

**Ministry of Education, Youth and Sports
of the Czech Republic**

**Report on the Implementation of the Convention and
Recommendations against Discrimination in Education
2011**

I. Information about legislative, judicial, administrative and other measures implemented by the state at national level

Implementation of the Convention and Recommendations including the Protocol in the national system of law

♦ The Convention against Discrimination in Education (hereinafter referred to as the “Convention”) has been published neither in the Collection of Laws nor in the Collection of International Treaties and therefore does not represent a treaty within the meaning of Article 10 of the Constitution of the Czech Republic. (*Promulgated treaties, to the ratification of which Parliament has given its consent and by which the Czech Republic is bound, form a part of the legal order; if a treaty provides something other than that which a statute provides, the treaty shall apply.*)

♦ However, education based on the principle of non-discrimination on any grounds is governed by the following legal regulations:

♦ Charter of Fundamental Rights and Basic Freedoms (promulgated under No. 2/1993 Coll.)

General prohibition of discrimination – Article 3:

(1) Everyone is guaranteed the enjoyment of her fundamental rights and basic freedoms without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, or other status.

Right to education – Article 33(1) and (2):

(1) Everyone has the right to education. School attendance shall be obligatory for the period specified by law.

(2) Citizens have the right to free elementary and secondary school education, and, depending on particular citizens' ability and the capability of society, also to university-level education.

♦ Protection against discrimination is also governed by certain international treaties by which the Czech Republic is bound, namely by Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended (published under No. 209/1992 Coll.), International Convention on the Elimination of All Forms of Racial Discrimination (published under No. 95/1974 Coll.), Convention on the Elimination of All Forms of Discrimination against Women (published under No. 62/1987 Coll.), International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights (published under No. 120/1976 Coll.) as well as Convention on the Rights of the Child

(published under No. 104/1991 Coll.). The obligation of the Czech Republic to ensure equal treatment and protection against discrimination also follows from its membership in the European Union (from the European Community law).

♦ Act No. 198/2009 Coll., on equal treatment and on the legal means of protection against discrimination and on amendment to some laws (the Anti-Discrimination Act): this Act transposes relevant regulations of the European Communities and, in relation to the Charter of Fundamental Rights and Basic Freedoms and the international agreements that are part of the legal order, defines more precisely the right to equal treatment and prohibition of discrimination among other things with respect to the access to and provision of education. Legal means of protection against discrimination are governed by Article 10:

(1) In the event of a violation of the rights and obligations following from the right to equal treatment or of discrimination, the person affected by such act shall have the right to claim before courts, in particular, that the discrimination be refrained from, that consequences of the discriminatory act be remedied and that (s)he be provided with appropriate compensation.

(2) Should a remedy under paragraph 1 above not appear sufficient, particularly due to the fact that a person's reputation or dignity or respect in society has been harmed, the person shall also have the right to monetary compensation for non-material damage.

(3) The amount of the compensation under paragraph 2 above shall be assessed by the court, taking into account the seriousness of the damage and the circumstances under which the right has been violated.

♦ Act No. 99/1963 Coll., Code of Civil Procedure, as amended: governs a refutable presumption according to which the complainant does not have to prove the defendant's reason (motive) for discrimination, but the defendant has to refute both the stated fact indicating discrimination and its stated reason (Section 133a):

If the claimant states facts in the court from which it may be inferred that the defendant has discriminated the claimant directly or indirectly

a) on grounds of sex, racial or ethnic origin, religion, faith, world view, disability, age or sexual orientation at work or other employment relationship including access to it, occupation, business or other gainful activity including access to it, membership in employee or employer organisations and membership and activities in professional chambers;

b) on grounds of racial or ethnic origin with respect to the provision of healthcare and social care, access to education and vocational training, access to public procurement, access to housing, membership in interest groups, sale of goods in a shop or provision of services; and/or

c) on grounds of sex with respect to the access of goods and services, the defendant is obliged to prove that the principle of equal treatment has not been breached.

♦ Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended – Section 2: Principles and Goals of Education, paragraphs 1 and 2:

(1) Education shall be based on the principles of

- a) equal access of all citizens of the Czech Republic or nationals of any other European Union Member State to education without any discrimination based on any ground such as race, colour, sex, language, belief or religion, nationality, ethnic or social origin, property, kith or kin, or the health condition or any other status of a citizen;*
- b) considering the educational needs of an individual;*
- c) mutual respect, deference, toleration of opinions, and dignity of all parties in education;*
- d) free basic and secondary education of citizens of the Czech Republic or nationals of any other European Union Member State at schools established by the state, a region, a municipality or a union of municipalities;*
- e) free dissemination of findings arising from the results of current knowledge of the world and in compliance with general goals of education;*
- f) enhancement of the process of education on the basis of results achieved in the sciences, research and development and the widest possible application of effective up-to-date pedagogical approaches and methods;*
- g) evaluation of results of education with regard to achieving goals of education laid down herein and in educational programmes; and*
- h) the opportunity given to everybody to learn for all their life whilst being aware of having co-responsibility for one's education.*

