Report by the Czech Republic on the Application of the UNESCO Convention and Recommendation against Discrimination in Education

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

1. Ratification of the Convention

- The Czech Republic joined the Convention in March 1993.

2. Legal framework governing the protection of rights guaranteed in the Convention and the Recommendation in the national legal system

- Non-discriminatory access to education is governed as follows:

1) The Charter of Fundamental Rights and Freedoms[1]

- Article 3(1): "Everyone is guaranteed the enjoyment of her fundamental rights and basic freedoms without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, or other status."

- Article 33(1) and (2): "Everyone has the right to education. School attendance shall be obligatory for the period specified by law. Citizens have the right to free elementary and secondary school education, and, depending on particular citizens' ability and the capability of society, also to university-level education."

2) Convention for the Protection of Human Rights and Fundamental Freedoms[2]

- Article 14: "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

3) International Convention on the Elimination of All Forms of Racial Discrimination[3]

[1] Regulation No. 2/1993 Coll.
[2] Regulation No. 209/1992 Coll.
[3] Regulation No. 95/1974 Coll.

4) Convention on the Elimination of All Forms of Racial Discrimination against Women[4]

5) International Covenant on Civil and Political Rights[5]

a. International Covenant on Economic, Social and Cultural Rights[6]

b. Convention on the Rights of the Child[7]

c. Charter of Fundamental Rights of the European Union

d. Treaty on the Functioning of the European Union

e. Act on Equal Treatment and Legal Means of Protection against Discrimination, as amended (the Anti-discrimination Law)[8]: It defines in greater detail the right to equal treatment and non-discrimination.

f. Code of Civil Procedure[9]: It provides for a refutable presumption according to which the petitioner does not have to prove the reason for discrimination that the accused had. The accused therefore has to refute both the alleged facts indicating discrimination and the alleged reason.[10]

g. Act on pre-school, primary, secondary, tertiary professional and other education (the Education Act)[11]: It defines the principles and goals of education and also governs the education of members of national minorities and access of foreign nationals to education services. Last but not least, the Act provides for the Czech School Inspectorate as a surveillance entity over the education system. A more detailed regulation is contained in implementing legal regulations subordinate to the Education Act.[12] Besides, it governs the rights and obligations of students with special educational needs and specific instruments that may be used in pupils' education. Please note Amendment to Act No. 82/2015 Coll., which aims at introducing a new system of guarantees to make sure that everyone has equal access to education with the use of auxiliary measures and that all

[4] Regulation No. 62/1987 Coll.
[5] Regulation No. 120/1976 Coll.
[6] Regulation No. 120/1976 Coll.
[7] Regulation No. 104/1991 Coll.
[8] Regulation No. 198/2009 Coll.
[9] Regulation No. 99/1963 Coll.
[10] See the Report on the Application of the Convention and Recommendation against Discrimination in Education 2011, p. 2.
[11] Regulation No. 561/2004 Coll.
[12] See the Report on the Application of the Convention and Recommendation against Discrimination in Education 2011, pp. 3 – 7.

children have access to preparatory classes of primary school so as to offset any issues related to their development.

h. Act on higher education institutions and on amendments and supplements to some other Acts (the Higher Education Act)[13]

i. Section 1(b): "Higher education institutions, as the highest level of the education system, are regarded as the culminant centres of education, independent knowledge and creative activity. Higher education institutions play a key role in the scholarly, scientific, cultural, social and economic development of society by carrying out the following: facilitating access to higher education in compliance with democratic principles; providing appropriate professional qualifications and training for research work and other demanding specialized activities;"

ii. Section 21(1)(e): "A public higher education institution is obliged to make all possible provisions for ensuring equal opportunities for study at the higher education institution."

2.3

- All the above legal regulations are directly applicable and enforceable in the legal order of the Czech Republic. All the aforementioned provisions may therefore be enforced in the domestic judicial system.

  Commitments for the Czech Republic that follow from the European Convention for the Protection of Fundamental Rights and Freedoms may be enforced in the judicial system of the Council of Europe.

  Commitments for the Czech Republic that follow from the primary law of the European Union may be enforced through sanction mechanisms directed against individual states.

2.4

- Some Czech judicature related to discrimination in education:
  - Municipal Court in Prague, 3 A 141/2013 – 49, [selection from the Supreme Administrative Court proceedings 588/2016];
  - Municipal Court in Prague, 7 A 156/2010 – 38, [selection from the Supreme Administrative Court proceedings 3676/2014];
  - Supreme Administrative Court, 1 As 35/2012 – 40, [2736/2013 Coll.; selection from the Supreme Administrative Court proceedings];
  - Constitutional Court, 3rd Constitutional Court proceedings 1136/13 as of 12/8/2015.

[13] Regulation No. 111/1998 Coll.

II. Information on the implementation of the Convention or Recommendation

1. Non-discrimination in education

Education in the Czech Republic is based on the principle of equality ("equal access to education free from any discrimination on grounds of race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth or health of the citizen").

There is nine-year compulsory education ("primary education") that takes place primarily in public primary schools in the catchment area that is based on the pupil's place of residence (referred to as "catchment schools"). However, the pupil's statutory representative may select another ("non-catchment") primary school for his/her child if there is available capacity.

