Czech Republic - 2006

Report on implementation of the Convention against Discrimination in Education and Recommendation against Discrimination in Education

(This report has been prepared in accordance with the Guidelines for the Preparation of Reports on the Implementation of the Convention against Discrimination in Education - 1960 and the Recommendation against Discrimination – 1960.)

Re: Part III of the Guidelines for the Preparation of Reports – General indications

Constitutional, legal and administrative framework for the implementation of the Convention against Discrimination in Education

The Charter of Fundamental Rights and Freedoms (further only "Charter") does not establish a **general prohibition of discrimination** (see resolution no. 2/1993 of the presidium of the Czech National Council dated 16 December 1992, on declaring the Charter an integral part of the constitutional order of the Czech Republic). Article 3 of the Charter guarantees "fundamental human rights and freedoms to everybody irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status".

Protection from discrimination is also guaranteed by international conventions which the Czech Republic is bound to respect, in particular the International Convention on the Elimination of All Forms of Racial Discrimination (decree no. 95/1974 of the Ministry of Foreign Affairs), the Convention on the Elimination of All Forms of Discrimination Against Women (decree no. 62/1987 of the Ministry of Foreign Affairs)**,** the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (decree no. 120/1976 of the Ministry of Foreign Affairs**)** and the Convention on the Rights of the Child (Notification no. 104/1991 of the Federal Ministry of Foreign Affairs). Of the conventions adopted by the Council of Europe, of significance from the viewpoint of protection from discrimination is Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms as amended (Notification no. 209/1992 of the Federal Ministry of Foreign Affairs), which forbids any form of discrimination on the grounds of gender, race, skin colour, language, religion, political or other conviction, nationality or social origin, membership in a national minority, property, birth or other status. The Framework Convention for the Protection of National Minorities (ETS 157 - Notification no. 96/1998 of the Ministry of Foreign Affairs) prohibits any form of discrimination on the basis of membership in a national minority.

The provisions of Article 10 of the Constitution of the Czech Republic, which establish the immediate, binding character, validity and legal superiority of international agreements on human rights and basic freedoms to which the Czech Republic is bound, ensures that domestic law is in accord with the provisions of these documents.

The principle of the prohibition of discrimination as contained in the provisions of the relevant articles of the Charter ensuring basic rights and freedoms to all irrespective of sex, skin colour, language, membership in a national or ethnic

minority etc. (Articles 2 and 3 of the Charter) was respected in legal regulations valid until 2004, in particular **Act No. 29/1984** on the System of Basic, Secondary and Tertiary Professional Education (the Education Act) as amended, **Act No. 564/1990** on State and Local Government in Education as amended, and **Act No. 76/1978** on Educational Facilities as amended. The principle of the prohibition of discrimination is also respected in general binding legal regulations for the field of education valid from 1.1.2005, in particular in the main laws which regulate the individual fields of education. In the area of pre-school, basic, secondary and tertiary professional education, this concerns mainly **Act No. 561/2004** on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended, **Act No. 109/2002** on the Provision of Institutional Care or Protective Care in Educational Facilities and on Preventative Care in Educational Facilities and Amending other Acts, further also **Act No. 563/2004** on Pedagogical Staff and Amending Other Acts, as amended.

Laws related to education and legislative texts adopted by member states in order to prevent discrimination in education resulting from the historical, cultural, economic and political conditions of the country in question for the purpose of supporting equality in educational matters

The Ministry of Education, on the basis of the provisions contained in fundamental legal documents such as the Constitution of the Czech Republic, the Charter, international conventions which the Czech Republic is bound to respect, and other binding documents of the European Union and governmental documents in the field of education, pays special attention to the issue of respecting human rights in education, works to prevent discrimination in both legal provisions and other documents, and has adopted measures with the intention of ensuring that the prohibition of discrimination is respected in education and in the provision of educational services.

This is done on the basis of Constitutional Act No. 2/1993 as amended by Constitutional **Act No.** 162/1998, the **Charter of Fundamental Rights and Freedoms**. Article 33 of the Charter states that:

"(1) Everybody has the right to education. School attendance is obligatory for a period specified by law.

(2) Citizens have the right to free education at elementary and secondary schools, and depending on the citizen's ability and the potential of society, also at university-level schools.

(3) Other than state schools may be established and instruction provided there only under conditions set by law; education at such school may be provided for tuition.

(4) The conditions under which citizens are entitled to assistance from the State during their studies are set by law."

As for specific legal regulations guaranteeing the fulfilment of the Convention against Discrimination in Education, it is possible to say that the basic legal standard, **Act No. 561/2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended,** contains no provisions of a discriminatory nature, is in harmony with the constitutional order of the Czech Republic, in particular with the Constitution of the Czech Republic and the Charter of Fundamental Rights and Freedoms, as well as with the commitments of the Czech

Republic arising from international agreements to which the Czech Republic is bound to respect, is also in harmony with the Policy Statement of the Government of the Czech Republic and respects not only binding regulations but also other EU regulations in the area of "soft law" reflecting the fundamental goals and requirements of the European Union in relation to the member states' educational systems.

According to Section 2 of the Education Act:

"(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."

These principles fulfil the provisions of Article 33 of the Charter, Article 28 of

the Convention on the Rights of the Child, the Framework Convention on the Protection of National Minorities and other approved strategic documents.

Emphasis is placed on equality of educational opportunity for all and on the removal of barriers to achieveing this equality, respect for the educational needs of the individual, and implementation of measures against expressions of discrimination and intolerance in all its forms. Also emphasised is the prohibition of discrimination, specifically in access to education, as covered by Article 2, paragraph 1a) of the Convention on the Rights of the Child.

Article 33 of the Charter and subsequently the Education Act ensure the fundamental principle of free basic and secondary education in public schools, i.e. schools runs by the state, regions, municipalities or unions of municipalities.

The Education Act also guarantees equal access to education for all individuals irrespective of sex. Equal access to education and respect for the specific needs of the individual in education are contained in the act's general introductory provisions and pervade the entire act. The act contains special provisions regarding the education of national minorities, religious education, teaching pupils with special educational needs and exceptionally gifted pupils. The act introduced significant changes in the approach to teaching pupils with special educational needs, including pupils with a very high level of special educational needs.
The act does not contain any provisions that could be interpreted as discriminatory, nor does it contain any provisions that would violate equal opportunities.

Other laws that can be mentioned here include **Act No. 109/2002 on the Provision of Institutional Care or Protective Care in Educational Facilities and on Preventative Care in Educational Facilities and Amending other Acts,** as amended, which establishes the conditions under which educational facilities provide institutional care or protective care and for educational facilities for preventative care, which must ensure the fundamental rights of each child to education and upbringing in compliance with constitutional principles and international conventions on human rights and fundamental freedoms which the Czech Republic is bound to respect, and which must create conditions encouraging the child's self-confidence, developing the emotional side of its personality and enabling the child's active participation in society. The child must be treated in the interest of the full and harmonic development of its personality with a view towards the needs of a person its age. The provisions of Section 1 of this Act state:

"Section 1

Purpose and jurisdiction of educational facilities for the provision of institutional care or protective care and for preventative care

(1) Educational facilities providing institutional care or protective care (further only "facilities") and educational facilities for preventative care that are centres of educational care (further only "centres") must ensure the fundamental right of each child to education and upbringing in compliance with constitutional principles and international conventions on human rights and fundamental freedoms which the Czech Republic is bound to respect, and which must create conditions encouraging the child's self-confidence, developing the emotional side of its personality and enabling the child's active participation in society. The child must be treated in the interest of the full and harmonic development of its personality with a view towards the needs of a person its age.

(2) The purpose of the facilities is to ensure, on the basis of a court order on institutional care or protective care or a preliminary measure, that a minor 1) usually in the age from 3 to 18, or an adult up to age 19 let (further only "child"), receives substitute upbringing in the interest of its healthy development, proper upbringing and education.

(3) The purpose of educational facilities for preventative care is to prevent the appearance and further development of negative behaviour in the child, to prevent any disturbance to its healthy development, to diminish or remove the causes or results of previous behavioural problems and to contribute to the child's healthy personal development."

The role of pedagogical staff is defined in **Act No. 563/2004** on Pedagogical Staff and Amending other Acts, as amended, which established the requirements for the performance of duties by pedagogical staff and secures in place a system for the continuing education of pedagogical staff including the general fundamental principles for their career growth. It can be stated that, in the Czech Republic, there is equal access in the training of and performance of duties by pedagogical staff and no examples of discrimination have been recorded in this area.

The fundamental legal standard in the area of higher education is Act No. 111/1998 on Higher Education Institutions and Amending and Supplementing Other Acts (the Higher Education Act), as amended.

The laws listed above are complemented by accompanying legal acts (decrees, government orders) that meet the basic criteria set by the laws, including respect for the principle of the prohibition of discrimination in education and the provision of educational services.

Other important strategic documents of the Ministry of Education in the area of education:

- After 2001, a fundamental document for the development of the educational system in the Czech Republic was the **National Programme for the Development of Education in the Czech Republic (the so-called White Paper),** approved on 7 February 2001 by resolution no. 113 of the Government of the Czech Republic, which defines the thinking behind and requirements for the development of the educational system, the principles of educational policy and the strategy for the development, management and financing of education. The White Paper describes the programme's philosophy and describes the general goals and development programmes that should guide the development of the educational system in the medium horizon. In line with international conventions and documents, the White Book also declares that the Czech Republic identifies with the concept that education is a fundamental human right provided to all human beings, and declares it to be an inalienable and universal human value.
- The educational system is oriented among other things towards the following goals:

  - development of human individuality,
  - strengthening social cohesion
  - teaching partnership, cooperation and solidarity within a European and globalising society

The National Programme for the Development of Education in the Czech Republic is implemented through **long-term plans** for education and the development of the educational system, which are elaborated **at the state and regional level** and which

define the development priorities for the educational system on the medium-term horizon as well as the manner of realisation and type of support.

- Among other things, the Long-Term Plan for the Development of the Educational System in the Czech Republic states that the educational system must fulfil the following functions:

- development of personality, with the goal being the cultivation and self-realisation of each individual as well as the greatest possible development and exercise of his or her potential;

- strengthening social cohesion. The educational system today is one of the main forces of integration, not only in passing on shared values and traditions, but above all in ensuring equal access to education and equal opportunity, and in levelling inequality in the social and cultural environment;

- **support of democracy and civil society**;

- **teaching openness and cooperation within a European and global society, etc.**

As is the case for many other countries, the Czech Republic has in the past years seen the **expansion of lifelong learning**. The National Programme for the Development of Education in the Czech Republic (White Paper) as well as the Long-Term Plan for the Education and the Development of the Educational System in the Czech Republic stipulate that one of the fundamental strategic points of education shall be the "realisation of lifelong learning for all". The Ministry of Education thus announced its commitment to the concept of "lifelong learning", whose implementation requires changes to the educational system as well as the closer linkage of the existing educational system to the continuing education sector, as well as to employment and social policy. The principles of lifelong learning defined in the White Paper include:

- ensuring truly equitable access to educational opportunity so as to satisfy all educational needs of society, and to enable all members of society to not only determine their personal educational path but also to change it during their lifetimes,
- maximum development of each individual's potential, i.e., providing all with the opportunity for the maximum development of their abilities,
- increasing the status and professionalism of pedagogical staff etc.

Many various steps have been taken in the past years with the goal of improving access to lifelong learning. Some regions support the use of schools for continuing education and offer modular educational programmes, and have created regional educational centres or helped to co-finance continuing education. They have created a comprehensive and flexible information and counselling system providing both seekers and providers of education with a sufficient amount of relevant and quality information.

The formal educational system is thus one part of a larger system for lifelong learning and represents its indispensable foundation. Since the Education Act recognises the results of education received outside the educational system, from a broader perspective it is already geared towards lifelong learning.

In 2006, Act No. 179/2006 on the Verification and Recognition of the Outcomes of Continuing Education and amending other acts (Act on the Recognition of the Outcomes of Continuing Education) was adopted, which regulates the system for verifying and recognising the outcomes of continuing education, i.e., the outcomes of education received outside the formal educational system.

Re: Part IV Main points related to the provisions of the individual articles

Article 1

Item 17

Non-discrimination in education, equality in education and access to education

The principle of the prohibition of discrimination as contained in the provisions of the relevant articles of the Charter and other documents, which ensure basic rights and freedoms to all irrespective of sex, skin colour, language, membership in a national or ethnic minority etc. (Articles 2 and 3 of the Charter), is respected in generally binding legal regulations in the field of education.

Equality of education is legislatively guaranteed for all. The laws and related statutory instruments regulating all areas of education on all levels contain no measures that could be interpreted as being discriminatory.

The fight against social exclusion – one of the central elements of the modernisation of the European social model – includes several factors that could play a part in national strategies. Together with employment policy, an important role is played by social protection, education, housing, health, information and communication, mobility etc. The best insurance against social exclusion is employment. For this, it is necessary to expand employability, especially through a policy that supports the ability to attain qualification and lifelong learning. In the Czech Republic, the National Action Plan on Social Inclusion includes several measures in the area of education, particularly for removing barriers to access to education for disadvantaged groups – for instance, children from socio-culturally disadvantaged environments or persons with health impairments.

Any problems that may have appeared in relation to education and equal access to education were most commonly related to the children's social, ethnic or national origin, their lack of familiarity with the language of instruction and with basic social customs, a different lifestyle and priorities on the part of the parents, and children with health impairments.