(2) General goals of education shall be, in particular, as follows:

- a) the personal development of a human being who shall possess knowledge and social competencies, ethical and spiritual values for their personal and civil life, for the execution of a profession or working activities, and for acquiring information and learning in the course of life;*
- b) acquiring general education or general and vocational education;*
- c) understanding of and application of principles of democracy and a legal state, fundamental human rights and freedoms along with responsibility and a sense of social coherence;*
- d) understanding and application of the principle of equality of women and men in society;*
- e) the formation of national and state citizenship awareness and respect for the ethnic, national, cultural, language and religious identity of every person;*
- f) knowledge of global and European cultural values and traditions, understanding and acquiring principles and rules arising from European integration as a basis for coexistence at national and international levels;*
- g) acquisition and application of knowledge of the environment and its protection arising from the principles of sustainable growth and of safety and the protection of health.*

♦ The principle of safeguarding the educational needs of individuals is stipulated by Section 16 – sub-sections 1 to 5 define special educational needs and sub-sections 6 and 7 govern the rights of children, pupils and students with special educational needs (disabled persons and/or persons disadvantaged in terms of their health condition or social position):

(1) A child, pupil or student having special educational needs shall be a disabled person, or a person disadvantaged in terms of health condition or social position.

(2) For the purpose of this Act, disability shall mean mental, physical, visual or auditory disability, language deficiency concurrent with more deficiencies, autism and development deficiency in learning or behaviour.

(3) For the purpose of this Act a health disadvantage shall mean a serious health defect, long-term disease or modest health defect resulting in problems in learning and behaviour which must be taken into account in education.

(4) For the purpose of this Act, social disadvantage shall mean:

a) a family environment with a low social and cultural status, threat of pathological social phenomena;

b) institutional education ordered or protective education imposed, or

c) the status of asylum seeker, a person enjoying supplementary protection, or a party to proceedings for granting international protection in the Czech Republic under a special legal regulation.

(5) The special educational needs of children, pupils and students shall be ensured by a school advisory facility.

(6) Children, pupils or students with special educational needs shall be entitled to an education the content, form and methods of which correspond to their educational needs and possibilities, on the creation of necessary conditions enabling such education and on the advisory assistance of the school and the school advisory facility. When admitting disabled pupils and students, and pupils and students who are disadvantaged in terms of health conditions, and when such pupils and students complete their education, adequate conditions corresponding to their needs shall be specified. When evaluating pupils and students with special educational needs the nature of their disability or disadvantage must be taken into account. The head teacher may, in exceptional cases, prolong the length of secondary and tertiary professional education, however not more than by two (2) years, for individual disabled pupils or students.

(7) Disabled children, pupils or students shall be, during their education, entitled to the free use of special textbooks and special didactical and compensatory teaching aids provided by the school. Children, pupils and students who are deaf-and-mute shall be entitled to free education through or by means of sign language. Visually impaired children, pupils and students who cannot read normal print shall be entitled to education using Braille print. Children, pupils or students who cannot communicate in spoken language shall be entitled to free education through or by means of compensatory ways of communication.

♦ Specific instruments that may be applied in the education of children, pupils and students with special educational needs include mainly the following:

- Establishment of the post of teacher's assistant – Section 16(9):

(9) Head teachers of nursery schools, basic schools, basic special schools, secondary schools, and tertiary professional schools may, with the consent of the relevant Regional Authority, establish the post of teacher's assistant for classes or study groups where a child, pupil or student with special educational needs is educated. In the case of disabled children, pupils and students or children, pupils and students disadvantaged in terms of health conditions the opinion of the school advisory facility shall be required.

- Education pursuant to an individual educational plan – Section 18:

Head teachers may, after receiving in writing the recommendation of a school advisory facility, in the case of a minor pupil with special educational needs or being

extraordinarily gifted, at the request of his/her statutory representative, or in the case of a pupil who is of legal age or a student with special educational needs or being extraordinarily gifted, at his/her own request, permit education according to an individual educational plan. With regard to secondary or tertiary professional education head teachers may permit education according to an individual educational plan also on the basis of other serious reasons.

- Establishment of preparatory classes of basic schools for socially disadvantaged children – Section 47:

(1) A municipality, a union of municipalities or a region may, with the prior consent of the Regional Authority, establish preparatory classes of basic schools to be attended by children, during the last year prior to their commencement of compulsory school attendance, who are socially disadvantaged and where there is a presumption that their inclusion in such a preparatory class may balance out their development. A preparatory class may be established if there are at least seven (7) children.