Applicants who have completed compulsory education or who have successfully completed primary education before completing compulsory education and who have met the admission conditions in the admission procedure by showing appropriate skills, knowledge, interests and medical fitness may be admitted to secondary education. Admission of applicants to secondary school education is decided by the headmaster of the respective school on the basis of criteria that s/he sets and that have to fulfil equal access to education.

Treatment of foreign nationals who have residence in the Czech Republic follows Section 20 of the Education Act:

"Citizens of European Union Member States and their family members shall have access to education and school services defined herein under the same conditions as citizens of the Czech Republic. Persons who are not citizens of the European Union shall have, under the same conditions as citizens of the Czech Republic, access hereunder to:

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

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

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

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

When persons who are not citizens of the Czech Republic and who have had previous education abroad take admission examinations in secondary and tertiary professional schools, they shall be at their request waived the admission examination in the Czech language if is part of

the admission examination. The respective school shall verify knowledge of the Czech language that is necessary for education in the chosen field of education by means of an interview.

"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 education 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."

2. Equal opportunities in education

2.1 Measures against discrimination

- The main prerequisite for a functioning education system is its good accessibility and permeability of all stages of schools for all social groups as well as limiting of formal differentiation of educational paths at lower stages of education and promotion of equal opportunities for the transition to secondary and tertiary education.
- Each child should be allowed to enter already the initial phase of pre-school education and participation of children and pupils who need auxiliary measures should be supported by means of early intervention in cooperation with their parents. Potential future fail rate in education should be reduced already in this phase of education as well as in the subsequent phases through the development of teachers' competencies and cooperation between schools and well-functioning counselling services.

Financial incentives – equal access

- Projects aimed at education towards social integration of children and pupils with special educational needs, enhancing the quality of pre-school education, enhancing the quality of pupil education in key competencies, development of the strategic management system and quality assessment in education, enhancing the quality of training of future and starting teaching staff and enhancing the quality of education and vocational training including strengthening its relevance for the labour market.

- **Table No. 1: Indicative allocation of funds earmarked as part of PA 3 of the RD&E OP**

Priority Axis (PA) 3	**Fund**	**Co-financing (EUR)**		**Total (EUR)**
		85%	**15%**	

3. Equal access to quality pre-school, primary and secondary education	ESF	899,362,679	158,711,061	**1,058,073,740**

2.2 Gender equality

- Open access to education and career information play a key role in removing gender stereotypes in education as well as in career counselling. Large-scale awareness of educational possibilities and information from the labour market help to remove deep-rooted stereotypical thinking and prejudice about male and female roles and training for jobs suitable for women and men. In pursuing the gender equality policy in education, the Ministry of Education, Youth and Sports (MEYS) shall follow up on the Government Strategy for Gender Equality in the Czech Republic for 2014 – 2020.

Action Plan for Inclusive Education for 2016 – 2018

In 2015 the MEYS approved the Action Plan for Inclusive Education for 2016 – 2018.

The Action Plan for Inclusive Education for 2016 – 2018 (APIE) follows up on the Education Policy Strategy of the Czech Republic by 2020 and the Long-term Plan for Education and Development of the Education System in the Czech Republic for 2015 – 2020.

The Action Plan contains measures to support equal opportunities and equitable access to high-quality education including prevention and remedy of early leaving. The document also reflects the legislative changes contained in the Amendment to the Education Act. A system of auxiliary measures is going to be introduced in the period of 2016 to 2018 for children, pupils and students with special educational needs. Besides, precise record-keeping and statistics of pupils educated in an inclusive environment is going to be introduced and diagnostic methods are going to be specified and unified so as to offer adequate support to pupils with any disadvantage or disability in the education system, and a new review system is going to be introduced in diagnosis performed by counselling facilities.

Action Plan of Measures for the Execution of the Judgment of the European Court of Human Rights in the Case of D. H. and Others v. the Czech Republic

In 2012 the MEYS came up with an Action Plan, which it presented to the Council of Ministers of the Council of Europe in December 2012.

The MEYS prepared guarantees that shall make sure that the placement of children into the respective educational programme in accordance with their needs will be objective, free from discrimination e.g. on grounds of ethnic or social origin, and that it will respect the child's best interest.

The MEYS is introducing measures that will efficiently prevent potential segregation, allow for more stringent control and methodological guidance at all levels of the counselling, decision-making and performance process.

8 key measures

A. Legislative support for the education of Roma pupils;

B. Enhancing the efficiency of school counselling facilities;

C. Supervisory mechanisms in the field of diagnosis and counselling facilities;

D. Pre-school education and preparatory classes;

E. Status of the Annex to the Framework Educational Programme for Basic Education (FEP BE), which governs mild mental disability, and further steps in this respect;

F. Monitoring, record-keeping and statistics related to the education of Roma pupils;

G. Consultations with stakeholders.

Subsidy and development programmes of the MEYS

The MEYS promotes the integration of Roma children, pupils and students in the education system in the Czech Republic through four subsidy programmes and one development programme.

Subsidy programmes:

1) A subsidy programme promoting the integration of the Roma community;

2) A subsidy programme supporting socially disadvantaged Roma pupils of secondary and tertiary professional schools;

3) A subsidy programme promoting education in the languages of national minorities and multicultural education;

4) A subsidy programme for NGOs aimed at supporting school meals of primary school pupils in 2016.

