Description of the method and results of the survey of ethnic composition of pupils in former special schools in the Czech Republic (2011-2012)

Introduction

This report summarises the results of research aimed at ascertaining the ethnic composition of pupils of former special schools, now known as practical elementary schools. As a follow-up to the verdict in the case of D. H. and others versus the Czech Republic, in which in 2007 the European Court of Human Rights found the Czech Republic guilty of the unlawful segregation of Romany children in special schools for the mentally handicapped, emphasis was placed primarily on ascertaining the proportion of Romany pupils. The Czech Republic has long been criticised by non-profit and international organisations for its excessive exclusion of Romany pupils out of the educational mainstream. This practice has an adverse impact on the further education of these pupils and subsequently on their employment prospects and on other aspects of their lives. Their exclusion from their mainstream peers also hampers mutual acceptance between the Romany community and the majority population and, in the broader context, reduces social cohesion within society.

The first part of the research report summarises the theoretical aspects of the collection of ethnic data, particularly its importance, methodological problems, examples and experience from abroad. The second part of the research report describes the research methodology used (definition of the core set and sample set and the method adopted), and presents the results.

A. Theoretical aspects of collecting ethnic data

The collection of ethnic data in former special schools is part of the broader gathering of statistical data about ethnic origin to determine the possible extent and impact of discrimination. In the Czech context this is a relatively new issue; therefore, before giving a description of the methods used and a summary of the results, there is a section devoted to the theoretical aspects of collecting ethnic data, which presents:

a) the arguments justifying the collection of ethnic data and the standpoints of international organisations as regards this matter, b) methodological problems associated with the collection of ethnic data, and c) specific research associated with the collection of ethnic data from the Czech Republic and from abroad.

1. The importance of gathering ethnic data

Gathering data on ethnic or racial origin is an important part of the statistical monitoring of equal treatment programs, for at least four reasons¹. Firstly, for the creation of an effective anti-discrimination policy, it is first necessary to map out the problem in question: it is necessary to identify groups exposed to discrimination, the areas in which discrimination occurs, and the nature and extent of the discrimination. Collecting data on ethnic or racial origin allows public administration bodies to monitor the implementation of anti-discrimination legislation and to check that they are upheld. Besides this, the processing of personal data containing ethnic details is unavoidable when implementing certain types of positive measures or when assessing entitlement to systematic social welfare benefits. Finally, statistical data may be a fundamental factor allowing victims of discrimination to prove that they have been discriminated against in legal disputes. In other words, in order to be able to create, implement and continually assess an anti-discrimination policy and specific equal treatment programs, the parties involved must have access to data that provide them with a thorough description and understanding of the situation in question.

The collection of ethnic data is part of the extensive action program to fight discrimination initiated by the European Union. The appendix to the Community

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Action Program to combat discrimination based on racial or ethnic origin, religion or belief, disability, age or sexual orientation (2000/750/EC) states that as part of the initiatives the EU will support "the development and dissemination of comparable statistical data on the extent of discrimination" and "the development and dissemination of methods and indicators to assess the effectiveness of anti-discrimination policies and practices." The collection of ethnic data is also supported by the UN Committee on the Elimination of Racial Discrimination (CERD), the European Commission against Racism and Intolerance (ECRI) and the Advisory Committee of the Council of Europe for the Framework Convention for the Protection of National Minorities. These bodies regularly call upon states to collect information reflecting the situation of racial and ethnic minorities in various aspects of social and economic life. The collection, analysis and dissemination of reliable statistical data has also been supported by the Durban Declaration and Programme of Action adopted in 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance².

The paradox is that although data on ethnic origin are generally considered to be extremely necessary, in many cases public administration bodies, non-profit organisations and researches do not have access to the relevant figures. Some of the main reasons for this unwillingness to collect ethnic data include (but are not restricted to) the following³:

- Misinterpretation of personal data protection laws which allegedly prohibit the collection of ethnic data
- Lack of understanding of the strategic importance of ethnic monitoring in the fight against discrimination
- Fear that ethnic statistics will be misused to the detriment of respondents
- Weak political willpower as regards the creation of effective integration programs, the absence of any vision of real reform based on a quantitative assessment of what is needed
- Fear that statistics will reveal an unflattering situation in society
- Methodological problems associated with the collection of ethnic data

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According to Ivanov 2010

2. Methodological problems associated with the collection of ethnic data

The collection of ethnic data poses several methodological questions. Firstly, the terms ethnicity, ethnic origin, racial origin, etc., are ambiguous and their definitions are disputable. We face the same problem a level lower down, when attempting to define who is considered a member of the Romany ethnic group for the purposes of this research. Another series of methodological problems arise in relation to the sampling method used: this can be based on a) self-identification by respondents, b) identification by members of the community, c) identification by a third party on the basis of visual observation, and d) identification by a third party on the basis of objective or indirect criteria. These problematic points are elaborated upon in the following paragraphs.

a) Ethnicity and race

The first factor leading to methodological problems in the collection of ethnic data is the ambiguous definition of basic terms such as *ethnicity, race, ethnic origin, racial origin, national origin*, etc. This terminology differs greatly from country to country (and even amongst different research projects carried out in the same country). While the term *race* particularly implies a biological paradigm, the concept of *ethnicity* also encompasses cultural, behavioural and environmental factors marking out groups of people as being in some way different. The research therefore further explores the concept of ethnicity.

Ethnicity must be understood as a culturally reproduced and socially construed concept relating to various dimensions of personal identity, such as kinship, religion, language, shared territory, nationality and physical appearance, and which as such is inherently contextual and transitional⁴. Although race and ethnicity are often presented as natural categories, their boundaries are not fixed and membership is not unequivocal. These are hypothetical communities: people are socially defined as belonging to certain ethnic or racial groups in the sense of the definitions used by

⁴ Mateos et al. 2009

others, or the definitions which the members of these ethnic groups construct for themselves⁵.