(2) The head teacher shall decide on the inclusion of pupils in a preparatory class upon the request of the child's statutory representative and upon a recommendation in writing issued by the school advisory facility. The content of education in a preparatory class shall be an integral part of the School Educational Programme.

♦ More detailed provisions can be found in implementing regulations to the Education Act, namely Regulation No. 73/2005 Coll., on the education of children, pupils and students with special educational needs and extraordinarily talented children, pupils and students, as amended by Regulation No. 147/2011 Coll. (compensatory and auxiliary measures, elements of an individual educational plan, definition of activities of a teacher's assistant), Regulation No. 72/2005 Coll., on the provision of advisory services at schools and school advisory facilities, as amended by Regulation No. 116/2011 Coll., and Regulation No. 48/2005 Coll., on basic education and other requirements relating to compulsory school attendance, as amended by Regulation No. 454/2006 Coll. (preparatory classes).

♦ Section 13 of the Education Act governs the education of members of national minorities:

(2) Members of national minorities shall have the right to be educated in the language of the relevant national minority under conditions stipulated in Section 14:

Section 14

Education of Members of National Minorities

(1) A municipality, a region or the Ministry shall ensure education for members of national minorities in the language of the relevant minority at nursery, basic and secondary schools, namely in the municipalities where, in compliance with a special legal regulation, a Committee for National Minorities has been established and if conditions stipulated herein are satisfied.

(2) Should at least eight (8) children claim to be members of a national minority, a class of the relevant grade of nursery school may be set up; should at least ten (10) pupils claim to be members of a national minority, a class of the relevant grade of basic school may be set up. A nursery school or basic school with the language of the national minority may be established provided that all classes have on average at least twelve (12) children or pupils who claim to be members of the national minority in one class.

(3) Should at least twelve (12) pupils claim to be members of a national minority, a class of the relevant grade of secondary school may be set up; a secondary school with the language of the national minority as a language of instruction may be established provided that all classes have on average at least fifteen (15) pupils who claim to be members of the national minority.

(4) In organising education in the language of a national minority, municipalities, regions or the Ministry shall take into account the accessibility of this education. Education in the language of a national minority may be also organised by a union of municipalities or municipalities, or a municipality and a region may mutually agree on the manner of organisation, including funding.

(5) If conditions stipulated in sub-sections 2 and 3 are not satisfied, a head teacher with the consent of the founder may specify in the School Educational Programme subjects or their parts which may be taught bilingually, both in the Czech language and the language of the relevant national minority.

(6) At schools with instruction in the language of the relevant national minority, school reports, apprenticeship certificates, and diplomas on completion of education shall be issued bilingually, both in the Czech language and in the language of the relevant national minority.

♦ Section 20 (sub-sections 1 through 5) governs the access of foreign nationals to education and school services:

(1) Citizens of European Union Member States shall have access to education and school services defined herein under the same conditions as citizens of the Czech Republic.

(2) Person not included in sub-section 1 shall have, under the same conditions as citizens of the Czech Republic, access hereunder to:

a) basic education including institutional education and protective education provided that they legally reside in the Czech Republic;

b) meals provided at schools, school clubs organised by a school facility for the development of hobbies and interests of pupils in regular day school attendance, in the case of pupils of a basic school, the relevant grade of a secondary school or the relevant grade of a conservatory;

c) secondary education, tertiary professional education, including institutional education and protective education, provided that they legally reside in the Czech Republic;

d) pre-school education, basic artistic education and school services hereunder if they are in possession of a residence permit of the Czech Republic exceeding ninety (90) days and reside in the Czech Republic, or are persons enjoying subsidiary protection, international protection seekers, or persons enjoying temporary protection;

(3) Persons specified in sub-section 2 (c) and (d) shall become children, pupils or student of a relevant school or a school facility under the conditions hereunder if they prove to the head teacher of the school or school facility not later than on the day when the education or provision of school services is commenced that they legally reside in

the Czech Republic. Legal residence shall be proven by a document specified under the special legal regulation.

(4) Persons who are not citizens of the Czech Republic and who have had previous education abroad shall be, at their request when taking admission examinations at secondary and tertiary professional schools, waived the admission examination of the Czech language which is a part of the admission examination. The school shall verify knowledge of the Czech language which is necessary for education in the chosen field of education by means of an interview.

(5) The Regional Authority having local jurisdiction at the place of residence of the pupil concerned and in cooperation with the founder of the school shall ensure that a pupil who has lived in the Czech Republic for a long period of time and is subject to compulsory school attendance hereunder, and who is a child of nationals of other European Union Member States who have been employed or have been self-employed persons in the Czech Republic or have studied here or have been granted the right to reside in the Czech Republic for other reasons,

a) can attend free preparation for their inclusion to basic education including learning the Czech language adapted to the needs of such pupil; and

b) is, if possible and in cooperation with the countries of origin of pupils, taught their mother tongue and culture of their country of origin, whilst such teaching shall be coordinated with usual education at the basic school concerned.