Development programme:

1) A development programme that supports the funding of teacher's assistants for children, pupils and students with a health disability and for children, pupils and students with a social disadvantage.

1) Promoting the integration of the Roma community

The programme is announced upon Government Regulation No. 98/2002 Coll. and reflects tasks for the MEYS that are laid down in strategic documents related to the education of the Roma minority.

- Thematic areas of the subsidy programme:

a) Pre-school preparation and early care

The aim of this thematic area is to support Roma children so as to enable their successful start of primary education.

b) Promotion of successful primary and secondary school education of pupils

The aim of this thematic area is to contribute to offsetting the educational opportunities of Roma pupils in the mainstream.

c) Training and methodological support of teaching staff, staff of school counselling facilities and university students of the teaching profession;

d) Free time and hobby activities for Roma children and the youth addressing their social exclusion and cultural differences (various free time groups are supported).

The programme has pre-school care and early care as its priorities.

2) Supporting socially disadvantaged Roma students of secondary schools, tertiary professional schools and conservatoires

The MEYS implements its programme entitled "Support for Roma Secondary-School Pupils" already since 2003. Before that this subsidy programme was pursued by the Government Council for Roma Minority Affairs of the Office of the Government of the Czech Republic.

Each year the MEYS announces a subsidy programme supporting socially disadvantaged Roma students of secondary schools, tertiary professional schools and conservatoires upon Government Resolution No. 386 as of 19 April 2000. Another Government Resolution, namely No. 607 as of 16 June 2004, entrusted the MEYS with providing for continuous operation of the programme for the support of socially disadvantaged Roma students of secondary schools, tertiary professional schools and conservatoires.

Subsidies are granted upon Government Resolution No. 98/2002 Coll. as of 20 February 2002, which lays down the terms and conditions and mode of granting subsides for activities pursued by members of national minorities and support for the integration of Roma community members.

The aim is to increase the number of Roma students of secondary schools and tertiary professional schools, thus preventing them from entering the labour market early without adequate qualifications.

3) A subsidy programme promoting education in the languages of national minorities and multicultural education

The programme is announced in accordance with Section 4 and Section 19 of Government Regulation No. 98/2002 Coll., which makes provision with respect to setting the terms and conditions and mode of granting subsidies from the state budget for activities pursued by members of national minorities and for promoting the integration of Roma community members, as amended.

The programme defines thematic modules:

1) Promoting education in the languages of national minorities;

2) Promoting multicultural education.

4) A subsidy programme for NGOs aimed at supporting school meals of primary school pupils in 2016

The aim of this subsidy programme is to support school meals of primary school pupils whose family finds itself in a long-term unfavourable financial situation.

This step should improve the conditions for a due course of compulsory education of primary school pupils whose family finds itself in a long-term unfavourable financial situation.

(1) Support from the subsidy programme may only be granted to:

a) pupils of primary schools regardless of the establishing entity if primary education is not provided in the respective school in return for payment and if their family finds itself in an unfavourable financial situation.

(2) Pupils whose family finds itself in an unfavourable financial situation are especially pupils living in a family:

a) whose financial situation does not make it possible for the pupil to receive school meals in return for payment (the pupil does not have school meals at all; the headmaster or the head of the school canteen has already decreased or waived the charges for school meals pursuant to Section 123(4) of the Education Act, etc.);

b) whose financial situation does not make it possible for the pupil to participate in activities pursued as part of the school educational programme that require co-payment from the pupil's side (sports and physical activity events, instruction of swimming or skiing training, school trips, excursions that involve an overnight stay, theatre performances, exhibitions or other cultural events, etc.); or

c) whose financial situation does not make it possible to buy textbooks, teaching texts and stationary or other equipment that is not provided free of charge pursuant to Section 27 of the Education Act.

5) A development programme that supports the funding or teachers' assistants for children, pupils and students with a health disability and for children, pupils and students with a with a social disadvantage

This development programme promotes equal approach of schools to providing education to children, pupils and students with special educational needs who are educated with the support given by a teacher's assistant.

The post of a teacher's assistant is an auxiliary measure that significantly contributes to the promotion of inclusive education. Without this support, education of persons with certain kinds of health disabilities may not be guaranteed in accordance with the right to equal access to education.

The programme is announced in two modules. Each module is pursued separately and so is the funding. The programme is announced in two rounds. The first selection round is for the period of January to December, whereas the second selection round is for the period of September to December. The second round is designated for pupils who start their education as of 1 September or pupils whose health has deteriorated over the year.

Modules:

A. Support for the funding of teachers' assistants for children, pupils and students with a health disability (for church and private schools).

B. Support for the funding of teachers' assistants for children, pupils and students with a social disadvantage.

2.3

Act No. 82/2015 Coll., amending the Education Act, which will come into effect as of 1 September 2016, significantly amends the education of children, pupils and students with special educational needs (Section 16). In the past, this group of children, pupils and students was divided into those with a health disadvantage, those with a health disability and those with a social disadvantage.

Pursuant to the Amendment, a child, pupil and student with special educational needs shall mean a person who needs auxiliary measures in order to fulfil his/her educational possibilities and pursue his/her right to education on an equal basis with others. Auxiliary measures include necessary adjustments in education and educational services that reflect a pupil's state of health, cultural environment and/or different living conditions. Children, pupils and students with special educational needs have a right to have auxiliary measures provided by the school and school facility free of charge.