The new Education Act strengthened the importance of **pre-school education** by guaranteeing the right of children to be accepted into pre-school education in their final year prior to starting compulsory education. It further guarantees that such pre-school education shall be free of cost. By enabling socially weak families to send their children to school without having to pay for kindergarten, this measure is of special significance in pre-school education, since pre-school attendance particularly necessary for children from socially disadvantaged families because it helps to balance out the children's uneven development prior to entering basic school and thus provides them with a basic foundation for continuing their education.

The Education Act also introduced **preparatory classrooms** in basic school for children who require additional socialisation or communication skills, with the objective of helping to equalise these children's development and enabling them to continue with their peers without greater problems. One significant change in this relation is the fact that the Act supports the integration of special schools with regular schools and significantly strengthens the trend toward the integration of individual pupils with special educational needs into "regular" schools – but with the possibility of creating special educational programmes for such pupils. The act further introduced supportive measures for disadvantaged pupils, such as teacher's

assistants at all grade levels. This and other measures should help to increase the equality of educational opportunity, balance out social and cultural differences and limit the exclusion of children.

Unlike in other countries, **basic schools** are not associated with social selectivity determined by place of residence. Neighbourhoods still tend to be of a socially mixed character and the quality of schools is generally not geographically determined (e.g. by being located in a “good” or “bad” neighbourhood).

Social access to basic education is ensured. School attendance is compulsory for nine school years – from age six to at most 17 – with most of the time spent in basic school. It is the municipality’s obligation to ensure the proper conditions for the fulfilment of compulsory school attendance for children with residence within the municipality and for children located in educational facilities providing institutional or protective care but who do not receive their education in these facilities. To meet these requirements, the municipality can either establish a basic school or it can ensure that pupils fulfil their compulsory school attendance at a basic school established by another municipality.

Pupils can thus fulfil their compulsory school attendance at a basic school established by a municipality in the school catchment area in which the pupil is registered (a so-called local school). This kind of school must always accept a child with residency in its school catchment area. Though there are local schools, pupils need not attend their local school; the law gives parents school choice.

Pupils located in a educational facility for the provision of institutional or protective care or in a educational facility for preventative care fulfil their compulsory school attendance at a basic school established within this educational facility or at a basic school established by the municipality or union of municipalities located in the school catchment area in which the relevant educational facility is located.

Small municipalities are often faced with a difficult situation in that schools suffer from an insufficient number of enrolled pupils and often teach several grades together. Travel to distant surrounding schools causes difficulties especially for the youngest pupils and for socially weak families. As part of its basic transport duties, the Education Act then requires the regional government to provide travel to and from the local school if the local school is more than 4 km from the pupil’s place of residence.

As far as **selectivity** is concerned**, frequent criticism was directed at the existence of 6- and 8-year gymnasiums** – primarily because they represent a segregational element in the educational system and require a premature choice of educational path which for the most part is socially determined. Pupils at multiyear gymnasiums tend to have parents with a different educational background than their peers attending basic school. The new Education Act divided the 6- and 8-year gymnasiums into a higher and lower level, with the higher level of a multiyear gymnasium open to all applicants who have completed their compulsory education, i.e., pupils from basic schools.

From the viewpoint of **paying for education and educational services for children from socially weak families** and their access to education, it is worth mentioning that the Education Act establishes rules for payment for education and educational services. As mentioned previously, basic and secondary school education in schools established by the state, regions, unions of municipalities or municipalities is provided free of charge, as is the final year of kindergarten

established by the state, regions, municipalities or unions of municipalities and education in preparatory classrooms at basic schools. Schools established by other entities (e.g. private schools) may provide education against payment.

Educational services may also be provided against payment. The level of the payment for schools and educational facilities established by the state, regions, municipalities or unions of municipalities is set by the director of the school or educational facility. The size of the fee may represent a barrier for single parents or unemployed parents, as is the case for some Roma families.

The child's legal guardians, however, have the right to request that the fee be lowered or waived. Act No. 561/2004 provides the director of a school or educational facility that may collect fees with the right to decide on lowering or waiving such fee, especially in the case of socially disadvantaged children, pupils or students. This means that the director of a kindergarten may consider the specific reasons for a request for lowering or waiving a fee, for instance in the case of a low-income family or a family in an otherwise difficult social situations, and thus lower or waive the fee.

The objective of legislative and other measures adopted in the Czech Republic is to ensure access to all levels of education and to provide all individual with the opportunity to develop their various capabilities to the maximum possible extent throughout the course of their life and in harmony with the principle of justice. This applies to the entire breadth of the population – from exceptionally talented individuals to socially disadvantaged individuals and individuals with health impairments. The individual approach to children, pupils and students and the differentiation of the educational offer, together with additional organisational measures in the educational system, thus make it possible to respect, strengthen and take advantage of all types of talent and to compensate for any possible disadvantages as may affect peoples' ability to find their place within the educational system or which may limit their ability to change or correct their educational path. It represents an attempt to compensate for any inequalities, whether of a material, social or physical character or arising from ethnic or other differences, using mechanisms to limit their impacts. The goal is to enable the entire breadth of the population to become participants in their own education throughout the course of their life whenever they feel it necessary, with the goal of preparing them for lifelong learning. This includes the expansion of vertical and horizontal access at all levels and types of schools within the educational system and integration with other parts of the educational system in such a manner as to allow individuals to continue in their education where they left off, so that they need not return or start anew for formal or organisational reasons.

Laws related to education, and legal standards that remove discrimination in education and support equality in educational opportunities:

- ***Act No. 111/1998*** on Higher Education Institutions and Amending and Supplementing Other Acts (the Higher Education Act), as amended.

- ***Act No. 117/1995,*** *on Public Social Benefits, as amended*

- ***Decree no. 322 dated 15 August 2005,*** *on continuing education or training which are taking into account for purposes of public social benefits and*

pension insurance during an individual's study at secondary school or a higher education institution

- ***Government Order no. 122 dated 1 March 2006,*** *designating the minimum scholarship provided for students in difficult social situations*

- ***Rules for the distribution of benefits and subsidies to public higher education institutions by the Ministry of Education as per Act No. 111/1998 on Higher Education Institutions and Amending and Supplementing Other Acts (the Higher Education Act), as amended (ref. no. 4632/2006-30)***

Article 2

Item 18
Ensuring equal opportunities for men and women

The promotion of equal opportunity for men and women is a task whose fulfilment is followed closely and evaluated at the Government level. Equal opportunity policy as presented in the Government's document "Priorities and Practice in the Promotion of Equality for Men and Women" focuses on promoting the principles of gender equality, legally enshrining the foundations of gender equality, raising the level of legal awareness, ensuring equal opportunities in access to economic activities, equalising the social status of men and women caring for children and dependent family members, respecting women's reproductive function and physiological differences, reducing violence against women, and observing and evaluating the implementation of the principle of gender equality.

As a result of the Czech Republic's accession to the EU and in connection to the fact that it is a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women, the Czech Government is actively addressing issues of gender equality in all spheres and on all levels of society. With its resolution no. 236 of April 1998, the Government adopted the first policy document for the promotion of gender equality, "Government Priorities and Practice in the Promotion of Equality for Men and Women" (further only "Government Priorities"). State policy for gender equality as formulated in this document contains several fundamental measures and tasks whose fulfilment is evaluated each year by the Government. These measures and tasks are updated on the basis of achieved results and changes. The Government Priorities were last updated by government resolution no. 486 dated 15 May 2002. Task 1.10 of the Government Priorities requires all members of the Government to once a year compile their own priorities and practices for promoting gender equality in the fields falling within the jurisdiction of their respective ministries.

The Ministry of Education compiles its own collection of measures for promoting gender equality in its relevant field of activity for each year, further supplementing it with an elaboration and specific description of the fundamental direction of the Government's equal opportunity policy. Currently, the guiding document is the "Updated Measures for the Priorities and Practice in the Promotion

of Equality for Men and Women within the Ministry of Education for the Year 2005". The main objective of this document is the implementation of so-called gender mainstreaming methods in both public policy as well as its own personnel policy.

The principle of gender equality in education is guaranteed by Article 3, paragraph 1 of the Charter, which states, "Fundamental human rights and freedoms are guaranteed to everybody irrespective of sex". This principle is also contained in Article 33, paragraph 1 of the Charter, according to which "everybody has the right to education".

It is possible to state that in the Czech Republic neither women nor girls face any discrimination in access to education, and that there exists equal access to education for men and women. This access is guaranteed not only by the Charter, but also legislatively by Act No. 561/2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended, in particular by Section 2, which states in paragraph 1 that *"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, etc;"

This principle is supported by the Ministry's Priorities and Practice in the Promotion of Equality for Men and Women in the Ministry of Education, which has been compiled every year since the year 2000 on the basis of the government resolution.

Prior to 1 January 2005, when the new Education Act took effect, the legal standards in this area were defined primarily by **Act No. 29/1984** on the System of Basic, Secondary and Tertiary Professional Education (the Education Act), as amended. This act also did not contain any discriminatory measures towards women/girls. As for the appendix to decree no. 354/1991 on secondary schools, which restricted girls' access to a small number of fields, in 2001 this appendix was changed so that it no longer contains any restrictions for girls. It should also be said, however, that these measures limiting girls' access to certain fields of education were not in direct contradiction with the provisions of Article 2.2 of Council Directive 76/207/EEC of 9 February 1976 concerning equal treatment of men and women in access to employment and professional training. This article states that the Directive is without prejudice to the right of Member States to exclude those occupational activities and, where appropriate, the training leading thereto, for which, due to their nature and the context in which they are carried out, the sex of the worker constitutes a determining factor. It is thus possible to conclude that the criticism directed against decree no. 354/1991 was unfounded, since the restriction for girls was instituted for the professional training in certain fields (primarily technical/apprenticeship) where the performance of these tasks would have threatened their health.

Legal regulations also take into account girls and mothers in the course of education. For instance, directors of secondary and tertiary professional schools are required to interrupt a pupil's or student's education in case of pregnancy and motherhood if the student's practical training occurs in a workplace or a type of work from which pregnant women and mothers in the first nine months after birth are restricted or if a doctor has determined that instruction would threaten the pupil's or student's pregnancy.

On the basis of the recommendation, measures were adopted with the objective of increasing the participation of girls in education in technical fields. These include:

- the Ministry of Education admitted girls to all classroom and apprenticeship fields,
- 22 new educational programmes were created for improving women's success in the workplace market,
- the Czech School Inspectorate ensures that girls and women are not discriminated against in the school admissions process and that all hygienic and safety requirements are fulfilled in order to allow their participation in all fields of educational,
- teachers and other staff responsible for career counselling at basic schools provide heightened attention to girls with individual abilities and interest in technical careers.

Gender equality is further ensured by:

- breaking down traditional gender stereotypes in the education of men and women during the creation of framework educational programmes for all levels and fields of education in public schools as well as in schools established by other entities (i.e., private schools),
- providing access to all classroom and apprenticeship fields regardless of sex,
- creating projects for addressing specific aspects of equality between boys and girls,
- collaboration with the nongovernmental sector in determining and introducing new approaches for achieving gender equality in schools – for instance, through the projects "Gender in School", "A Guidebook on the Road to Equality for Women and Men", "Equal Opportunity for Girls and Boys in Education", "Gender Aspects of Pupils' Advance in Educational Levels", "Equal Opportunity in Educational Practice", "One World at Schools",
- performing gender analyses of the curriculum at basic schools,
- textbooks used at schools must be have received an endorsement from the Ministry of Education attesting their suitability; an integral part of receiving such endorsement is an evaluation of gender aspects.

Girls' level of representation at **secondary and tertiary professional schools** as a whole can be considered equal. Their ratio at gymnasiums, which have always represented the more prestigious area of secondary education, has for several years been more than 60%; after a slight decrease, this was figure was again attained. There exist "traditionally" girls' fields: the fields of kindergarten teacher and nurse are almost exclusively studied by girls; girls outnumber boys in economic fields and in training for service-oriented work. Boys tend to outnumber girls in training for heavy industry and similar fields.

In general, it is possible to state that the ratio of girls/women to boys/men among students at secondary and tertiary professional schools and in higher education is relatively equal.

As previously stated, in 2003 work was begun on preparing an analysis of curricula and textbooks from the viewpoint of their role in creating and perpetuating gender stereotypes and prejudices, with the goal of determining whether these materials contributed to a stereotypical view of gender equality. If necessary, proposals for changes will be made. Already in 2001, all fields of study contained in the Czech educational system were opened to both girls and boys. The issue of the position of men and women in society is contained in new thematic areas introduced not only in civics and history, but also in professional subjects (psychological, legal and economic aspects). In order to increase women's competitive abilities on the job market, the Ministry of Education supports the creation of qualification and requalification programmes that help women find suitable employment. Implementation and results at individual schools are followed and evaluated by the Czech School Inspectorate on an ongoing basis.

Over the course of the period under review, attempts continued, via the school curriculum, teaching materials and other materials, to eradicate stereotypical and discriminatory views on the role of men and women in the family, in employment and in society, and to promote the principle of gender equality within activities related to the National Programme for the Development of Education in the Czech Republic – the so-called White Paper.

This task was addressed on an ongoing basis during the preparation of teaching documents – all conceptual materials were evaluated from a gender viewpoint. The issue of gender equality was included in a relevant manner within the Framework Educational Programme for Basic Education and the Framework Educational Programme for Gymnasium-Level Education. In the Framework Educational Programme for Basic Education, for instance, it can be found in the section on Key Competencies, in Man and His World and in civics education in Man and Society.