♦ *The Czech School Inspectorate shall inspect compliance with legal regulations pertaining to the provision of education and school services – Section 174(2) through (4):*

(2) The Czech School Inspectorate at schools and school facilities registered in the Register of Educational Facilities and at workplaces where practicum or vocational training is carried out under Section 65 (2) and Section 96 (2) shall, within its inspections:

a) acquire and analyse information on the education of children, pupils and students, on the activities of schools and school facilities registered in the Register of Educational Facilities, and monitor and evaluate the effectiveness of the educational system;

b) determine and assess the conditions, course and results of education in accordance with relevant school educational programmes;

c) determine and assess to what extent the school educational programme is met and whether it is in compliance with legal regulations and the framework educational programme;

d) perform state checks to determine whether legal regulations relating to provision of education and school services are met; state checks shall be executed in accordance with a special legal regulation;

e) perform a public-legal audit focused on the use of funds allocated from the state budget under Sections 160 through 163.

(3) Inspections shall be carried out in accordance with the plan of principal assignments for the relevant school year approved by the Minister of Education, Youth and Sports on the basis of a proposal submitted by the Chief School Inspector.

(4) Furthermore, inspections shall be carried out on the basis of suggestions, complaints and petitions which fall within the scope of powers of the Czech School Inspectorate under sub-section 2 (a) through (e). With regard to inspections carried out on

the basis of a complaint, the Czech School Inspectorate shall investigate individual statements within the complaint and shall present the results of investigations to the founder. The founder shall notify the Czech School Inspectorate on settling the complaint and on respective measures adopted to ensure correction.

♦ Act No. 111/1998 Coll., on Higher Education Institutions and Supplement to Some Other Acts (the Higher Education Act), as amended

Section 1(b):

Higher education institutions represent the highest level of the educational system. They are regarded as top centres of education, independent discernment and creative activity. Higher education institutions play the key role in scholastic, cultural, social and economic development of society by performing the following:

b) Facilitating access to higher education in compliance with democratic principles; providing adequate professional qualification and training for research work and other challenging specialised activities.

Section 21(1)(e):

(1) Public higher education institutions are due to perform the following tasks:

e) Make all possible provisions for equilibrating opportunities for studying at a higher education institution.

II. Information about the Implementation of the Convention and/or Recommendations

Section 2(1)(a) of Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended, stipulates the obligation of equal access to education without any discrimination based on any ground such as race, colour, sex, language, belief or religion, nationality, ethnic or social origin, property, kith or kin, or the health condition or any other status. Equal access to education is guaranteed to citizens of the Czech Republic or nationals of any other European Union Member State and their family members as well as to persons who are regarded as nationals of another European Union Member State for the purposes of the Education Act.

The Act aims at making the individual segments of the system of education accessible under the same conditions to a broad range of foreign nationals who reside in the Czech Republic on various legal grounds; however, it does not fully open the system of education under the same conditions to all foreign nationals. Stricter conditions governing access to pre-school, basic artistic, language and special interest education shall still apply to foreign nationals who are not citizens of the European Union, since the Czech Republic is not obliged by the European Union law to provide equal treatment to them if they are not entitled to stay on the territory of the Czech Republic for a period exceeding 90 days.

Legal regulations fulfil the obligations of the Czech Republic that follow from EU law; at the same time, they do not grant more favourable conditions of access to certain types of education and school services to those foreign nationals in whose case the provision of education and school services could not fulfil the purpose envisaged by the Education Act with regard to the presumed short duration of their stay on the territory of the Czech Republic.

Measures adopted with the aim of eliminating and preventing discrimination:

A broad range of auxiliary measures funded from the state budget is guaranteed and provided for supporting the education of children, pupils and students with special educational needs,

the aim of which is to offset the disadvantage and promote the success of education of the above children, pupils and students, mainly to promote inclusive education.

Pupils with special educational needs have the right to have their educational needs taken into account in the admission to education, the course of teaching and completion of education and have appropriate conditions for education ensured. Rules have been set up to satisfy the educational needs of all pupils with special educational needs. With regard to their special educational needs, pupils have a right to education with the help of appropriate methods, procedures, means of communication, use of textbooks in an appropriate format and use of special software and hardware as well as ICT. When pupils with special educational needs are taught, another teacher may be employed in the classroom, the number of pupils in the classroom may be reduced and an individual educational plan may be prepared, laying down the conditions for education of a specific pupil with regard to his/her needs, including foreign nationals.

Teaching methods and teaching and organisational measures in the individual phases of education are being innovated on an ongoing basis, with the aim of promoting openness of the system of education and its efficiency with respect to disadvantaged groups of pupils.

The role of parents in decision-making about their child's education has increased and the state promotes the development of teacher competencies so that they can recognise the diversity of educational needs of pupils in the classroom.

