustain the family". Girls, on the other hand, help in the household and with the care for their siblings, and they are not expected to be educated or employed (Bocan et al. 2018: 12).

Failure to complete full secondary education subsequently affects access of Roma people to tertiary education and employment. More than half (51 %) of young Roma people aged 16-24 were not in employment, education or training (NEET) in 2016.<sup>127</sup> Compared to the general population (15-24 years old, 8% in 2015), the proportion of NEET Roma is more than six times higher (FRA, 2016: 21).

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<sup>127</sup> NEET – not in employment, education, training.

Low level of education is one of the factors influencing whether a young person enters the NEET group. Young people with low levels of education are twice as likely to be NEET as those with secondary education and up to three times more likely than those with tertiary education (European Foundation for the Improvement of Living and Working Conditions 2012: 56).

According to the qualified estimates of the MEYS (2019a), 1 422 Roma pupils left primary education early in the 2017/2018 school year. These pupils have left compulsory schooling before the ninth or, in the case of 10-year education programmes, the tenth year, i.e. they have not completed primary education. Roma pupils account for 31 % of all pupils who dropped out of primary education (4 607) (MEYS 2019a). Pupils who have not completed primary education are then limited in their access to further education at secondary school and also in the retraining opportunities offered by the Labour Offices (Bocan et al. 2018: 12).

While almost all Roma pupils (98 %) attend compulsory schooling, only 45% of those who could participate (because of their age) attend upper secondary education (ISCED 3). For the general population, the proportion of pupils attending upper secondary education is almost twice as high (81%) (FRA 2016: 25).

According to qualified estimates of the MEYS, a total of 5 216 Roma pupils attended secondary schools and conservatories in 2018/2019. According to the CZSO (2019), the total number of pupils in secondary schools and conservatories was 424 627. Therefore, in 2018/2019, the share of Roma pupils in the total number of pupils attending secondary school/conservatory was only 1.2%. That is three times less than the proportion of Roma pupils in primary education (3.7%).

#### 6.3.4 *Tertiary education*

The MEYS does not record data on the number of Roma people in tertiary education and, unlike at lower levels of education, no qualified estimates have been collected for the higher education system. The relatively low representation of Roma pupils in secondary education (see above) probably has a decisive influence on the representation of Roma pupils in tertiary education. The State does not provide systemic support for Roma students at higher education institutions. The funding from the OP RDE intended for marginalised groups is not used to provide support to this target group. Scholarships are provided individually by non-profit organisations, e.g., in 2018 the Romea, o.p.s. organisation published a call for applications for the Roma Memorial University Scholarship Programme, which is announced by the Roma Education Fund Scholarship Programme for Roma university students residing in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Kosovo, Macedonia, Montenegro, Romania, Serbia, Slovakia and Turkey. A total of 29 applications was submitted for the Czech Republic, of which 16 were awarded. In 2018, Roma students at higher education institutions were also able to apply for scholarships under the Open Society Fund Prague's programme to support Roma university students (Office of the Government of the Czech Republic 2019b: 32).

#### 6.3.5 *Promoting inclusive and quality education*

Some of the research conducted in recent years points to shortcomings in the area of teacher preparedness for work with Roma children. According to a study by M. Kaleja (2015: 76), 92% of primary school teachers working with children and pupils from socially excluded backgrounds are not sufficiently familiar with key topics related to social exclusion and their statements on relevant issues in this area do not take into account current trends in the field of inclusive education.<sup>128</sup> It is worrying to note that up to 96% of teachers believe that pupils from socially excluded backgrounds show signs of intellectual disability, despite the fact that they lack any diagnostic conclusion whatsoever to that effect. In addition, 84% of the teachers associate Roma ethnicity with social exclusion, which can lead to ethnically based negative stereotyping. The stereotypical attitudes of a significant number of

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<sup>128</sup> The research took place in 13 regions in the Czech Republic (excluding the City of Prague) and involved 2 005 respondents – primary school teachers (Kaleja 2015, 41).

education workers were also confirmed by research conducted by the CVVM (2017), which found that up to 66.7% of the education workers surveyed expressed dislike for Roma people. Of the occupational categories surveyed, this was the lowest rate of non-sympathy, but it was high nonetheless.

The study entitled *Attitudes of pedagogical workers towards selected aspects of inclusive education* (Michalík, Jan et al. 2018: 73-92) revealed that up to 84.1% of teachers rated positively the readiness of their school to educate pupils from other ethnic groups, but on the other hand, in the category closely related to the nationality and ethnicity of pupils and their low proficiency in the language of instruction, the rating of the school's readiness to educate these pupils was significantly lower (56.7%). Furthermore, the study found that of the groups of pupils in the SEN category, the group of pupils from different ethnic backgrounds had the highest level of support from teachers in the mainstream education process (77.5%). However, in the case of pupils with insufficient proficiency in the language of instruction and, in parallel, pupils from socially excluded backgrounds, more than half of the teachers (52.2% and 53.7% respectively) were in favour of these pupils being educated in specialised classes or special schools. However, the current legislation does not provide for such segregation. Moreover, it can be assumed that teachers' attitudes are reflected in the specific implementation of their pedagogical approaches in teaching.

Current undergraduate education and training of teachers pays little attention to the topics of education and social exclusion and according to M. Kaleja (2015: 79), opportunities for continued training of pedagogical workers are significantly lacking in schools at all levels of education. The content of the current curriculum in compulsory teacher education sticks to the archetypal image of Roma identity and it fails to take into account any social processes, changes and internal ethnic diversification. Beyond the socio-economic situation, it is the personal experience of Roma families with school and teachers that influences the success of Roma pupils in education. A key role is played by the attitudes of the school and pedagogical workers towards the ethnicity of pupils and their families. Other equally important factors contributing to the processes of inclusion in education include the school's openness to ethnic difference, support for the Roma language, and the inclusion of qualified representatives of this national minority in the school's teaching staff. (Kaleja 2011, Kaleja 2014).

The studies also show that the required support in the education of Roma children was provided through the position of a teaching assistant, as specified in the Act on Pedagogical Staff, as amended, and the position of a school assistant, which was always established by school management on the basis of project funding capacities.

However, it should be noted that all the research investigations mentioned in this Strategy and carried out before 2016 could not have taken into account the fact that the amendment to the Education Act introduced, with effect from 1 September 2016, other significant inclusive components into the education system: a system of entitlement and State-funded support measures for the education of children, pupils and students with special educational needs in mainstream schools has been introduced, whereby these support measures also target pupils with needs for adjustments in education and school services appropriate to their cultural background or other living conditions. The Annex to the Framework Educational Programme for Primary Education regulating the education of pupils with mild mental disabilities was abolished and all pupils with such diagnosis were re-diagnosed in order to consider the realistic possibilities of their inclusion in mainstream schools. Any adjustments in education are possible only on the basis of a professional diagnosis by the school counselling facility and cannot be implemented without the informed consent of the pupil or his/her legal representative. This is an important safeguard for the rights of pupils with special educational needs. In parallel with the system of support measures, the MEYS continues to administer subsidy calls specifically aimed at supporting the success of Roma children, pupils and students in schools, from nursery schools to tertiary vocational schools, and it is expanding the portfolio of subsidies for school meals to include nursery schools from 2021. The effect of the implementation of pro-inclusive measures needs to be monitored and further measures must be taken if necessary.

Through the inclusive reform, the MEYS has supported the purchase of new diagnostic tools for school counselling facilities (SCF) since 2016 to ensure fair diagnosis of special education needs for all children. The subsidy programme also took into account the recommendations of the Council of

Europe to eliminate specific diagnostic tools that were ethnically biased. These tools were replaced and all children who had been previously diagnosed with mild intellectual disability were re-diagnosed from 1 September 2016 to the end of 2018. With effect from 1 September 2016, a legal guardian or an adult pupil must also agree to the diagnostic conclusions and recommendations for the child's education, otherwise no adjustments can be made to the education above/outside the mainstream. Data on the re-diagnoses carried out, data on inclusive education and data on the education of Roma children and pupils are continuously reported to the European Commission, the Council of Europe and UN committees.

### 6.3.6 Strategy

In the Council Recommendation on Equality, Inclusion and Participation of Roma, the European Commission recommends that Member States focus on measures to prevent all forms of segregation in education. It calls on the countries to prevent cases of misdiagnosis leading to inappropriate placement of Roma pupils in schools for the education of pupils with special educational needs (European Commission, 2021: 22).

The COVID-19 pandemic also calls for particular emphasis to be placed on the development of digital infrastructure and measures to prevent digital exclusion, which can especially affect children in socially excluded areas (European Commission, 2020: 22-24). To mitigate the impact of the crisis on school performance, there is a need to focus on tutoring for marginalised Roma, improving IT skills of Roma children, teachers and parents from marginalised communities; adequate digital infrastructure, teaching materials and the provision of facilitator for remote learning for Roma. It is also essential to provide spaces for remote learning with access to IT and the Internet in marginalised areas, such as via libraries and community centres.

The European Commission further recommends that Member States take steps to “support teachers in addressing diversity in the classroom through professional development programmes” and that they “educate teachers and other school staff about Roma history, culture and methods of identifying and addressing discrimination and its root causes, including anti-Roma sentiments and unconscious prejudices.” (European Commission, 2020: 22). These measures represent a major challenge for the Czech Republic because they imply a transformation of the current education system, especially in terms of changing pedagogical approaches, adjusting the concept of the pupil and his or her family context, and supporting the Roma language. Therefore, it is crucial to support the development of the professional competences of those who work in education.

There is also a need to focus on supporting educational and psychological counselling provided in schools. In the system of counselling and diagnostics, the special-education field should take more account of the issue of social exclusion, which negatively affects the level of children's linguistic and communication competences. However, it should be mentioned that the actual process of diagnosis is not completely identical in each region and many school counselling facilities are already trying to take the above-mentioned context into account as much as possible in their diagnosis. Comprehensive support for pupils with the involvement of special educational-psychological counselling must be linked to social work in families, especially in the context of social exclusion. In addition to the Authority for Social and Legal Protection of Children, it is necessary to mention social work in the public administration and the Labour Office of the Czech Republic, which is focused, among other things, on addressing the adverse social situation of families and supporting their functioning.

The main objective in the coming years will be to ensure conditions for quality inclusive education for Roma people at all levels of the school education system, including ensuring conditions that are directly related to the institutional education and care provided. We need to increase the participation of Roma children in pre-school education, eliminate discrimination and segregation of Roma children in education and improve the level of their education. As in other areas, monitoring and reliable data remain key in education. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective C: Education).

Preparing qualified estimates of the representation of Roma pupils across educational institutions is essential for the successful implementation of the ECHR judgment in *D.H. and Others v. the Czech*

*Republic*, as the collection of such data forms an important part of the control processes monitoring the implementation of the implemented measures. The Committee of Ministers of the Council of Europe, in the framework of its monitoring of the judgment enforcement, has repeatedly and explicitly asked the Czech Republic to provide statistical data demonstrating the impact of the measures taken regarding the access of Roma to mainstream education (see, for example, the Committee of Ministers' decision of 7 June 2017).<sup>129</sup> It requires these data not only in relation to primary schools but also in relation to pre-school education (see, for example, the Committee of Ministers' decision of 25 September 2020).<sup>130</sup>

The importance of collecting statistical data for the effective enforcement of ECHR judgments and the prevention of discrimination against Roma has been repeatedly confirmed by the Committee of Ministers in the context of its monitoring of the enforcement of the judgment in *Horváth and Kiss v. Hungary* (ECHR judgment of 29 January 2013, No 11146/11). The case also concerns the discriminatory placement of Roma children in special schools for children with mental disabilities due to the systematic use of incorrect diagnostic tools leading to their overrepresentation in special schools.

Continuing to make qualified estimates of the representation of Roma children in pre-school and school institutions is also key to assessing the extent of the existing issues and to setting effective national policy to improve access to education for Roma pupils and to prevent continued discrimination against them. As established by the European Committee of Social Rights, given the obligation of countries to combat discrimination, including indirect discrimination, the collection and analysis of ethnic data are crucial to a proper assessment of the problem and the formulation of a rational policy in order to provide protection of the rights provided under the European Social Charter [*European Roma Rights Centre (ERRC) v. Italy*, Collective Complaint No 27/2004, Decision on the merits of 7 December 2005, Section 23]. The Committee notes with concern that the obligation in accordance with Article 17 of the European Social Charter to provide children with appropriate social, legal and economic protection, including their right to education, implies in particular the need to pay special attention to disadvantaged and vulnerable groups of children, including children from ethnic minorities and children with disabilities. Specifically, in relation to the Czech Republic, the Committee stated that "when it is generally acknowledged that a particular group of children is or could be faced with disproportionate care risks in comparison with the majority of population, as is the case for both Roma children and children with disabilities, States have an obligation to collect data on the extent of the problem. The collection and analysis of such data (with due safeguards for privacy and against other abuses) is indispensable to the formulation of an adequate policy and the adoption of appropriate measures to ensure the social and economic protection the children in question respectively need" [*European Roma Right Centre (ERRC) and Mental Disability Advocacy Centre (MDAC) v. Czech Republic*, Collective Complaint No 157/2017, Decision on the merits of 17 June 2020, Section 172]. The case in question concerned, among other things, the possible discriminatory over-placement of Roma children and children with disabilities under the age of 3 in institutions. Precisely in view of the failure of the Czech authorities to collect the necessary data referred to above, the Committee concludes that the State has failed to take measures to ensure that children of Roma origin and children with disabilities up to the age of 3 receive appropriate protection and necessary services in violation of Article 17 of the European Social Charter.

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<sup>129</sup> [https://hudoc.exec.coe.int/eng#{"EXEClidentifier":\["CM/Del/Dec\(2017\)1288/H46-12E"\]}](https://hudoc.exec.coe.int/eng#{).

<sup>130</sup> [https://hudoc.exec.coe.int/eng#{"EXEClidentifier":\["CM/Del/Dec\(2019\)1355/H46-7E"\]}](https://hudoc.exec.coe.int/eng#{).

### **7.1 Initial EU framework**

The consolidated *Treaty on European Union* declares in Article 3(3) the commitment to combat social exclusion and discrimination and promote social justice. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, as stated in Article 34(3) of the *EU Charter of Fundamental Rights*.

The prohibition of discrimination on the grounds of race and ethnic origin in housing is regulated by Article 3(1)(h) of the Racial Equality Directive. The principle of equal treatment applies to access to goods and services available to the public, including accommodation.

The prohibition of discrimination is also enshrined in Article 14 of the *European Convention on Human Rights*. Also, the Preamble to the *European Social Charter* states that “the enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin.”

In the context of the housing situation of Roma in the EU, the Committee of Ministers of the Council of Europe adopted Recommendation Rec(2005)4 to member states on improving the housing conditions of Roma and Travellers in Europe and Recommendation CM/Rec(2008)5 to member states on policies for Roma and/or Travellers in Europe.