The framework educational programmes for basic education and for gymnasium-level education also include topics on the unacceptability of violence towards women. The same applies for the framework educational programme for professional education.

The Ministry of Education thus focuses on supporting equal opportunities in the area of gender issues as well. The main aspect is an emphasis on the removal of stereotypes in the educational process. The ministry supports the creation of gender-neutral conceptual documents, textbooks and other materials for all types of schools and educational facilities. This includes the publishing of materials that in their language and examples do not support traditional stereotypes in society, access to choice of career and employment, family life, etc. Prior to being approved, the framework educational programmes were evaluated from the viewpoint of gender equality; the Research Institute of Education prepared an Analysis of Curricula and Textbooks from the Viewpoint of their Role in Creating and Perpetuating Gender-Based Stereotypes and Prejudices. In approving the endorsement of textbooks, the ministry paid close attention to the respect for equal opportunity for women and men within the context of human rights.

Since September 2003, the principles of gender equality have been an integral part of the approval of textbooks and teaching texts. If a textbook is to receive endorsement, it must among other things be thoroughly in harmony with the principle of equal opportunity for men and women.

Equal access to education for boys and girls also means equal access to the course and content of education, the right to information on education, and access to teaching staff, scholarships and other points listed in Article 10 of the Charter. In accordance with the provisions of Article 33 of the Charter, basic and secondary school education is provided free of charge regardless of the pupil's sex. All pupils also have the right to counselling support provided in schools and educational facilities. It is possible to state that there is no gender-based inequality in basic and secondary education in the Czech Republic. Girls and boys have the same access to education and attend the same schools.

Women in the Czech Republic are not discriminated against in access to education. The removal of stereotypes towards men and women in society, however, is a long-term process and so it is understandable that, especially among the older generation, stereotypes persist because these generations do not view them as negative. Observing the life of young families in the Czech Republic, one can clearly see that stereotypes are decreasing and that the role of men and women in young families is more equal – much different than among their parents and grandparents.

There is extensive involvement in activities and programmes organised by international organisations promoting equal opportunity for men and women – the EUPRO and Kontakt programmes: the creation of a supranational political environment; the European Union, eastward enlargement and women's issues.

The Ministry of Education's professional departments are involved in international EU research programmes regarding this issue; an integral part of international collaboration is the membership of a Ministry representative on the "Helsinki Group" working group founded by the European Commission's Directorate-General for Research with the objective of increasing women's participation in science, research and continuing education. Support for women in science and research is one of the topics of the National Research Programme II.

Number of men and women among university students in 2004/2005

	Full-time study	**Combined study**
Total students**:**	231,420	66,776
Men:	114,607	33,495
Women:	116,813	33,281
Ratio women/men:	1.02	0.99

Discrimination at schools of higher education is limited by the thorough observation of legal standards. According to Section 1c) of *Act No. 111/1998 on Higher Education Institutions and Amending and Supplementing Other Acts (the Higher Education Act), as amended,* higher education institutions enable access to higher education, the receipt of relevant professional qualification and training for research work and other challenging professional activities in harmony with democratic principles. According

to Section 21, paragraph 1e), the duties of public higher education institutions further include taking all possible measures for equalising opportunities for study at schools of higher education.
On this basis, higher education institutions do not record their students' skin colour, language, religion or political or other conviction – only their sex. Data on the ratio of women to men among students at higher education institutions are given above.

Private educational institutions – ensuring equal access to education, parental choice, creation of independent facilities for linguistic or religious reasons

As far as **schools and educational facilities established by other than public entities** (i.e. other than state, region, municipality or union of municipalities) are concerned, Act No. 561/2004, (the Education Act) applies to all schools and educational facilities, and the education and educational services provided therein, for all founding entities entered in the register of schools. This includes schools and educational facilities established by churches and religions societies empowered with the special right to found religious schools,[6)] as well as schools and educational facilities established by other legal entities or individuals.

In order for a school or educational facility to be part of the educational system of the Czech Republic, it must be entered into a public list, the register of schools. The Education Act contains strict details on how to register a school. Once the school or educational facility is duly registered in the registry of schools, the legal entity carrying out the activities of the school or educational facility receives the right to provide education and educational services and the right to present documents on education as described by the Act. The legal entity also gains the right to claim financial resources from the state budget or from the budget of the local/regional government, under the conditions described by the Act. In such case, the basic requirements established by the Act are evaluated at the time the facility is entered in the register of schools or before the provision of educational and school services.

The legal guardians (parents) have the right to choose their son's/daughter's educational path and to choose the school at which their child will receive his or her education.

Educational facilities established for linguistic or religious reasons are discussed in other chapters.

As for higher educations, this concerns private higher education institutions established with state approval (bestowed by the Ministry of Education on the basis of a recommendation by the Accreditation Commission). The activities of private schools are guided by internal regulations (statutes, etc.), which must not be in contradiction to *Act No. 111/1998, as amended*.

6) Section 7, paragraph 1e) of Act No. 3/2002 on Freedom of Religious Confession and the Status of Churches and Religious Institutions and on changes to certain other laws (Act on Churches and Religious Societies).

Article 3

Item 19
Non-discrimination in the admission of pupils to educational institutions, treatment of foreign nationals

Act No. 561/2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended, does not establish any restrictions on the admission of girls to education, nor to the continuation or ending of girls' education; everybody – both boys and girls – has the same conditions.

- **Pre-school education**

Admission to pre-school education is decided by the school's director. Preference is given to the admission of children in the last year prior to the begin of compulsory school attendance. If, for reasons of capacity, the school cannot accept a child in the last year prior to the begin of compulsory school attendance, the municipality in which the child is registered secures the child's admission to another kindergarten. The admission of a child with health impairments is decided by the director of the kindergarten on the basis of a written opinion of the educational counselling facility, in some cases also a registered general practitioner for children and youth. The final year of pre-school education prior to the begin of compulsory school attendance is provided free of charge.

- **Compulsory school attendance**

As established by the Education Act, school attendance is compulsory for a period of 9 school years regardless of sex, i.e., for both boys and girls. Compulsory school attendance applies to citizens of the Czech Republic, to citizens of other EU member states and their family members who reside in the Czech Republic on the basis of special residence permit, for other foreigners who have permanent or temporary residency in the Czech Republic on the basis of a long-term visa, refugees, and asylum-seekers. Unless the child's legal guardian chooses a school other than the local school, pupils usually perform their compulsory school attendance at a basic school established by a municipality or union of municipalities in the school catchment area in which the pupil is registered (local school). Pupils may also fulfil their compulsory school attendance at secondary schools (for example at a 6- or 8-year gymnasium), at a school abroad, or through individual studies.

- **Admission to secondary and tertiary professional education**

As per the Education Act, applicants may be admitted to secondary school education if they have fulfilled compulsory school attendance or have successfully concluded basic education prior to fulfilling compulsory school attendance, unless established otherwise by the law, and if they have shown the required abilities, knowledge, interest and health capacities in the admissions process. This means that it is not necessary to have completed basic education in order to be admitted to secondary education.

Similarly, applicants – both male and female – may be admitted to tertiary professional education if they have received secondary education with a "matura" exam and if they have shown the requisite abilities, knowledge, interest and health capacities in the admissions process. In this case, it is necessary to complete secondary education with a "matura" exam.

- **Admission and education of foreign nationals**

With the Czech Republic's accession to the European Union, a whole series of new legal regulations or amendments to existing regulations took effect. These are the result of the implementation or other form of adoption of EU law into Czech law. Also effective as of the day of accession is that part of EU law that applies directly without needing to be integrated into Czech law.

One fundamental rule arises from the above-mentioned regulations: equal treatment for all EU citizens. For the Ministry of Education, this means access to education and educational services under the same conditions as for the citizens of the state in question. As can be seen from the last recommendation mentioned above, protection of equal treatment is continually being strengthened. While older orders and directives were aimed primarily at so-called migrant workers and their families, today laws on freedom of movement and equal treatment include migrating students as well.

The Czech Republic's commitments arising from EU membership were also respected in Act No. 561/2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended. The provisions of Section 20 regulate the conditions under which education and educational services are provided to persons who are not citizens of the Czech Republic. This area has so far not been sufficiently addressed in legal regulations (rules for the education of foreign nationals in public schools have been regulated merely by internal regulations of the Ministry of Education).

The legal regulations regarding the **education of foreign nationals** in the Czech Republic and their access to education are generally contained in the provisions of Section 20 of the new Education Act, whose paragraphs 1 to 6 stipulate:

"(1) Persons who are not citizens of the Czech Republic and who reside legally in the Czech Republic shall have access to basic, secondary and tertiary professional education upon the same conditions as citizens of the Czech Republic, including education within institutional education and protective education.

(2) Persons listed in sub-section 1 shall become pupils and students of a relevant school upon the conditions stipulated herein if they provide the head teacher with evidence, not later than on the date of the commencement of their education, of the legitimacy of their residence in the Czech Republic.

(3) Nationals of other European Union Member States shall have access to education and school services hereunder upon the same conditions as citizens of the Czech Republic. The provisions of sub-section 2 shall not apply.

(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.

(6) The Regional Authority shall ensure the preparation of pedagogical staff who shall carry out education under sub-section 5."

As per **Section 20, paragraph 1** of Act No. 561/2004, all foreign citizens of third countries ("foreign citizens of third countries" is here understood, for the purposes of Act No. 561/2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended, to be a person who is not a citizen of the Czech Republic nor of any other member state of the European Union, but who is residing legally in the Czech Republic) are guaranteed access to basic, secondary and tertiary professional education, including education provided within the framework of the provision of institutional care or protective care, and this under the same conditions as those valid for citizens of the Czech Republic.

Section 20, paragraph 3 of Act No. 561/2004 guarantees access to education and educational services to citizens of other member states of the European Union and their family members under the same conditions as for citizens of the Czech Republic.

In accordance with Article IX of Act No. 161/2006, for the purposes of Act No. 561/2004 persons to whom the Czech Republic has granted the status of long-term resident or persons who have been granted the status of long-term resident by another member state of the European Union and who have received permission to reside in the Czech Republic are also considered to be persons with citizenship of another state of the European Union.

The Ministry of Education is systematically working to address the issue of educating foreign nationals. As part of the **Strategy for the Integration of Foreign Nationals in the Czech Republic** and in accord with valid legal regulations, the Ministry regularly publishes and updates instructions necessary in the field of education especially of the children of foreign nationals.

The prohibition on discrimination in access to education and the duty to ensure equality in education and graduation apply to all schools regardless of establishing entity.

The Czech Ministry of Education or higher education institutions recognise (nostrification) education received at higher education institutions in foreign countries on the basis of documentation of the studies completed (diploma and supplementary documentation offering an overview of exams taken during the time of study) and the competencies described by Sections 89 and 106 of *Act No. 111/1998*.

Article 4

Item 21

Preparation of proposals, programmes and strategies with a view towards realising the right to education without discrimination or exclusion

- **Approach to basic education (item 22)**
- **System of continuing education (item 23)**

The laws of the Czech Republic consider **the right to equal treatment and protection against discrimination** to be an inherent, inalienable, unlimitable and irrepealable right *(as per Article 1 of the Charter)*; it is a fundamental human right protected by law. Exceptions to the right to equal treatment may be stipulated exclusively by law and in accordance with international conventions on human rights and freedoms. In the Czech Republic, discrimination in education is directly prohibited on the basis of Article 3, paragraph 1 of the Charter, which states that *"Fundamental rights and freedoms"* (i.e. also the right to education contained in Article 33 of the Charter) *"are guaranteed to everybody irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethic or social origin, membership in a national or ethnic minority, property, birth, or other status".*

Article 33 of the Charter states:

"(1) Everybody has the right to education. School attendance is obligatory for a period specified by law.

(2) Citizens have the right to free education at elementary and secondary schools, and depending on the citizen's ability and the potential of society, also at university-level schools

(3) Other than state schools may be established and instruction provided there only under conditions set by law; education at such school may be provided for tuition.

(4) The conditions under which citizens are entitled to assistance from the State during their studies are set by law."

Article 10 of the Constitution of the Czech Republic further stipulates that *"Promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a law, the international agreement shall be applied"*.

The general principle of non-discrimination is duly and directly exercised with a view also towards, e.g., the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, as well as any other international agreements which as per Article 10 of the Constitution are directly binding in the Czech Republic.

Section 2, paragraph 1 of the Education Act stipulates the requirement for equal treatment in the field of education:

"(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;"

The **Education Act** also contains affirmative measures with the goal of promoting equality in educational opportunities and removing existing disadvantages for certain groups of children (children with health impairments or health disabilities, socially disadvantaged children or foreigners) or reacting to their specific needs. The objective of these measures is to prevent disadvantages arising from a person's membership in a group limited by some form of discrimination – for instance, by offering supplementary education for children, pupils and students with special educational needs, children from socially disadvantaged environments, etc.

All proposed laws submitted by the Government are evaluated to determine whether the new law is in harmony with the constitutional order of the Czech Republic and with international conventions to which the Czech Republic is bound.

In the area of protection against discrimination, one governmental advisory body is the **Government Council for Human Rights**, with the **government's commissioner for human rights** acting as both the governmental coordinating body and the chairperson of the governmental advisory body. These bodies are responsible for making proposals to the Government and for raising questions of a systemic nature related to the protection of human rights.