Auxiliary measures comprise the following:

a) counselling assistance provided by the school or school counselling facility;

b) adjustment of the organisation, content, assessment, forms and methods of education and educational services including the instruction of remedial teaching subjects and prolongation of the duration of secondary or tertiary professional education by up to two years;

c) adjustment of terms and conditions governing admission and completion of education;

d) use of assistive devices, special textbooks and special teaching texts, use of communication systems of the deaf and deaf-blind, Braille and auxiliary or substitute communication systems;

e) adjustment of expected educational outcomes as determined by Framework Educational Programmes and by accredited educational programmes;

f) education pursuant to an individual educational plan;

g) use of a teacher's assistant;

h) use of another teacher, interpreter of the Czech sign language, transcriber for the deaf or possibility of involving persons who provide support to the child, pupil or student during his/her stay in a school or a school facility pursuant to special legal regulations; or

i) provision of education or educational services in structurally or technically adjusted premises.

3. Progress made with respect to implementing the right to education

3.1 Universal primary education

Pre-school, primary, secondary and tertiary professional education in the Czech Republic follows Act No. 561/2004 Coll. (the Education Act), as amended.

Pursuant to the introductory provisions of the Education Act (Section 2), 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 in 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.

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."

Education provided under the Education Act shall be a service of general interest. This corresponds with Article 33 of the Charter of Fundamental Rights and Freedoms, which is part of the constitutional order of the Czech Republic:

Article 33 of the Charter

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

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

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

(4) The conditions under which citizens have the right to assistance from the state during their studies shall be set by law.

Progress made with respect to guaranteeing universal access to primary education

- In recent years the curriculum reform of primary education has been completed, which has besides other indisputable benefits also brought the need for potential effective and predictable reviews of the Framework Educational Programme for Basic Education (FEP BE). In the upcoming period it will be necessary to focus attention on devising such procedures that will not pose red tape burden on schools and that will make it possible to innovate the curricular framework of the primary segment of the education system in acceptable timeframes (e.g. once every five years).

Information about the availability of compulsory and free of charge primary education

- Information about compulsory and free of charge primary education is laid down in Section 36 of the Education Act (Act No. 561/2004 Coll.).
- Yes, primary education is available for all pursuant to Section 36 of the Education Act (Act No. 561/2004 Coll.).

Equitable access to suitable learning programmes

- Everybody has equal access to quality pre-school, primary and secondary education. There are ESF projects focused on education towards social integration of children and pupils with special educational needs, enhancing the quality of pre-school education and enhancing the quality of pupil education in key competencies.

3.2 Secondary education

In accordance with Act No. 561/2004 Coll., on pre-school, primary, secondary, tertiary professional and other education (the Education Act), as amended, which governs secondary education in schools and school facilities, terms and conditions are laid down under which education is pursued and rights and obligations of individuals and legal entities in education are defined.

Education in the Czech Republic is based on equal access of every national of the Czech Republic or of another EU Member State to education free from any discrimination on grounds of race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth or health of the citizen and, whilst taking individual educational needs into account.

Secondary education (general as well as vocational) of nationals of the Czech Republic or of another EU Member State is provided free of charge in schools established by the state, a region, a municipality or a union of municipalities. Everybody has a possibility to pursue lifelong learning and is aware of the shared responsibility for his/her education and fulfilment of general goals of education, which include in particular acquisition of general education or

general and vocational education and understanding and application of the principle of gender equality in society.

The aim of secondary education is to develop knowledge, skills, attitudes and values acquired in primary education that are important for an individual's personal development. Pupils receive general education with a broad content or vocational education together with general education and their values are reinforced in the process. Furthermore, secondary education paves the way for a full-fledged personal and civic life, acquisition of information on an individual basis and lifelong learning, pursuit of follow-up education and training geared to the pursuit of a given job or work.

A respective educational programme is successfully completed by achieving the following stages of education:

a) Secondary education
   - A pupil obtains secondary education upon successful completion of a one-year or two-year long educational programme in the on-site mode of study.
b) Secondary education with a certificate of apprenticeship
   - A pupil obtains secondary education with a certificate of apprenticeship upon successful completion of two-year or three-year long educational programme in the on-site mode of study or a shortened educational programme geared to obtain secondary education with a certificate of apprenticeship.
c) Secondary education with a school-leaving examination ("maturita")
   - A pupil obtains secondary education with a school-leaving examination upon successful completion of educational programmes pursued at grammar schools that offer six-year or eight-year long study, a four-year long educational programme in the on-site mode of study, an educational programme of a two-year long follow-up study in the on-site mode or a shortened educational programme geared to obtain secondary education with a school-leaving examination.

Secondary education takes place in fields of education set forth by Government Regulation No. 211/2010 Coll., on the system of fields of study in primary, secondary and tertiary professional education. This Government Regulation lays down fields of education in which secondary education, secondary education with a certificate of apprenticeship and secondary education with a school-leaving examination may be achieved and also the number of pupils in a group per teacher who provides vocational training.

Applicants who have completed compulsory education or who have successfully completed primary education before completing compulsory education and who have met the admission conditions in the admission procedure by showing appropriate skills, knowledge, interests and medical fitness may be admitted to secondary education. Admission of applicants to secondary school education is decided by the headmaster of the respective school.