In the Annex to the Czech Republic Report 2019 on the investment guidelines on cohesion policy financing for the programming period 2021-2027, the European Commission (2019a: 65) stresses the need for investment priorities to support a coordinated approach to the socio-economic integration of socially excluded people, such as Roma, “including measures to address exclusion from housing.” This recommendation should be implemented in particular through the Integrated Regional Operational Programme for the period 2021-2027, specifically Priority 4 – Improving the quality and accessibility of social and health services and educational infrastructure, and in particular Specific Objective 4.2: Strengthening the socio-economic integration of marginalised communities, migrants and disadvantaged groups through integrated measures including housing and social services.

### **7.2 Initial national framework**

The right to equal treatment and the prohibition of discrimination in access to housing offered to the public or in the provision thereof is regulated by Section 1(1)(j) of the Anti-Discrimination Act. In addition to this regulation, landlords, if they act as entrepreneurs or real estate agents, are bound by the prohibition of discrimination in accordance with Section 6 of Act No 634/1992, on consumer protection, as amended (Consumer Protection Act). The Czech Trade Inspection Authority (CTIA) was designated as the entity for out-of-court settlement of consumer disputes in accordance with Section 20e(d) of the Consumer Protection Act. In the event of a breach of the prohibition of discrimination, the landlord (if acting as an entrepreneur) and the real estate agent commit an infraction in accordance with Section 24(7)(c) of the Consumer Protection Act, for which the CTIA may impose a fine of up to CZK 3 million.

Municipalities play an important role in the area of housing policy; in accordance with Section 35(2) of Act No 128/2000, on municipalities, as amended, the municipalities shall create conditions for meeting the housing needs of their citizens. Where the municipality has municipal dwellings, it also applies the rule of equal access and non-discrimination. For the purpose of renting municipal dwellings, the municipality may issue rules for the allocation of such dwellings, in which it may lay down conditions for the possible allocation, including the possibility of priority allocation (e.g. for social reasons). Based on Section 124 of the Municipalities Act, the MoI supervises the lawfulness of the rules. Indirect discrimination can be found in some of the rules for allocating municipal housing, where seemingly neutral criteria disadvantage a certain group of residents, such as Roma people. Indirect

discrimination on the basis of ethnicity in the allocation of municipal housing may be seen in criteria that consider having fewer children as favourable (MoLSA 2015: 94) or the receipt of social benefits and lack of income from gainful employment as unfavourable (PDR 2019).

## Social Housing Act

One of the objectives of the Social Housing Concept of the Czech Republic 2015-2025 is the Social Housing Act.<sup>131</sup> The adoption of such act, the absence of which was criticised by the UN Committee on Economic, Social and Cultural Rights in its periodic report on the Czech Republic in 2014<sup>132</sup>, was declared by the Government in its policy statement.<sup>133</sup> The MoRD was designated as the main supervisor, with the MoLSA being a co-supervisor. However, work on a draft of the Act was interrupted in the summer of 2018, and the MoRD has instead prepared a subsidy and loan programme entitled Construction for Municipalities, which is administered by the State Investment Support Fund; the State Investment Support Fund replaced the State Housing Development Fund in June 2020, by Act No 211/2000, as amended by Act No 113/2020.<sup>134</sup> Municipalities can use the programme to finance the acquisition of social or affordable housing and social, mixed or affordable housing.<sup>135</sup> One of the criteria for project evaluation is to verify “whether the infrastructure and services of basic amenities are available in the area of the planned investment project and whether the implementation of the project will lead to the spatial exclusion of persons” (State Housing Development Fund 2019: 4).

In its 2018 Annual Report, the Supreme Audit Office (SAO) criticised the fragmentation of the social housing support system. Although the MoRD invested a total of CZK 4.9 billion in the acquisition of more than 9 000 rental flats between 2003 and 2015, it no longer monitored whether these flats are being used by the target groups of persons for whom they were intended: “In a sample of supported flats, the SAO found that a quarter of the flats were not rented to the target group.” (SAO, 2019: 43).

The absence of a law on social housing was identified by the SAO as one of the major obstacles to the effective implementation of housing support policy in the Czech Republic (SAO, 2019: 43). The SAO notes that there is a no definition of the concept and basic attributes of the social housing system. The adoption of a law on social housing would contribute to creating such definition. According to the SAO, “due to the constant postponement of the adoption of the Social Housing Act (...) there is a risk that the availability of housing for various vulnerable groups will continue to deteriorate and such groups will grow.” (SAO, 2019: 45).

Roma families with children, single Roma parents, young adults leaving institutional care, and Roma people released from prison are among the groups at significant risk of housing need and thus form the key target groups for social housing. Therefore, it is necessary to continue work on a draft Social Housing Act, which will contribute to a systemic solution to housing need.

## National strategic documents

- Social Housing Concept of the Czech Republic 2015-2025
- Social Inclusion Strategy 2021-2030
- Spatial Development Policy of the Czech Republic
- Regional Development Strategy of the Czech Republic 2021+

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<sup>131</sup> See [http://www.socialnibydeni.mpsv.cz/images/soubory/Koncepce\\_socialniho\\_bydleni\\_CR\\_2015-2025.pdf](http://www.socialnibydeni.mpsv.cz/images/soubory/Koncepce_socialniho_bydleni_CR_2015-2025.pdf).

<sup>132</sup> See

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuWzvmPskcpMOMDDZmb1V0UOCvRjUa%2BkwOXeldwW%2FDkXuTOM2PxAKv2vqB0w0rV6BGH7z%2Bdk5HggR2KYdl0jnPqCtNxxuUIEnUkDbe8oyqt2e4>.

<sup>133</sup> <https://www.vlada.cz/cz/jednani-vlady/programove-prohlaseni/programove-prohlaseni-vlady-165960/>.

<sup>134</sup> For further information, see: <http://www.sfrb.cz/programy-a-podpory/vystavba-pro-obce/>.

<sup>135</sup> The definitions of the individual types of flats/houses are laid down in Section 2 of the Government Regulation of 15 April 2019 on the conditions for the use of funds from the State Housing Development Fund for the acquisition of social and affordable flats and social, mixed and affordable houses.

The basic principles of the social housing system as defined in the Social Housing Concept of the Czech Republic 2015-2025 (MoLSA 2015: 118), include the principle of equality and non-discrimination and the principle of non-segregation. Preventing “spatial social segregation with negative effects on the social cohesion of the population” is also one of the priorities within the Spatial Development Policy of the Czech Republic (MoRD 2019a: 13). In the Regional Development Strategy of the Czech Republic 2021+ (MoRD 2019b: 61-62), the prevention of spatial and social segregation or its solution is addressed in particular through specific objective *1.3 Ensure sufficient and accessible civic amenities in the cores of metropolitan areas, suburbs and other living areas and reduce the risk of social polarisation and emergence of segregated or excluded areas* or specific objective *2.3: Ensure a sufficient range of services and prevent the emergence and deepening of social exclusion*.

### **7.3 Description of the situation**

#### **Exclusion from housing and spatial segregation**

In 2018, the Social Housing Platform (PSB) published the Housing Exclusion Report in cooperation with Lumos (PSB, 2018). This is the first document in the last 30 years that offers detailed data on housing need in the Czech Republic. The data were obtained from dozens of municipalities through Act No 106/1999, on free access to information, from social service providers and by analysing data from benefit systems. The research shows that 83 000 people in 54 000 households in the Czech Republic are in serious housing need, of which 20 500 are minor children growing up in 9 600 families in serious housing need (PSB, 2018: 7). Half of the households in serious housing need live in fourteen municipalities with extended powers. The research shows that local governments often lack information on the number of families with children in housing need because municipalities do not collect and evaluate the necessary data. Although some cities own up to tens of thousands of municipal flats, only a handful of the hundreds of families in serious housing need in such cities have access to social housing. More than two-thirds of the cities surveyed do not allocate any social housing (PSB, 2018: 14).

In connection with the 2017 amendment to the Act on Assistance in Material Need<sup>136</sup>, municipalities have begun to resort to declaring supplement-free zones in order to combat the poverty industry. Toušek et al. define poverty industry or poverty business as “the exploitation of the situation of residents who are disadvantaged on the mainstream housing market and thus are forced to agree to pay rents and housing fees that do not reflect their quality and form.” (Toušek 2018: 42). Those who engage in poverty business take advantage of the situation where the State allocates the payment of housing supplement as a material need assistance benefit directly to the landlord, e.g. the owner of an accommodation facility (hostel), who can then disproportionately increase the rent. The law newly provides that a municipality may propose that the municipal authority adopt a measure of a general nature defining an area with an increased level of socially undesirable phenomena. The persons who live in such a defined area will not be provided with a housing supplement. The promulgation of a measure of general nature in the territory of a municipality does not affect those recipients of the housing supplement who had a written legal title to use the housing dated before the promulgation of the measure of general nature, even if this legal title is subsequently extended. In accordance with Section 33(9) of the Act on Assistance in Material Need, the legal regulation of the entitlement to the housing supplement, in cases where the entitlement does not arise due to the fact that it is an area with an increased incidence of undesirable phenomena, also does not affect beneficiaries of the benefit who became owners or users of an apartment, other living space or accommodation facility before the relevant measure of a general nature was issued.

At the end of 2018, supplement-free zones had already been declared in 52 municipalities; however, they were abolished in some municipalities by the relevant regional authorities. Research by the Social Housing Platform has shown that these steps have not led to the effective solution of the housing need and preventing the emergence of areas of spatial exclusion, but rather to migration of the poorest and thus to the emergence of excluded areas in other places, solely moving the issue

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<sup>136</sup> Act No 98/2017 of 8 March 2017, amending Act No 111/2006, on assistance in material need, as amended, and Act No 117/1995, on State social support, as amended, was published in the Collection of Laws on 5 April 2017.

elsewhere. At the same time, they have caused the poorest to fall outside the social support system. In 2017, a group of senators filed a motion to repeal the relevant provisions of the Act [Sections 33(9) and 33d of Act No 111/2006, on assistance in material need, as amended], which was still being considered by the Constitutional Court at the time of the preparation of this Strategy (2021).<sup>137</sup> Supplement-free zones were also one of the reasons for the collective complaint filed against the Czech Republic in February 2020 by the European Federation of National Organisations Working with the Homeless to the European Committee of Social Rights.<sup>138</sup> In the 2019 Final Report from the Inquiry on the Czech Republic, the UN Committee on the Elimination of Racial Discrimination recommends that the Czech Republic stop the declaration of supplement-free zones by municipalities (CERD, 2019: 4).

Roma are one of the most at-risk groups in the housing market not only because they form a large portion of low-income households, but primarily because of discrimination and antigypsyism. Anti-gypsy attitudes can manifest themselves, for example, in the rules for allocating municipal housing or in the latent reluctance of property owners to provide housing to Roma. Therefore, the introduction of supplement-free zones had a particularly strong impact on Roma people in recent years. In 2020, the Supreme Administrative Court dealt with a cassation complaint in the case of a Roma family with five children from Ústí nad Labem. The family had to move out of an accommodation facility (hostel), which was closed after the city had declared a measure of general nature for its entire territory and the family was not able claim the housing supplement after moving. After that, the family was not able to find stable housing and lived in shelters. The Supreme Administrative Court found that the declaration of the supplement-free zone could have affected the complainants' rights to housing and private life.<sup>139</sup>

### **Discrimination in the housing market**

Based on FRA data from 2016, one-quarter of the Roma surveyed in the Czech Republic felt discriminated against in their access to housing in the previous 12 months and up to 65% in the past 5 years. Compared to other countries included in the survey, the level of perceived discrimination in access to housing in the Czech Republic was the second highest (FRA 2016: 37-38).<sup>140</sup>

The results of the *European Values Study* (Rabušic, Chromková 2018) conducted during 2017 showed that almost two-thirds (64%) of respondents in the Czech Republic would not want neighbours of Roma origin. Higher levels of "neighbourhood antipathy" were recorded only in relation to possibly sharing a neighbourhood with heavy drinkers (77%) and drug users (83%). When compared to the results of previous surveys (1991, 1999, 2008), the number of respondents who would not want a Roma as a neighbour has increased by more than half in less than two decades (since 1999). While we can observe a significant decline in negative responses to the question between 1991 and 1999, there has been a continuous increase in the rejection of having a Roma neighbour by approximately 10% every nine years since 1999 (see Figure 4: Antipathies towards a possible neighbourhood relationship with different social groups).

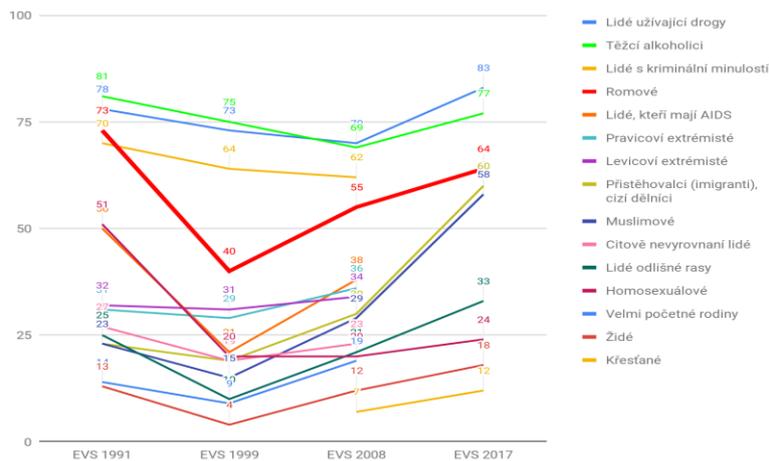
### **Chart 4: Antipathies towards a possible neighbourhood relationship with different social groups).**

<sup>137</sup> See [https://www.usoud.cz/fileadmin/user\\_upload/Tiskova\\_mluvci/Navrhy/PI\\_US\\_40\\_17\\_navrh.pdf](https://www.usoud.cz/fileadmin/user_upload/Tiskova_mluvci/Navrhy/PI_US_40_17_navrh.pdf).

<sup>138</sup> See <https://rm.coe.int/cc191casedoc1-en/16809cdf24>.

<sup>139</sup> See [https://forumhr.eu/wp-content/uploads/2020/05/NSS\\_rozsudek\\_usti.pdf](https://forumhr.eu/wp-content/uploads/2020/05/NSS_rozsudek_usti.pdf).

<sup>140</sup> The research was carried out in 9 EU countries. In the last 12 months, the Czech Republic has overtaken Hungary in the level of discrimination on the basis of Roma origin in the area of housing, and it has also overtaken Portugal in the last 5 years (FRA 2016: 37-38).



Source: Rabušic L. and Chromková M., 2018. Values and attitudes in the Czech Republic 1991-2017. Source publication European Values Study.