The concepts, strategy and programmes for ensuring that everybody may fully enjoy the right to education without discrimination and for ensuring equality of educational opportunities in higher education are contained in the **"*Long-term Plan for Educational and Scientific, Research, Development, Artistic and Other Creative Activities in Higher Education for the Year 2005"*,** which is updated every year and which describes the priorities which are important for the development of Czech higher education in the long term, as well as new ideas that the state intends to implement over time:

- Expansion of lifelong learning

According to Section 60 of *Act No. 111/1998*, higher education institutions may provide, ether free of charge or subject to payment, lifelong learning programmes and scientific, research, development, artistic and other creative activities outside the framework of their regular study programmes. The Long-term Plan for Educational and Scientific, Research, Development, Artistic and Other Creative Activities in Higher Education expresses support for lifelong learning and simultaneously states that the tertiary educational system should be open to older interested individuals, including employed individuals as well as those outside the labour force. Higher education institutions may ask for financial support (as per the "*Rules for the Provision of Grants and Subsidies to Public Higher Education Institutions by the*

Ministry of Education as per Act No. 111/1998 on Higher Education Institutions and Amending and Supplementing Other Acts (the Higher Education Act), as amended") for projects that support the priorities contained in the Ministry's *Long-Term Plan*. One of these priorities is the support of lifelong learning for seniors through so-called Universities of the Third Age. The average financial support for Universities of the Third Age amounts to around 15 million CZK a year.

- Improving the conditions of and increasing opportunities for the education of children, youth and adults with special educational needs

The education and integration of students with health impairments into higher education is secured by the ***Long-term Plan of the Ministry of Education for Educational and Scientific, Research, Development, Artistic and Other Creative Activities in Higher Education,*** whose annually updated form declares its support for projects aiding the integration of students with health impairments. This fact is expressed in the priorities of development programmes which it supports financially. Individual higher education institutions within these *development programmes* announce their projects, which are accepted on the basis of a selection process. Another possibility for financial support of projects supporting the education and integration of students with health impairments is provided by the *Fund for the Development of Higher Education*. One of the priorities of the fund's section C is the establishment, innovation and expansion of counselling centres at higher education institutions or faculties, with such centres providing guidance for persons with special educational needs in the areas of studies, career development and education-psychological needs.

In their Long-term Plans for Educational and Scientific, Research, Development, Artistic and Other Creative Activities, which are based on the Long-term Plan of the Ministry of Education for Educational and Scientific, Research, Development, Artistic and Other Creative Activities in Higher Education, all higher education institutions declare that one of their study priorities is equalising study opportunities for handicapped students and applicants from disadvantaged social groups. They may apply projects to the development programmes in order to seek support for these activities. Several institutions at Charles University in Prague are engaged in ongoing activities (the *Institute for the Visually Impaired* at the Faculty of Humanities, the *Carolina Laboratory* at the Faculty of Mathematics and Physics, the *The Sports Centre for Charles University Students with Disabilities* and the libraries at several faculties), as are the *Centrum Tereza* at the Czech Technical University's Faculty of Nuclear Science and Physical Engineering, the *Support Centre for Students with Special Needs* at Masaryk University, the *Help Centre for the Disabled* at the Department of Special Education of the Faculty of Education at Palacký University. These centres serve not only the faculties' students, but they are also open to students from other higher education institutions as well as from secondary or basic schools.

The Ministry of Education may also provide financial support for the activities of private higher education institutions offering accredited study programme in which students with heavy health impairments participate (Rules for the Provision of Support to Private Higher Education Institutions by the Ministry of Education).

Financial support for development programmes supporting handicapped students of higher education amounts to an average of 30 million CZK a year.

- Ensuring equal educational opportunities for socially weak or socially disadvantaged students of higher education

Government Order no. 122 dated 1 March 2006, which established the minimum height of scholarships for students in difficult social situations orders that, in accordance with Section 91, paragraph 3 of Act No. 111/1998 on Higher Education Institutions and Amending and Supplementing Other Acts (the Higher Education Act), as amended by Act No. 552/2005, students in a difficult social situations may be provided with a scholarship in the height of at least twice the higher-level child support payment. This scholarship in the height of 1,620 CZK per month is paid out for the 10 months of the academic year.

According to the *Rules of the Ministry of Education for the Provision of Grants and Subsidies to Public Higher Education Institutions as per Act No. 111/1998 on Higher Education Institutions and Amending and Supplementing Other Acts (the Higher Education Act), as amended,* the Ministry provides higher education institutions with allowances for students' room and board. Housing scholarships are provided for students in their first study programme who have not exceeded the standard time of study and whose place of residence is outside the district in which they are studying. The housing scholarship was introduced on 1 October 2005 and is paid to students who fulfil the above requirements. In 2005, the housing scholarship for one student amounted to 6,395 CZK. The contribution for food amounts to 23 CZK per meal. This contribution is provided to the student cafeteria and the amount the student pays for his or her meals is reduced by the level of the contribution. Students can thus have two cheaper meals a day, usually lunch and dinner.

Support for students from disadvantaged groups and students with special educational needs is provided by *counselling centres* for study affairs or professional orientation at higher education institutions or faculties, whose establishment, innovation and expansion is one of the priorities of the *Fund for the Development of Higher Education.*

Item 22
Universal access to basic education

In accordance with Article 33, paragraphs 2 and 3 of the Charter and relevant provisions of Act No. 561/2004 (the Education Act), **all children in the Czech Republic (including girls, children in difficult situations and members of ethnic minorities etc.) have access to full, free and compulsory basic education in public school, i.e., schools established by municipalities, unions of municipalities, the state or regions. Schools established by other entities (non-public, e.g., private) may provide education against payment.**

The right to free basic education at public schools for all also results from the provisions of Article 10 of the Constitution of the Czech Republic, specifically in connection with the Convention on the Rights of the Child, which in Article 28, paragraph 1a) obligates the Czech Republic to make basic education compulsory and free for all; also in connection with the International Covenant on Economic, Social and Cultural Rights, whose Article 13 the states that have signed the covenant

declare that in order for all to fully enjoy the right to basic education, education shall be compulsory and freely accessible to all.

According to Article 33 of the Charter, the length of compulsory school attendance is specified by law. The Education Act sets the period of compulsory school attendance at nine school years, but at most to the end of the school year in which the pupil reaches the age of seventeen. Compulsory school attendance applies to citizens of the Czech Republic, to citizens of other member states of the European Union and their family members residing in the Czech Republic on the basis of special residence permit, and to other citizens legally residing in the Czech Republic on the basis of special legal regulations (e.g., the Act on Foreigners' Stay and Residence, the Asylum Act).

Compulsory school attendance begins with the school year starting after the day in which the child reaches the age of six, unless it is permitted a delay; children that reach the age of six between the start of the school year and the end of the calendar year may be admitted in that school year if they have the adequate physical and mental development and if their legal guardian so requests.

Legal guardians retain the right to select a school of their choice, but the pupil has a right to be admitted to a basic school established by the municipality or union of municipalities within the school catchment area in which the pupil is registered. The school director is required to admit such pupils up to the permitted number of pupils as indicated in the register of schools. The same applies to pupils in educational facilities established for the provision of institutional or protective care located within the relevant school catchment area.

The law allows for pupils to, under conditions stipulated by the law, complete part or all of their compulsory school attendance in a manner other than attending a school entered in the registry of schools. This includes primarily schools outside the Czech Republic, schools established as part of a diplomatic mission or consular office of the Czech Republic in a foreign country or individual studies abroad if the pupil cannot fulfil compulsory school attendance at a school abroad. In exceptional cases, pupils may fulfil their compulsory school attendance in an educational institution within the Czech Republic which is not entered in the register of schools and which is operated by a foreign founding entity (at the present time this includes, e.g., the Lycée Francais de Prague and the International School of Prague). This ensures that compulsory school attendance can be fulfilled as part of individual mobility.

Pupils whose permanent residence is in the Czech Republic are at the same time pupils of their local school or of another school entered in the register of schools and regularly take exams in selected subjects at this school in order to ensure continuity in their education and to create the proper conditions for their return to Czech schools. Pupils of multi-year gymnasiums and eight-year conservatories complete the relevant part of their compulsory school attendance at secondary school. A pupil cannot be excluded from education or from school while fulfilling compulsory school attendance.

The new Education Act also introduced individual education (home schooling) at the first stage of basic school (years 1-5). This represents an exceptional option, primarily for those pupils with substantial reasons for such form of education. Permission for individual education is given by the director of the school to which the pupil was admitted for the fulfilment of compulsory school attendance.

The Education Act also introduced provisions concerning the education of children with serious mental handicaps who are not capable of fulfilling their compulsory school attendance at a special school as per the Education Act. Responsibility for ensuring the relevant form of education for such pupils is borne by the regional authorities.

The Education Act includes several **legal measures facilitating access to basic-level education:**

- it expressly introduces **preparatory classrooms at basic schools** (Section 47 of the Act), making these a standard legal institution in the final year prior to begin of compulsory school attendance for the preparation of socially disadvantaged children for whom inclusion in a preparatory class would help to equalise their development. The use of preparatory classrooms should significantly help to integrate socially disadvantaged children into basic schools. Section 47 of the Education Act states:

"Preparatory classrooms of Basic School

(1) A municipality, a union of municipalities or a region may, with the prior consent of the Regional Authority, establish preparatory classrooms 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."

Preparatory classrooms at basic schools have proven themselves in practice over the past years. Preparatory classrooms may be established if there arises a need to balance out differences in education prior to entering basic school for children from a diverse socio-cultural environment and if for various reasons it is not possible to take advantage of the possibilities offered by kindergarten. The objective of preparatory classrooms is not to provide education similar to that in basic school or to play "catch-up"; a fundamental part of the activities in preparatory classrooms is frequently the effort to teach children communication in the Czech language as well as mutual communication, the fundamentals of personal care, etc.

Preparatory classrooms may be established only by municipalities, unions of municipalities or regions, and only within basic schools. Inclusion of pupils into preparatory classrooms is decided by the director of the school on the basis of a request from the child's legal guardian and a written recommendation from the school's counselling facility.

The possibility of educating oneself prior to commencing compulsory school attendance is primarily used by members of the Roma community.

- it expressly introduces **teacher's assistants** (Section 16, paragraph 9 of the Act) and the possibility of their presence in all kindergarten, basic school, secondary school and tertiary professional school classes attended by a pupil with special educational needs (teaching assistants may be used not only for pupils with health impairments but also for socially disadvantaged pupils – e.g. "Roma assistants").

Section 16, paragraph 9 of the Education Act stipulated:

"(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."

- a legal provision for **courses for acquiring basic education** (Section 45, paragraph 1 and Section 55, paragraph 3 of the Act). Basic and secondary schools may, in compliance with the framework educational programme for basic education, organise courses for acquiring basic education for those persons who have not acquired basic education. These courses are open for all individuals who, for whatever reason, have not attained basic education even after completing their compulsory school attendance. The details concerning organisation of such courses are stipulated by decree no. 48/2005 on basic education and certain conditions related to the fulfilment of compulsory school attendance (Sections 12 and 13).
  Section 55, paragraph 3 of the Education Act stipulates:

  "(3) Basic and secondary schools may, after discussing the issue with the founder and the Regional Authority and in compliance with the Framework Educational Programme of basic education, organise a course of basic education for persons who have not acquired basic education."

Pupils who do not successfully complete the final year of basic school may complete their basic education in a course for acquiring basic education. All such students may also, after completing compulsory school attendance (i.e. 9 years of school attendance), be accepted to secondary education if they can show the required abilities, knowledge, interest and health capacities during the admissions process.

Article 33, paragraphs 2 and 3, of the Charter also gives citizens the right to **free education at secondary public schools**.

According to Section 20, paragraphs 1 to 3, of the Education Act, foreign nationals have the same right to free education at public secondary schools as citizens of the Czech Republic (see above).

The right of all to free secondary school education at public schools is also contained in the provisions of Article 10 of the Constitution of the Czech Republic, for instance in connection with Article 13 of the International Convention on Economic, Social and Cultural Rights concerning the right of all to education and stipulating that secondary education in all its forms, including technical and professional secondary

education, shall be made generally available and accessible to all using all suitable means, primarily by the gradual introduction of free education. The rights contained in this Convention must be implemented without any differentiation according to race, colour of skin, sex, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status.

There exist certain problems in the education of some socio-culturally and economically weak groups of inhabitants, primarily Roma. A new phenomenon is the education of national minorities for which we have in recent years seen an increase in the number and frequency of asylum requests.

Item 23

System of continuing education

Continuing education is an important part of each individual's lifelong learning process. Above all, it offers all individuals, especially adults, the possibility of increasing their existing level of education or qualifications, to attain a certain level of education, to adjust to economic and social changes and to verify or test previously gained knowledge and skills. Continuing education above all offers diverse forms of study during employment, which helps to complement, increase, expand, deepen or change qualifications; it also includes workshops, courses and programmes or educational activities that satisfy the individual's personal interests. Such programmes are intended primarily for adult participants and aim to increase the individual's ability to success in the labour market and to aid social integration.

One point of origin are the conclusions of the meeting of the European Council in Feira, at which member states were called upon to formulate long-term strategies and practical measures for making lifelong learning accessible to all. The **Memorandum on Lifelong Learning** takes up the mandate of the European Council meeting in Lisbon and Feira for implementing lifelong learning. The Memorandum emphasises certain key concepts that provide a structured framework for an open debate on the introduction of lifelong learning in practice.