Factors which may contribute towards or influence a person's ethnicity particularly include family origin, culture, the social context in which that person lives (rural or urban), race, nationality, country of birth, citizenship, religion, and language⁶.

b) Who can be considered a member of the Romany ethnic group?

Another cause of problems when collecting ethnic data is defining who is considered a member of the Romany ethnic group for the purposes of the research. Three viewpoints can generally be used when determining a person's ethnic origin; a person may be considered a member of a particular ethnic group a) if that person declares himself or herself to be a member of a group, b) if the person is perceived to be a member of an ethnic group by the other members of that group, and c) if the person is perceived to be a member of an ethnic group by the people around. An example of a specific definition combining these approaches may be the definition of the Ministry of Education, Youth and Sports of the Czech Republic⁷: "we consider a Romany pupil to be a person who considers himself or herself to be Romany without being compelled to define themselves as such under any circumstances (e.g. during a census), and/or is considered to be Romany by the majority of those around on the basis or real or assumed (anthropological, cultural or social) indicators."

c) Selection of the method

Besides the above, when gathering data on ethnic origin there are also problems associated with simply choosing how to collect the data. For these purposes there are four options⁸, each of which has its own advantages and disadvantages: a) self-identification by respondents, b) identification by members of the community, c)

⁵ Bulmer, Solomos 1998

⁶ WCDHB 2007

⁷ MŠMT 2006: 10

⁸ Ringelheim 2006, Counselling Centre for Citizenship, Civil and Human Rights 2006, League of Human Rights 2007

identification by a third party on the basis of observation, and d) identification by a third party on the basis of objective or indirect criteria.

i. Self-identification

Self-identification is based on a simple principle: a person is considered to be a member of a particular ethnic group if he or she declares themselves to be a member of that group. In this method individuals are asked to declare what group they feel themselves to be part of. In practice the respondents choose from a pre-defined list of groups, where there is generally a blank column to allow the respondent to state an option which is not on the list. This method is used, for example, during a census.

The principle that a person is considered to be a member of a particular ethnic group if he or she declares themselves to be a member of that group is supported by, for example, the UN Committee on the Elimination of Racial Discrimination (CERD), which in 1990 issued the recommendation that the identification of individuals as members of a certain racial or ethnic group "should, unless there are justified reasons stipulating otherwise, should be based on self-identification⁹." A similar rule may be inferred from the Council of Europe Framework Convention for the Protection of National Minorities of 1995, according to which every individual should have the right to choose whether he or she wants or does not want to be considered a member of a certain ethnic minority; this choice must not result in any form of disadvantage.

The main drawback of this method is the fact that the number of people who state a certain ethnic origin is dependent on the prestige or stigmatisation of that particular ethnic group, or its profile in the media. Although from a theoretical viewpoint self-identification can be considered to be the optimal method, in practice it is accompanied by some serious problems relating particularly to the unwillingness on the part of members of certain ethnic groups to admit to being members; this is especially true of groups which are disadvantaged by majority society. For the purposes of researching discrimination this method is therefore unsuitable. Besides this, discrimination is based on the judgement of the discriminating party, not the person who is discriminated against (the discriminating party does not ask the victim to identify himself); it is therefore legitimate when self-identification is put aside in

⁹ In Ringelheim 2006

favour of other methods for the purposes of collecting statistical data to ascertain the possible extent and impact of discrimination.

ii. Identification by members of the community

With this method individuals are deemed to be members of a certain group if they are considered as such by the other members of the same group. In other words, a person's membership of a group depends on whether the other members of that group consider the person to be a (co-)member.

This method is used, for example, in the USA and in Australia to confirm whether a person belongs to the indigenous populace of the USA or to the aborigine population of Australia. Membership of the group is confirmed by people who are already registered as being members of that group.

iii. Identification by a third party on the basis of visual observation

This method is based on the assumption that a person is considered to be a member of a particular ethnic group if they are perceived to be a member of that group on the basis of physical appearance by an external observer involved in the classification process. This method is therefore suitable for identifying categories based on visible features, such as skin colour, sex, or visible disability. From the viewpoint of discrimination, in practice it does not matter whether an individual identifies himself or herself as a member of a particular ethnic group or whether he or she is identified as such by the other members of that group; it is sufficient to merely resemble a member of that ethnic group and to be treated as such by majority society on the basis of physical appearance. In other words, even though an identification made by a third party on the basis of visual observation is not always necessarily the same as the identity the respondent might have stated, it evidently reflects how that individual is perceived. As regards understanding the unequal treatment to which that individual is potentially exposed, the method of identification by a third party on the basis of visual observation is more suitable and of greater use that the self-identification method or identification by members of the community.

iv. Identification by a third party on the basis of objective or indirect criteria

This method classifies individuals into pre-defined categories on the basis of indirect indicators such as place of birth, nationality of parents, native language, and so on. These criteria are considered objective in the sense that they are not based on the feelings of others, but on factual information which can be objectively assessed.

3. Examples of the collection of ethnic data from abroad

The gathering of ethnic data abroad is an integral part of the drafting and evaluation of social policy measures aimed at assuring equality. Data is collected particularly as part of censuses and monitoring in the workplace, in schools, and as part of social services. To sum up in basic terms, the collection of ethnic data abroad is generally based on self-identification (particularly during censuses), but as regards the creation of administrative registers, academic research, monitoring in the workplace and service provision monitoring, other methods besides self-identification are also used. This text therefore passes over the census and focuses solely on the other contexts of ethnic data gathering.