Secondary school education is divided into theoretical and practical instruction and education

outside of instruction. Practical instruction takes place in schools and school facilities or workplaces of individuals or legal entities who are authorised to perform activities related to the given field of study and who have concluded a contract with the respective school governing the content and scope of practical instruction and terms and conditions for its pursuit. Pupils in practical instruction are covered by pertinent provisions of the Labour Code, which govern the working time, health and safety at work, conditions for employees and working conditions of women and the youth, as well as by other regulations on safety and protection of health at work.

Is this education available free of charge?

Yes

If so, please describe the extent to which it is.

Secondary education (general as well as vocational) of nationals of the Czech Republic or of another EU Member State is provided free of charge in schools established by the state, a region, a municipality or a union of municipalities.

Since 2014, the Ministry of Education, Youth and Sports announces a development programme aimed at promoting vocational education. The support focuses on groups of those fields of study that are considered irreplaceable with view to labour market needs, uniqueness and tradition in a given area. At the same time, the above fields of study do not enjoy enough interest shown by primary school pupils or there is a smaller demand for specialised experts able to find a job on the labour market.

Pupils who pursue these fields of study are educated in classes with a smaller number of pupils, namely either in classes where multiple fields of study are concentrated or in classes for a single field of study if a single class cannot be effectively established in a given school for a selected field of study. Instruction of vocational subjects in a class where multiple fields of study are taught is divided into groups of the respective fields of study. Funds from the development programme are earmarked for wages, salaries, statutory deductions and the cultural and social needs fund of the teaching staff who teach in these groups. This measure makes it possible to establish more favourable conditions for enhancing the quality of vocational education whilst retaining a smaller number of pupils per teacher in the respective vocational subjects or fields of study.

3.3 Higher education

Pursuant to Act No. 111/1998 Coll., on higher education institutions and on amendments and supplements to some other Acts (the Higher Education Act), each individual is allowed access to higher education, to obtaining corresponding professional qualifications and training for research work and other demanding professional activities in accordance with democratic principles. Higher education institutions (i.e. universities) guarantee academic freedoms and academic rights: freedom of science research and artistic creation and publication of its results,

freedom of instruction that entails especially its openness towards different scientific opinions, scientific and research methods and artistic directions, the right to learn including a free choice of the field of study among respective study programmes and freedom to express one's own opinions in the instruction. Higher education institutions guarantee the right of members of the academic community including students to elect representative academic bodies, the right to use academic insignia and hold academic ceremonies.

As for the access to studies from the point of view of equal exercise of the abilities of individuals, equality to be admitted to higher education studies is guaranteed under the Higher Education Act by laying down basic terms and conditions for access to studying a certain study programme of a given degree. Within this meaning, a higher education institution or its faculty publishes openly and publicly well in advance the terms and conditions for admission to study a specific study programme as well as the deadline for, and mode of, filing applications. This can be done either in writing or in electronic form and the information is published on an official notice board of the respective higher education institution or its faculty.

A higher education institution and a faculty may set specific conditions for admission regarding certain knowledge, skills or talent. These conditions are approved by an elected body of the respective higher education institution and faculty, namely their academic senate. The above conditions are equal for all applicants. Higher education institutions are obliged to provide information and advisory services about the study to individual applicants, students and other persons as well as information and advisory services about the opportunities for graduates of study programmes to find a job on the labour market.

The accreditation process of study programmes, which is based on standards applied by the Accreditation Commission, also guarantees equality of access to higher education (as of 1 September 2016 this service shall be rendered by the National Accreditation Office for Higher Education pursuant to Amendment No. 137/2016 Coll.). The above standards contain a set of requirements for a study programme, in particular its content, graduate's profile, technical knowledge and vocational skills of graduates in the given field of education, staffing, financial, material and other resources necessary for the study programme including requirements related to ensuring equal access to higher education for applicants and students with a health disability and scope of international cooperation as well as cooperation with those who provide professional experience.

The Amendment to the Higher Education Act (No. 137/2016 Coll.) increases social scholarships to which students whose family has an income that is less than 1.5 times of the subsistence minimum are entitled. The scholarship increases from the present CZK 1,620 to the amount of one quarter of the minimum wage (currently CZK 2,475).

Besides, equality of access to higher education is discussed in a strategic document of the Ministry of Education, Youth and Sports, namely the "Long-term Plan of Educational, Scientific, Research and Development, Innovation, Artistic and Other Creative Activities for Higher Education for 2016 – 2020". The document contains parts dedicated to equal access to education and fight against discrimination in higher education. Equal access to education of students with a health disability is laid down in priority objective No. 2 "Diversity and Accessibility" (especially the following passages: "financially support disadvantaged students", "provide financial support to schools that allow access of specific groups of students", "assess strategies of higher education institutions related to access to studies and success rate as part of applications for institutional accreditations", "introduce systematic monitoring of access to

studies and study progress", "evaluate access of individual disadvantaged groups to education in a given higher education institution", "provide high-quality counselling services about study issues, professional career, personal and social situation and other issues").

Furthermore, the Ministry of Education, Youth and Sports provides special-purpose financial support to reimburse extra costs incurred by higher education institutions that are related to the provision of study conditions for persons with specific needs (in 2015 the Ministry granted CZK 51.3 million, which is a y-o-y increase by 10%) and it also provides support to implement investments in this area.