In the period under review, the system for recognising the results of continuing education and the conditions for providing continuing education were not sufficiently covered by Czech law. This did not happen until the approval of **Act No. 179/2006 on the Verification and Recognition of the Outcomes of Continuing Education and amending other acts (Act on the Recognition of the Outcomes of Continuing Education).** This act regulates the system for verifying and recognising the outcomes of continuing education, sets the qualifications, evaluation standards, and rules for assigning authorisation to those individuals who will verify the outcomes of continuing education, regulates the activities of state administrative bodies in the area of verifying and recognising the outcomes of continuing education etc. The new law was adopted because it was necessary to legally regulate continuing education, primarily in relation to the evaluation of education attained outside the regular educational system; another reason was the attempt to increase the relatively low rate of participation in this type of education. *According to data from the Czech Statistical Office, close to 5.4% of the population aged 25 to 64 participated in continuing education. In comparison to other member states of the European Union, this number is low. (According to the priorities of the European Employment Guidelines, by 2010 the average level of participation in lifelong learning in the EU*

should be at least 12.5% of the adult population of productive age (25-64)). A low level of participation in continuing education leads to a slower expansion of the availability of educational activities, low motivation to participate in continuing education on the part of both employers and employees and a subsequently low level of improvement in the general level of education of the population as a whole.

Qualification can be gained by proving professional capabilities (theoretical knowledge of practical skills). Qualifications will be handed out via certification presented to participants in continuing education (persons interested in taking exams) by authorised persons after verification (evaluation) of the professional capabilities they have attained (performed on the basis of an exam).

The national system of qualifications defines the various forms of qualification that are recognised within the Czech Republic. These include both qualification and evaluation standards. Qualification standards include detailed descriptions of capabilities qualifying individuals for the proper performance of a certain work-related activity. Evaluation standards are derived from qualification standards; these are collections of criteria for verifying these capabilities. The national system of qualifications will represent the basic system framework in the area of continuing education and the recognition of the outcomes of continuing education. It will include a system of educational fields as per the Education Act. The national system of qualifications thus forms the foundation for connecting initial and continuing education, it stipulates the relationship among partial qualifications and partial and full qualifications, while also delineating the rules for collecting partial qualifications in order to attain full qualification. The national system of qualifications and the qualifications standards thus make it possible to assess and evaluate the outcomes of continuing education.

Item 24
Access to secondary education, including technical and vocational education and training in general

Article 33, paragraphs 2 and 3, of the Charter gives citizens the right to free education at secondary public schools. Non-state (non-public) schools may provide such education against payment. According to Section 20, paragraphs 1 to 3, of the Education Act, foreign nationals and stateless persons have the same right to free education at public secondary schools as citizens of the Czech Republic (above in item 17 of the regulation quoted).

The right for all to free secondary education at public schools is also contained in the provisions of Article 10 of the Constitution of the Czech Republic, for instance in connection with Article 13 of the International Convention on Economic, Social and Cultural Rights concerning the right of all to education and stipulating that secondary education in all its forms, including technical and professional secondary education, shall be made generally available and accessible to all via all suitable means, primarily by the gradual introduction of free education. Article 2, paragraph 2 obligates the parties to the Convention to guarantee that the rights contained within

the Convention shall be provided without any differentiation according to race, colour of skin, sex, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status.

The Education Act regulates all pre-school, basic, secondary, tertiary professional and other education at schools and educational facilities, sets the conditions under which education and upbringing are provided, delineates the rights and responsibilities of individuals and legal entities in education and upbringing, and regulates the activities of state and local governmental administrative bodies in the field of education. The new Education Act requires equal treatment in the area of education in Section 2, paragraph 1, which states:

"(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,..."

Access to secondary education, whether general of professional, is thus ensured for all.

With the exception of private schools, secondary education in the Czech Republic, including professional education and training, is generally accessible and free. The majority of schools – whether state schools or school established by regions, municipalities or unions of municipalities – are free of charge. There are plans to expand the availability of secondary education at gymnasiums to include a greater number of young people and to decrease the number of people attending schools with a narrow professional focus.

In secondary education, pupils who successfully complete the relevant secondary education programme can **achieve the following levels of education:**

a) secondary education (1-2 years of daily study);
b) secondary education with vocational certificate (2-3 years of daily study; there also exists a shortened educational programme for attaining secondary education with vocational certificate);
c) secondary education with *maturita* (6-8 years of daily study at a 6- or 8-year gymnasium, 4 years in a four-year study cycle; 2 years of daily post-secondary professional education; there also exists a shortened educational programme for attaining secondary education with maturita).

The National Education Programme (White Paper) anticipates an increase in the number of young people receiving secondary education with maturita (up to 85% of the population). In the Czech Republic, educational fields with maturita can be studied as general education programmes (at gymnasiums) and also as educational fields providing professional training in the subsystem of professional schools.

The Government's aim is for as many people as possible to attain secondary and subsequent higher education, since people with only basic education fare the poorest on the labour market.

Item 25
see text for Article 2, item 18

Ensuring equal opportunities for men and women

These are ensured by the Ministry of Education according to the annual plan included in the document "Priorities and Practice in the Promotion of Equality for Men and Women", which contains the proposed tasks necessary for achieving the objectives in this area that are in compliance with government policy. The Government publishes the annual Summary Report on the fulfilment of the Priorities and Practice in the Promotion of Equality for Men and Women on the basis of which the individual ministries update their approaches and measures.

Item 26
Access to higher education

According to Section 46, paragraph 4 of Act No. 111/1998 on Higher Education Institutions and Amending and Supplementing Other Acts (the Higher Education Act), as amended, schools of higher education test the knowledge, ability and talent for studying, usually via admissions exams. Students do not pay tuition for studying at public schools of higher education. Students at private schools of higher education pay tuition at a level set by the school.

Item 27
Non-discrimination in training and in the conditions under which teaching staff perform their work

In the Czech Republic, there is equal access to training of pedagogical staff – no examples of discrimination were reported in this area.

The development of human resources in education is a task on the first order of importance which must be ensured in several directions at once. It is necessary to reconfigure the training of teachers at higher education institutions, to ensure their continuing education, to systematically support their work, to increase their motivation to become engaged in personal development and the development of the school, and to increase the attractiveness of teaching as a profession.

One requirement is an improvement in the level of teachers' pay as formulated in the Main Objectives of the Educational Policy of the Government of the Czech Republic. Equally important is the participation of representatives from the teaching profession not only in formulating educational policy and creating educational programmes, but also in determining the objectives of continuing education and in regulating working conditions.

The National Programme for the Development of Education (White Paper) highlights the necessity of setting binding general and specific requirements for entry into the teaching profession. It is necessary to introduce a new method for selecting applicants to pedagogical programmes, one which will be founded on an evaluation of the individual's motivations and personal characteristics. The current state of affairs can be fixed while fully respecting the autonomy of higher education institutions by adopting legislative measures prescribing a standard level of

qualification for teachers which will form the criterion for the accreditation of study programmes and fields of study proposed by university faculties. This standard should at the same time contain a binding framework structure for required outcomes, define key components of teacher qualifications (professional/subject-oriented, general educational, personal, educational-psychological, didactic and practical-pedagogical), as well as the structure and form of study implied by the stipulated qualifications. For all these changes, it is necessary to increase the quality of professional subject-oriented education of future teachers. It is equally necessary to support the development of professional and subject-oriented didactics.

Another issue that needs to be addressed is the issue of so-called supplementary pedagogical study that would allow graduates of other faculties to teach in their field of qualification. Such supplementary pedagogical study is a requirement for teachers of professional subjects. It must be understood as an independent programme of study, at the end of which students take a state exam and which is subject to accreditation under the same conditions as other teaching programmes.

Other changes in teacher training will lead to changes in teaching and to new demands placed on schools, such as the growing differentiation and individualisation of education, new forms of group and individual study for pupils, the integration of children with special needs, the introduction of compensation programmes, the strengthening of schools' socialising function, inclusive education, new forms of teamwork among teachers, preparation of curricula and other documents. An essential part of teacher training and the training of other pedagogical staff is their introduction to multicultural education, tolerance and anti-bias, including the holocaust.

An important role in decision making concerning the educational system will be played by the quantitative and qualitative monitoring of teachers' qualifications, their characteristics and opinions, and the conditions of the teaching profession. The results of this monitoring will be used to propose any necessary changes.

One of the ministry's main tasks in managing such changes is the *systematic support* of education though targeted financing, the institution of development programmes and by ensuring the required support infrastructure.

Since the beginning of 2005, the role of pedagogical staff has been defined by **Act No. 563/2004 on Pedagogical Staff and Amending Other Acts,** as amended.

The Act on Pedagogical Staff applies to all pedagogical staff of schools and educational facilities established by all types of entities which are entered in the register of schools and educational facilities. It introduces new requirements for the performance of duties by pedagogical staff as well as requirements for the performance of duties by the director of a school or educational facility. It further secures in place a system for the continuing education of pedagogical staff including the general fundamental principles for their career growth. The Act lays out in detail the professional qualifications required of pedagogical staff as one of the requirements for the performance of their educational activities.

Section 2 of the Act offers a more precise definition of pedagogical workers. This represents a significant change, since a whole series of labour-law requirements are related to the role of pedagogical worker. A pedagogical worker is someone who

- performs a direct educational function and
- is an employee of a legal entity carrying out the activities of a school or

educational facility (this does not apply to the directors of private schools and educational facilities, who need not be in a labour-law relation to the school but may be a member of the statutory body of a legal entity founded on the basis of special legal regulations).

Several new categories were thus added to the definition of pedagogical worker, including special educational needs teacher, psychologist, teacher at a facility for the continuing education of pedagogical staff, or teacher's assistant.

Section 3 of the Act defines the requirements for the performance of duties by pedagogical staff. These are

- full legal capacity,
- professional qualifications,
- a clean criminal record, which pedagogical staff prove by means of an extract from the Criminal Register prior to entering into a labour-law relation,
- appropriate state of health, and
- knowledge of the Czech language, which applies only to those pedagogical workers who have attained their professional qualifications in a language other than Czech.

In addition to these general requirements, the director of a school or educational facility must also fulfil additional requirements, these being

- practical "pedagogical" experience, the length of which is exactly defined by the Act for each type of school and educational facility, and
- knowledge of school management gained by studying a programme for directors of schools and educational facilities as part of the continuing education of pedagogical staff (this requirement applies only to directors of "public" schools or educational facilities).

The law establishes a system for the continuing education of pedagogical staff. It lays down the obligation for pedagogical staff to pursue continuing education for the purpose of expanding their qualifications, and also the possibility of participation in continuing education for the purpose of upgrading their qualifications. Moreover, the law designates the educational institutions that will provide this continuing education. The quality of the education provided by these institutions will be guaranteed by means of institutional and programme accreditation, and also via audits, carried out by the MoEYS, of the providers' activities.

Pedagogical staff are entitled to 12 working days off during one school year to pursue continuing education, for which they receive compensation for lost pay.

As regards the career system for pedagogical staff, the law contains new provisions. The career system facilitates progress via so-called career levels which are determined by means of:

- Professional qualifications,
- Activities necessary for pedagogical staff to carry out at the relevant career level, and
- Additional qualification requirements – i.e. pedagogical experience or a certificate of competence to perform certain specialised and methodological activities.

The performance of activities typical of the relevant career level will constitute

entitlement to progress to a higher pay category, or entitlement to "specialisation benefit" pursuant to Section 9a) of the law on remuneration.

Measures to improve the quality of the terms of employment of pedagogical staff:

- A gradual increase in remuneration
- Support for professional growth via the system of continuing education
- Development of educational opportunities as part of initial and continuing education at higher education institutions
- Information and communication support for the work of pedagogical staff
- Support for qualifications improvement of managers of schools and school facilities.

As part of the European Social Fund - OP HRD Measure 3.1. Support Programme B – *Development of the Training of Teachers and other Workers in Education* the project CZECHKID of the Rector's Office of Charles University in Prague received financial backing worth 2,397,000 CZK. The objective of the project is to prepare training courses for teachers and other workers in education which will bring about a positive change in the school climate. The training programmes will combine physical attendance and on-line studies. Another objective is to create the CZECHKID Internet portal.

The government and the Ministry are aware of the unsatisfactory level of remuneration of pedagogical staff. Therefore they have committed themselves to increase the average pay of school teachers (except higher education) to 130% of the average wage in the CR within 3-6 years.

Wages of teachers in public higher education institutions (compared to 2004 and 2005)

average monthly wage

	2004	2005	index
professors	42,699 CZK	49,081 CZK	114.9%
associate professors	33,031 CZK	37,811 CZK	114.5%
senior lecturers	22,504 CZK	25,699 CZK	114.2%
young assistants	17,901 CZK	20,721 CZK	115.8%
junior lecturers	14,298 CZK	21,625 CZK	151.2%

The average wages of other civil servants (Ministry of Education, Youth and Sports)

an average monthly wage

2004	2005	index

civil servants (MoEYS)	24,544 CZK	25,070 CZK	102.1%

Article 5

Item 28

Efforts at directing education towards the objectives mentioned in paragraph 1a of the Convention, which states that

"Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace".

The Education Act stipulates in Section 2, paragraph 2 that:

The 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*

According to Section 4 of the Education Act the Ministry of Education, Youth and Sports issues **framework educational programmes (curricula)** for pre-school, basic, secondary and other relevant types of education. The framework curricula set out, above all, the specific objectives, forms, lengths and obligatory content of education, both general and vocational, according to the field of education. Moreover, they foster the organisational structure of the relevant education, its professional profile, implementation and completion

requirements and principles for the development of school-based curricula. They are also concerned with the conditions for the education of pupils with special learning needs and the necessary material and human resources, and organisational, safety and health requirements. Based on the relevant curriculum, each school shall develop its own school-based curriculum in line with its priorities, the requirements of the pupils, their legal guardians, the regional authority…

Item 29.