The *European Values Study* (Rabušic, Chromková 2018) showed only a moderate influence of sociodemographic factors (age, gender, education, place of residence) on respondents' attitudes toward Roma people in 2017. Between 61% and 68% of respondents across all sociodemographic groups would not want Roma people as neighbours. The most negative statements were recorded among residents of settlements with a population between 20 000 and 100 000 (68%), among respondents with the highest level of secondary education (67%) and among people over 60 years of age (67%). On the other hand, the lowest level of negative attitudes toward the possibility of being neighbours with Roma was recorded among respondents with the highest level of primary education (61%), among respondents living in settlements of 5 000 to 20 000 inhabitants (61%), and in Prague (62%) (see Table 9: Reluctance to have Roma as neighbours – by sociodemographic groups). In the long term, several changes can be traced within individual socio-demographic groups on the basis of the *European Values Study*. Since the last two surveys, the reluctance to have Roma people as neighbours has been higher among men than among women, it has gradually levelled off among all age categories, and it has been increasing especially since the last survey (2017) among people with secondary and higher education, which may be related to the gradual penetration of antigypsyism into the mainstream rhetoric of political parties and the media.<sup>141</sup>

Table 9: Reluctance to have Roma as neighbours – by sociodemographic groups<sup>142</sup>

Sociodemographic factors	Sociodemographic groups	EVS 1991 (%)	EVS 1999 (%)	EVS 2008 (%)	EVS 2017 (%)
Total		73	40	55	64
Gender	Male	73	39	59	66
	Female	74	41	51	63
Age	18-29	74	38	53	63
	30-44	69	46	55	65

<sup>141</sup> For more details see chapter: Antigypsyism

<sup>142</sup> Question: "Would you oppose having Roma as neighbours?"

	45-59	73	36	54	64
	60 +	78	38	55	67
Education	primary	75	44	59	61
	vocational secondary	75	41	53	65
	secondary	72	38	56	67
	higher	70	34	51	62
Municipality	up to 4 999	72	38	46	66
	5 000-19 999	71	44	56	61
	20 000-99 999	77	40	64	68
	100 000 +	75	39	58	62
Region	Prague	76	36	42	62
	Bohemia	74	39	55	65
	Moravia	72	42	59	65

Source: Rabušic L. and Chromková Manea B-E., 2018. *Values and attitudes in the Czech Republic 1991-2017: source publication European Values Study.*

CERGE-EI research from 2013 (Bartoš, Bauer, Chytilová, Matějka 2013: 17) has shown that flat seekers with names<sup>143</sup> typical of ethnic minorities are significantly less likely to receive an invitation to tour the flat from landlords. Those with Czech-sounding names were invited to tour the flat in 78% of cases, while those with Romani-sounding names were invited only 43% of the time.<sup>144</sup> Thus, if landlords had only the name of the prospective tenant, they were 90% more likely to invite a prospective tenant with a name typical of the majority population to tour the property. When applicants included a link to their website in their application, landlords clicked on the link more often (24%) for applicants with minority names. While the available information about a candidate with a majority-sounding name did not influence the landlord's decision to invite that person to an interview, the chances of being invited to an interview for candidates with minority-sounding names increased with the amount of (positive) information they provided about themselves.<sup>145</sup>

Specific examples of discrimination in housing have been dealt with in the past by the Ombudsman<sup>146</sup>, the CTIA<sup>147</sup> and the courts.<sup>148</sup> Court decisions that have declared direct discrimination when a Roma

<sup>143</sup> The research involved the use of first names and surnames typical of ethnic minorities. The name "Gejza Horváth" was used for the Roma minority, which 82% of respondents in the pre-survey associated with the Roma minority. The comparison also included typical Czech and Vietnamese first and last names (Bartoš, Bauer, Chytilová, Matějka 2013: 15).

<sup>144</sup> Only 39% of the Asian-sounding housing applicants were invited, which may be due to the lower rate of identifying an Asian name with Vietnamese ethnicity (90%) compared to identifying a Roma-sounding name with Roma ethnicity (82%). The wording of the requesting email was the same, without any spelling errors and without changed syntax (Bartoš, Bauer, Chytilová, Matějka 2013: 15-17).

<sup>145</sup> Information about secondary education, employment, stable income, non-smoking, etc. The same information was given for both candidates with names typical for the majority society and those with names typical for minorities (Bartoš, Bauer, Chytilová, Matějka 2013: 15-16).

<sup>146</sup> For example, the opinion of the Public Defender of Rights of 10 September 2014, File No 112/2012/DIS, available at: <http://eso.ochrance.cz/Nalezene/Edit/2000>, Report of 19 April 2016, File No 6780/2014/VOP, available at: <http://eso.ochrance.cz/Nalezene/Edit/3922>

applicant for publicly offered housing has been rejected are of particular relevance to other cases of discrimination. In these disputes, it has been demonstrated that the exercise of property rights is not absolute, but limited by the rights of other persons, and at the same time, when proving discrimination, it is possible to use as evidence a secret recording that was made as a result of situational testing (Nehudková 2018).

### 7.3.1 Socially excluded areas

According to the *Analysis of Socially Excluded Areas in the Czech Republic* (GAC spol. s r. o.: 2015a, GAC spol. s r. o.: 2015b), there are 606 socially excluded areas in 297 municipalities in the Czech Republic, and approximately 80% of the inhabitants of these areas are Roma. The emergence of SEAs is linked to the housing policy of local governments and the transfer of the State housing stock in 1991. The municipalities moved exclusively socially vulnerable inhabitants, mostly Roma, into the selected properties, who were the worst affected by the restructuring of the economy (Baršová 2002). In 2006, according to the 2006 analysis of socially excluded areas, 58% of the identified SEAs were owned by municipalities (GAC spol. s r. o.: 2006: 14), i.e. 20% more than as reported in the 2017 analysis of socially excluded areas (Toušek 2018: 44). Statistically, Roma people were the majority in certain properties owned by municipalities. Gradually, municipalities decided to privatise these areas and properties, or to evict their inhabitants, thus transferring the problems of the SEAs to the private sphere (cf. e.g. Růžička 2011, Toušek 2009, Toušek et al. 2007) and facilitating the emergence of a phenomenon identified as the “poverty industry”.

Despite the fact that the amount of funds spent by the MoLSA on housing allowances and supplements increased in the period 2006-2014<sup>149</sup>, the number of socially excluded areas almost doubled (from 310 areas in 167 municipalities to 606 localities in 297 municipalities); it increased more than threefold in the Moravian-Silesian and Karlovy Vary Regions.<sup>150</sup> The estimated number of people living in socially excluded areas ranges from 95 000 to 115 000, with an estimated 80% being Roma.<sup>151</sup> Compared to 2006, the number of excluded areas in which Roma people do not make up the majority of the population is increasing, even though these areas are still in the minority and are still referred to as “Romani areas” in the perception of majority society. In recent times, residents of socially excluded areas have moved to more remote municipalities with less functional infrastructure, which have fewer opportunities to address social exclusion.

Although the number of persons living in privately owned flats Republic has been rising for a long time among the Czech population, the number of people living in socially excluded areas remains constant (10%) (cf. GAC spol. s r. o. 2016: 16). However, the proportion of person living in SEAs in private rental housing (41%) is increasing significantly at the expense of municipal housing. Based on the research in socially excluded areas in the Czech Republic conducted by Toušek et al. (2018: 44), at least 16% of the population in SEAs live in hostels.<sup>152</sup> (see Table 10: Comparison of SEA and non-SEA populations by housing type in 2017).

Socially excluded areas are characterised by extensive household debt. For example, Obrnice in the Ústí nad Labem Region, otherwise an example of successful Roma integration, is the municipality with the highest number of distraints per inhabitant in the Czech Republic (51.2%), according to

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<sup>147</sup> For example, the refusal to rent housing to Roma in the municipality of Velký Týnec in 2018; see further details at: <http://www.romea.cz/cz/zpravodajstvi/domaci/ne-romy-ne-male-deti-obchodni-inspekce-loni-zjistila-13-pripadu-diskriminace-zakazniku>

<sup>148</sup> Judgment of the District Court in Litoměřice of 14 August 2015, File No 14 C 46/2013. Judgment of the Regional Court in Ostrava of 13 November 2015, ref. No 71 Co 164/2015-<sup>113</sup>. Judgment of the High Court in Olomouc of 7 January 2016, File No 1 Co 124/2015.

<sup>149</sup> <https://www.nku.cz/assets/publikace-a-dokumenty/vyrocnni-zprava/vyrocnni-zprava-nku-2018.pdf>.

<sup>150</sup> [https://www.esfcr.cz/mapa-svl-2015/www/analyza\\_socialne\\_vyloucenych\\_lokalit\\_gac.pdf](https://www.esfcr.cz/mapa-svl-2015/www/analyza_socialne_vyloucenych_lokalit_gac.pdf), Page 11.

<sup>151</sup> [https://www.esfcr.cz/mapa-svl-2015/www/analyza\\_socialne\\_vyloucenych\\_lokalit\\_gac.pdf](https://www.esfcr.cz/mapa-svl-2015/www/analyza_socialne_vyloucenych_lokalit_gac.pdf), Page 11.

<sup>152</sup> The value of 16% is only indicative, as the researchers were not given access to all hostels during the research, and some apartment buildings and sub-units are de jure operated as hostels, although they do not de facto operate as such (Toušek et al. 2018).

research by the Open Society organisation.<sup>153</sup> Nationwide, the situation is the most critical in the Ústí nad Labem Region. In 2019, the total number of distraints in the Region was 687 059, with 16.7% of the Region's inhabitant facing dstraint. The second place was occupied by the Karlovy Vary Region with 212 296 distraints and a 16.3% share of persons facing dstraint.<sup>154</sup>

In 2019, the City Authority of Most attempted to resolve the housing need of Roma people by planning to move them out of the houses in disrepair in socially excluded areas and into "modular/container housing", for which it announced a competition. The measures have been criticised by the Roma community, which perceives this type of housing as an undignified substandard, as well as by the NGO sector and opposition politicians. Mention was made of energy inefficiency, segregation and the similarity to the container houses to which Roma people were evicted in 2006 in Vsetín. The Ombudsman also assessed the City's intention to build modular housing in the Chanov district as reinforcing the segregation of the Roma residents of Chanov and constituting discrimination in housing on the basis of ethnic origin.<sup>155</sup> The proposal sparked a discussion about possible funding for modular/container housing from the MoRD grants under the "Construction for Municipalities" programme. In accordance with Section 11(2)(d) of *Government Regulation No 112/2019, on the conditions for the use of funds from the State Housing Development Fund for the acquisition of social and affordable housing and social, mixed and affordable houses*, the investment project must not lead to the spatial exclusion of persons and it must lead to the improvement of the social situation in the municipality.<sup>156</sup> Therefore, the implementation of the investment plan for modular/container housing in socially excluded areas would be contrary to the requirement of the Government Regulation. At the time of the preparation of the Strategy, the City of Most did not abandon the plan and allocated CZK 25 000 000 from its own budget for the construction.

Article 16 of the *European Social Charter* sets out the right of the family to social, legal and economic protection. In its decision on the merits of Complaint No 104/2014, *European Roma and Travellers Forum v. Czech Republic*, the European Committee of Social Rights stressed that in order to fulfil Article 16, States must ensure that housing meets the necessary standard and includes basic services such as heating and electricity.<sup>157</sup> The Committee further notes that the rights guaranteed by the *European Social Charter* must not remain theoretical but must be actively and concretely implemented by the States.<sup>158</sup> Low quality of housing is one of the biggest problems in socially excluded areas. The apartments are old, overcrowded, uninsulated, and in poor condition. The sanitary facilities in hostels are often shared by many people and it is not exceptional to see things such as non-functioning sewage system, a single water supply tap shared by several housing units, bedbugs, mould or the absence of electricity. Rents in socially excluded areas are disproportionately high despite the low quality of housing. The state of disrepair of the dwellings poses significant health risks to their residents, especially children, who also suffer from a lack of privacy and space for quality learning and rest. Inadequate legal protection for tenants, missing lease agreements and dysfunctional management of the housing stock are some of the other serious issues of SEAs (GAC spol. s r. o.: 2015a). Due to the dilapidated state of the buildings and hostels in socially excluded areas, Roma tenants are often forced to move out and thus find themselves in a vicious circle of housing need. Families are often separated when seeking alternative housing (women with children end up in shelters, men in other hostels, and children are sometimes placed in children's homes). In the past, Roma families have been evicted from buildings in disrepair, for example in Ústí nad Labem (Krásné Březno and Předlice), Ostrava (Přednádraží) (2013), Kyjov (2014) and Litvínov (2015).

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<sup>153</sup> <http://mapaexekuci.cz/index.php/mapa-2/>.

<sup>154</sup> <http://mapaexekuci.cz/index.php/mapa-2/>.

<sup>155</sup> Assessment of the planned construction of modular housing in the Chanov housing estate and report on the investigation of the performance of social work by the City Authority of Most on its own initiative. File No: 5131/2019/VOP/JMK, Ref. No: KVOP-7842/2020.

<sup>156</sup> <https://www.zakonyprolidi.cz/cs/2019-112>.

<sup>157</sup> [https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset\\_publisher/5GEFkJmH2bYG/content/no-104-2014-european-roma-and-travellers-forum-ertf-v-czech-republic?inheritRedirect=false](https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-104-2014-european-roma-and-travellers-forum-ertf-v-czech-republic?inheritRedirect=false).

<sup>158</sup> International Commission of Jurists v. Portugal, Complaint No 1/1998, decision on the merits of 9 September 1999, Section 32.

**Table 10: Comparison of SEA and non-SEA populations by housing type in 2017**

	SEA		non-SEA	
	abs.	%	abs.	%
Not for living	8	0.3	2	0.3
Without a lease agreement	9	0.4	1	0.2
Rented single-family house	30	1.2	9	1.5
Privately owned single-family house	86	3.4	103	17.5
Flat in private/cooperative ownership	237	9.2	242	41.0
Hostel	407	15.9	3	0.5
Rented municipal flat	735	28.6	92	15.6
Rented private flat	1 054	41.0	138	23.4
Total	2 566	100.0	590	100.0

Source: Toušek, Ladislav et al., 2018. *A labyrinth of crime and poverty. Crime and victimisation in a socially excluded area*, page 44.

Overcrowding of households is a major problem in socially excluded areas. According to the analysis of Toušek et al. (2018: 44), the average number of members of residential households in socially excluded areas was 3.43 persons in 2017 compared to 2.47 persons for the general Czech population in 2011 (CZSO 2013).<sup>159</sup> At the same time, 28.5% of the households in the SEAs are occupied by five or more persons (see Table 11: Number of household members in the population of SEAs (2017) and in the general population in the Czech Republic (2011)). The fact that Roma people live in lower-quality housing than the general population was confirmed by a 2016 FRA survey. If it was true for the general population that there were 1.4 rooms per person in the household, it was only 0.7 rooms for the Roma. Compared to the general population (3.8%), Roma considered their dwellings to be too dark 4.5 times more often (17%) than the majority population. 21% of Roma lived in a dwelling with a leaking roof, damp walls, floors or foundations or with rot in window frames or floors; 9.2% of the general population had these difficulties. 41% of the Roma respondents lived in areas affected by pollution, and 46% of the Roma respondents said they lived in areas where crime, violence or vandalism occurred; the general population faces these issues three times less frequently. Overcrowding of Roma households is a particularly pressing issue in the context of the COVID-19 pandemic crisis. Together with limited access to sanitary and hygiene infrastructure, it may cause the

<sup>159</sup> The average value of 3.43 persons per household corresponds to the socio-demographic trend in Czechoslovakia in the 1930s and 1940s. The average number of household members in Czechoslovakia was 3.67 in 1930 and 3.14 in 1950 (CZSO 2013, Toušek et al. 2018: 44).

burden of the pandemic to fall disproportionately on the poorest segregated communities (European Commission, 2020: 7).