Financial instruments to support measures that facilitate accessibility of higher education include development programmes of the Ministry of Education, Youth and Sports and EU Structural Funds.

3.4 Adult education and lifelong learning

- In 2007 Act No. 179/2006 Coll., on the verification and recognition of further education results, as amended (Act on the Recognition of Further Education Results), came into effect. This Act makes it possible for individuals to have their acquired competencies recognised by means of professional qualifications examinations that are described in the National System of Qualifications. Recognition may take place regardless of the way in which these competencies have been acquired and regardless of the necessity of prior education. A precondition for sitting a professional qualification examination is the minimum age of 18 years and basic education (not completed primary education). Following a successful professional qualification examination, an individual receives a professional qualification certificate, which has lifelong validity. The certificate proves a certain qualification this individual has to pursue certain work activities, in certain cases even a profession. By obtaining the certificate the individual increases his/her chances of finding a job on the labour market.

- Furthermore, the National System of Qualifications makes it possible to sit a final or school-leaving examination without the need for prior education in a school institution if a person has obtained a full professional qualification in a given field. Full professional qualifications that follow up on secondary fields of education may be found at http://www.narodnikvalifikace.cz/vyber-kvalifikace/obory-vzdelani/skupiny-oboru-vse/pouze-platne-ano/pouze-s-terminy-zkousek-ne/seradit-1v/ku-1-8. In order to obtain a full professional qualification, professional qualification examinations that are the components of a full professional qualification have to be passed first (see the link above).

- Act No. 561/2004 Coll., on pre-school, primary, secondary, tertiary professional and other education (the Education Act) does not restrict an adult of any age in any way from having access to obtaining free of charge primary and secondary education.

3.5 Quality education

Measures to ensure equivalence of conditions related to the quality of education and infrastructure

- Ensure staffing and methodological readiness of schools and school facilities to provide conditions for the education of pupils with a health disadvantage, social disadvantage and other disadvantage;
- Introduce the last grade of pre-school education as compulsory;
- Create conditions that will make it possible for every child upon its parents' request to be admitted to pre-school education by means of systematic strengthening of the network of kindergartens and their capacity;
- Strengthen the capacity of primary schools on an ongoing basis in relation to demographic trends;
- Use a system of predicting the needs of the regional labour market devised by the Ministry of Labour and Social Affairs, and by amending the Education Act make it possible for the establishing entities of secondary schools to use the predictions as one of the criteria in adjusting the number of classes of first grades of secondary vocational education to be opened.

3.6 Teaching profession

The teaching profession in the Czech Republic is a regulated profession within the meaning of Directive of the European Parliament and Council No. 2005/36/EC as of 7 September 2005 on the recognition of professional qualifications.

The prerequisites for the teaching profession and certain special provisions related to working conditions are laid down in Act No. 563/2004 Coll., on teaching staff, as amended (the Act on Pedagogical Staff).

Common **prerequisites for the pursuit of the teaching profession** are the following:

- Full legal capacity;
- Professional qualifications for the direct teaching activity the teacher performs;
- A clean criminal record;
- Medical fitness;
- Knowledge of the Czech language (in most cases).

Professional qualifications are stipulated by legislation and differ for different categories of teachers. Teachers have to complete the necessary formal training (either pregraduate or postgraduate) to be able to pursue their job:

- Pursuant to Article 11(b) of Directive No. 2005/36/EC kindergarten teachers have to have at least completed secondary school education with a school-leaving examination;
- Pursuant to Article 11(c) of Directive No. 2005/36/EC teachers of artistic vocational subjects in a primary artistic school, secondary vocational school and conservatoire have to have at

least completed secondary school education with a school-leaving examination and at least another year of further studies;

- Pursuant to Article 11(e) of Directive No. 2005/36/EC teachers who teach general education subjects in primary, secondary and tertiary professional schools, teachers of religious education and teachers in a language school with the right to hold a state language examination have to have at least a completed Master's degree;
- Teachers of practical instruction in secondary schools have to have qualifications pursuant to Article 11(c) of Directive No. 2005/36/EC and teachers of practical instruction in tertiary professional schools have to have qualifications pursuant to Article 11(b) of Directive No. 2005/36/EC.

Teaching is also performed by a school headmaster or deputy headmaster. **The school headmaster sets further necessary prerequisites for doing the teaching**, namely the necessary professional experience and the duty to pursue studies for headmasters upon taking up the role (by completing these studies, the headmaster obtains knowledge in the field of school management).

In their **working time**, which pursuant to general rules laid down in the Labour Code stands at 40 hours a week, teachers perform:

- direct teaching activities, i.e. doing the teaching (teaching time) and
- work related to direct teaching activities, e.g. preparation for classes (preparation time), taking part in meetings, communicating with parents, doing supervision in school, etc.

The scope of direct teaching activities is stipulated by a Government Regulation. This scope depends on the type of school where the teacher works and whether the teacher also performs other activities (such as the role of a headmaster, a deputy headmaster or an educational welfare officer). For instance, the weekly scope of direct teaching activity of kindergarten teachers stands at 31 hours, of primary school teachers at 20 to 22 hours, of secondary school teachers who teach general education subjects and teachers in language schools with the right to hold a state language examination at 21 hours, of teachers who do practical instruction at 21 to 25 hours, of teachers in primary artistic schools at 21 to 23 hours. The scope of direct teaching activity of headmasters is significantly lower, for instance headmasters of the largest secondary schools may teach no more than two hours per week.