In Great Britain ethnic data is collected almost exclusively as self-identification, while although identification by a third party is permissible in certain cases, the person affected should have the right to confirm or amend any information thus acquired¹⁰. The Committee for Racial Equality (CRE) has recommended that when monitoring equality in employment and in the services sector state bodies should use the categories used in the questionnaires distributed during censuses. Self-identification should always be used wherever possible; if this method does not permit state bodies to acquire an adequate amount of information, they could consider using identification by a third party. According to the 1996 Education Act, the collection of ethnic data in schools is compulsory. The Information Commissioner recommends that parents fill in the questionnaire for children under the age of 11; children aged between 11 and 16 let should complete the questionnaire together with

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their parents, while children over 16 complete the form themselves. The questionnaire also includes the option of "I do not wish to state any ethnic category". The collection of ethnic data is accompanied by an information campaign as part of which leaflets explaining the importance of gathering such data are distributed to schools and information letters are sent to the children's parents.

The self-identification method is also used in Canada, in censuses and also as part of the monitoring of equality at work. This is compulsory for federally regulated employers in the private sector which employ a hundred or more people, as well as business in the federal private sector and federal contractors. Employers must strive to ensure that their staff is made up of the ideal proportion of different ethnic groups as defined by the available workforce in the reference region. Every year these businesses submit a report about their employees from four specific groups – women, disabled people, indigenous people and the so-called visible minorities¹¹, while employees themselves decide which group they belong to.

In the USA, unlike Great Britain and Canada, the self-identification method is accompanied by visual observation by a third party, particularly in cases where self-identification does not work or seems impractical. It is used especially by employers, schools and police departments as part of their equal opportunities programs, while identification tends to be verified by a supervisor, employer or teacher¹². According to the Standards for the Classification of Federal Data on Race and Ethnicity¹³, use of the visual observation method is legitimate, as whether or not someone becomes the victim of discrimination often depends on whether that person is treated unfairly by others on the basis of their subjective perception of the person's skin colour, surname, accent, etc. These factors generally do not depend on whether or not an individual identifies his or her racial or ethnic origin.

In Holland the gathering of ethnic data is based on indirect criteria, specifically on where a person or their parents were born.

Visual observation by a third party is also used in Hungary – one example is the survey of Hungarian households carried out by the National Statistics Office in 1992-1994. Ethnic data about respondents were collected by inquirers, while there

This is the term for people of other than Caucasian race and with other than Caucasian skin.

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http://www.whitehouse.gov/omb/fedreg race-ethnicity

was a choice of three options: a) the subject is definitely a Romany, b) the subject is definitely not a Romany, and c) it is unclear if the subject is a Romany or not¹⁴.

In Slovakia ethnic data have been collected as part of a survey into the ethnic make-up of pupils in school and pre-school facilities¹⁵, while the identification of Romany pupils was entrusted to the teachers – this was therefore identification by a third party on the basis of visual observation.

In Serbia ethnic data have been collected while determining the proportion of Romany pupils in elementary and secondary special schools¹⁶. The teachers were asked to identify Romany pupils; in some schools Romany non-profit organisations and coordinators were also asked to identify pupils. The data acquired from these two sources were essentially the same¹⁷. This was also a case of identification by a third party on the basis of visual observation.

4. Previous research associated with the collection of ethnic data in former special schools in the Czech Republic

The monitoring of the ethnic make-up of pupils of former special schools is nothing new – ethnic data have been collected as part of projects of the Ministry of Education, Youth and Sports (MŠMT 2009a, MŠMT 2009b); statistics have also been monitored by the Institute for Information on Education (ÚIV 2009) and the Czech School Inspectorate (CSI 2010).

As regards the methods used, in three of the four surveys (MŠMT 2009a, MŠMT 2009b, ÚIV 2009), the schools themselves, or the heads and class teachers, were asked to identify pupils, i.e. using visual observation by a third party. The method used by the CSI to collect the data (2009) was not specified in the final report.

¹⁴ Krizsán 2002: 192

¹⁵ Salner 2005

Open Society Institute 2010. According to the survey the proportion of Romany pupils in special schools in Serbia is 36 percent (while the proportion of Romany people in Serbia is estimated at 3 to 7 percent).

In two surveys (ÚIV 2009 and MŠMT 2009a) it was explicitly defined who is considered to be a Romany pupil for the purposes of collecting ethnic data – in both cases the definition was the same, being based on a former survey carried out by MŠMT¹⁸, and was as follows: " we consider a Romany pupil to be a person who considers himself or herself to be Romany without being compelled to define themselves as such under any circumstances (e.g. during a census), and/or is considered to be Romany by the majority of those around on the basis or real or assumed (anthropological, cultural or social) indicators."

In the survey carried out by MŠMT in 2009 (MŠMT 2009a) 50 former special schools were asked to identify their pupils. Only 17 schools were able and willing to give exact figures, while another 28 schools stated the proportion of Romany pupils on the basis of a qualified estimate, and 5 schools refused to provide any data. Almost half the schools (23) put the proportion of Romany pupils at fifty percent and higher; six schools can even be considered almost ethnically homogenous, as Romany children made up 90 percent of more.

Another MŠMT survey published in 2009 (MŠMT 2009b) was carried out specially at elementary schools near socially excluded Romany localities. The data acquired is for former special schools and elementary special schools. A total of 31 schools were surveyed, while from a total of 3 239 pupils, 44 % were identified as Romany pupils (1 434).