**Table 11: Number of household members in the population of SEAs (2017) and in the general population in the Czech Republic (2011)**

Number of persons	SEA		CR	
	abs.	%	abs.	%
1	417	16.3	1 214 201	29.6
2	617	24.1	1 211 977	29.5
3	430	16.8	737 515	18.0
4	417	16.3	629 420	15.3
5+	685	26.7	311 522	7.6
Total	2 566	100.0	4 104 635	100.0
Average number	3.43	x	2.47	x

Source: Toušek, Ladislav et al., 2018. *A labyrinth of crime and poverty. Crime and victimisation in a socially excluded area*, page 45.

SEAs are characterised by strong dynamics, both in relation to their emergence and dissolution, as well as the change of ownership structure, and especially in the migration of their inhabitants, especially at the level of micro-regions and for larger municipalities within the municipality's cadastral area. The main causes are rent arrears, formal and informal municipal policies, the influence of kinship networks and the targeted offer of traders in poverty industry buying up cheap properties (Toušek et al. 2018: 46; for further details, see Foldynová et al. 2016, GAC spol. s. r. o. 2015a, Gryga and Stöckelová 2006, Kafková et al. 2012, Kašparová 2008). Based on a research conducted in 2017 (Toušek 2018: 46), only 6% of respondents have lived at the same address since birth, 58% have changed their address in the last 5 years and 25% have moved to the municipality where they lived at the time of data collection (2017) in the last 5 years (see Table 12: Length of residence in the municipality and at the current address for the population in SEAs and for the population outside SEAs in 2017).

**Table 12: Length of residence in the municipality and at the current address for the population in SEAs and for the population outside SEAs in 2017**

	At address				In municipality			
	SEA		non-SEA		SEA		non-SEA	
	abs.	%	abs.	%	abs.	%	abs.	%
Less than 1 month	11	0.4	9	1.5	3	0.1	1	0.2
1 month to 6 months	331	12.9	35	5.9	122	4.8	8	1.4
6 months to 1 year	244	9.5	17	2.9	91	3.6	8	1.4
1 to 5 years	869	33.9	142	24.1	425	16.6	65	11.0
6 to 10 years	383	14.9	86	14.6	262	10.2	55	9.3
11 to 20 years	280	10.9	72	12.2	244	9.5	64	10.8
More than 20 years	286	11.2	144	24.4	570	22.2	165	28.0
Since birth	162	6.3	85	14.4	849	33.1	224	38.0
Total	2 566	100.0	590	100.0	2 566	100.0	590	100.0

Source: Toušek, Ladislav et al., 2018. *A labyrinth of crime and poverty. Crime and victimisation in a socially excluded area*, page 46.

The Social Inclusion Agency is an instrument for supporting municipalities that have a socially excluded areas (SEAs) on their territory. At the time of preparation of the Strategy, the Agency cooperated with 169 municipalities in the Czech Republic.<sup>160</sup> It helps municipalities map the problems of SEAs, prepare and set up processes for solving these problems and obtain funding to implement these solutions (Social Inclusion Agency: 2019). The Monitoring Committee for the activities of the Social Inclusion Agency (Monitoring Committee) operates within the GCRMA. The Committee monitors the Agency's objectives and its activities in the SEAs, especially those inhabited by Roma. . In accordance with Article 2 of the Statute of the Monitoring Committee, the Monitoring Committee expresses its opinion on the areas in which the Agency will operate, regularly monitors and evaluates

<sup>160</sup> See the website of the Social Inclusion Agency <https://www.socialni-zaclenovani.cz/lokality/>.

the Agency's activities in the municipalities, etc.<sup>161</sup> However, from 2020 onwards, the Monitoring Committee no longer approves the selection of areas in which the Agency will operate.

An important tool for supporting municipalities with SEAs on their territory is also the legally guaranteed support for social work (regional authorities, municipal authorities of municipalities with extended powers and municipal authorities with delegated powers – in accordance with the Act on Social Services and the Act on Assistance in Material Need.

## Strategy

In the 2019 Final Report from the Inquiry on the Czech Republic, the UN Committee on the Elimination of Racial Discrimination expressed concern about the persistent discrimination against Roma people in the housing market and the high proportion of Roma people living in hostels in socially excluded areas who are at risk of instability and forced eviction. It recommends that the State support Roma in access to decent and safe housing. Along with the development of social and non-segregated housing, the State should combat discriminatory practices and abuse of Roma disadvantage in the housing market and ensure that forced evictions are only used as a last resort (CERD, 2019: 4).

In the Council Recommendation on Equality, Inclusion and Participation of Roma of 12 March 2021, the European Commission calls on Member States to strengthen public authorities responsible for housing and provide them with resources to map housing needs and monitor segregation. It recommends the Roma communities concerned be involved in solving housing problems. States are to organise and provide support for persons facing forced eviction and provide social support for those in housing need. Emphasis is also placed on integrated housing programmes for Roma and the combination of micro-credits for housing construction and maintenance with financial literacy programmes (European Commission, 2021: 25).

As shown by a research study of the Social Housing Platform, the State and municipalities often lack key data. And without data, it is difficult to take systemic action. Therefore, measures associated with monitoring and data collection, such as continued monitoring of discrimination against Roma people in access to housing, monitoring the presence of Roma people in socially segregated areas, targeted monitoring of the situation in the housing market, and monitoring the number of persons and families in serious housing need, can lead to an effective reduction of discrimination and segregation in access to housing. The Strategy also aims to improve the quality and accessibility of housing for people suffering from social exclusion. We need to focus on the spatial adequacy of housing, especially for multi-family families. In recent years, particularly in connection with the forced eviction of Roma families from hostels in socially excluded areas, it has been shown that the work of the State is often effectively complemented (and in many cases replaced) by non-governmental, non-profit organisations and informal civic initiatives that are familiar with the situation on the ground and enjoy the trust of Roma communities. Therefore, it is crucial to involve these entities in addressing the housing needs of Roma people and to continue supporting them.

We can cite the *Housing First* project as a positive example of good practice and possible inspiration for addressing the problem of housing need among Roma people, as it has proven to be a successful measure for preventing homelessness abroad. As part of a pilot test of Rapid Re-housing of families with children, the City Authority of Brno and several of its city districts provided housing in unsegregated municipal flats to 50 families in long-term housing need in 2016, two-thirds of whom were Roma families. The impact of the largest project aimed at addressing the housing needs of families since 1989, which was financed from ESF funds, was continuously evaluated by researchers from the University of Ostrava and Masaryk University in Brno. Research has shown that if families in housing need receive stable housing, background and adequate support, they are able to get back on

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<sup>161</sup> Statute of the Monitoring Committee for the activities of the Social Inclusion Agency.

their own feet and maintain their housing in the future.<sup>162</sup> For the families surveyed, there was an improvement in school attendance and performance of children, an increase in the subjective sense of security and well-being, and a higher rate of reunification of families who had previously been forced to live separately due to housing need. In addition to the tangible results of the project, it also succeeded in discursively reframing the “Roma issue” as a problem of housing need for families, which has a possible solution that can be monitored and evaluated.<sup>163</sup> In 2017, Brno’s Rapid Re-housing programme was awarded the prestigious prize for the best European project to end homelessness by the European Commission and the European Federation of National Organisations Working with the Homeless.<sup>164</sup> In 2020, over 20 municipalities across the Czech Republic were piloting local social housing systems or introducing a *housing first* approach in cooperation with the MoLSA.<sup>165</sup>

Social exclusion has structural roots. It is strongly intertwined with the nature of the labour market, social policy and the practice of local governments in relation to the social sphere.<sup>166</sup> The elimination of segregation and discrimination against Roma people on the housing market can only be achieved along the strategic goal of eliminating discrimination against Roma people on the labour market and the prevention of housing loss must be addressed in cooperation with the Labour Office and linked to social work. Therefore, the issue of housing requires a comprehensive solution in cooperation and coordination of the procedures of the ministerial departments and in fulfilling the sectoral and development strategies adopted by the Government that are key to the inclusion of the Roma national minority. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective D: Housing).

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<sup>162</sup> See the Final Evaluation Report of the project:  
[https://drive.google.com/file/d/1B8WJuQ1PG5k7J6V\\_EAuU8SQgQhFDY2t5/view](https://drive.google.com/file/d/1B8WJuQ1PG5k7J6V_EAuU8SQgQhFDY2t5/view).

<sup>163</sup> See <https://hf.socialnibydeni.org/rapid-re-housing-brno>.

<sup>164</sup> See [www.feantsa.org/download/fea-007-17-eu-funding\\_ok7885765817773537732.pdf](http://www.feantsa.org/download/fea-007-17-eu-funding_ok7885765817773537732.pdf).

<sup>165</sup> See [www.socialnibydeni.mpsv.cz/cs/o-projektu/projekty-obci-a-interaktivni-mapa](http://www.socialnibydeni.mpsv.cz/cs/o-projektu/projekty-obci-a-interaktivni-mapa).

<sup>166</sup> See [www.antropologie.org/cs/publikace/prehledove-studie/socialni-vyloucení-a-prostorová-segregace](http://www.antropologie.org/cs/publikace/prehledove-studie/socialni-vyloucení-a-prostorová-segregace).

## 8 Employment

### 8.1 Initial EU framework

The EU primary law states that EU policies will take into account the promotion of a high level of employment and the fight against social exclusion (Article 9 of the *TFEU*) and aim to improve living and working conditions (Article 151 of the *TFEU*). The prohibition of discrimination on grounds of race and ethnic origin in employment is regulated by Article 3(1)(a) of the Racial Equality Directive. The principle of equal treatment under the Racial Equality Directive applies to conditions of access to employment, access to external expertise, retraining, conditions of employment and working conditions or trade union membership. In accordance with Article 15 of the *EU Charter of Fundamental Rights*, everyone has the right to engage in work and to pursue a freely chosen or accepted occupation. Article 23 then requires equality between women and men in all areas, including employment, work and pay. Title IV sets out other employment-related rights, such as the right to access placement services or the right to decent and fair working conditions.

In the Annex to the Czech Republic Report 2019 on the investment guidelines on cohesion policy financing for the programming period 2021-2027, the European Commission (2019a: 65) stresses the need for investment priorities to support a coordinated approach to the socio-economic integration of socially excluded people, such as Roma, “including access to employment.” This recommendation should be implemented in particular through the Employment Plus Operational Programme, specifically Priority 1 Future of Work, Priority 2 Social Inclusion, Priority 3 Social Innovation and Priority 4 Material Assistance to the Poorest.<sup>167</sup>

### 8.2 Initial national framework

The right to equal treatment and the prohibition of discrimination in employment and in access to employment are regulated by Section 1(1)(a) of the Anti-Discrimination Act. The prohibition of discrimination in the exercise of the right to employment is further regulated by Act No 435/2004, on Employment, as amended, specifically in Section 4 thereof. Section 12 of this Act prohibits employment offers of a discriminatory nature. Equal treatment and the prohibition of discrimination in labour-law relations are covered by Section 16 of Act No 262/2006, the Labour Code, as amended. The State Labour Inspection Office and its regional inspectorates are responsible for monitoring equal treatment on the labour market in accordance with Act No 251/20015, on labour inspection, as amended.

#### National strategic documents

- Social Inclusion Strategy 2021-2030, Chapter 4.2 Promoting access to, and maintaining of, employment
- Strategic Framework Czech Republic 2030, specific objective 3.4
- Strategic Framework for Employment Policy until 2030

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<sup>167</sup> See <https://www.esfcr.cz/opz-plus>.

### 8.3 Description of the situation

Based on FRA data from 2016, more than one-quarter (28%) of the Roma people surveyed in the Czech Republic felt discriminated against when looking for work in the previous 12 months and up to three-fifths (61%) felt such discrimination in the past 5 years. In the same research, it was found that 6% of Roma surveyed had felt discriminated against at work in the last 12 months and up to 17% of Roma interviewed in the last 5 years (FRA 2016: 37-38). Discrimination in employment against Roma is apparent mainly in the quality of employment (retention, employment benefits, income) (FRA 2018: 35). On the contrary, Roma who had no experience of discrimination or ethnic violence reported a better-quality form of employment (they tended to have an open-ended contract) (FRA 2018: 32).

According to a 2015 Eurobarometer survey (European Commission 2015), more than half (52%) of respondents in the Czech Republic said they would not feel comfortable if they had a Roma co-worker. When compared to other EU countries, the Czech Republic had the highest percentage of respondents who answered this way (the EU average was 20%). The 2019 Eurobarometer survey (European Commission 2019b) asked respondents how they would feel if they had a Roma co-work. 45% of respondents in the Czech Republic said they would be “moderately bothered” or “bothered” (the EU average was 30%).

Discrimination against Roma people in the labour market was also highlighted in a 2013 CERGE-EI study. It was found that a job applicant with a typically Roma name had a 75 % lower chance of being invited to an interview than an applicant with a name typical of the majority population.<sup>168</sup> For every invitation to an interview, 12.5 applications had to be sent by job seekers with a typically Romani name, while a job seeker with a typically majority name needed to send an average of 7.5 applications to be invited to an interview (Bartoš, Bauer, Chytilová, Matějka 2013: 23-24).

The latest available data on Roma employment from 2016 (FRA 2016: 18) showed that in 2016, 32% of economically active Roma in the Czech Republic were unemployed, a slight improvement compared to 2011 (35% unemployed). Furthermore, in 2016, 43% of Roma aged 20-64 reported “paid work”<sup>169</sup> as their main activity. The employment rate for the general population was 75% during this period (FRA, 2016: 19). The same survey also shows that there is a large difference in the employment of Roma men and women, to the disadvantage of women.

The traditional division of roles between men and women<sup>170</sup> increases men’s chances of getting a job, whereas it does the opposite for women. Roma women living in a household with a child/children of preschool age who do not attend nursery school are more likely to be unemployed (FRA 2018: 20). Compared to women in the general population aged 16-64, twice as many Roma women (58% vs. 27%) are not working or are not looking for work due to caring for young children/elderly or sick relatives (FRA 2019: 31). Therefore, supporting the participation of Roma children in pre-school education not only affects the development of these children, but it can also positively influence the opportunities for Roma women to find employment (FRA 2018: 35).