Teaching documents (educational programmes) cover the field of human rights and multicultural education.

Increasing the accessibility of pre-school education:

1. Openness of the system of pre-school education and advisory services for children starting from an early age, access to school services, exemption of low-income families from charges for pre-school education.
2. MEYS supports the government programme of establishing kindergartens in socially excluded areas, thus ensuring pre-school care for children from a socially disadvantaging background.
3. The offer of pre-school education in preparatory classes for pupils from a socially disadvantaging background and for children with a severe disability has been extended.
4. The quality of content of pre-school education is laid down in a Framework Educational Programme valid nationwide.

Supporting access to education – legislative steps:

1. Amendment to Regulation No. 74/2005, on special interest education, has made it possible for children from preparatory classes to enter school nurseries;
2. Adoption of Regulation No. 116/2011, which amends Regulation No. 72/2005, on the provision of advisory services at schools and school advisory facilities, which highlights the role of parents and the duty of advisory facilities to provide relevant information about a given advisory service and its accessibility;
3. Adoption of Regulation No. 147/2011, which amends Regulation No. 73/2005, on the education of children, pupils and students with special educational needs and extraordinarily talented children, pupils and students, which has added auxiliary measures and numerous other measures promoting the success of education of disadvantaged pupils (a system of compensatory measures and other teaching and organisational measures promoting inclusive education of disadvantaged pupils).

4. MEYS supports the education of socially disadvantaged pupils and disabled pupils also by means of subsidy and development programmes. The following programmes went ahead in 2010:

- Programme financing teacher's assistants for socially disadvantaged children, pupils and students;
- Programmes promoting education in the languages of national minorities and multicultural education;
- Programme promoting secondary-school Roma pupils;
- Programme promoting integration of the Roma community;
- Programme promoting schools that implement inclusive education of pupils from a socially disadvantaged background;
- Programme promoting the publishing of textbooks adjusted for the needs of disabled pupils;
- Programme promoting the equipping of schools with aids for disabled pupils;
- Programme promoting the establishment of the post of teacher's assistant for disabled pupils.

In 2011 an amount exceeding CZK 160 million was distributed within the above programmes.

Implementation of measures enhancing the education chances of disadvantaged pupils in 2010

MEYS continues its vigorous effort of setting up a model of inclusive education in the Czech system of education so as to be able to flexibly respond to special educational needs of disadvantaged pupils including Roma pupils and pupils from a socially and culturally disadvantaging background. Besides inclusive education, MEYS has also paid attention to the innovation of multicultural education and expansion of instruction of the Roma language (hereby implementing pertinent government resolutions and a long-term plan for the development of the system of education of the Czech Republic).

In order to ensure further progress in the access of children, pupils and students with special educational needs to quality education and implement the Convention, amendments to the Regulation on teaching and psychological advisory services and education of children, pupils and students with special educational needs were prepared in 2011.

The new legal regulation has specified rules for the provision of advisory services and the obligation of advisory facilities to provide a parent/client of age with comprehensible and comprehensive information and has strengthened the role of parents in decision-making about the education of their child. Compensatory measures have been introduced for pupils with special educational needs, which offset the pupil's disadvantage and promote his/her inclusive education. A pupil without a disability cannot be educated pursuant to a programme for disabled pupils. Inclusion in the special education regime is possible only with a written consent of the pupil's statutory representative/of the pupil of age and upon a recommendation of a school advisory facility.

Diagnostic instruments for the identification of special educational needs of pupils and their cultural objectivity are improved on an ongoing basis, measures promoting the success of pupil education in an inclusive environment are being set up, principles and practice of interdepartmental cooperation in the care of children at risk are promoted together with the support of active parenthood, i.e. ensuring appropriate conditions for education and fulfilment of children's school duties as well as institutional care (a substitute of family care).

Programmes promoting inclusive education and further education of teachers are supported from the state budget, highlighting the development of their competencies and skills that allow them to work with diverse needs of pupils in the classroom.

Early care of pre-school children aims at contributing to successful completion of school education and takes the form of preparatory classes for children with special educational needs (from a socially disadvantaging background as well as disabled children).

The Ministry of Education, Youth and Sports also implements development programmes aimed at promoting pre-school education and makes use of European Structural Funds.

The Ministry also supports the employment of teacher's assistants both from state budgetary means and from programmes funded from the European Social Fund. Inclusive education is funded also from subsidy and development programmes.

A catchment school, i.e. a basic school in a geographical area from which pupils are eligible to attend a given local school, has the duty to admit all pupils from its catchment area including pupils with a disability or other disadvantage. Auxiliary services and measures are set up to ensure successful education (advisory support by school advisory facilities, a school psychologist or special pedagogist, plus further auxiliary and compensatory measures stipulated by the implementing regulation).