The scope of direct teaching activity is stipulated in a binding manner for those teachers who teach in schools established by the state, a region, a municipality, or a union of municipalities. The above provisions do not apply to private and church schools.

The **duration of employment for a definite period of time** is governed in a way that is different from the general rules laid down in the Labour Code. The duration of a teacher's employment for a definite period of time may be concluded for a minimum period of 12 months and may be repeatedly prolonged twice at the most, in total for a maximum period of three years. Otherwise, employment for an indefinite period of time has to be concluded with the teacher.

Remuneration of teachers follows general rules laid down in the Labour Code. A total of 94% of teachers receive a salary by means of which employees in public services and administration are remunerated, whereas the remaining 6% of teachers who teach in private or church schools receive a contractual wage. Salaries are subject to strict legal regulation and may not be determined in any other way and be of a different composition and amount than what is stipulated by the Labour Code and its implementing legal regulations.

Teachers who are remunerated by means of a salary are entitled to the following (besides salary components pursuant to the Labour Code):

- a salary in a salary bracket that is determined according to the type of work stipulated in the employment contract and in a given salary grade that depends on the duration of teaching practice;
- a bonus for management work (if the teacher is e.g. a school headmaster or a deputy headmaster);
- a special bonus for performing the work of a class teacher, head of a department in a conservatoire or a primary artistic school, head of a study group in a tertiary professional school, diagnostic activities or social work with children, pupils or students with special educational needs, and/or for direct teaching activities related to the work of a class teacher carried out in classes with pupils of different grades in one class in primary schools where all grades have not been established;
- a bonus for direct teaching hours that are taught beyond the scope set by the school headmaster and that reduce the time dedicated to work related to direct teaching activities, in particular the duration of the preparation time;
- a specialisation bonus if besides direct teaching activities the teacher also performs specialised activities for the pursuit of which further training is required; these specialised activities include methodological activities related to the prevention of socially pathological phenomena, methodical activities in the field of environmental education, methodological activities in the field of information and communication technologies, etc.

Kindergarten teachers are usually in the 9th salary bracket, whereas teachers who teach general education subjects are usually in the 12th salary bracket. Monthly salaries in the 9th salary bracket range between CZK 20,530 and 23,600, whilst salaries in the 12th salary bracket range between CZK 21,530 and 27,940. Salary brackets of teaching staff are laid down in Government Regulation No. 564/2006 Coll., on the salaries of employees in public services and administration.

Average gross monthly wages/salaries of teachers in the education system

		2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Education system in general		CZK 22,598	CZK 23,858	CZK 24,661	CZK 26,006	CZK 25,151	CZK 26,011	CZK 26,654	CZK 26,815	CZK 27,261	CZK 27,969
Of which	Kindergartens	CZK 18,266	CZK 19,216	CZK 19,866	CZK 21,037	CZK 20,299	CZK 21,025	CZK 23,327	CZK 23,399	CZK 23,720	CZK 24,108

	Primary schools	CZK 23,097	CZK 24,327	CZK 25,209	CZK 26,807	CZK 25,802	CZK 26,995	CZK 27,332	CZK 27,623	CZK 28,152	CZK 29,005
	Secondary schools	CZK 24,169	CZK 25,680	CZK 26,531	CZK 27,811	CZK 27,163	CZK 27,843	CZK 27,991	CZK 28,185	CZK 28,737	CZK 29,568
	Practical education centres	CZK 17,164	CZK 18,440	CZK 18,992	CZK 19,729	CZK 19,939	CZK 21,065	CZK 19,635	CZK 18,582	CZK 19,591	CZK 19,330
	Conservatoires	CZK 24,139	CZK 25,743	CZK 26,441	CZK 27,616	CZK 26,878	CZK 27,850	CZK 27,163	CZK 27,119	CZK 27,939	CZK 29,019
	Tertiary professional schools	CZK 24,921	CZK 26,712	CZK 27,801	CZK 28,934	CZK 28,740	CZK 29,079	CZK 29,365	CZK 29,568	CZK 30,152	CZK 30,525

Note: Source: MEYS

Data for the individual types of schools are stated including schools for children/pupils with special educational needs as well as schools for pupils with a health disability.

Data are presented for public and non-public schools, i.e. all establishing entities are included (the MEYS, municipalities, regions, the private sector and the Church).

Pursuant to the Labour Code teachers are entitled to an **eight-week leave in a calendar year**.

Enhancing the professionalism and working conditions of teaching staff is in line with the Long-term Plan for Education and Development of the Education System in the Czech Republic for 2015 – 2020 and it is one of the priorities of the Ministry of Education, Youth and Sports.

Support of teaching staff in the above period focuses in particular on the **completion and implementation of the career system for teachers** and improvement of the remuneration of teaching staff. At the same time, there is also focus on **modernisation of the initial training of teachers** (e.g. improving the quality of practical training of students of the teaching profession, support for faculty schools and introduction of innovations in the instruction of students of the teaching profession) as well as **continuous professional development of teachers**. A specific legislative proposal related to the introduction of the drafted career system for teachers involves enhanced care for beginner teachers during their two-year adaptation period, innovations in planning professional development of teachers and introduction of a new career path for teachers related to postgraduate certification proceedings and salary increases for teachers.