The probability of a successful transition from education to employment increases with higher levels of education, i.e. from upper secondary education (ISCED 3+) (FRA 2018: 35). According to the results of the 2016 FRA survey (2019: 17), the rate of attainment of upper secondary education (ISCED 3+) is two-thirds lower for Roma than for the general population, and even lower for women.

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<sup>168</sup> The research involved the use of first names and surnames typical of ethnic minorities. The name “Gejza Horváth” was used for the Roma minority, which 82% of respondents in the pre-survey associated with the Roma minority. The comparison also included typical Czech and Vietnamese first and last names. Apart from the name, all other characteristics of the applicant were identical (education, experience, skills, interests, references and contact information) (Bartoš, Bauer, Chytilová, Matějka 2013: 15, 22).

<sup>169</sup> including full-time/part-time work, casual work, self-employment, seasonal work, work in the last 4 weeks (FRA, 2016: 19).

<sup>170</sup> Part of the FRA research report focusing on gender equality (FRA 2019: 32-33) among Roma minorities in EU countries confirms the persistent effect of the traditional division of male and female roles (especially among the male Roma population). In a survey of Roma people in the Czech Republic, 58% of Roma men agreed with the statement that “men should have as much responsibility for the household and children as women do”, compared to 78% of Roma women. A similar differentiation between Roma women and men was found for the statement “having a job is the best way for a woman to be an independent person” – 59% of Roma men agreed to that statement compared to 70% of Roma women.

Poverty is strongly associated with unemployment. According to the EU-SILC sample survey (CZSO 2018), “of those whose predominant economic activity during 2017 was unemployment, more than half (53.2%) were at risk of income poverty in 2018.” At the same time, according to the EU-SILC, the regions with the highest unemployment rates – 20.5% in the Ústí nad Labem Region and 16.3% in the Moravian-Silesian Region – have the highest rates of exposure to income poverty or social exclusion. Moreover, the risk of poverty after social transfers is associated with lower quality employment<sup>171</sup> (fixed-term contract, unskilled work) (FRA 2018: 25). According to FRA data from 2016, up to 58% of Roma people in the Czech Republic were at risk of income poverty. Compared to the income poverty rate of the general population in 2016 (9.7%), Roma were six times more likely to be at risk of poverty. The proportion of Roma at risk of poverty was highest in areas reported by respondents to be inhabited by residents of whom “all” or “most” were of Roma origin (FRA 2016: 15-15).

In 2017, the poverty rate was 3.5% for working people and 10.8% for non-working pensioners. Single-member households showed above-average poverty rate of 24.3% (16.2% for men, 29.3% for women). The exposure to income poverty was slightly above average for households with children (9.6%). However, the risk of poverty was higher for full families with three or more children (17.4%) and especially for single-parent families with children (31.4%).<sup>172</sup>

Distraints, which affect 821 000 people in the Czech Republic<sup>173</sup>, are an important factor affecting the unemployment rate. The amounts that are not seizable are low, and for those who under distraint, a significant part of their income goes towards repaying the debt, which is why undeclared or partially declared work often occurs. Another reason for the high level of indebtedness is the high turnover of Roma employees and the low permeability to permanent/long-term employment. The continuous cycle of creation and termination of employment relationships is in conflict with the possibility of achieving the conditions for entering insolvency proceedings or the continuous repayment of distraint payments in the form of wage deductions.<sup>174</sup>

According to a statement by a member of the Government Council for Roma Minority Affairs published in the Report on the State of the Roma Minority in 2018 (2019: 37), Roma may face discrimination in agency employment. Roma employed through employment agencies point to the unequal status between them and workers employed directly by the company. Agency workers may be subject to different conditions with regard to working hours, entitlements to benefits and holidays, and they may be exposed to more frequent bossing than employees whose working hours are covered by an employment contract. The incentive to keep a job secured through an agency is often the promise of an employment contract directly with the employer (i.e. to become a “direct” employee), although this condition is not supported by the employment intermediation contract – it is only an informal promise. Unlike majority employees, Roma employees of agencies may be subjected to more frequent verification and testing of their work performance, and there are also frequent cases where the work team is aligned with the ideas of antigypsyism when there are only a few Roma in the collective.

### 8.3.1 Socially excluded areas

High rates of unemployment and work outside employment relationships are associated with socially excluded areas. For example, the *Analysis of Socially Excluded Areas in the Czech Republic* (GAC spol. s r. o.: 2015a: 12) estimates the “unemployment” rate at up to 85%. However, according to Toušek et al. (2018: 40), these are misleading estimates. The first mistake being that this is a simple proportion of those who have a job to the total number of persons living in socially excluded areas. Therefore, the unemployed also include economically inactive persons, such as pensioners or students. The second conceptual inaccuracy is based on the assumption that an employee is only

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<sup>171</sup> Housing segregation and overcrowded and substandard housing are also negatively associated with job quality (FRA 2018: 25).

<sup>172</sup> See CZSO [https://www.czso.cz/documents/10180/80030476/csu\\_tk\\_silc\\_souhrny\\_popis.pdf/b73fb64f-d5cc-4af6-93bf-e9edb22ac10b?version=1.0](https://www.czso.cz/documents/10180/80030476/csu_tk_silc_souhrny_popis.pdf/b73fb64f-d5cc-4af6-93bf-e9edb22ac10b?version=1.0).

<sup>173</sup> For further details, see Open Society, 2017. Map of Distraints. Available at <http://mapaexekuci.cz/mapa/index.html>.

<sup>174</sup> Discrimination in employment against Roma is apparent mainly in the quality of employment (retention, employment benefits, income) (FRA 2018: 35).

someone who works legally, not an economically active individual without a legal labour-law relationship. In a survey carried out in Czech SEAs in 2017, 28% of respondents said they were employed and 31% said they were not employed and did not belong to the category of economically inactive persons (pensioners, students, etc.) (see Table 13: Economic status of the population living in SEAs and outside SEAs in 2017).<sup>175</sup> The results are consistent with data obtained by the FRA in 2016, which found that 29% of Roma were employed and 32% unemployed in 2014 (FRA 2016). In total, 40% of respondents in the SEAs were economically active. In terms of economic status, the population of SEAs differs significantly from the non-SEA population and the general population in the Czech Republic not only in terms of unemployment rates, but also in terms of other economic categories (Toušek et al. 2018: 40).

**Table 13: Economic status of the population living in SEAs and outside SEAs in 2017<sup>176</sup>**

	SEA		non-SEA	
	abs.	%	abs.	%
“Unemployed”	806	31.4	30	6.1
Old age pension	372	14.5	111	22.7
Unskilled labourer	326	12.7	48	9.8
Maternity/parental leave	310	12.1	26	5.3
Skilled labourer	191	7.4	81	16.6
Student	188	7.3	87	17.8
Disability pension	169	6.6	11	2.3
Employed – other	172	6.7	60	12.3
Self-employed	32	1.3	36	7.4
Total	2 566	100.0	490	100.0

Source: Toušek, Ladislav et al., 2018. *A labyrinth of crime and poverty. Crime and victimisation in a socially excluded area*, page 41.

<sup>175</sup> At the time of data collection, the unemployment rate in the Czech Republic was 4%. The difference between the general population and the surveyed population living outside SEAs is based on the composition of its sample. The comparison involved residents of identical municipalities in which the SEA was surveyed. The difference is due to the fact that these are mostly municipalities with higher overall unemployment rates (Toušek et al. 2018: 40).

<sup>176</sup> Question: “What is your current occupation?”

In terms of income, research conducted in SEAs refutes (Toušek 2018: 41) the stereotype of the “abundant” life of unemployed recipients of welfare benefits that depend on the number of children. Despite the significantly higher number of household members in the SEAs, their incomes were approximately one-third lower compared to the sample population living outside SEAs.<sup>177</sup> While only 21% of the population living outside SEAs reported a monthly income of up to CZK 17 000, almost half (49%) of respondents living in SEAs reported such income (see Table 14: Monthly income of households in SEAs and households outside SEAs in 2017). In comparison with data on the composition of households in SEAs<sup>178</sup> and in the case of calculating the “lower bound of the interval of income declared by respondents including social transfers” and without knowing the intervening factors that may affect the calculation, Toušek et al. (2018: 41-42) estimate that at least 65% of SEA households live below the poverty line compared to 9.7% of the total population in the Czech Republic (Eurostat 2017). The figure is almost identical to the data from an FRA study conducted exclusively on the Roma population in 2016, which found that 58% of Roma in the Czech Republic were at risk of poverty (FRA 2016: 14).

**Table 14: Monthly income of households in SEAs and households outside SEAs in 2017<sup>179</sup>**

Income in CZK	SEA		non-SEA	
	abs.	%	abs.	%
up to 6 000	142	5.5	8	1.4
6 001 - 8 000	129	5.0	10	1.7
8 001 - 10 000	216	8.4	19	3.2
10 001 - 12 000	242	9.4	27	4.6
12 001 - 14 000	213	8.3	28	4.8
14 001 - 17 000	324	12.6	32	5.4
17 001 - 20 000	300	11.7	51	8.6
20 001 - 25 000	272	10.6	75	12.7
25 001 - 35 000	230	9.0	102	17.3

<sup>177</sup> However, these are not regional differences in wage levels, as both compared populations come from the same municipalities (Toušek et al. 2018: 41).

<sup>178</sup> Cf. Table 11: Number of household members in the population of SEAs (2017) and in the general population in the Czech Republic (2011) and Chapter 7. Housing.

<sup>179</sup> Question: “Could you please tell me the total net monthly income of your entire household, including pensions, social benefits, scholarships, etc.?”

35 001 - 50 000	79	3.1	73	12.4
50 001 and more	28	1.1	56	9.5
Do not know	290	11.3	60	10.2
Refused to answer	101	3.9	49	8.3
Total	2 566	100.0	490	100.0

Source: Toušek, Ladislav et al. *Crime and victimisation in a socially excluded area*, page 42.

## Strategy

In the 2019 Final Report from the Inquiry on the Czech Republic, the UN Committee on the Elimination of Racial Discrimination expressed concern about the disproportionately high representation of unemployed Roma and Roma earning a living in the informal economy compared to the majority population (CERD, 2019: 4). In its recommendations, the Committee stressed the need to focus on measures to promote Roma access to formal employment, with particular attention to intersectionality, i.e. the intersection of characteristics that can contribute to discrimination in the labour market (in addition to ethnicity, e.g. age, education, class, economic status, gender, family situation). States should also increase the employment of Roma in the public sector, which will directly support Roma employment and make the public sector more accessible to the Roma minority.

In the Council Recommendation on Equality, Inclusion and Participation of Roma of 12 March 2021, the European Commission recommends that Member States focus in particular on Roma youth and develop communication and support strategies to help young Roma understand the labour market and make informed decisions about their professional lives. States should actively assist young Roma through coaching, mentoring, internships and support for business incubators (European Commission, 2021: 23). In order to prepare young Roma for the modern labour market, States should actively ensure that young Roma have access to digital skills and facilitate their training in ICT. The promotion of subsidised employment and employment-related cost sharing and the promotion of social entrepreneurship are also essential (European Commission, 2021: 23). Socially responsible public procurement, social enterprises, and the creation of favourable conditions for Roma people who want to create social enterprises on their own appear to be the appropriate tools for long-term employment of Roma people on the labour market.<sup>180</sup>

Long-term unemployment and loss of life prospects have a negative impact on mental and physical health (Ytterdahl, Fugelli, 2020). Addressing social and economic exclusion is particularly important in times of crisis, when poverty and structural inequality are likely to increase in the wake of the global pandemic (European Commission, 2020: 1). Therefore, one of the main objective of this Strategy is to ensure equal access to employment for Roma people by providing support for socially excluded persons, improving their access to the labour market, increasing the employment rate of Roma people at risk of social exclusion, developing entrepreneurship among Roma and supporting self-employed people. The COVID-19 pandemic has also revealed an urgent need to improve the digital literacy of marginalised Roma across age groups. As in other areas, it is crucial to have the relevant data

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<sup>180</sup> See e.g. Responsible Public Procurement, Methodology, 2nd updated edition: [http://sovz.cz/wp-content/uploads/2019/09/sovz\\_metodika\\_2doplnene-vydani\\_web.pdf](http://sovz.cz/wp-content/uploads/2019/09/sovz_metodika_2doplnene-vydani_web.pdf).

available in the area of employment and to carefully monitor discrimination in access to employment on the basis of Roma origin.

In line with the recommendations of the European Commission and the emphasis on intersectionality of the UN Committee on the Elimination of Racial Discrimination, special attention should be paid to young Roma who are not in employment or education and training and to Roma women. The State should actively identify the circumstances of the exclusion of these groups from the labour market and involve them in job search programmes and programmes to improve their skills and help them to break free from dependence on the informal economy. The State should focus on incentives aimed at supporting higher qualifications or retraining for Roma, innovation, material support for the creation of new jobs or the acquisition of tangible and intangible assets for strategic investment, and targeted support for disadvantaged micro-regions with a focus on helping Roma. It is desirable for the State to focus on the implementation of active employment policy instruments. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective E: Employment).

## 9 Health

### 9.1 Initial EU framework

In accordance with Article 9 of the consolidated version of the *TFEU*, the EU takes into account the requirement to protect human health in the development and implementation of its policies. Health protection is also enshrined in Article 35 of the *EU Charter of Fundamental Rights*: “Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices.” At the same time, social protection, including social security and health care, is covered by Article 3(1)(e) of the Racial Equality Directive.

In the Annex to the Czech Republic Report 2019 on the investment guidelines on cohesion policy financing for the programming period 2021-2027, the European Commission (2019a: 65) has identified “high priority investment needs” to improve access to health services in order to reduce health inequalities and ensure access to health and social services for socially excluded people, such as Roma. This recommendation should be implemented in particular through the Operational Programme Employment Plus, specifically Priority 2 Social Inclusion, Priority 3 Social Innovation and Priority 4 Material Assistance to the Poorest.<sup>181</sup>

### 9.2 Initial national framework

The right to equal treatment and the prohibition of discrimination in access to and provision of health care is regulated in the Czech Republic by Section 1(1)(h) of Act No 198/2009, the Anti-Discrimination Act. Section 48(1) of Act No 372/2011, on health care services and conditions of their provision, as amended, defines the possibilities of refusing a patient only in predefined cases, which include, for example, operational reasons (staffing and technical facilities), the distance of the patient’s place of residence not allowing for a visit to be performed, or the fact that the patient is not an insured person of the health insurance company with which the provider has a contract. In accordance with Section 48(5) of the Act, the reasons for providing care to a patient or withdrawing care from a patient shall be

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<sup>181</sup> See <https://www.esfcr.cz/opz-plus>.

assessed by the provider. If the provider refuses to admit a patient to care or to issue a discharge report without justification, the provider commits an infraction in accordance with Section 117(3).<sup>182</sup>

Furthermore, in accordance with to Section 11(1)(c) of Act No 48/1997, on public health insurance and amending and supplementing certain related acts, as amended, the insured person has the right to “time and local availability of covered services provided by contractual providers of the relevant health insurance company”. The implementing regulation of this Act, Government Regulation No 307/2012 of 29 August 2012, on the local and time availability of health services, then quantifies the availability of health care, in the case of local availability of the corresponding type of health care on the basis of the maximum travel distance and in the case of time availability through the maximum waiting time. If a health care provider is unable to provide health care within the time limit, the insured person can turn to the health insurance company with which he or she is insured. In the event that the health insurance company fails to fulfil its obligation, the insured may apply directly to the Ministry of Health of the Czech Republic.