Legislative steps in the pipeline:

An amendment to Regulation No. 48/2005 Coll., on basic education and other requirements relating to compulsory school attendance, is currently being drafted. In accordance with amendments to the Education Act, there are amendments to the organisation of compulsory school attendance abroad and in foreign schools on the territory of the CR, the possibility to take exams in the school of origin in the CR and inclusion of pupils in a school in the CR following their return from abroad. New conditions for the recognition of education provided by a legal entity abroad are also under preparation. This applies to a legal entity, which upon agreement with MEYS provides citizens of the CR subject to compulsory school attendance with education in the field of Czech Language and Literature, Humans and Their World, History and Geography related to the Czech Republic (the entity is referred to as "Czech schools abroad").

A review of the Framework Educational Programme (FEP) for Basic Education (BE) is also in the pipeline. The main objectives of the review are to incorporate the Standards in the FEP BE, incorporate the lists of requirements for the state-leaving examination (maturita) in the FEP for Secondary Education, simplify the FEP in individual secondary education fields, simplify the terminology used in the FEP, the structure of the FEP as well as of the School Educational Programme (SEP), notion and evaluation of key competencies, etc., redefine the notion of education in the FEP in terms of priorities, incorporation in the teaching plan, binding nature and school specialisation.

A National Strategy for Promoting Key Literacies in Basic Education is also under preparation. The envisaged main objectives of the Strategy are to devise a system for evaluating pupils' results aimed at improving education outcomes, support pupils to allow them to achieve better (maximum) results in key literacies; amend the curriculum and enhance the quality of teacher preparation training, focusing on promoting key competencies; enhance teacher competencies in teaching aimed towards key literacies and provide greater support for the professional development of teachers.

Legislation that would govern a comprehensive rehabilitation programme for persons with disabilities is under preparation. It should interlink all components (pedagogical, social, labour and medical) with the aim of promoting active participation of persons with disabilities in the life of society.

MEYS supports lifelong learning projects such as an ESF-funded project “The Path to Citizen’s Competitiveness” together with subsidy programmes that promote the education of minorities.

Inclusive education is funded also from subsidy and development programmes.

A catchment school, i.e. a basic school in a geographical area from which pupils are eligible to attend a given local school, has the duty to admit all pupils from its catchment area including pupils with a disability or other disadvantage. Auxiliary services and measures are set up to ensure successful education (advisory support by school advisory facilities, a school psychologist or special pedagogist, plus further auxiliary and compensatory measures stipulated by the implementing regulation).

Ensuring the quality standard in all public education institutions

The quality of education is guaranteed pursuant to Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education, as amended. The Czech School Inspectorate is in charge of inspections. The Czech School Inspectorate obtains and analyses information about the education of children, pupils and students, about the activities of schools and school facilities registered in the school register, monitors and evaluates the efficiency of the system of education, establishes and evaluates the conditions for education, its course and outcomes in accordance with pertinent School Educational Programmes, establishes and evaluates the implementation of the School Educational Programme and its compliance with the Framework Educational Programme, performs state surveillance over compliance with legislation related to the provision of education and school services in accordance with a special legal regulation, carries out public administration inspections of how funds from the state budget allocated to schools and school facilities have been utilised.

Steps towards personality development and respecting rights and freedoms

MEYS pursues personality development and respect for rights and freedoms through the Framework Educational Programme for Basic Education (FEP BE). FEP BE defines everything that is common and necessary in compulsory education of pupils including education in the relevant grades of multi-annual grammar schools. FEP BE highlights that the pupils be led to tolerance and considerateness towards other people, their cultures and spiritual values and be taught how to live in harmony with other people.

In particular in the educational area of **Humans and Society** pupils learn historical, social and cultural aspects of human life in its diversity, changeability and context. It acquaints pupils with the development of society and major social phenomena and processes that are reflected in everyday life and have an impact on how the social climate is formed. It focuses on

the formation of **positive civil attitudes, develops the notion of belonging to the European civilisation and cultural sphere and supports the acceptance of values on which contemporary democratic Europe is built. An important part of education in the above educational area also includes prevention of racist, xenophobic and extremist attitudes, education towards tolerance and respect for human rights, equality of men and women and education towards respect for nature and culture as well as preservation of artistic and cultural values.** An auxiliary educational area of **Ethics Education helps to develop pupils' personality.** It pursues systematic and methodologically well organised acquisition of social skills in pupils based on the experience method. It is therefore not a philosophical discipline, but rather a practical teaching and psychological instrument of supporting the development of pupils' personality. **In particular moral values into which all other human values are integrated are important in this respect.** Moral values are thus paramount to all other value areas. The aim of Ethics Education is to have a positive impact on attitudes, motivations, value system, standards and rules, i.e. not only gaining knowledge, but also the ability to communicate and address social issues in a creative manner.