Another measure involves **improving teacher remuneration**. At present, teacher salaries do not reflect the demanding nature of their work, especially with regard to the level of remuneration of employees in public service or administration who have to obtain similar qualifications to do their job.

One of the elements aimed at improving teaching conditions includes the **introduction of the post of a teacher's assistant** who helps the teacher in educating a child, pupil or student with special educational needs. The job of a teacher's assistant was introduced in 2005 and in 2015 this activity became one of the auxiliary measures in the education of children, pupils or students with special educational needs.

All teaching staff have a **statutory duty to deepen their professional qualifications**. For that purpose and under terms and conditions laid down in legislation, the state provides funding for further training of teaching staff. The headmaster creates conditions for further training of teaching staff in a given school.

A system of further training of teaching staff has been introduced in the Czech Republic upon legislation and it is based on the accreditation of educational institutions and their educational programmes. Certain types of programmes are standardised. Applications for accreditation of educational programmes are assessed by an expert committee whose opinion is followed by the Ministry of Education, Youth and Sports when it is to make a decision whether or not to grant an accreditation to an educational programme. Each year, approximately 9,000 education programmes receive accreditation. A big challenge is still posed by the surveillance over the quality of accredited educational programmes, i.e. inspections of how they are pursued. Accreditation of an education institution in the system of further training of teaching staff may be obtained by any legal entity or individual entrepreneur. The Ministry of Education, Youth and Sports directly establishes two organisations whose job description includes further training of teaching staff, namely the National Institute for Further Education and the National Institute for Education. **Directly controlled organisations** make it possible to ensure a high-quality, unified and general implementation of tasks that follow from state priorities in the field of education as well as from the Ministry's tasks. Priority topics for 2016 include in particular common education, a career system for teachers and implementation of the Digital Education Strategy.

There have not been any cases of discrimination in teacher training in the Czech Republic.

3.7 Respect for human rights and fundamental freedoms

It is vital to make content adjustments of Framework Educational Programmes (FEPs) in secondary education so that they promote civic education based on democratic principles, education towards conscious citizenship, participation in public affairs and respect for human rights.

3.8 Private education and religious and moral education

Registered Churches and religious societies, which have been granted authorisation to exercise a special right, may establish church schools in the Czech Republic. Other legal entities and/or individuals establish schools and school facilities as school legal entities or as legal entities pursuant to special legal regulations, which provide education or education services pursuant to the legislation even if the above legal entity does business pursuant to special legal regulations as its predominant activity. In accordance with the first sentence, a school or a school facility may also be established jointly by several legal entities or individuals.

Registration in the school register is a precondition for the pursuit of activities of a school or a school facility. Education in a school and a school facility follows School Educational Programmes (SEPs), which are based on Framework Educational Programmes.

Education in primary and secondary schools that are not established by the state, a region, a municipality or a union of municipalities and in tertiary professional schools may be provided in return for payment, which is an income of the legal entity that carries out the activities of the school.

Religion may be taught in school in line with the principles and goals of education. Religion may be taught by registered Churches or religious societies that have been granted a special right to teach religion in state schools; this may also be done jointly upon their written agreement.

Religion in primary and secondary schools established by the state, a region, a municipality or a union of municipalities is taught as an optional subject if at least seven pupils in the school wish to attend religious education classes taught by the given Church or religious society in a given school year. Religious education classes may be attended by pupils from different grades of one school or from different schools; the highest number of pupils in a class is 30. Pupils from different schools may attend the same religious education class upon an agreement between the respective schools, which also governs the reimbursement of costs related to this instruction.

Religion may be taught by an authorised representative of the Church or religious society who meets prerequisites for the teaching profession pursuant to a special legal regulation. The representative is employed by the legal entity that pursues the activities of the given school. The authorisation is issued by the statutory body of the Church or religious society; in the case of the Roman Catholic Church by the statutory body of the respective bishopric.

3.9 Rights of national minorities

Differences in the instruction of members of national minorities are governed by Section 14 of the Education Act. In the Czech Republic there is the Polish national minority.

A municipality, a region or the Ministry provides education to members of national minorities in the language of the national minority in kindergartens and primary and secondary schools in those municipalities where a National Minorities Committee has been established in accordance with Act No. 128/2000 Coll., on municipalities (the Municipalities Act), provided other conditions laid down in the Education Act have also been met.

A class in a kindergarten may be established if at least eight children who are members of a national minority wish to attend; a class in a primary school may be established if at least ten children who are members of a national minority wish to attend; a kindergarten or a primary school with the language of a national minority may be established if there are on average twelve

children or pupils who are members of a national minority in each class.

A class of a respective grade of a secondary school may be established if at least twelve pupils who are members of a national minority wish to attend education in the language of the national minority; a secondary school with the language of a national minority may be established if there are on average fifteen children or pupils who are members of a national minority in each class.

When organising education in the language of a national minority, municipalities, regions or the Ministry take into consideration the availability of such education. Schools that provide education in the language of a national minority issue school reports, certificates of apprenticeship and graduation diplomas in two languages, namely in the Czech language and in the language of the national minority.

III. Methods used to draw attention of various authorities in the country to the instruments and to remove the obstacles encountered

Points 1 and 2 have already been answered in the text above.