### National strategic documents

- Strategic Framework for the Development of Health Care in the Czech Republic until 2030.
- Social Inclusion Strategy 2021-2030
- Strategic Framework Czech Republic 2030, specific objective 5.2
- Implementation of the 2030 Agenda for Sustainable Development in the Czech Republic, Sustainable Development Goal 3
- National Reform Programme of the Czech Republic

## 9.3 Description of the situation

### 9.3.1 *Discrimination and unequal access in the area of health*

Based on FRA data from 2016, 8% of the Roma surveyed in the Czech Republic felt discriminated against in the last 12 months in the area of health (FRA 2016: 37). Cases of discrimination against Roma people in the area of health have so far been dealt with in the Czech Republic primarily by the Ombudsman. In 2012, the Ombudsman confirmed discrimination against a Roma patient in access to health care, specifically the rejection of that patient on the basis of ethnicity in a dental office (PDR 2019): 25). The Ombudsman has identified as a particularly serious violation of Roma women’s rights in relation to their health the involuntary sterilisations that were taking place for several decades from the 1970s (PDR 2005).

### 9.3.2 *Unlawful sterilisations*

In 1972, a birth control policy was put in place in Czechoslovakia, allowing public authorities to promote the sterilisation of Roma women and women with disabilities placed in institutions for persons with mental disabilities.<sup>183</sup> Women were often sterilised without their informed consent during obstetric and gynaecological services provided for other purposes (childbirth, abortion) or they were coerced into consenting. Some women were given false information by medical staff that the sterilisation was only temporary. Then they expected, to no effect, to get pregnant again. Other women were told that if they did not opt for sterilization, they could die during their next delivery (ERRC, 2016: 7). Forced sterilisation also had serious consequences on the victims’ personal lives. The Roma community attaches great importance to the family. Forcibly sterilised women suffered from psychological problems and lack of acceptance and understanding from the community and partners who blamed them for the sterilisation because they did not believe they were forced into it by institutional coercion, manipulation or withholding crucial information. This resulted in multiple victimisation of Roma women. First by the sterilisation itself and the trauma caused, then through non-

<sup>182</sup> [https://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/aktuality/DIS-zdravotni-pece.pdf](https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/aktuality/DIS-zdravotni-pece.pdf).

<sup>183</sup> See the Directive of 29 February 1972 on the execution of sterilisations. Available at: <https://www.epravo.cz/vyhledavani-aspi/?Id=32073&Section=1&IdPara=1&ParaC=2>.

acceptance by their partners and the community, in some cases accompanied by domestic violence (ERRC, 2016: 62). The official birth control policy was cancelled in 1991, but cases of involuntary interventions continued to be recorded long after that date. In March 2021, Deník N, in collaboration with VICE World News, published the testimony of the last known victim of involuntary sterilisation that occurred at a hospital in Žatec in 2010.<sup>184</sup>

The Office for the Documentation and the Investigation of the Crimes of Communism is still engaged (allegedly without any serious findings) in finding evidence to prove a systemic assignment, or a comprehensive intention on the part of the governments of the former regime (in the period 1966-1989) regarding the illegal sterilisation of Roma women. However, the Ombudsman's report published in 2005 confirms that the sterilisation programme between 1970 and 1990 was part of a policy aimed at controlling and reducing the fertility of Roma women (for more details see PDR 2005: 71-72).<sup>185</sup>

In 2009, the Prime Minister apologised to the sterilised persons. However, from the point of view of the Czech Government, this was an individual failure of individual doctors, not a systematic assignment or organised sterilization effort by the State. In the following years, civil society and government activities were directed towards the creation of an adequate compensation mechanism as an *ex gratia* act. As a result of these efforts, a bill on compensation for unlawfully sterilised women was drafted but rejected by the Government on 30 September 2015. The Government of the time pointed to the ineffectiveness of the proposed mechanism and the fact that the primary remedy in the Czech legal system had always been legal action. On 1 October 2019, a new draft act to deal with unlawful sterilisations was proposed by a group of deputies. This Act on the provision of a lump sum of money to unlawfully sterilised persons regulates the conditions for the provision of a lump sum of CZK 300 000 to such persons.

Like the Slovak Republic, which lost several disputes<sup>186</sup> with groups of forcibly sterilised women before the ECHR in 2009-2013, the Czech Republic has faced strong international criticism for many years. This is not only because forced sterilisations were still taking place in both countries long after the division of Czechoslovakia, but also because the systemic wrongdoing has not been acknowledged by the State and the victims have not yet been compensated. In 2006<sup>187</sup>, 2010<sup>188</sup> and 2016<sup>189</sup>, the UN Committee on the Elimination of Discrimination against Women repeatedly called on the Czech Republic to compensate forcibly sterilised women. In its 2019 investigation, the UN Committee on the Elimination of Racial Discrimination expressed concern that the Czech Republic has not yet developed an effective compensation mechanism (CERD, 2019). The investigation refers to its previous findings<sup>190</sup> and recommends providing free legal aid to victims, extending the statute of limitations for filing legal claims, and investigating and punishing those responsible for forced sterilisations.

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<sup>184</sup> <https://denikn.cz/576775/rekli-mi-ze-operace-dopadla-dobre-nikdy-uz-nebudu-mit-deti-vypratrali-jsme-dalsi-obet-nucene-sterilizace/?ref=in>.

<sup>185</sup> Part of the coercive methods at the time included a monetary incentive (benefit), the existence of which was intended to discredit any later claims of sterilised persons. The benefit was paid to some of the sterilised persons on the basis of the Decree of the Ministry of Health and Social Affairs of the Czech Socialist Republic on the implementation of the Social Security Act under Section 35, as amended: "*Citizens who have undergone a medical procedure in accordance with special regulations in the interests of a healthy population and to overcome adverse family circumstances may be granted a one-off cash benefit or a benefit in kind by the district national committee in accordance with Section 31(4) of this Decree within one year after the medical procedure has been carried out.*"

<sup>186</sup> *K.H. and Others v. Slovakia*. Complaint No 32881/04 (ECHR, 6 November 2009), *V.C. v. Slovakia*. Complaint No 18968/07 (ECHR, 8 November 2011), *N.B. v. Slovakia*. Complaint No 29518/10 (ECHR, 12 September 2012), *I.G. and Others v. Slovakia*. Complaint No 15966/04 (ECHR, 29 April 2013).

<sup>187</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding Comments, Czech Republic*, 25 August 2006, CEDAW/C/CZE/CO/3. Available at: <https://www.refworld.org/docid/453778480.html>.

<sup>188</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding Observations, Czech Republic, 10 November 2010*, CEDAW/C/CZE/CO/5. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCZE%2FCO%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCZE%2FCO%2F5&Lang=en).

<sup>189</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding Observations, Czech Republic, 14 March 2016*, CEDAW/C/CZE/CO/6. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCZE%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCZE%2FCO%2F6&Lang=en).

<sup>190</sup> <https://www.refworld.org/pdfid/45139d4f4.pdf>.

Unlawful sterilisation constitutes a serious interference with fundamental human rights, such as the right to protection of life and health, the right to personal integrity and privacy, and the right to family life. The State is responsible for the execution of such sterilisations, as it has not adopted sufficient legislation on informed consent to sterilisation to ensure that patients' rights were consistently respected, thus enabling their violation. Therefore, the State should provide an effective remedy.

The issue of forced sterilisations in Czechoslovakia is dealt with in the study *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia* (CRR, 2003) (with emphasis on Slovakia) and *Coercive and Cruel: Sterilization and Its Consequences for Romani Women in the Czech Republic 1966 – 2016* (ERR, 2016) (with emphasis on the Czech Republic). Given the persistent fears of victims to speak publicly about the issue, it is necessary to conduct detailed research that will reflect new knowledge in relation to unlawful sterilisations in the Czech Republic before and after 1989, assess the criminal responsibility of perpetrators, and support the process of reconciliation by deciding on compensation for victims. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective F: Health).

### 9.3.3 *Unavailability of health care*

In some regions of the Czech Republic, especially in the border regions, local, time, financial and personnel availability of health care is not ensured. A significant part of socially excluded areas, which also include Roma residents, is located in the border regions.

Although the legislation (see above) regulates the local and time availability of health care, it does not specify the conditions of such availability. For example, travel time is most often interpreted as the accessibility of health care services by car. However, in most cases, SEA residents do not own a car and rely on public transport, which is many times more time-consuming than travelling by car. This is associated with increased health care costs (travel costs), especially for families with children. The relevant Government Regulation also does not regulate the maximum waiting time for an examination by outpatient doctors. In practice, it often happens that patients have to wait several months for an examination. The availability of necessary personnel also affect the related demands in access to health care. A more uniform and dense network of physicians would reduce the financial and time burden of traveling for health care (Baltag, 2018: 9-17).

The financial and time demands of commuting to doctors often cause residents of SEAs to postpone their visits to the doctor. They then go see a doctor only when the disease and its associated symptoms, most often pain due to extensive inflammation, have already reached an advanced stage. More demanding treatments have a consequent impact on the health care system in the form of increased costs.

The European Commission stresses that Member States should focus on vulnerable groups living in marginalised and remote locations and promote their equal access to quality health care. The States have an obligation to improve access to health care for vulnerable groups; i.e. Roma women to antenatal and postnatal care and children to primary care and prevention (European Commission, 2021). Care for older Roma, Roma with disabilities and Roma LGBTIQ persons is also essential. Therefore, it is crucial, in accordance with the EC recommendations, to ensure actual availability and accessibility of health care services in time, place, capacity and price, specifically for socially excluded populations, including Roma. These measures are also very relevant in the context of the COVID-19 pandemic, where both short-term negative health impacts and long-term socio-economic impacts on vulnerable groups in SEAs can be expected. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective F: Health).

### 9.3.4 *Inequalities in health*

Data from both recent and older research show persistent health inequalities and disadvantages in access to health care services for Roma at risk of poverty and social exclusion. This is illustrated by basic health indicators such as life expectancy and infant mortality. Life expectancy for Roma people is 10-15 years shorter than for the majority population. According to the *Roma Inclusion Index 2015*

(Bojadjeva 2015: 43), the average life expectancy of Roma is 68.5 years (71.5 for Roma women); for the majority society, it is 78.5 years. Previous studies based on a retrospective method, determining at what age the participants' parents died, produced data showing up to a 17-year difference between the Roma and non-Roma population in the Czech Republic (Davidová et al. 2010).

In the area of reproductive health, including infant mortality, we can rely on data from research into pregnancy and childbirth among Roma (Bobák 2005, ELSPAC 2011, Binder 2015). According to the available studies summarised in Hnilicová's work, the infant mortality rate among Roma people is up to twice as high as the national average. Although Roma children make up 3% of all live births, they account for up to 5% of stillbirths. Roma people have a higher birth rate than the national average, a higher proportion of teenage mothers among their parents, and a significantly lower birth weight of newborns on average (Hnilicová, Equi-Health, 2015). Specifically, a Czech study from a systematic review (Cook et al., 2013: 885-911) found that 14% of Roma newborns had low birth weight, compared to 4% among the non-Roma population. Maternal education and associated health literacy had the greatest impact on preterm birth and low birth weight of the newborn (Cook et al., 2013: 906). An earlier study by Rambousková et al. (2009: 58-63) shows that cigarette smoking negatively affects fetal growth and increases the risk of low birth weight and preterm birth. In her study, the weight and length of Roma newborns were found to be lower than those of the majority population and the duration of pregnancy was one week shorter. A significantly higher percentage of Roma women smoked before and during pregnancy compared to non-Roma mothers. Roma mothers were 3.28 times more likely to smoke during pregnancy than non-Roma mothers. 57.9% of Roma mothers and 20.3% of non-Roma mothers smoked during pregnancy.

Other diseases that occur to a greater extent among the Roma minority than in the majority population are cardiovascular diseases and type 2 diabetes, back pain and mobility disorders that appear at a young age, and chronic obstructive pulmonary disease. There is also a higher incidence of infectious diseases, especially hepatitis A and B, and a higher risk of contracting TB and sexually transmitted diseases, including HIV/AIDS (Hnilicová, Equi-Health 2015).

Roma people are also more likely to be obese and have poor diets, the prevalence of smoking is high among Roma, and drug addiction is more common among their youth and children. Roma children consume less vegetables (19% of the recommended intake), fruit (20% of the recommended intake), milk and dairy products (32% of the recommended intake), and on the contrary, they excessively consume (463% of the recommended intake) unhealthy foods such as sweets, smoked foods, etc. (Brázdová et al. 1998). Similar results were observed in the case of Roma pregnant women, who, compared to parents from the majority population, consumed more smoked foods, delicatessen products, sweetened beverages, pate, etc. and less fruit, vegetables, fish, cheese, etc. (Rambousková et al. 2003).

According to research by Nesvadbová, Šandera and Haberlová (2009: 55), three-fifths of Roma over the age of 16 smoke daily (60%), 9% occasionally, 11% do not smoke now but have smoked in the past, and 20% have not had any experience with smoking. Second-hand smoking is also a problem, and even the youngest children are exposed to it. Roma people often live in a smaller space with a large number of people, and multi-generational families in one household are common; second-hand smoking is virtually unavoidable in such circumstances. Up to 60% of Roma women smoke during pregnancy and some smoke more than 20 cigarettes a day (Hnilicová, Equi-Health 2015).

According to the 2017 study *Health and Substance Abuse among Roma* conducted by the National Monitoring Centre for Drugs and Addiction (NMC) in cooperation with the Office of the Council among Roma clients of outreach social workers working in socially excluded areas, 66.1% of Roma over the age of 15 smoked daily (71.0% of men and 61.3% of women) and 19.5% of respondents smoked 30 or more cigarettes daily (Chomynová et al. 2020; Mravčík et al. 2017: 75-79). Alcohol was consumed daily by 7.2% of Roma (11.0% of men and 3.3% of women), while 20.4% (30.4% of men and 10.3% of women) consumed excessive amounts of alcohol on a regular basis (at least once a week or more often), i.e. 5 or more glasses of alcohol on one occasion. A total of 56.5% of Roma in socially excluded areas (68.2% of men and 44.6% of women) reported experience with the abuse of illegal substances at least once in their lives, most often cannabis substances (52.4%), methamphetamines or amphetamines (25.5%), ecstasy (16.0%), hallucinogenic mushrooms (15.4%) and LSD (9.0%). A total of 7.2% reported using heroin, 5.3% reported using other opioids such as Subutex® or

Suboxone® and 15.5% reported using volatile substances. A total of 32.4% of Roma people (46.7% of men and 17.8% of women) reported current abuse of illegal substances (i.e., use in the past 12 months), most often cannabis substances (27.1%) and methamphetamines or amphetamines (11.9%). Current use of cannabis substances and hallucinogens was most frequently reported by respondents in the youngest age group (15-24 years), while use of cocaine, heroin and buprenorphine-based opioids was more frequently reported by respondents aged 35-44 years. A total of 18.8% of Roma people said they had injected drugs at some point in their lives, 11.2% of them repeatedly. A high proportion of the Roma population also reported sharing injecting materials (4.8%), most often in the age category of 45 years and older.