Another survey was performed by the Institute for Information on Education (ÚIV 2009). This addressed 4 189 elementary schools (i.e. all the elementary schools in the Czech Republic), 2 797 of which continued to cooperate. Of the total number of registered pupils at all the schools that completed and returned the questionnaire, 4.3 % of pupils were identified as Romany pupils. While the proportion of Romany pupils from the total number of pupils in mainstream education ¹⁹ was 3.2 percent, the proportion of Romany pupils the total number of pupils in education as defined by the appendix to the PDF for Children with Light Mental Disabilities (PDF LMD²⁰) and the Special School program was more than one third (35.3 %) – from a total of 16 057 children, 5 671 were identified as Romany pupils.

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¹⁸ MŠMT 2006: 10

¹⁹ In education as defined by the Framework Education Programme for Elementary Education – PDF

Framework Education Programme for Elementary Education – appendix covering education for pupils with light mental disability.

The Czech School Inspectorate (ČSI 2010) visited 171 former special schools and concluded that the proportion of Romany pupils totals 35 percent: of 10 842 diagnosed as LMD, 3 791 were identified as Romany pupils. In its report the CSI does not specify either the method used to collect the ethnic data or the definition of who constitutes a Romany pupil.

The number of Romany pupils in former special schools is not only the subject of empirical research, but also the focus of demographic forecasting. The problem in this case is formulated in a somewhat different manner - the main question is what proportion of Romany pupils from the total number of school-age Romany children in the Czech Republic is educated in former special schools. According to an estimate²¹ based on the results of the population and housing censuses carried out in 1970, 1980, 1991 and 2001 and on records of national committees, which were last available in 1989, in 2003/2004 the Romany subpopulation of pupils aged between 6 and 15 comprised roughly 22 % of the entire Romany population. The size of this population was at that time estimated at 250 to 350 thousand people - meaning that in the 2003/2004 school year there were approximately 55 to 77 thousand Romany pupils aged from 6 to 15 living in the Czech Republic. If all the pupils of special schools in the given school year (24 16322) were Romany, from the total number of school-age Romany children approximately 30 % of pupils (estimating the total Romany population at 350 thousand people) to 44 % of pupils (estimating the total Romany population at 250 thousand people) would be attending special school. Estimates made by certain non-profit organisations that up to 75 % of Romany children are placed in special schools are therefore inaccurate - and as the author of the forecast adds, even if the situation applied to "only" 40 % of the children or even 30 %, it is still a problem which requires an urgent conceptual solution.

Hůle 2007.

The number of pupils in the special schools that the author of the forecast worked with somewhat differs from the data from the Czech Statistical Office – see Table 1.

B. Results of a survey into the ethnic composition of pupils of former special schools in the Czech Republic carried out in 2011/2012

This part summarises the methods used and the results of research mapping out the ethnic composition of pupils of former special schools, which was carried out by the Public Defender of Rights in the 2011/2012 school year. The introduction describes the core set and sample set of schools, defines who was considered to be a Romany pupil for the purposes of the survey, and gives a description of the method used to collect the data. The results are then presented.

The aim of the research was to ascertain the ethnic composition of pupils of former special schools, now also known as practical elementary schools²³. As a follow-up to the verdict in the case of D. H. and others versus the Czech Republic, in which in 2007 the European Court of Human Rights found the Czech Republic guilty of the unlawful segregation of Romany children in special schools for the mentally handicapped, emphasis was placed primarily on ascertaining the proportion of Romany pupils.

The Czech Republic has long been criticised by non-profit and international organisations for its excessive exclusion of Romany pupils out of the educational mainstream. This practice has an adverse impact on the further education of these pupils and subsequently on their employment prospects and on other aspects of their lives. Their exclusion from their mainstream peers also hampers mutual acceptance between the Romany community and the majority population and, in the broader context, reduces social cohesion within society. For these reasons special attention needs to be paid to the education of Romany pupils in the Czech Republic.

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The terminology and related legislation is further specified in the first part of the report, Section b) Education System in the Wake of the Current Education Act.

1. Definition of the core and sample sets

The core set comprises schools whose pupils are educated in accordance with the Framework Education Programme for Elementary Education with the appendix covering education for Children with Light Mental Disabilities (PDF LMD)²⁴. These are generally former special schools, now referred to as practical elementary schools²⁵.

Neither the Ministry of Education, Youth and Sports of the Czech Republic nor the Czech School Inspectorate have a complete list of these schools, nor do they have information about how many existed. The last known figures come from the school year of 2004/2005 – it was in 2005 that the new Education Act (561/2004 Coll.) entered into force, which does not recognise the term special school. According to the Czech Statistical Office²⁶, in the 2004/2005 school year there were a total of 403 schools teaching 25 617 pupils. Looking at the trend in the number of schools and pupils since 1989 in Tab. 1, it is evident that the tendency is on the decline. While in 1989 there were 640 of these schools teaching 54 052 pupils, in the last school year recorded 403 special schools were attended by 25 617 pupils. The number of schools fell by 37 %, while the number of pupils fell by more than 52 %. It is therefore likely that the current number of former special schools and their pupils is lower than it was in the last year for which figures are available, i.e. 2004/2005.

As there is no overall list of schools providing education in accordance with PDF LMD, for the purposes of this research it was necessary to find alternatives. Some schools do use the name Practical Elementary School, but it is not the absolute rule, so it was not possible to compile a list on the basis of school names. The most extensive list available was the list of 171 schools²⁷ created by the Czech School Inspectorate, which it used for inspection purposes in 2010. As there is no

Directive No. 73/2005 Coll., on the education of children, pupils and students with special educational needs and children, pupils and students who are exceptionally gifted

Pupils educated in accordance with PDF LMP to whom the survey applied were taught in schools and school amalgamations with various names, e.g.: Elementary School; Practical Elementary School; Elementary School and Practical School; Nursery School and Elementary School; Nursery School and Practical School; Practical Elementary School and Special Elementary School; Special Elementary School and Nursery School; etc.

http://www.czso.cz/csu/2006edicniplan.nsf/t/A8004CFEA6/\$File/330706J05.pdf

There is no information available which would indicate that the schools on the list were selected for attributes they had in common which distinguished them from the other former special schools in the Czech Republic.

more complete list, this list of 171 schools was used for the Defender's sampling frame.