The rights of the parents/legal guardians for providing religious or moral education for their children and the choice of educational institutions

Religious education in basic and secondary schools is fostered by Section 15 of the new Education Act which stipulates the following:

Section 15

1) *In compliance with the principles and goals of education under Section 2, it shall be enabled to teach religion at schools. Religion may be taught by registered churches or religious societies which have been granted a special right to teach religion at state schools[1], even jointly upon an agreement in writing.*

2) *Religion shall be taught as an optional subject at basic and secondary schools established by the state, a region, a municipality or a union of municipalities, if at least seven (7) pupils of the school concerned apply for religion lessons taught by a church or a religious society. Pupils from several grades of one school or more schools, however with a maximum number of pupils in one class of thirty (30) pupils, may join in one class. Pupils from more schools may join to be taught religion lessons simply on the basis of an agreement concluded between the relevant schools which shall also regulate the coverage of costs incurred in relation to such lessons.*

3) *An authorised representative of a church or religious society who satisfies the qualifications required to carry out the activities of a pedagogical worker under a special legal regulation[2] may teach religion being in a labour-law relation to the legal person providing the activities of the school concerned. An authorising document shall be issued by the statutory body of a church or religious society. In the case of the Roman-Catholic church this shall be the statutory body of the relevant bishopric*.

Religious lessons at public schools are therefore taught as a non-obligatory subject by a church or a religious society, provided that at least 7

[1] Section 7 (1) (a) of Act No. 3/2002 Coll.

pupils of the school sign up for it in the relevant year. The provisions also make it possible to bring together pupils from several grades within one school or more schools to be taught religious lessons provided that the class has no more than 30 pupils.

Where religious lessons for pupils with various denominations are concerned, there should be an agreement between the school management and representatives of the relevant churches on the content and methods of instruction. The provisions also state that religious education may only be organised by registered churches or religious societies which have been granted a special right to teach religious issues pursuant to Act No. 3/2002 on the freedom of religion and the position of churches and religious societies, and on changes to some laws (the Churches and Religious Societies Act), as amended.

Religious education is only delivered by the representatives of churches or religious societies who meet the requirements to perform the work of a teacher of religion in line with the law on pedagogical staff, and who are associated with the relevant school under labour law.

According to Section 14 of Act No. 563/2004 on pedagogical staff and changes to some laws, a teacher of religion gains a professional qualification through completion of an accredited master programme at a higher education institution in the following areas:

a) theological sciences,

b) pedagogical sciences focused on the training of teachers of religion, or

c) pedagogical or social sciences – completion of an accredited bachelor programme focused on the preparation of teachers of religion, or a lifelong learning programme with the same focus provided by an HE institution.

Children may also be educated at basic or secondary schools administered by entities other than the state, region or an association of municipalities. Basic and secondary schools may be administered, for example, by legal entities set up by registered churches or religious societies which have been authorised to execute a special right to set up denominational schools. It also applies that these entities are authorised to carry out school activities, provide education and to issue state-guaranteed certificates of education in line with the Education Act (regardless of the administering body) only if they are entered in the registry of schools and school facilities.

Denominational basic and secondary schools are provided (pursuant to Section 160 and following of the Education Act) with financial resources from the state budget in the form of a subsidy. They are designated to cover labour costs (*wages, compensation for wages, remuneration for stand-by duties and for work performed based on agreements on out-of-employment activities, severance pay, social insurance contributions, contributions for state employment policy, health insurance contributions, contributions to the cultural and social needs fund and other costs related to labour law*). Furthermore, the resources should cover the increase in the costs of the education of children, pupils and students with disabilities, the costs of teaching aids and textbooks (provided they are free of charge in line with the Education Act), and the costs of the continuing education of pedagogical staff and of activities that are directly related to school development and the quality of education.

They also cover operational costs of schools and school facilities and capital expenditure in line with a special legal regulation (with the exception of acquisition and revaluation of long-term assets).

In line with Article 33 of the Charter ("Other than state schools may be established and instruction provided there only under conditions set by law; education at such school may be provided for tuition") and in line with Section 123, paragraph 1 of the Education Act, basic and secondary schools that are not set up by the state, region, municipality or an association of municipalities, and also tertiary professional schools, may provide education for a payment. This payment constitutes a revenue of the legal entity that performs the activities of the relevant school.

Framework curricula

The issue of human rights and multicultural education is treated in a comprehensive manner in the **Framework Curriculum for Basic Education** (hereinafter FCBE), issued, pursuant to the Education Act, by the Ministry of Education, Youth and Sports.

The issue of human rights is explicitly covered by the subject area **"Man and Society"** which is focused on the development of positive civic attitudes, consolidation of desired values and the integration of knowledge and skills in various areas, particularly humanities. Emphasis is also placed on the awareness of unity within European civilisation and cultures and on the adoption of values on which the current democratic Europe is founded. Important parts of this subject area include prevention of racist, xenophobic and extremist attitudes, education for tolerance and respect for human rights, and education towards respect for the natural and cultural environment. The subject area "Man and Society" includes the subjects of history and education for citizenship, and it is also reflected in other subject areas and the entire life of the school. In terms of content, this theme directly follows upon the subject area "Man and His World" which provides information about the "world of society" to pupils at the 1st stage of basic school.

Cross-curricular themes in FCBE cover topical issues of the current and future world and constitute an important and integral part of basic education. They are a major formative component of basic education and help develop the personality of the pupil, particularly as regards his/her attitudes and values.

In basic education the following cross-curricular themes are defined:

- *Personality and social education*
- *Education for democratic citizenship*
- *Education for thinking in European and global contexts*
- *Multicultural education*
- *Environmental education*
- *Media education*

The cross-curricular theme "Multicultural Education" in particular facilitates learning about the diversity of cultures and their traditions and values. Against the background of this diversity pupils will better acknowledge their own culture, tradition and values.

Multicultural education also examines inter-personal relations in school, relationships between teachers and pupils, among pupils, between school and family,

and between school and the local community. School as a platform which brings together pupils from various social and cultural backgrounds should secure a climate where everyone feels equal, where pupils of minorities are successful in the majority culture and where the majority pupils will learn about the culture of their schoolmates – members of minorities. Such a climate will be conducive to mutual understanding between the two groups, mutual tolerance and elimination of animosities and prejudices in relation to the "unknown".

As regards the knowledge, skills and competencies the cross-curricular themes:

- provide pupils with basic knowledge about various ethnic and cultural groups living in the Czech society and in Europe;
- **teach pupils to communicate and live in a group with members of other socio-cultural groups, exercise their rights and respect the rights of others, understand and tolerate different interests, opinions and capacities on the part of others;**
- develop the capacity to learn about and tolerate the differences between various national, ethnic, religious and social groups, and to co-operate with members of other socio-cultural groups;
- teach acceptance of others as individuals with the same rights, and promote realisation that all ethnic groups and cultures are equal and none is superior to another,
- develop the capacity to recognise manifestations of racial intolerance and help prevent the development of xenophobic attitudes

As regards attitudes and values the cross-curricular themes:

- help pupils, by means of information, develop attitudes of tolerance and respect for various socio-cultural groups, reflect upon their backgrounds and acknowledge them;
- **help pupils realise the incompatibility of racial (religious or other) intolerance and the principles of the life in a democratic society,**
- leads pupils to active involvement in eliminating the manifestations of intolerance, xenophobia, discrimination and racism.

When developing strategic materials on history the MoEYS focuses on the history of the 20th century, which is in line with Recommendation 15 "on the teaching of history in Europe of the 21st century" of the Committee of Ministers of the Council of Europe. As regards the teaching of history at school the history of the 20th century plays an indispensable role in understanding the present situation and relations in society. One important part of education is the prevention of racial, xenophobic and extremist attitudes, education for tolerance and respect for human rights, respect for the natural and cultural environment and protection of artistic and cultural values.

The MoEYS's measures to combat racial discrimination

Human rights issues are emphasised in the Methodological Instruction on Education Against Racism, Xenophobia and Intolerance no. 14423/99-22, MoEYS Bulletin, 5/1999 (where the MoEYS assigns school directors to perform tasks in this area, the implementation of which is checked by the Czech School Inspectorate), in the Strategy for Human Rights Education, and in the Strategy for Improving the

Overall Situation as regards the Education of Roma Children (including the Action Plan). The material is available at www.msmt.cz.

The MoEYS developed a document entitled "Draft Policy for Educational Activities to Combat Extremism" which was submitted to the government for discussion and approved by Resolution no. 268 of 18 March 2002. The material was developed in line with Government Resolution no. 1045 of 10 October 2001 "Combating Terrorism" which concerns the measures adopted to implement the commitments resulting from UN Security Council Resolution no. 1373/2001 on combating terrorism. The material is also in line with needs related to the education of Roma, foreigner nationals and migrants, and it also reflects the issues of other national minorities living in the CR.

The issue of prevention of outbreaks of racism, xenophobia and intolerance is dealt with in the MoEYS document "Strategy for Prevention of Socio-Pathological Disorders in Children and Young People for 2005-2008 no. 10 844/2005-24", and it is also addressed in the "School Preventive Programme for Kindergartens and Basic schools and School Facilities".

The MoEYS issues and distributes methodological and information materials. There are some extensive projects concerned with information materials for basic and secondary schools: The Topic: Displacement – Vertreibung; Historians against Violation of History; The Topic – Holocaust, a CD directly focused on the methodology of the history of the 20th century – How to Teach European History of the 20th Century. This material was developed based on co-operation between the MoEYS and the Council of Europe as direct implementation of the Recommendation of the Committee of Ministers of the Council of Europe on the teaching of history and the MoEYS strategy. The project also involves seminars for teachers on specific ways of using the publication. 20th century history was also the subject of another seminar organised by the MoEYS and entitled "History and School III" in Telč in 2004. The seminar was attended by practising teachers, historians and experts on history didactics.

In 2005 the MoEYS supported publication of information materials for schools:

- Copyright Protection (the text is at www.msmt.cz)
- Extremism (a text and a videotape – distributed at seminars for teachers)
- The training of teachers on holocaust, anti-Semitism and racism.

The Ministry of Education granted accreditation to the Terezín Memorial and the Education and Culture Centre at the Jewish Museum in Prague which are the only institutions with an exclusive right to organise seminars for basic and secondary school teachers. The seminars have been running since 2001. The Ministry also funds a special seminar "**How to Teach about the Holocaust**" and co-funds international conferences.

Item 29
Religious education

Religious education is fostered by the provisions of Section 15 of Act No. 561/2004 (Education Act).

Pursuant to Article 16 of the Charter, the teaching of religion at schools must be fostered by law. Religious lessons at public schools are therefore taught as a non-obligatory subject by a church or a religious society, provided that at least 7 pupils of the school sign up for it in the relevant year. The provisions also make it possible to bring together pupils from several grades within one school or more schools to be

taught religious lessons, provided that the class has no more than 30 pupils. Where religious lessons for pupils from various denominations are concerned, there should be an agreement between the school management and representatives of the relevant churches on the content and methods of instruction. The provisions also state that religious education may only be organised by registered churches or religious societies which have been granted a special right to teach religious issues pursuant to Act no. 3/2002 on the freedom of religion and the position of churches and religious societies, and on changes to some laws (the Churches and Religious Societies Act), as amended by Constitutional Court Finding no. V 4/2003 Sb.

The second paragraph states that religious education is only delivered by the representatives of churches or religious societies who meet the requirements to perform the work of a teacher of religion in line with the law on pedagogical staff, and who are associated with the relevant school according to labour law.

For the sake of complete information we present the full wording of Section 15:

Section 15

1) In compliance with the principles and goals of education under Section 2, it shall be enabled to teach religion at schools. Religion may be taught by registered churches or religious societies which have been granted a special right to teach religion at state schools[2], even jointly upon an agreement in writing.

2) Religion shall be taught as an optional subject at basic and secondary schools established by the state, a region, a municipality or a union of municipalities, if at least seven (7) pupils of the school concerned apply for religion lessons taught by a church or a religious society. Pupils from several grades of one school or more schools, however with a maximum number of pupils in one class of thirty (30) pupils, may join in one class. Pupils from more schools may join to be taught religion lessons simply on the basis of an agreement concluded between the relevant schools which shall also regulate the coverage of costs incurred in relation to such lessons.

3) An authorised representative of a church or religious society who satisfies the qualifications required to carry out the activities of a pedagogical worker under a special legal regulation[2] may teach religion being in a labour-law relation to the legal person providing the activities of the school concerned. An authorising document shall be issued by the statutory body of a church or religious society. In the case of the Roman-Catholic church this shall be the statutory body of the relevant bishopric.

Item 30
The rights of national minorities

The Education Act respects international commitments of the Czech Republic concerned with the protection of the rights of members of national

[2] Section 7 (1) (a) of Act No. 3/2002 Coll.

minorities. Based on Act no. 273/2001 on the rights of members of national minorities and changes to some laws it lays down the conditions for minority education.

Legal regulations on **access to education for members of national minorities** establish equal opportunities in access to education for all citizens without discrimination. The Education Act provides for recognition of the right of members of national minorities to learn their minority language or to receive education in this language. Here the Framework Convention for the Protection of National Minorities is also respected (Notification of Ministry of Foreign Affairs no. 96/98): "Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments The exercise of this right shall not entail any financial obligation for the Parties. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language. This shall be implemented without prejudice to the learning of the official language or the teaching in this language."