Ensuring quality education and equal access

Quality education and equal access are provided for by Section 2(1) of Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education, as amended:

Education shall be based on the principles of

- a) equal access of all citizens of the Czech Republic or nationals of any other European Union Member State to education without any discrimination based on any ground such as race, colour, sex, language, belief or religion, nationality, ethnic or social origin, property, kith or kin, or the health condition or any other status of a citizen;
- b) considering the educational needs of an individual;
- c) mutual respect, deference, toleration of opinions, and dignity of all parties in education;
- d) free basic and secondary education of citizens of the Czech Republic or nationals of any other European Union Member State at schools established by the state, a region, a municipality or a union of municipalities;
- e) free dissemination of findings arising from the results of current knowledge of the world and in compliance with general goals of education;
- f) enhancement of the process of education on the basis of results achieved in the sciences, research and development and the widest possible application of effective up-to-date pedagogical approaches and methods;
- g) evaluation of results of education with regard to achieving goals of education laid down herein and in educational programmes; and
- h) the opportunity given to everybody to learn for all their life whilst being aware of having co-responsibility for one's education.

Ensuring religious education

Pursuant to Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education, as amended, religious education at basic and secondary schools established by the state, region, municipality or an association of municipalities is taught as an elective subject provided at least 7 students of a given school show interest in it (the above does not apply to private and religious schools). Pupils from different grades of a school or

several schools may be joined together for the instruction of religious education, the maximum number of pupils being 30. Pupils from multiple schools may be joined together for the instruction of religious education upon a contract between the pertinent schools, which will also govern the reimbursement of costs related to the instruction. Religious education may be taught as a mandatory or elective subject in private and religious schools.

Religious education as an elective subject may only be taught by an authorised representative of a church or religious society who meets the prerequisites for acting as pedagogical staff (pursuant to Act No. 563/2004 Coll., on Pedagogical Staff) and who has to be employed by the school. The authorisation is granted by a statutory body of a church or religious society (in the case of the Roman Catholic Church by the statutory body of a given bishopric).

Provided religious education is taught at a school, the instruction has to follow the curriculum that is enclosed with the School Educational Programme e.g. in the form of an Annex. There are no standards or methodology applicable to the instruction of religious education.

Guaranteeing the rights of minorities

The rights of minorities are guaranteed pursuant to Section 2(1) of Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education, as amended.

Besides, MEYS has a subsidy programme in accordance with Government Regulation No. 98/2002 Coll. Implemented projects promote human rights and first and foremost equal opportunities in education as well as inclusive education.

Availability of instruction in the languages of minorities

- Instruction in the languages of minorities is governed by Section 14 of Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education, as amended.
- A municipality, region or the Ministry provide instruction for members of national minorities in the language of the given national minority in kindergartens and basic and secondary schools in those municipalities where a Committee for National Minorities has been established in accordance with a special legal regulation and provided the terms and conditions stipulated by the Education Act have been met.
- A classroom of a given grade at a kindergarten may be established provided at least 8 children that are members of a national minority apply for instruction in the language of the national minority. A classroom at basic school may be established provided at least 10 pupils that are members of a national minority apply. A kindergarten or a basic school with instruction in the language of a national minority may be established provided all classrooms are filled on average by at least 12 children or pupils per classroom who are members of the national minority.
- A classroom of a given grade at a secondary school may be established provided at least 12 pupils that are members of a national minority apply for instruction in the language of the national minority. A secondary school with instruction in the language of a national minority may be established provided all classrooms are filled on average by at least 15 children or pupils per classroom who are members of the national minority.

- When municipalities, regions or the Ministry provide instruction in the language of a national minority, they take into account the accessibility of this education. Instruction in the language of a national minority may also be provided by an association of municipalities or by municipalities, or a municipality and a region may mutually agree on the mode of providing and funding of the above education. Provided the above conditions are not met, the headmaster with the founder's consent may determine subjects or parts of them in the School Educational Programme where education would take place bilingually, i.e. both in the Czech language and in the language of the national minority.
- Certificates, vocational certificates and diplomas issued by schools where instruction in the language of a national minority takes place are issued bilingually, i.e. both in the Czech language and in the language of the national minority.

Free education

The principle of free education applies to the citizens of the Czech Republic, which follows from Article 33(2) of the Charter of Fundamental Rights and Basic Freedoms that is part of the constitutional order of the Czech Republic:

Article 33

1. Everyone has the right to education. School attendance shall be obligatory for the period specified by law.
2. **Citizens have the right to free elementary and secondary school education, and, depending on particular citizens' ability and the capability of society, also to university-level education.**
3. Private schools may be established and instruction provided there only under conditions set by law; education may be provided at such schools in exchange for tuition.
4. The conditions under which citizens have the right to assistance from the state during their studies shall be set by law.