Tab. 1 Special schools – number of schools and pupils from 1989 to 2005

School year		1989/ 1990	1990/ 1991	1991/ 1992	1992/ 1993	1993/ 1994	1994/ 1995	1995/ 1996	1996/ 1997
Number special schools	of s	642	642	612	677	487	437	513	486
Number pupils	of	54 052	51 829	50 579	49 661	36 939	35 376	35 131	36 020

School year		1997/ 1998	1998/ 1999	1999/ 2000	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005
Number special school	of Is	476	457	451	432	428	417	412	403
Number	of	34	32	31	29	28	27	26	25
pupils		141	721	256	577	194	161	521	617

Source: Czech Statistical Office²⁸

The sample of schools visited was construed by random stratified selection. Schools were divided up by region and then chosen by simple random selection²⁹. The number of schools chosen (and subsequently visited) in each region was set based on the number of inhabitants in the region so as to assure proportional representation. The total number of schools visited was 68. Eight schools were chosen for the capital, Prague, based on the average number of inhabitants, even though the sampling frame figure was only seven schools, so the total number of schools was therefore reduced to 67. The numbers of schools visited by region is summarised in Tab. 2.

http://www.czso.cz/csu/2006edicniplan.nsf/t/A8004CFEA6/\$File/330706J05.pdf

Schools were chosen by the Research Randomizer random number generator: http://www.randomizer.org/

Tab. 2. Number of schools in sample (modelled based on number of inhabitants in region); N=67

Region	Number of schools visited	Region	Number of schools visited
Prague	7	Region of Moravia and Silesia	8
Region of South Bohemia	4	Olomouc Region	4
Region of South Moravia	8	Pardubice Region	3
Karlovy Vary Region	2	Plzeň Region	4
Vysočina Region	3	Region of Central Bohemia	8
Hradec Králové Region	4	Ústí nad Labem Region	5
Liberec Region	3	Zlín Region	4

If the schools visited had created classes exclusively for children educated under the PDF program, these classes were not included in the survey. In classes containing pupils educated under the PDF LMD program, however, the survey was carried out on all the pupils, i.e. not just those educated under the PDF LMD program, but also those being taught as part of other programs (particularly PDF)³⁰. The information about the total number of children at the school and in the classes, as well as information about children for which the school draws an increased per capita amount and the number of children educated as part of individual educational programs was determined in an initial consultation with the heads of the schools. Their overview is given in the section summarising the results of the research.

2. Definition of membership of the Romany ethnic group: who is considered to be Romany for the purposes of the survey?

For this survey the Defender used the definition of the Ministry of Education, Youth and Sports of the Czech Republic³¹, which states that "we consider a Romany pupil to be a person who considers himself or herself to be Romany without being compelled to define themselves as such under any circumstances (e.g. during a census), and/or is considered to be Romany by the majority of those around on the basis or real or assumed (anthropological, cultural or social) indicators." The survey is based primarily on the second part of the definition, as it is that which reflects the situation as regards discrimination, when it is not how the victim of discrimination perceives his or her identity, but it is the judgement of the discriminating party that counts.

The law as it stands allows classes or groups of pupils with disabilities to be attended by pupils with a different type of disability, with a physical handicap or, on a temporary basis, socially disadvantaged pupils. For more see the first part of this report, Section b) Education System in the Wake of the Current Education Act.

³¹ MŠMT 2006: 10

3. Choice of method

Although when collecting ethnic data *self-identification* is considered to be the ideal method (with regard to people's right to self-determination, and also with respect to the fact that ethnicity is a social construct, so there are no scientific means of objectively determining the ethnicity of a particular person), in the context of collecting ethnic data in the schools mentioned above, the use of this method is not the optimal choice. According to expectations the most common ethnic minority is the Romany minority, which is traditionally reluctant when it comes to self-identification. According to official estimates³² there are 150-300 thousand Romany people living in the Czech Republic, but during a census only 13 150 people declared themselves to be Romany (they chose the option "Romany nationality" or "Czech and Romany nationality"). This number makes up 0.012 percent of the total population³³ of the Czech Republic, while the true figure is estimated at 1.4 to 2.8 percent. This means that only 4.4 to 8.7 percent of the total estimated number of Romany people in the Czech Republic declare themselves to be Romany.

Besides this, if the self-identification method were to be used, it would be essential for the survey to be accompanied by an extensive and lasting information campaign to explain the importance of collecting ethnic data to parents and pupils and to help get them to participate. Although for the future this is undoubtedly a necessary and useful strategy, due to time constraints no such campaign was feasible for this survey.

Another fact against the use of the self-identification method is that from the viewpoint of the equality and anti-discrimination laws it is not important which ethnic group an individual feels part of (*identity*), but what group those around that person consider him or her to be a part of (*identification*). In other words, what is decisive is the judgement of the discriminating party, not the actual identity of the victim of discrimination.

The second possible, *identification members of the community*, was not considered either, as it is too difficult and hard to even imagine identifying "typical"

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http://web2006.vlada.cz/scripts/detail.php?id=16149

According to the Population and Housing Census from 2011 the total population of the Czech Republic is 10 562 214 (www.scitani.cz)

Romany people who would know all the children who attend the schools we monitored.