A comparison with the general population of the Czech Republic of the same age showed that Roma people in contact with outreach social workers in socially excluded areas were 3 times more likely to be daily smokers and 1.5 times more likely to consume excessive doses of alcohol. Rates of current use of cannabis, ecstasy and hallucinogens were 2.5-4 times higher among Roma, rates of cocaine, heroin and other opioid use were 5-6 times higher and methamphetamine use was up to 14 times higher than in the general population (Chomynová et al. 2020; Mravčík et al. 2017: 75-79).

Other studies have also shown higher rates of substance abuse and lower age of first experience with substance abuse among Roma children (GAC, 2015; Kajanová & Hajduchová, 2014), pointing out that Roma children are less informed about the negative impacts associated with substance abuse. The intergenerational pattern of substance abuse in Roma families is a specific feature, where children may perceive drug use (e.g., methamphetamine) as a normal part of life, including a more frequent switch to injection use and higher rates of polysubstance use (Mravčík et al. 2018: 196-199). Services working with Roma drug users must overcome their mistrust, which is a significant reason for the inadequate use of support services. The offer of treatment or the idea of abstinence is often unattractive to Roma drug abusers, and work with Roma people is usually limited to syringe exchange and condom distribution (Mravčík et al. 2018: 196-199).

According to research on the *Use of Volatile Substances by Ethnic Minority Children* (Vacek et al. 2010: 222-223), more than half of the paediatric patients – inhalant users are of Roma ethnicity. Inhalant use is associated with lower socio-economic status and a dysfunctional family environment.

Regarding SEAs, recent research (Toušek et al. 2019: 109-120) showed that the use of “hard” drugs (methamphetamine, heroin, cocaine, toluene) among residents of SEAs does not differ much from residents of other areas. In the survey, the use of hard drugs was reported by 10% of residents of SEAs and 8% of non-SEA residents. Users in SEAs show certain specificities, such as low awareness of safe drug use, considering the issue a taboo and the linking of drug abuse with other problems of social exclusion. Consequently, residents of SEAs hardly use the available addiction services, which are too formalised for them and have a high threshold for entry and retention in treatment. According to research carried out annually by the NMC in cooperation with the Social Inclusion Agency in the socially excluded areas, alcohol and illegal drug abuse is rated as a moderately serious phenomenon in the long term, as is low education and low quality of housing, with debt and unemployment rated as the most serious issues.

The Summary Report on the Implementation of Drug Policy in the Regions in 2017 shows that although it proves successful to work with Roma clients in outreach programmes and contact centres across the country and the number of such service users is growing, the system is failing to motivate Roma clients to undergo treatment to a greater extent, and as in previous years, various specifics of work with Roma clients are reported by service providers across the regions, such as: distrust of programmes, problems with returning used injection kits, repeated use of syringes or sharing of used needles, inability to establish more structured contact with outreach workers, multi-generational use, low age at first experience with legal highs and low age of drug abusers. The above data show that it is crucial in the future to ensure the availability of addiction services for Roma substance abusers that reflect these specificities.

Roma people show poorer oral health, poor oral hygiene, a lower number of visits to dentists, lower use of preventive care, including dental prevention, higher use of primary care, especially when older, and at the same time seeking medical care at a later stage of the disease. The negative state of

health also affects Roma women, who are more often affected by the aforementioned health problems than women in the majority population (Hnilicová, Equi-Health 2015).

A number of interlinked factors contribute to health inequalities, in particular low quality housing, exclusion from mainstream market housing, social and economic exclusion, homelessness, but also unhealthy lifestyles, unemployment, lower levels of formal education, limited access to health and social services, neglect of prevention, including vaccinations and preventive check-ups, and generally lower health literacy. All these problematic factors lead not only to the development of progressively worsening health issues, but often to postponing the resolution of such issues from the preventable phase to the acute or advanced stage of the disease.

Representative data on the situation of Roma people in the area of health are currently lacking, in part due to methodological inconsistencies and uncertainties in the studies that have been conducted to date on Roma people's health and health literacy. Therefore, it is necessary to acquire systematic, representative, quantifiable data on the health and health care of Roma in all regions so that the surveys are comparative across the Czech Republic. (See Annex 1 – Logical Framework – Health for more details).

### 9.3.5 Health Literacy

It was mentioned in the previous section that maternal education and related health literacy are critical factors that have a major impact on preterm birth and low birth weight of the newborn (Cook et al., 2013: 906). Other research carried out in the area of health perception and health literacy among Roma people confirms the lacking awareness and skills regarding promotion of health.

The pilot study entitled *Perceptions of Health among the Roma Ethnic Group* (Danosová et al. 2015: 257) found that Roma people have a rather instrumental approach to their health because they have not followed basic preventive health practices, the principles of a healthy lifestyle, and have abused addictive substances (smoking, alcohol). At the same time, it was found that the subjective perception of health among the Roma ethnic group is not focused on the prevention of illness, but rather on seeking medical help only when issues arise.

The results of the secondary characteristics in the study showed that 78.4% of the respondents ate irregularly, with 68.8% eating only what they liked, 48.9% saying that smoking was not detrimental to health and 13.7% saying that occasional smoking was not detrimental to health. 67% of respondents believed that it would not be a benefit to their health if they did not smoke. Furthermore, 73.4% of respondents said that drinking alcohol does not affect one's health. 63.2% of the respondents were physically active and 67.4% of the respondents reported getting enough sleep. 23.8% of the respondents regularly attended preventive check-ups, and 13.8% of the respondents regularly went to the dentist for preventive check-ups. 65.3% of respondents had regular gynaecological examinations. Preventive check-ups were not considered important for health by 86.5% of respondents in the surveyed population. 13.8% of respondents reportedly attended regular dental check-ups, the most frequent reason for not going to the dentist being "I am afraid" (Danosová et al. 2015: 258-259).

A project entitled *Health Literacy in Selected Population Groups of the South Bohemian Region* (Bártlová 2018: 73) examined health literacy among Roma people living in the Region. Although the Roma respondents presented health as the most valuable thing they have, the results of the study pointed to the lack of sufficient information about their health, the health situation and the health system, the lack of motivation and activities to seek information about health, lacking awareness of the Czech health system, and the lack of cognitive abilities to find and understand information about health.

Insufficient health literacy was found among 31.1% of respondents, problematic health literacy among 31.1% of respondents, and sufficient health literacy among 37.8% of the Roma minority population (see Table 15: Overall health literacy among Roma respondents in the South Bohemia Region). Most respondents were found to neglect primary prevention. Many of the respondents claimed they lacked the finances that would allow them to invest in their health (Bártlová 2018: 76-77).

**Table 15: Overall health literacy among Roma respondents in the South Bohemia Region**

Health Literacy	Number	%
Inadequate health literacy	42	31.1
Problematic health literacy	42	31.1
Sufficient health literacy	51	37.8
Total	135	100

Source: Bártlová, Sylva et al., 2018. *Health Literacy in Selected Population Groups of the South Bohemian Region*, page 78.

The research has shown a link between:

- health literacy and the state of health of Roma people (lower health literacy was associated with worse health);
- low health literacy and frequency of visits to the doctor (lower health literacy was associated with higher rates of primary care visits);
- health literacy and alcohol consumption (lower health literacy was associated with higher alcohol consumption);
- health literacy and employment (lower health literacy was associated with unemployment of Roma);
- health literacy and income level (lower health literacy was associated with lower income).

59% of Roma consider it is easy to find information about the treatment of diseases that affect them. More than half of the respondents also answered that they can easily find out where to get professional help if someone is sick. While 52% of Roma people can easily understand information from a doctor, only less than half of respondents find it easy to understand how to take prescribed medication. According to research, 55% of respondents can understand the instructions given by a doctor or pharmacist (Bártlová 2018: 81).

**Table 16: Ability to use information provided by a doctor to make decisions among Roma respondents in the South Bohemia Region**

Effort to use information given by a doctor	Number	%
Very easy	32	10.6
Rather easy	102	33.9
Rather hard	84	27.9
Very hard	47	15.6

Do not know	34	11.3
Did not answer	1	0.7
Total	135	100

Source: Bártlová, Sylva et al., 2018. *Health Literacy in Selected Population Groups of the South Bohemian Region*, page 78.

In accordance with Act No 48/1997, on public health insurance, as amended, every person living in the Czech Republic is obliged to be insured. However, it was found that 2.9% of respondents did not have health insurance (Bártlová 2018: 85). FRA data (2016: 30) from 2016 report health insurance coverage rate among Roma respondents at only 79%.

### 9.3.5.1 Regional health centres and health promotion mediators

The need to increase health literacy has been addressed since 2018 by the implementation of a project of the National Institute of Public Health entitled *Effective Health Support for People at Risk of Poverty and Social Exclusion*. It is a five-year project financed from the European Social Fund and the State budget. Within the framework of the project, 14 Regional Centres for Public Health Promotion (RCPHP) were established, always in regional cities, with the exception of the Zlín Region, which has its centre in Vsetín. Each centre is headed by a coordinator. The coordinators organise regular meetings of the Regional Implementation Teams (RIT); these meetings include, among others, regional coordinators for Roma affairs, directors of regional public health offices, representatives of doctors, regional and municipal departments of social and health services, non-profit organisations, and other stakeholders. Each RCPHP has health promotion mediators. Initially, a total of 28 full-time equivalent mediators positions were planned throughout the Czech Republic. Due to necessity, the number has been increased to 48 full-time positions at the moment, with fifty-nine workers, mostly Roma, working there at the end of 2020. Although the project is not explicitly designed to promote the health of the Roma minority, the clients of the mediators are mostly Roma. In addition to group health promotion activities such as physical activity courses and healthy lifestyle courses, the mediators also organise individual help and counselling. Most often, clients need assistance in arranging registration with primary care physicians, where they are often turned away, especially by dentists. The mediators often help with arranging health insurance, access to rehabilitation or educational and psychological counselling, or counselling for diabetes and overweight issues. In addition to the regional cities, the mediators operate in approximately 82 municipalities with socially excluded areas. The number of mediators per region varies from 3 to 8 depending on the size of the region, the number of socially excluded persons and the number of SEAs. As this is a project from the Operational Programme Employment, only people between 15 and 65 years of age can be clients of the mediators.

In the Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation, the European Commission recommends that Member States support “measures to raise awareness among Roma people of primary prevention measures, such as programmes for promoting a healthy lifestyle and for the prevention of substance abuse, and to improve access to mental health services, where relevant, through health mediation.” (European Commission, 2021: 24). In the next period it is necessary to increase the number of mediators, ensure further development and achieve financial stabilisation of the Regional Public Health Promotion Centres. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective F: Health).

### 9.3.5.2 Culturally sensitive competences of healthcare personnel

It is clear from practice and the relevant strategic documents that Roma people often feel humiliated or otherwise discriminated against by the behaviour of medical professionals and that they often mistrust health institutions. The forced sterilisations of Roma women by the Czechoslovak and later Czech medical professionals, which took place from the 1970s until 2010, also contributed to this

mistrust. The introduction of compulsory training in intercultural and intersocial communication for medical professionals, which, as research by the Social Inclusion Agency has shown, is standard practice in Germany, Austria, the Netherlands and Switzerland, could significantly contribute to restoring the trust of Roma people in health care institutions. The research shows that the courses help medical professionals communicate more effectively with minorities, understand family structures and hierarchies in the community, deepen their empathy and gain the trust of patients. The inclusion of an educational module for improving intercultural communication and intersocial sensitivity in health care with a focus on persons from SEAs in the study programmes of general and dental medicine is already part of the Action Plan of the Strategy against Social Exclusion for the period 2016-2020.<sup>191</sup> The plan includes measures to introduce compulsory education in the area of culturally sensitive competences for medical professionals at medical faculties in the Czech Republic.

In order to improve the trust of Roma in health institutions, the European Commission recommends that young Roma be motivated to study medicine and be involved in health care capacities, especially in socially excluded areas or areas with a higher concentration of Roma population (European Commission, 2020: 24). For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective F: Health).

### 9.3.5.3 *Domestic and gender-based violence*

The issue of domestic violence among Roma intimates is closely linked to rigid ideas about traditional gender roles, poverty, persistent discrimination by the majority society, and a serious lack of institutional support affecting the lives of Roma women and girls in particular. Roma women facing poverty have no choice but to rely on their community (family, husband) and adhere to traditional gender roles. These power dynamics reinforce their vulnerable position, and domestic violence is often seen as culturally acceptable in the community, as is, for example, forced marriage.

Roma LGBTIQ people also face serious problems as they are victims of double discrimination: rejection by the majority and ostracisation within their own communities. Therefore, it is one of the Strategy's objectives to reduce the latency of domestic and gender-based violence in Roma families and against Roma LGBTIQ persons through the involvement of specialised workplaces, trained professionals, psychological support, and non-governmental non-profit organisations dedicated to preventing and addressing domestic violence, including work with victims. A working group of the GCRMA on the support of Roma women should be created. Given that the lack of data in this area is also a major obstacle to creating effective measures, it is proposed that applied research be conducted on multiple discrimination against Roma women and Roma LGBTIQ persons, including the impact on their health. For further details see Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective F: Health).

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<sup>191</sup> <https://www.databaze-strategie.cz/cz/urad-vlady/strategie/akcni-plan-strategie-boje-proti-socialnimu-vylouceniu-2016-2020>.

## 10 Implementation of the Strategy

### 10.1 The Strategy implementation structure and implementation management system

The implementation structure of the Strategy will build on the mechanism already established for the implementation of the previous Roma Integration Strategy up to 2020.

The **Office of the Government of the Czech Republic** is the body responsible for the implementation (supervisor) and coordination (coordinator) of the Strategy.

The tasks geared towards implementing the Strategy will be assigned to the supervisors (responsible bodies) of the individual measures through a Government resolution, and so will be binding for the ministries and their subordinate organisations. In relation to the regions, municipalities, non-governmental non-profit organisations, Roma civil public, other non-governmental entities (academies, higher education institutions, churches, unions), and international organisations, the Strategy will be implemented through cooperation on the principle of shared objectives and voluntariness, using offers – incentives for cooperation (e.g., through subsidies).