Pursuant to Article 25 of the Charter and in line with the Framework Convention on Protection of National Minorities (Notification of Ministry of Foreign Affairs no. 96/1998) members of national minorities are, on meeting certain requirements, guaranteed the right to education in their mother tongue, and municipalities, regions and the Ministry are obliged to facilitate execution of this right. Section 14 of Act No. 561/2004 (Education Act) stipulates:

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,[3] 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] Section 117 (3) of Act 128/2000 Coll., on Municipalities (Municipal Establishment), as amended by Act No. 273/2001.

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*.

It is clear from the above that the education of minorities is guaranteed, on meeting legal requirements, in those municipalities where, in line with Section 117, par. 3 of Act No. 128/2000 on municipalities (Municipal Establishment), a committee for national minorities is established (i.e. municipalities where the most recent census showed at least 10% of the population registered as members of the relevant national minority). This solution is in line with Article 14 of the Framework Convention for the Protection of National Minorities which states that “In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language. This shall be implemented without prejudice to the learning of the official language or the teaching in this language.”

The provision also determines minimum numbers of children and pupils in the schools and classes for national minorities, which are far lower than those for the majority population. The law makes it possible for several school administration bodies to join in the education of members of national minorities. Moreover, the school director can, based on agreement with the school administration, support the interests of members of minorities by designating subjects or their parts within the school-based curriculum which will be taught bilingually (also in the language of the national minority).

The legal regulations in place allow for the establishment of schools (classes) for children of other than Czech nationality (whose parents are citizens of the Czech Republic) with instruction in their mother tongue. The education of members of national minorities in their mother tongue in the system of public education can only

be provided for numerous minorities where the required number of pupils in the classroom can be secured.

The Polish minority has its own education from kindergarten up to secondary level. Halfway through the period under review (i.e. in 2002/2003) there were 32 kindergartens, 27 basic schools and one bilingual school and 4 secondary schools (or Polish classrooms in secondary schools) in the Czech Republic.

The interest in basic and secondary education in Slovak on the part of the **Slovak** minority is low due to the exceptional proximity of the two languages. The only basic school with instruction in Slovak operated in the area of a more concentrated Slovak minority and was closed down as a result of low demand. A secondary grammar school was set up in Prague but never launched its operations due to a low number of applicants. There are many Slovak students at higher education institutions.

The German minority proposes the establishment of bilingual classes (where German is the target language).

In the case of **Hungarian and Greek minorities** the mother tongue is a non-compulsory subject.

Major changes are taking place as regards the education of the **Roma population**. (See below).

The MoEYS supports educational activities pursued by national minorities via the **Programme for Education in the Languages of National Minorities and for Multicultural Education** which is designed for all national minorities living in the CR. The purpose of the subsidised programme is to raise awareness of general human solidarity and the culture of other nations, and to promote mutual tolerance against racism and xenophobia. The programme is divided into thematic areas:

- Language education of children and young people who are members of national minorities;
- Socio-cultural, sporting and other educational activities for children and young people;
- The education of national minorities and the majority population in relation to minority groups;
- The development and implementation of educational programmes (including teaching materials) focused on elimination of racial and national intolerance.
- Support for schools with a high proportion of members of ethnic minorities;
- Programmes on education for tolerance and against racism and anti-Semitism.

Support for the education of Roma

Following 1989 the situation in the labour market has changed, the demands placed on each member of society have increased and shortages in educational attainment have become the most robust factor in unemployment. The education of children of the Roma community is associated with the language handicap of Roma children entering basic school and forms a major obstacle to their education. Apart form the language barrier, there is also a different pace of personal development, a different hierarchy of values and socio-cultural perceptions on the part of Roma

families. This is reflected in their overall attitude to education. The Ministry of Education fosters the education of Roma children in various ways – for example it establishes so-called preparatory classes for Roma children before they enter basic school. In the middle of the period under review (in 2002/2003) there were 111 preparatory classes with 1,442 pupils. Teacher assistants may operate in these classes (as well as in other classes at basic school).

The results of several studies show that children from socially and culturally disadvantaged backgrounds are able to achieve good educational results, provided that conditions are established for their individual development. Positive measures which are implemented to support these children bring about good results if they facilitate the meeting of their educational needs. Pre-school education for children from socially and culturally disadvantaged backgrounds is the fundamental and effective instrument for prevention of school failure. Educational programmes which are implemented in schools constitute an effective foundation for further learning and good employment prospects on the part of these children, provided that they are individualised, respect different cultural backgrounds and set up conditions for the maximum development of their personal capacities and qualities. The fulfilment of objectives concerned with timely assistance facilitates co-operation and partnership between school and pupils' families. The effectiveness of early assistance largely depends on the quality and focus of the educational programme implemented by the relevant school.

Overall, the following measures adopted so far may be stressed:

- Establishment of preparatory classes for children from socially and culturally disadvantaged backgrounds which aim at compensating for the children's disadvantages, including those related to the language (most often the problem of special dialects and forms of speech), and increasing, in this way, the chances of these children to start compulsory schooling in mainstream facilities.
- Introduction of the position of Roma assistants at basic schools (in 1997/98) who help teachers and facilitate communication with families; there were some 350 assistants in 2003/04;
- Modification of the basic school curriculum, in terms of content and didactics, to attend to the needs of Roma children;
- The nature of the testing criteria, based on which Roma children were placed in remedial schools, was changed so as to be relevant for children from different cultural backgrounds;
- Development of instructions for transfers of pupils from remedial to basic school; strengthening educational and career counselling;
- The possibility of reducing the minimum number of pupils per class in classes with a high proportion of Roma children, as with classes with national minorities;
- Legislative provisions to facilitate access to secondary school for pupils who failed to complete basic education, on condition that they meet the admissions requirements;
- Development of the programme for support of Roma students, including financial support;
- Support for the activities of Roma civic associations focusing on work with children and young people;
- Promotion of information flows between the majority population and the Roma about Roma culture; teachers are beginning to learn about multicultural issues;

- The updated version of the Long-Term Plan for Educational, Scientific, Research, Development, Artistic and Other Creative Activities of Higher Education Institutions also articulates support for activities equalising educational opportunities on the part of various socially disadvantaged groups.

In 2002 the PHARE CZ 00-02-03 project "Support for the Integration of Roma/Multicultural Education Reform" was launched. It is focused on across-the-board education of teachers, school directors and teacher assistants in multicultural issues, and the establishment of specific conditions for the education of Roma pupils. The project "Support for the Integration of Roma" aims to ensure respect for and protection of the Roma, particularly via the facilitation of appropriate education for their children and, in this way, improving their position in society. Moreover, the project aims to set up a coherent system for basic education of the Roma population, and to develop expert assistance services at both 1st and 2nd stages of basic school.

In "maturita" programmes at secondary technical and vocational schools there are far fewer Roma students than is appropriate to their community potential.

The Ministry of Education, Youth and Sports is concerned most with measures targeted at the full integration of Roma pupils into mainstream education, and at ensuring equal access to good-quality education for these children. Other objectives include making sure that teachers acquire competencies in multicultural education as part of their continuing education, and implementation of national strategies at local level.

Developing a Comprehensive System for Pre-school Assistance for Socially Disadvantaged Groups

The MoEYS developed and submitted to the government for comments a **draft project concerned with timely assistance for children from socially and culturally disadvantaged backgrounds**. The government approved it in its Resolution no. 564 of 11 May 2005. The **objective of the Timely Assistance project** is to increase the number of Roma pupils in mainstream education, to enhance their school success and to establish preconditions facilitating social integration for the family, the child and society. The programmes of timely assistance should promote the child's development where it is at risk owing to various biological, social and psychological factors. Another important goal is to provide an opportunity for bringing together children from mainstream society and those from different cultural backgrounds.

The Timely Assistance project is being implemented as follows:

a) Preparatory classes for children from socially and culturally disadvantaged backgrounds. According to Act No. 561/2004 on pre-school, basic, secondary, tertiary professional and other education (Education Act), Section 47, a municipality, an association of municipalities or a region can, upon agreement of the regional authority, set up preparatory classes at basic school for socially disadvantaged children who are given the chance to reach the level of other children in the last year before entering compulsory education. The classes may be set up provided there are at least 7 and at most 15 children. Decisions about the placement of children in the preparatory class of basic school are taken by the school director upon request of the child's parents and on the basis of a written

recommendation of a school counselling facility. The content of education in the preparatory class is part of the school curriculum. Statistical data on the number of preparatory classes and children placed in them in 2005/2006 reflect the situation as at 30.9.2005. **The number of preparatory classes this year was 123.** Of this number 79 classes were set up at basic schools, 41 at practical schools, 2 at basic schools for disabled children and 1 at a special basic school. There were **in total 1,441** children at these classes. Compared to the previous year the number of classes and children slightly decreased. The number of preparatory classes and children in 2004/2005 was 126 and 1,779 respectively..

b) Curricular reform makes it possible for kindergartens to develop their own curricula based on the Framework Curriculum for Pre-school Education, whereby they can respond flexibly to children"s needs.

c) Projects focused on :
   - Support for increasing participation of Roma children in pre-school education;
   - Support for methods and work approaches enhancing the effectiveness of pre-school education of Roma children;
   - Support for the continuing education of teachers and teacher assistants working with Roma children of pre-school age as regards the use of effective educational methods;
   - Support for activities enhancing the chance of Roma children to attain successful completion of compulsory schooling;
   - Support for activities targeted at involvement of families in pre-school education of children;
   - Support for accompanying activities of basic schools supporting Roma children in overcoming difficulties during compulsory schooling.

These sub-themes, which are included in the thematic area "Pre-school Education of Roma Children", were part of Rounds I and II of the grant scheme "*The MoEYS Programme for Support for the Roma Community in 2005*". In Round III of the programme this thematic area included the possibility for presenting projects concerned with residential courses for parents and children.

In 2005 a total of 1,935,620 CZK was earmarked as part of the MoEYS programme for pre-school preparation of Roma children in individual regions.

The results of studies concerned with implementation of the Timely Assistance project are of a long-term nature and difficult to measure at this stage. As the project was approved by the Czech government in May 2005, there is no statistical data available related to the school success of children who have undergone some of the programmes. Neither is it possible at this stage to identify in which type of school the children launched their compulsory schooling and what their performance was like in the first three years. It is impossible to gain objective information on the number of pupils or students with social disadvantages from school data files and school documentation (maintained in line with Decree no. 364/2005 on the documentation of schools and school facilities). Schools can file such data only if they are provided by the child's legal guardian or a mature pupil or student.

Introduction of Mechanisms Facilitating Access to Education – Free Education

in the Last Year of Kindergarten

On 2 January 2005 Act No. 561/2004 on pre-school, basic, secondary, tertiary professional and other education (Education Act) became effective. It declares equal access to education for all individuals and respect for their individual educational needs. The law also fosters, in a systemic way, support for education, which also covers socially disadvantaged pupils.

As regards admission to pre-school education, preference is given to children in the last year before starting compulsory education. Section 123, par. 2 of the aforementioned law states that education in the last year of kindergarten, set up by the state, region, municipality or an association of municipalities, as well as education in preparatory classes of basic school, is provided for free. Pursuant to Decree no. 48/2005 on basic education and some aspects of compulsory schooling (Section 6, par.1), pupils also get free textbooks, teaching materials and aids with 200 CZK per pupil and per school year. Moreover, paragraph 4 states that decisions on reducing the payment for education and school services or exempting children, pupils and students from the payment for these services (particularly those with social disadvantages) are the responsibility of the director of the school or school facility.

Support for Formula Funding of Schools

The system of regional funding coefficients and the coefficients designated in line with Section 162, par. 1, of the Education Act, and Section 4, par. 4, of Act No. 306/1999 on the provision of subsidies to private schools, pre-school and school facilities, as amended, does not address the issue of extra funds for socially disadvantaged pupils.

MoEYS Directive no. 33 377/2004-45 of 2005 sets out binding principles based on which regional authorities allocate financial resources from the state budget in line with Section 161, par.6 b) of the Education Act, and based on which municipalities with extended powers draft state budget allocations.

This Directive only makes it possible for a regional authority to increase the budget of a legal entity by a certain amount from so-called reserve funds, but the legal entity has no legal entitlement to such an increase. However, the Education Act allows for the allocation of state budget resources to schools in addition to the formula system. This is in line with Section 163, par.1, of the Act, which concerns the funding of various testing activities and development programmes in education.

The Support Mechanism for Roma Students at Higher Education Institutions

According to Section 18, par. 3 of the Higher Education Act, only a public higher education institution, not a student, is entitled to a subsidy from the state budget. As regards support for the studies of members of the Roma community in accredited study programmes at public HE institutions, the MoEYS prefers indirect support for students via its development programmes for HE institutions.

As part of the aforementioned programme the MoEYS supported the project *Intercultural Education in the Academic Environment of Masaryk University*. It was promoted by the Teacher Training Faculty of MU in Brno and the Ministry earmarked 2,181,000 CZK for its implementation. A specific feature of the project is training courses for the Roma community as well as migrating foreign nationals, and their preparation for studies in so-called "zero" years at HE institutions.

The MoEYS indirectly supported Roma students at HE institutions as part of the *Programme for Support for the Integration of the Roma Community.* A long-term project of the Slovo 21 civic association, entitled *Preparation of Roma Secondary School Students for Higher Education,* is being implemented in co-operation with several faculties of higher education institutions (Charles University in Prague, Purkyně University in Ústí nad Labem, South-Bohemian University in České Budějovice, Palacký University in Olomouc, Ostrava University in Ostrava), the Museum of Roma Culture and the Roma social school. Students are prepared for entrance examinations.