For these reasons the remaining two methods were chosen, i.e. *visual observation by a third party* and *identification on the basis of indirect criteria*. Visual observation was performed by employees of the Office of the Public Defender of Rights when visiting the classes (in pairs to assure greater objectivity). Their task was to look at the pupils through the eyes of majority society, which identifies Romany people at the first glance, without any personal familiarity with the person. As identification on the basis of visual observation by a third party may be disputable in some cases, three categories were used³⁴: 1. The pupil is Romany, 2. The pupil is not Romany, 3. It is unclear whether or not the pupil is Romany.

The second method was *identification on the basis of indirect criteria*, with class teachers asked to identify the pupils. The class teachers, unlike the employees from the Office of the Public Defender of Rights, who identified pupils purely on the basis of visual observation, know their pupils, their pupils' parents and the social context in which they live; it was therefore assumed that as regards the identification of ethnicity teachers have a better insight based on other, more objective indicators than the children's physical appearance.

As far as the actual collection of data is concerned, the school heads were informed about the survey, its purpose and the date of the visits by representatives of the Office of the Public Defender of Rights in a letter they were sent in advance. This letter also contained questionnaires for the class teachers together with the sample frame to be completed, and stated the instructions and the above definition; i.e. who is considered to be a Romany pupil for the purposes of the survey and which attributes could be considered relevant when identifying pupils³⁵.

The results of the survey are therefore two different estimates of the proportions of Romany pupils acquired using two different methods. These figures

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According to Krizsán 2002

Specifically, the letter read: "Factors which <u>may</u> contribute towards or influence a person's ethnicity are as follows: surname (does the pupil have a typical Romany surname?), family origin and kinship (does at least one of the pupil's parents consider himself/herself to be Romany?), culture (in the wider sense: overall way of life, including language, music, literature, values and faith, family life, religion and celebration of specific dates or events with a specific cultural significance), the social context in which the pupil lives (e.g. does the pupil live in a socially excluded locality?), language (can the pupil or the pupil's parents speak the Romany language?)." (modified according to West Coast District Health Board 2007)

cannot be compared directly, not just due to the fact that different methods were used, but also because pupils could not be identified on the basis of visual observation when they were absent, while pupils identified on the basis of indirect criteria by their class teachers included all pupils (including those who were absent from class when the staff of the Office of the Public Defender of Rights visited).

It is this combination of methods (with one being used by the staff of the Public Defender of Rights and the other performed by class teachers), and particularly how they are articulated and reflected, that makes this survey so different from previous research³⁶ associated with the collection of ethnic data in former special schools in the Czech Republic.

4. Results

This part summarises the results of the research I carried out in the 2011/2012 school year in schools which educate children under a Framework Education Program with an appendix covering the education of pupils with light mental disability (LMD). As stated above, the aim of the research was to acquire a relevant estimate of the ethnic composition of the pupils attending these schools, particularly an estimate of the proportion of Romany pupils. The sample set consisted of 67 schools from all the regions of the Czech Republic. The research methods chosen were observation by a third party – staff of the Office of the Public Defender of Rights, and identification on the basis of indirect criteria, in which class teachers were asked to participate.

As shown in Tab. 3, the schools monitored teach a total of 3 896 pupils. The great majority of them, as many as 97 %, are taught under the Framework Elementary Education Program for Pupils with Light Mental Disability. In addition, these classes also teach 118 pupils (3 %) under a Framework Education Program with no appendix³⁷. It was also found that 5 pupils are still taught under the

See part A, Section 4 Previous research associated with the collection of ethnic data in former special schools in the Czech Republic

³⁷ Framework Education Program The law as it stands allows classes or groups of pupils with disabilities to be attended by pupils with a different type of disability, with a physical handicap or, on a temporary basis, socially disadvantaged pupils. For more see the first part of this report, Section b) Education System in the Wake of the Current Education Act.

Education Program for Special Schools, despite the fact that this education program was supposed to have been abolished by the 2010/2011 school year at the latest. One pupil is taught under the Special Elementary School Framework Education Program (SES FEP).

Tab. 3 Numbers of pupils in the classes monitored, by education program

Name of education program	Number of pupils	Proportion of pupils
Framework Elementary Education Program	118	3 %
, , , , , , , , , , , , , , , , , , ,		
Appendix to the Framework Education Program for	3830	97 %
Pupils with Light Mental Disability		
Education program (curriculum) for special schools,	5	< 1%
Ref. No. 22980/97-22		
Special Elementary School Framework Education	1	< 1%
Program		
Total	3954	100 %

Tab. 4 shows the level of cooperation provided by the schools. From a total of 67 schools addressed, 43 (64 %) completed the questionnaires for class teachers; 7 schools (11 %) completed the questionnaires only partially (only some class teachers filled them in), and in 17 schools (25 %) class teachers refused to complete the questionnaires. Class teachers provided estimates for a total of 2 642 pupils from the total number of 3 954 pupils (i.e. for 67 % of pupils).

Tab. 4 Level of cooperation provided by schools

	Number	Proportion
Schools addressed	67	100 %
Schools in which all the class teachers completed the questionnaire	43	64 %
Schools in which only some of the class teachers completed the questionnaire	7	11 %
Schools in which none of the class teachers completed the questionnaire	17	25 %
Pupils whose class teachers completed the questionnaire	2642	67 % (of the total number of 3954 pupils)

Regarding the ethnic composition of pupils as estimated by their class teachers as shown in Tab. 5, the most commonly identified ethnic minority were **Romany pupils** – according to teachers' estimates these comprised more than a third of the pupils in those classes. According to the teachers, classes also include Vietnamese, Hungarian and Slovak pupils.