Citizens of the Czech Republic enjoy free education including secondary school education in accordance with Article 33(2) of the Charter of Fundamental Rights and Basic Freedoms, which is part of the constitutional order of the Czech Republic. Free education is also guaranteed by Section 4(1) of the Education Act (in accordance with Article 33(2) of the Charter of Fundamental Rights and Basic Freedoms).

Citizens are entitled to free education at secondary schools and the provisions of Section 12(1) and (2) and of Section 24(1) of the Education Act impose the obligation to reimburse the costs of education of a secondary school pupil to other entities than the pupil. Any legal act whereby a pupil would assume the obligation to have the costs reimbursed himself/herself shall be deemed invalid as it is contrary to law.

Further measures against discrimination in basic education

Besides direct funding of costs related to the education of disadvantaged children, pupils and students from the state budget MEYS each year prepares development programmes with funding of approximately CZK 200 million aimed at promoting access to education, offsetting

disadvantage and promoting integration of disadvantaged groups of children/pupils/students including foreign nationals.

Conditions for teachers

Even at a time of budgetary constraints teacher salaries were increased. In 2011 those who entered the teaching profession saw a salary increase. In 2012 teacher salaries will be increased in general. Approximately CZK 3.5 billion will be allocated directly for the individual salary bands in regional education and teacher salaries will thus rise by up to CZK 1,250.

Implementation of the Convention and Recommendations against Discrimination in Education at higher education institutions

Pursuant to Act No. 111/1998 Coll., on Higher Education Institutions including amendments to some other acts (the Higher Education Act), higher education institutions:

- Shall in accordance with democratic principles enable access to higher education, obtaining relevant professional qualifications and preparation for research work and other demanding professional activities;
- Shall provide information and advisory services to applicants, students and other persons with respect to their studies and the chances of graduates of finding a job on the labour market;
- Shall take all available measures to offset the chances to study at a higher education institution.

The Ministry of Education, Youth and Sports has included the following areas among the priorities of a Long-term Plan for Educational, Scientific, Research, Development, Innovative, Artistic and Other Creative Activities of Higher Education Institutions for 2011 – 2015:

Accessibility of higher education

Objective: Reduce barriers in the access to education and during studies

The Ministry:

- Shall prepare a Student Financial Aid Bill;
- Shall seek a new funding mechanism so as to eliminate economic barriers affecting potential applicants, that is persons from a socially disadvantaging background, as well as mechanisms motivating higher education institutions to admit and support those students;
- Shall strive for amending the status of a higher education institution student in the valid legislation;
- Shall support the education of students with a sensory, motoric or other disadvantage and of students with specific educational needs and shall implement systemic changes in funding the above activities.

Recommendations for higher education institutions:

- Support socially disadvantaged students by means of scholarships;
- Create study conditions for disabled and disadvantaged students and students with specific educational needs;
- Innovate study programmes to allow for easier access to study materials and aids;
- Devise preparatory courses for applicants;
- Cooperate with basic and secondary schools in developing the motivation of pupils and their preparation for studies at a higher education institution;
- Support the involvement of students in their own creative activities.

Advisory services at higher education institutions (HEIs)

Objective: Tailor advisory services to student needs

The Ministry:

- Shall provide methodological support in the field of advisory services at HEIs and publish examples of best practice.

Recommendations for higher education institutions:

- Provide or mediate advisory services to applicants, students, participants in lifelong learning as well as HEI employees, focusing on study, career, psychological, social and other aspects with the aim of attracting applicants, reducing failure and contributing to a better success rate of graduates on the labour market;
- Provide further education to teachers and other HEI employees for that purpose, provide information to the target group in a suitable manner (websites, etc.), develop cooperation with other higher education institutions both at home and abroad;
- Provide special advisory services to persons with specific needs.

In accordance with the Personal Data Protection Act the numbers of students broken down according to their socioeconomic background, physical or other disability or membership of a national minority are not recorded.

Financial instruments that support measures aimed at ensuring accessibility of higher education include MEYS development programmes and the EU Structural Funds.

Since 2012 there are rules in place for the funding of higher education institutions pertaining to the education of students with specific educational needs (funds are provided to meet clearly specified needs of a student with a specific need).

III. Ways to eliminate potential problems

The main objectives for the promotion of equal education opportunities in the CR are the following:

- Increase the extent of inclusive education in the Czech system of education, i.e. educate in such a way so that there is an individual approach to every pupil and student, respecting his/her individual needs;
- Improve the quality of diagnostics of children, pupils and students with special educational needs and address primarily the issue of Roma children who are often diagnosed as children with a light mental disability and in whose case the concept of a socially disadvantaged pupil is not applied sufficiently, and reduce the number of Roma pupils in the former special schools;
- Raise awareness of statutory representatives of children and pupils so that they will grant their agreement and the pupil can return from special education to mainstream education provided it is in the child's or pupil's interest and the transfer is recommended by the school advisory facility.