As part of updating the Outline of Higher Education Reform the MoEYS is considering the introduction of social grants for higher education students. Act No. 111/1998 on higher education institutions and changes and additions to other laws (Higher Education Act) allows for granting social scholarships to students (as a state subsidy) in line with scholarship regulations of individuals institutions or faculties. The scholarship regulations set out the amounts. It is therefore entirely up to each HE institution which students receive the scholarship and what amount. An amendment to the Higher Education Act makes it possible to grant scholarships to those students both at public and private HE institutions who are entitled to an increased child allowance according to Section 17, par.2 a) of Act No. 117/1995 on state social support, as amended, for a period of 10 months in the academic year. A social scholarship can therefore be granted to each student whose family collects increased child allowances.

The MoEYS supports the education of the Roma by means of subsidised programmes involving projects focused on the education of Roma pupils and on schools with full-day programmes including the training of teachers at pedagogical faculties. A list of all projects approved is available on the MoEYS's websites.

Programmes supporting education in languages of national minorities and multicultural education

- A total of 91 projects were approved worth 11,660,706 CZK.
- Of this 5% was earmarked for projects supporting integration of the Roma community (1,854,850 CZK).

The MoEYS's programme for support for the integration of the Roma community

is focused on educational activities, pre-school education and basic school education in particular. Moreover, it is concerned with assistance for Roma children in overcoming difficulties during compulsory schooling, information and counselling services for Roma families related to career choice and successful transfer of Roma children from basic to secondary education, and integration (inclusion) of Roma children in mainstream education. Also, emphasis is placed

on *methodological support for teachers* working with Roma children, promotion of activities concerned with the preparation of Roma secondary school students for tertiary professional schools and higher education institutions, and support for the Roma in higher education by means of establishing their centres in university towns. Every year resources are earmarked for this programme. In 2005 a total of 128 projects were approved worth 10,099,770 CZK.

The MoEYS's programme for the funding of teacher assistants for children and pupils with social disadvantages at schools set up by registered churches and religious organisations for 2005. Overall, 2 projects were approved worth 1,877,202 CZK. The Přemysl Pitter Basic School received a subsidy of 1,713,906 CZK for 10 teacher assistants. The Christian Basic School received a subsidy of 163,296 CZK for one teacher assistant.

The programme for the support of Roma students at secondary schools

The Ministry of Education, Youth and Sports initiates a subsidised programme entitled "Support for Roma Students at Secondary Schools". The financial resources in this programme are earmarked to support the studies of Roma students who are citizens of the CR and whose families face considerable difficulties paying the costs related to secondary education. The programme is designed for schools and school facilities included in the schools register which provide secondary education (both with and without "maturita") and tertiary professional education.
The resources should cover, in part or in full, the costs related to tuition, meals, accommodation, travel, school aids and protective aids.

An overview of financial resources allocated in 2000-2005

Round - Year	***Number of applications***	***Amounts in CZK***
I/2000	333	2,344,000
II/2000	561	510,000
I/2001	511	3,437,000
II/2001	1,021	3,400,000
I/2002	941	3,488,000
II/2002	1,409	4,992,948
I/2003	1,136	5,230,599
II/2003	1,441	4,742,833
I/2004	1,069	5,015,063
II/2004 proper deadline	894	4,054,700
III/2004 additional deadline	350	922,200
I/2005	1,292	5,986,000
II/2005	1,391	5,503,600
TOTAL	***12,351***	***49,626,943***

Access to education for people with special learning needs

Until 1.1.2005 when the new Education Act entered into force so-called **special schools** for pupils with special learning needs were set up in line with Act No. 29/1984 at pre-school, basic and secondary levels. The former Education Act No. 29/1984, as amended, provided for basic and secondary special schools. Special schools also included remedial schools, training centres, practical schools and

auxiliary schools. There were also provisions fostering individual integration of pupils with special learning needs into kindergartens and mainstream schools, and the law made it possible to set up specialised classrooms for these pupils at mainstream basic and secondary schools.

New school facilities within the so-called “preparatory stage of auxiliary school” were set up to facilitate the integration of pupils with severe developmental and multiple disorders into the educational process which provided one-to-three-year preparatory programmes for these pupils. The schooling of pupils with severe development and physical disabilities was prolonged to 10 years.

On 1 January 2005 the new Education Act entered into force, bringing fundamental changes. As opposed to the aforementioned Act No. 29/1984, the new Act No. 561/2004 on pre-school, basic, secondary, tertiary professional and other education (Education Act) does not foster special education as a separate system. The new Education Act prefers integration of children, pupils and students with special learning needs into mainstream education wherever this is possible and desirable. Support for links between special and mainstream education and for individual integration of pupils with special learning needs into mainstream schools is an important feature of the new Education Act.

The existing curricula may be modified to meet the special learning needs of pupils. Moreover, schools may set up classrooms for pupils with special learning needs where appropriate methods of instruction are applied. Possibly, schools may be set up which specialise in the education of these people.

Section 16 of Act No. 561/2004 identifies categories of children, pupils and students with special learning needs: health disabilities, health disadvantages and social disadvantages. For the purposes of the Education Act these categories shall mean:

Health disabilities - mental, physical, sight or hearing disorders, speech impediments, multiple disorders, autism and developmental learning or behavioural disorders;

Health disadvantages – weakened health condition, long-term illness or less severe health disorders resulting in learning and behavioural disorders which should be taken account of in education;

Social disadvantages:

a) family background – a low socio-cultural position, risk of socio-pathological disorders,
b) compulsory institutional or protective care
c) the position of asylum holder or asylum seeker in the Czech Republic in line with a special legal regulation.

Special learning needs of children, pupils and students are identified by school counselling centres.

The law also stipulates that children, pupils and students with special learning needs have a right to education, the content and methods of which correspond to their learning needs and capacities (where necessary conditions should be established to facilitate such education), and to counselling assistance on the part of the school and the school counselling centre. Appropriate conditions in line with the relevant needs should be set up for pupils and students with health disabilities and disadvantages as regards their admission to education and its completion. The

school director may extend the length of secondary and tertiary professional education in exceptional cases for pupils and students with health disabilities (by a maximum of 2 years).

Children, pupils and students with disabilities also have a right to a free use of special textbooks and special didactic aids provided by the school. Deaf children, pupils and students have a right to free education using sign language, while those who are blind have a right to free education using Braille. Children, pupils and students who cannot communicate by a spoken language have a right to free education using substitute ways of communication.

If the nature of the disability so requires, schools or, upon agreement of the regional authority, classrooms, departments or study groups with modified curricula can be set up as part of existing schools. Pupils with severe mental disabilities, multiple disorders and autistic pupils have a right to education in a special basic school, if they are not educated otherwise.

The director of a kindergarten, basic school, special basic school, secondary school and tertiary professional school can, upon agreement of the regional authority, set up the position of a teacher assistant in the classroom or study group where a child, pupil or student with special learning needs is being educated. In the case of children, pupils and students with health disabilities and health disadvantages a statement of a school counselling centre is required.

Citizens with health disabilities who have not had a chance to acquire basic education can complete or expand their education by means of the relevant programme provided by basic, remedial or auxiliary schools. This possibility has to a large degree strengthened the application of the general right of these people to education, and increased their chances in the labour market and in the process of lifelong learning. Secondary schools (besides basic schools) provide the opportunity for people who have not completed basic education to undergo a course to complete their basic education.

The law also introduced **preparatory classrooms at basic school** for children with underdeveloped social and communication skills with a view to levelling out differences and making it possible for these children to continue their education without major difficulties together with their peers. The law also envisages support measures for these pupils – e.g. **teacher assistants**.

In this way the new Education Act incorporates the conclusions of the meeting of the Council and the meeting of education ministers within the Council on 14 May 1987 concerning European co-operation on integration of disabled children in mainstream schools, and the Council Resolution and the meeting of education ministers on 31 May 1990 on integration of disabled children and young people into mainstream education systems.

Other disadvantaged groups in the population

The sensitive area of human rights and particularly **the rights of children in institutional and protective care** is monitored by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The report and recommendations of the Committee following their visit to the Czech Republic in 1998 became an important accelerator of preparations of a law on institutional, protective and preventive educational care in school facilities, which was enacted as Act **No. 109/2002.** Its most important mission was to define, in the most detailed manner, the powers and obligations of the school facility (its director) in

relation to the minor and his/her parents, to set out the rights and obligations of the minor entrusted to the care of the school facility, and the rights and obligations of his/her parents in relation to the school facility.

It is necessary to mention that the MoEYS subsidises a number of state and non-state facilities which assist children in difficult life situations (help lines, emergency centres, the "Bílý kruh bezpečí" centre, etc.). In this way it performs preventive and awareness-raising functions, as prospective offenders know that their possible victims can turn to independent institutions for help. Subsidies are also available to support the activities of civic association which focus on prevention of and follow-up measures in relation to torture and other cruel, inhuman or degrading treatment. The programme is designed for civic associations of children and young people, civic associations working with children and young people and civic associations of the disabled. The most important ones, whose activities are supported by the MoEYS, include the Fund for Children at Risk, Association of Advocates of Children's Rights – Czech Section of DCI, the Nationwide Help Line. In April a national competition of children's parliaments was launched focusing on youth participation. It is the initiative of the DUHA civic association and another civic association dealing with young people's leisure activities, and it is supported by the MoEYS and the Senate of the Czech Republic. One of its themes covers the aforementioned issues.

Schools and school facilities pay attention to prevention and the timely curbing of bullying. Teachers learn to understand the phenomenon of a tortured and abused child. They turn for assistance to pedagogical-psychological counselling centres, centres for educational care for children and young people, special pedagogy centres and educational counsellors at schools. A methodological policy concerned with prevention of bullying in schools and school facilities was published. It contains a comprehensive methodology for addressing this very negative phenomenon.

The Ministry also adopts measures to facilitate citizenship application procedures and to resolve the situation of stateless children – particularly those placed in institutional care. In relation to children with foreign or unclear citizenship the Ministry of Education asked the Ministry of the Interior to prepare a policy on procedures for addressing the citizenship of children placed in preventive and protective care facilities. Directors of these establishments received training in these issues. The MoEYS co-operates in this area with other ministries and the Helsinki Committee.

In camps for conventional refugees administered by the Interior Ministry the teaching of the Czech language is provided and children can attend free basic education where school aids are provided. In summer months comps are organised for refugee children in co-operation with non-government organisations. Various thematic visits are organised for the children whereby they learn about the history and culture of the CR. In each refugee camp children's groups are set up, as in kindergartens, where children are engaged in various sporting activities. Increased attention is paid to poorer and more numerous families, and to children who migrate without their parents. As regards children under 18 who are on their own, steps are taken that are necessary to ensure their legal protection, and proposals for designating their legal guardian are made. Persons seeking a temporary refuge stay in humanitarian centres. Children mostly attend local schools and courses in the Czech language are normally provided in the centres to facilitate their education. Basic education is provided for free and the children get school aids form the centre. Social and psychological assistance is provided in humanitarian centres, mostly taking the form of various clubs, programmes for pubescent and adolescent children

and co-operation with the school. The Czech government approved a project to support individuals and families who wish to live outside humanitarian centres.

The Ministry of Education also adopts measures to protect children against abuse and maltreatment. They mainly concern the preparation and implementation of public awareness-raising campaigns focused on avoiding corporal punishment in families, schools and other institutions. The abuse and maltreatment of children is a criminal offence in the CR and is subject to a reporting obligation according to Sections 167 and 168 of the Criminal Code. Article 12 of work regulations for school staff stipulates that the employees are obliged "to report to the school or school facility director any findings that may suggest that a child or an underage pupil is exposed to torture, abuse, neglect or other form of maltreatment in the family or elsewhere outside of school. They also report their findings on a specific endangerment of the pupils using addictive substances including alcohol". Article 12 of the working regulations also stipulates that all pedagogical staff and other school staff are obliged, in line with the nature of their job, to establish, retain and control the conditions for ensuring safety and protection of health of the pupils during instruction.

Another measure is concerned with co-operation of schools and pre-school facilities with the Police of the CR in prevention and investigation of crimes perpetrated by and on children and young people. The principle document in this respect is the Convention on the Rights of the Child. It is necessary that all criminal activities perpetrated by and on children should be investigated in the shortest possible time, and that educational measures should be taken and implemented in relation to the delinquent child and his/her family. One negative consequence of delays and procrastination is endangerment of the child who can become convinced of his/her impunity or lose faith in the rule of law. However, in all circumstances all rights of the child must be effectively protected by the parties involved.

The Ministry of Education adopts measures and supports programmes aimed at combating all forms of sexual abuse, including violence and incest in families and commercial abuse of children. Protection of children against sexual abuse has, for three years now, been the subject of close co-operation with leading sexologists and other experts of the Society for Family and Sexual Education. The scheme includes specialist discussions with children and teachers. The MoEYS also provides subsidies to civic associations dealing with these issues (help lines, out-clinic centres and centres with bed capacity). In the education sector this problem is part of various subject areas of the curriculum – particularly health education, healthy life styles – personal safety, sex education, etc. At secondary schools this topic is covered by civic education. At present an emphasis is being placed on anti-drugs prevention and sex education. For these purposes the MoEYS provided, based on tenders, financial resources in the period under review to non-government organisations, education authorities, pedagogical-psychological counselling centres and the Co-ordination Centre for Pedagogical Faculties at Palacký University in Olomouc to be used for healthy life style courses and courses in methodology on anti-drugs prevention and sex education.