Tab. 5 Ethnic composition of pupils according to estimates of class teachers

	Number	Proportion (from 2642 pupils)
Romany pupils	915	35 %
Vietnamese pupils	5	< 1%
Hungarian pupils	5	< 1%
Slovak pupils	2	< 1%

As is evident from Tab. 6, the estimated proportion of Romany pupils in the schools monitored varies greatly from region to region. It can be assumed that this is due to to the uneven distribution of the Romany populace throughout the Czech Republic, as well as due to missing data, as some schools were less willing to cooperate in the research than others. In this respect, it is important to point out that there was zero cooperation from class teachers in the Vysočina Region and a very low level of cooperation from teachers in the Pardubice Region. Overall, it can be concluded that, according to teachers' estimates, the proportion of Romany pupils exceeds 30 % in most of the regions. The highest estimated proportions were recorded in the Ústí nad Labem Region (47 %), the Karlovy Vary Region (45 %), and the Region of Moravia and Silesia (41 %).

Tab. 6 Number and proportion of Romany pupils according to estimates by class teachers – sorted by region

Region	Number of schools	Total number of pupils	Number of pupils whose class teachers completed questionnaire	Number of Romany pupils	Proportion of Romany pupils
Prague	7	445	301	61	20 %
Region of South Bohemia	4	304	262	105	40 %
Region of South Moravia	8	538	306	74	24 %
Karlovy Vary Region	2	112	78	35	45 %
Vysočina Region	3	265	0	-	-
Hradec Králové Region	4	186	121	37	31 %
Liberec Region	3	132	51	18	35 %
Region of Moravia and Silesia	8	617	469	193	41 %
Olomouc Region	4	266	228	92	40 %
Pardubice Region	3	110	11	1	9 %
Plzeň Region	4	133	133	53	40 %
Region of Central Bohemia	8	373	225	70	31 %
Ústí nad Labem Region	5	389	373	175	47 %
Zlín Region	4	84	84	1	1 %
Total	67	3954	2642	915	35 %

The proportion of Romany pupils as estimated by class teachers was almost the same as the proportion estimated on the basis of visits made to individual classrooms by the staff of the Office of the Public Defender of Rights. As summarised in Tab. 7, at the time of the visits by the staff of the Office of the Public Defender of Rights, there were 2 801 pupils present in the schools monitored, which makes up 71 % of

the total number of pupils in these schools. The rest of the pupils were absent on the day of the visit (970 pupils, 25 % of the total number), or were omitted from the survey for organisational reasons³⁸ on the side of the schools (183 pupils, 5 % of the total number). According to **estimates made by the staff of the Office of the Public Defender of Rights, Romany pupils comprise 32 % of the pupils in the schools monitored**, with the proportion of boys being higher than that of girls (60 % to 40 %). As the estimates made by the staff of the Office of the Public Defender of Rights were based solely on visible attributes, during the visits account was taken of the fact that in some cases identification of ethnicity would be questionable – this applied to 3 % of the total number of pupils.

Tab. 7 Number and proportion of Romany pupils according to estimates made by the staff of the Office of the Public Defender of Rights – sorted by region

	Number	Proportion
Pupils present at the time of the school visit	2801	71 % (of the total number of 3954 pupils)
Romany pupils	908	32 % (of the 2801 pupils present)
→ of which girls	364	40 %
Ethnicity unclear on the basis of observation	79	3 %

The estimated proportions of Romany pupils based on the visits to schools carried out by the staff of the Office of the Public Defender of Rights are also sorted by region in Tab. 8. Regional differences do occur, just as with the estimates made by class teachers. However, these are smaller in this case, which could be down to the fact that these figures are not burdened by varying degrees of willingness of individual schools to cooperate. Just as in case of the estimates made by class teachers, also according to the estimates by the staff of the Office of the Public Defender of Rights, in the majority of regions the proportion of Romany pupils exceeds 30 %. The highest estimated proportion of Romany pupils was recorded in the Liberec Region (49 %), the Plzeň Region, and the Ústí nad Labem Region (both

 $^{^{38}}$ E.g. the pupils were away on a school trip, were working on projects outside school, etc.

47 %). The lowest proportion of Romany pupils was estimated at schools in the Zlín Region, where the figure is 0 %.

Tab. 8 Estimate of the ethnic composition of pupils based on observations made by the staff of the Office of the Public Defender of Rights – sorted by region

Region	Total numbe	Number of	Number of	Of which girls	Proportio n of
	r of		Romany	3	Romany
	pupils	present	pupils		pupils
Prague	445	301	65	27 %	22 %
Region of South	304	236	83	46 %	35 %
Bohemia					
Region of South Moravia	538	401	96	38 %	24 %
Karlovy Vary Region	112	73	27	39 %	37 %
Vysočina Region	265	179	53.5	55 %	30 %
Hradec Králové	186	119	50.5	63 %	42 %
Region					
Liberec Region	132	97	47.5	31 %	49 %
Region of	617	345	131	34 %	38 %
Moravia and					
Silesia					
Olomouc Region	266	212	75	43 %	35 %
Pardubice Region	110	83	7.5	47 %	9 %
Plzeň Region	133	107	50	43 %	47 %
Region of Central	373	269	76	38 %	28 %
Bohemia					
Ústí nad Labem	389	308	146	38 %	47 %
Region					
Zlín Region	84	71	0	0 %	0 %
Total	3954	2801	908	40 %	32 %

Note. The decimal figures in the column *Number of Romany pupils* appear in the table because the figures represent the average of the estimates made by two members of staff of the Office of the Public Defender of Rights (for the rationale behind this, see Section. 3 Choice of method)