Information on the implementation of the Strategy at local level is provided annually through the Roma Affairs Coordinators. They are often members of working groups for the preparation of regional strategic documents, where they can make comments and suggestions for additions to ensure consistency with the national Roma strategy.

In order to reflect the current changes in society and legislation, and in connection with the evaluation of the Strategy, two revisions will be carried out during the term of the Strategy.

### 10.2 Plan for the implementation of activities

The Strategy is prepared for the period until 31 December 2030, and the plan for the implementation of activities reflect that. For each measure, the responsible bodies (supervisors) and the duration of implementation are always indicated in the logical frameworks.

### 10.3 Timetable

As stated above, the implementation of activities is expected from the approval of the Strategy until 31 December 2030. The timetable includes the following key milestones:

- submitting the Strategy to the Government for approval by 30 April 2021;
- 2021-2030 implementation of the Strategy measures and annual evaluation in relation to the Government and regular evaluation in relation to the European Commission;
- 1 January 2023 - 31 December 2023 first revision of the Strategy, including logical frameworks;
- 2024-2025 external evaluation of the implementation of the Strategy;
- 1 January 2026 - 31 December 2026 second revision of the Strategy, including logical frameworks;
- overall evaluation of the implementation of the Strategy by 31 December 2031.

### 10.4 Budget and sources of financing

Roma inclusion and participation is a complex process that takes place at many levels (international, EU, central, regional, local) and involves not only public institutions but also other entities such as churches, non-governmental non-profit organisations, as well as the EU and international organisations. This complexity is matched by a multi-source funding system. The presented Strategy

deals with **financing for Roma participation and inclusion from the national central level and from Union finances, primarily EU funds and other financial instruments.**

**As mentioned in the previous text, this is an open strategy, so it is not possible to quantify the costs of implementing the individual tasks. Where the individual tasks foresee an impact on the public health insurance system, this will be a change in the structure of expenditure and no increase in total expenditure from the public health insurance system is foreseen.**

In order to capture the financial flows at the central level that are directed towards Roma integration, it is necessary to mention the nature of the interventions, which can be simplistically divided into:

- (a) measures of a general nature that are relevant to Roma (mainstream measures);
- (b) measures that target Roma.

The Report on the Situation of the Roma Minority annually monitors the financial resources that are targeted at Roma integration, mostly in the form of *subsidies*. A summary of these financial amounts is given in the table below. These funds add up to approximately EUR 60-80 million. **The implementation of the Strategy assumes that these funds will be maintained and that some subsidy titles will be slightly strengthened (see measures in chapter Emancipation – promotion of equality, inclusion and participation).**

**Table 17: Comparison of funds (in CZK) spent from the State budget to support Roma integration in 2014-2019.**

	2014	2015	2016	2017	2018	2019
MEYS	18 714 800	18 394 787	21 195 596	17 278 180	19 061 401	18 381 521
MoC	18 915 510	20 536 512	20 540 766	22 369 919	32 522 485	40 949 101
Office of the Government of the Czech Republic	28 178 835	27 159 341	27 424 114	30 790 620	29 448 437	29 374 858
<b>Total</b>	<b>65 809 145</b>	<b>66 951 840</b>	<b>69 310 476</b>	<b>70 438 719</b>	<b>81 032 323</b>	<b>88 705 480</b>

Source: OG CR. Report on the Situation of the Roma Minority in 2019.

The financial resources spent on supporting the inclusion of the Roma minority as part of general policies to support employment and combat unemployment, support housing or prevent crime (mainstream measures) are much higher. However, it is difficult to quantify them; it is not possible to determine how much funding was used specifically for members of the Roma minority. For the implementation of the individual steps of the Strategy, it is assumed that they will be covered within the expenditure of the approved budget of all chapters concerned in each year. The implementation of individual tasks will depend on the state of the budget of the Czech Republic and on the decision of chapter administrators to set spending priorities within their ministries. The Strategy foresees that individual budget administrators will translate the requirements for the implementation of the resulting tasks into proposals for their budget chapters. The Office of the Government will be actively involved in negotiating the financial coverage of individual measures with the MoF.

The Strategy also assumes that the share of resources allocated by individual providers to the implementation of the policies arising from the Strategy will be maintained.

Roma inclusion is also financed by EU funds. In the 2014-2020 programming period, these were mainly the Operational Programme Employment, the Operational Programme Research, Development and Education and the Integrated Regional Operational Programme. However, when estimating the financial resources used for Roma integration from EU funds, we encounter the aforementioned issue of lacking ethnic data. The funds in the operational programmes apply the “explicit” not “exclusive” approach, where the programme is not primarily intended for one target group only in the announced calls, but usually the call is intended for a wider range of people with some common characteristics.<sup>192</sup>

EU funds will also be a crucial source of financing for equality and inclusion measures in the 2021-2027 programming period. The EU’s Multiannual Financial Framework 2021-2030 supports Roma inclusion and the fight against discrimination, notably through the European Social Fund Plus (ESF+), the European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD).

The main financial instrument to improve the social dimension and inclusion within the EU will be the European Social Fund Plus (ESF+), the successor to the European Social Fund (ESF), to support the post-pandemic economic recovery and to enable, among other things, the transition to a green economy. Priority spending areas are education, training and lifelong learning, equal access to quality employment, social inclusion, health and the fight against poverty.<sup>193</sup>

In its Communication, the European Commission called on Member States with a significant Roma population to make full use of the proposed ESF+ specific objective of promoting the social and economic inclusion of marginalised communities such as the Roma. In programming this objective, Member States must, inter alia, comply with all the requirements set out in Annex IV to the Commission’s proposal for a Regulation laying down common provisions for the period 2021-2027 in relation to the thematic baseline condition *National Strategic Framework for Roma Inclusion Policy*. The new requirement will be to meet the basic conditions throughout the 2021-2027 period.

Article 4 of the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus identifies as specific objective (iv) “fighting discrimination against and promoting the socio-economic integration of marginalised communities such as Roma.”<sup>194</sup> In the next programming period, it is possible to support this drawdown within the framework of the existing operational programmes and, at the same time, in accordance with the task part of the Strategy, to implement the creation of tools to monitor the number of Roma participants in projects. By applying specific objective iv j), the basic condition *National Strategic Framework for Roma Inclusion Policy* becomes mandatory for programmes that choose this specific objective. Fulfilling this basic condition will then be a prerequisite for drawing on funds from the specific objective and it will be possible to monitor the direct impact of drawing on the funds on Roma integration in the selected areas.

Support for Roma inclusion will be directed primarily from three upcoming operational programmes within the 2021-2027 programming period: Operational Programme Employment Plus, Operational Programme Jan Amos Komenský (both funded by ESF+) and Integrated Regional Operational Programme (funded by ERDF). In the Operational Programme Jan Amos Komenský, measures in the area of access to quality and inclusive education for Roma will be supported under Specific Objective 2.3 “Promote equal access to and successful completion of high-quality and inclusive education and training, in particular for disadvantaged groups, from pre-school education and care, through general education and vocational education and training to tertiary level, as well as adult education and learning, including facilitating learning mobility for all”. In the Operational Programme Employment Plus, the territorial dimension envisages that, in justified cases, interventions will be focused specifically on socially excluded areas (especially those with a high proportion of the Roma

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<sup>192</sup> Within the framework of the Operational Programme Employment, this was for example the call No 03\_15\_042 Coordinated Approach to Socially Excluded Areas (CASEA) 2nd call.

<sup>193</sup> <https://ec.europa.eu/esf/main.jsp?catId=62>.

<sup>194</sup> [https://www.europarl.europa.eu/doceo/document/TA-8-2019-0350\\_CS.html](https://www.europarl.europa.eu/doceo/document/TA-8-2019-0350_CS.html).

population) and people living there.<sup>195</sup> The specific measures expected to be financed from EU funds are listed in Annex 1: Task Part of the Roma Equality, Inclusion and Participation Strategy 2021-2030 (Strategic Objective G: Capacities). Support for Roma inclusion is also funded by the EEA/Norway Grants financial mechanism, specifically the “Human Rights, Roma Inclusion and Domestic and Gender-Based Violence” programme.

### 10.5 System of monitoring and evaluating the Strategy implementation

The monitoring and evaluation system follows the monitoring and evaluation mechanism set up for the Roma Integration Strategy up to 2020.<sup>196</sup> A new element within this mechanism is the establishment of the Committee for the Implementation of the Roma Integration Strategy.

The basic monitoring and evaluation cycle will be a one-year cycle and it will always conclude with the Government discussing the **Information on the Implementation of the Roma Integration Strategy 2021-2030** (Strategy Implementation Information), which will form an annex to the Report on the State of the Roma Minority for the relevant year. At the beginning of each calendar year, the GCRMA Office will gather input from all ministries, regions and other actors, including non-profits and Roma representatives, on the implementation of the Strategy’s measures in the previous year. Subsequently, the documents will be discussed in the Committee for the Implementation of the Roma Integration Strategy. In cooperation with the Committee for the Implementation of the Roma Integration Strategy, the GCRMA Office will prepare information on the implementation of the Strategy, which will then be discussed by the GCRMA. The next step will be to forward the Strategy Implementation Information to the standard inter-ministerial comment procedure and submit it to the Government.

In order to improve the monitoring and evaluation system, a **Committee for the Implementation of the Roma Integration Strategy** has been established, whose main purpose is to monitor and evaluate the implementation of the objectives and measures resulting from the Strategy, which have been assigned to the Office of the Government of the Czech Republic and to other supervisors. The Committee for the Implementation of the Roma Integration Strategy is composed of representatives of the State administration (supervisors of individual measures), including representatives of the managing authorities of the relevant operational programmes, representatives of local government, representatives of the GCRMA and, last but not least, representatives of professional civil society. If major issues are found with the implementation of the measures, indicators and monitoring, an update will be proposed.

### 10.6 Risk management system and prerequisites for the Strategy implementation

Given that the Strategy affects a broad spectrum of social life and requires the interplay of many governmental and non-governmental actors, the prerequisites for its implementation are also very complex. The prerequisites of the Strategy implementation, or their fulfilment or non-fulfilment on the one hand, correspond to the risks of the Strategy implementation on the other hand. However, it is not always possible to design appropriate measures in terms of risk management at the level of the Strategy itself. The key prerequisites and risks of implementing the Strategy are summarised below.

**Table 18: Prerequisites for the Strategy implementation and risk management**

Prerequisites	Risks	Risk management / measure
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<sup>195</sup> For draft operational programmes, see Draft Programme Documents OP 2021-2027, <https://www.dotaceeu.cz/cs/evropske-fondy-v-cr/kohezni-politika-po-roce-2020/s/aktualni-navrhy-programovych-dokumentu-op-2021-2>.

<sup>196</sup> The overall evaluation and external evaluation of the Roma Integration Strategy up to 2020 will take place in 2021, and any suggestions resulting from the final evaluation will be used in 2023.

1.	There is strong political will at government level to pursue the Strategy	Lack of political will to enforce the Strategy at the central level	Partial measure: Good communication strategy in promoting the Strategy, systematically pointing out the significant political risks associated with inaction
2.	At regional and local level, especially in localities with socially excluded areas, there is political will to address the situation	Lack of political will at regional and local level to promote Roma integration; preference for “local solutions” by displacing the socially vulnerable to other places and regions	Combination of support from the centre, strengthening of the Strategy implementation structures
3.	Sufficient and effective inclusion of Roma in mainstream policies, including EU-funded measures	Insufficient inclusion of Roma in mainstream policies due to the prioritisation of other groups, problems with monitoring, concerns about the impact of inclusion, etc.	Cooperation of the Department of Human Rights and Protection of Minorities, through the Office of the GCRMA, in the development and implementation of programmes through cooperation with institutions ensuring the application of the horizontal principle of non-discrimination.
4.	Sufficient allocation of funds	Insufficient, non-explicit allocation of funds	Partial measure: A good communication strategy in promoting measures, systematically pointing out the significant political risks associated with insufficient allocation of funds, affecting the use of EU funds (see above).
5.	Sufficiently strong implementation structures	Weakening of implementation structures due to budget constraints, reorganisation, etc.	Seek maximum anchoring and stability of structures, including legislative measures
6.	Sufficiently strong and coordinated mechanism for the implementation of the Strategy	Duplication and overlap between individual projects and between projects and other activities to be implemented by defined actors at regional and local level.	Strive for effective management of resources and implementation of measures in close cooperation with actors at the local level, in particular with the coordinators for Roma affairs and local consultants of the MoRD Social Inclusion Department (Agency); set up such rules for project approval that effectively avoid duplications and overlaps in the financing of inclusion at the local level. In order to ensure synergies between the various actors, effective use of funds and, above all, positive impacts on the socially excluded, it is essential to link measures with existing social policy instruments, such as social work in public administration.

### 11.1 Strategy authors and stakeholders

The strategy was prepared by the Office of the Government Council for Roma Minority Affairs and the Secretariat of the Government Council for National Minorities under the Department of Human Rights and Protection of Minorities of the Office of the Government. A wide range of stakeholders was involved in the preparation of the Strategy, which was prepared transparently and objectively in cooperation with the committees and working groups of the Government Council for Roma Minority Affairs, experts and other interested subjects. Representatives of Roma civil society, Roma and pro-Roma non-governmental non-profit organisations, regional coordinators for Roma affairs, and others also participated in the Strategy design procedure.

### 11.2 Description of the Strategy design procedure

The Strategy respects the basic principles of the development of strategic documents in accordance with the updated *Methodology for the Preparation of Public Strategies* (2018: 15-19) approved by the Government of the Czech Republic on 28 January 2018.<sup>197</sup> During 2018, the GCRMA Office drafted the document *Mechanism and Process for Designing the Roma Integration Strategy 2021-2030*. The main thematic areas of the Strategy have been gradually identified in response to the Roma Integration Strategy up to 2020, key national documents, EU documents, international organisations, and on the basis of consultations with relevant actors in Roma integration, especially members of the GCRMA. The Roma Equality, Inclusion and Participation Strategy 2021-2030 includes the following topics:

- emancipation – promotion of equality, inclusion and participation).
- antigypsyism
- education
- housing
- employment
- health

The individual thematic parts were designed in cooperation with working groups, committees and representatives of the GCRMA, and they were also consulted with experts and specialists in the field from central institutions (PDR, Social Inclusion Agency, MoI, MoLSA, MoRD, etc.) and with representatives of non-governmental non-profit organisations. The non-governmental non-profit organisations were fundamentally involved in the preparation of the individual logical frameworks, making the whole process of designing the Strategy as participatory as possible.

The draft Strategy has been subject to the standard consultation process, which closed on 5 January 2021. The Roma Equality, Inclusion and Participation Strategy 2021-2030 was approved by the Government on 10 May 2021.

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<sup>197</sup> The individual principles of strategic documents design are referred to in brackets in the text below, where the number corresponds to the order of the principle according to the *Methodology for the Preparation of Public Strategies* (2015: 15-16).

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