In conclusion, all that remains is to point out that according to official estimates³⁹ there are 150 - 300 thousand Romany people living in the Czech Republic, i.e. the proportion of the Romany population to the total population of the Czech Republic is 1.4 to 2.8 percent. It could be therefore expected that this proportion would be **roughly** the same⁴⁰ in the subpopulation of school-age children in the schools we monitored. However, the estimates by class teachers and by the staff of the Office, obtained in the sample of 67 schools (2642 or 2801 pupils), the estimates of class teachers and of the staff of the Office of the Public Defender of Rights are far from these expectations - both estimates, 32 % according to the staff of the Office of the Public Defender of Rights and 35 % according to class teachers, are substantially higher. These estimates, based on two different methods and acquired from two different sources, indicate that the relatively small Romany minority (from the viewpoint of the total number of inhabitants of the Czech Republic) comprises a considerable proportion of pupils in classes for children with light mental disability. In other words, the above figures indicate that Romany pupils are distinctly over-represented in former special schools, now also referred to as practical elementary schools.

5. Conclusion

This report summarises the results of research aimed at obtaining a relevant estimate of the ethnic composition of pupils attending former special schools, nowadays referred to also as practical elementary schools. The research was carried out in response to the enduring criticism of the Czech Republic for its segregation of Romany pupils, and their excessive exclusion into schools outside mainstream education, particularly into classes for pupils with light mental disability – therefore,

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http://web2006.vlada.cz/scripts/detail.php?id=16149

It can be assumed that the Romany population is generally younger than the total population of the Czech Republic. Forecasts for 2003 based on the results of the Population and Housing Census of 2001 show that the proportion of school-age children within the Romany population is 22 % (Hůle 2007). In contrast, in the 2003/2004 school year only 999 554 children attended elementary school ((i.e. were at the compulsory school age), which was 9.7% of the total population of the Czech Republic (according to CZSO this was a total of 10 211 455 people). The proportion of school-age children from the Romany population was therefore 2,3 times higher than that of children from the total population of the Czech Republic.

emphasis was placed on estimating the proportion of Romany pupils in the schools monitored.

The research is part of a broader issue gathering of statistical data on ethnic origin for the purpose of determination of the possible extent and impact of discrimination, which is a relatively new issue in the Czech context. Therefore, the first part of the report summarised the theoretical aspects of ethnic data collection, especially the importance of collecting these data, as well as the methodological problems involved, including examples, and experience from abroad. The second part of the report is devoted to the actual research I carried out in the 2011/2012 school year, presenting the methodology first (definition of the population of concern, and the sample, the choice of method), followed by the results of the research.

Data were collected from a total of 67 schools which educate pupils under a Framework Education Program with an appendix covering the education of pupils with light mental disability. The schools were chosen by random stratified selection, proportionally to the number of inhabitants of the individual regions of the Czech Republic. As no complete list of these schools is available, the sampling frame consisted of a list of 171 former special schools acquired from the Czech School Inspectorate. The methods chosen were observation by a third party, performed by members of staff of the Office of the Public Defender of Rights during their visits to the schools monitored, and identification on the basis of indirect criteria, in which class teachers were asked to participate. Unlike the staff of the Office of the Public Defender of Rights, who identified pupils purely on the basis of observation (their task was to look at the pupils through the eyes of majority society, which identifies Romany people at the first glance, without any personal familiarity with the person), class teachers know their pupils, as well as their pupils' parents and the social context these pupils live in. It was therefore assumed that as regards the identification of ethnicity teachers have a better insight based on other, more objective indicators than the children's physical appearance. It is this combination of methods, and particularly how they are articulated and reflected, that makes this survey so different from previous research⁴¹ associated with the collection of ethnic data in former special schools in the Czech Republic.

See part A, Section 4 Previous research associated with the collection of ethnic data in former special schools in the Czech Republic

Considering the results of the research, it can be said that class teachers and members of the staff of the Office of the Public Defender of Rights are in agreement as regards the estimated proportion of Romany pupils: this proportion comprises 35 %, or 32 %. The two different estimates acquired using two different methods from two different sources are the same in that the proportion of Romany pupils in the schools monitored comprises roughly one third. This slight difference can be explained by the fact that identification on the basis of observation, as carried out by the staff of the Office of the Public Defender of Rights, could not be performed in case of absent pupils, while identification on the basis of indirect criteria, as performed by the class teachers, also applied to pupils who were absent from class on the day the staff of the Office of the Public Defender of Rights visited the school.

These results can be interpreted on the basis of the fact that according to official estimates⁴² there are 150 – 300 thousand Romany people living in the Czech Republic, i.e. the proportion of the Romany population to the total population of the Czech Republic is 1.4 to 2.8 percent. It could be therefore expected that this proportion would be roughly the same in the subpopulation of school-age children in the schools monitored. However, the estimates of class teachers and of the staff on the basis of the above figures, acquired in the sample of 67 schools (2642 and 2801 pupils), the estimates of class teachers and of the staff of the Office of the Public Defender of Rights are far from these expectations - both estimates, 32 % according to the staff of the Office of the Public Defender of Rights and 35 % according to class teachers, are much higher.

These estimates, based on two different methods, indicate the relatively small Romany minority (from the viewpoint of the total number of inhabitants of the Czech Republic), comprises a considerable proportion of pupils in classes for children with light mental disability. In other words, the above stated figures indicate that Romany pupils are distinctly over-represented in former special schools, now also referred to as practical elementary schools. Moreover, these results are similar to the results of previous surveys carried out on this topic (MŠMT 2009a, MŠMT 2009b, ÚIV 2009, ČŠI 2010), which implies, amongst other things, that in this respect the

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http://web2006.vlada.cz/scripts/detail.php?id=16149

situation is not changing for the better. This is, at a time when education is of crucial importance for a person to find their place in society, a serious finding.

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