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**New label no progress: Institutional racism and the persistent segregation of Romani students in the Czech Republic**

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## **New label no progress: Institutional racism and the persistent segregation of Romani students in the Czech Republic**

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### **Abstract**

The over-representation of Romani children in special schools in the Czech Republic is well documented and widely condemned. In 2007 the European Court of Human Rights found the state guilty of discrimination against Romani children on the basis of disproportionate placement of children in remedial special schools. In 2015 high numbers of Romani children are still being misdiagnosed with Special Educational Needs and offered a limited and inappropriate education. This article explores the challenges which continue to hamper their successful inclusion in the Czech education system. Using Critical Race Theory as a lens to examine the Czech case, problems with the current policy trajectory are identified. The article shows that institutional racism persists in the Czech Republic, shaping attitudes and practices at all levels. Policy makers demonstrate little recognition of ingrained educational inequalities and Roma continue to be widely perceived as ‘others’ who must learn to adapt to Czech ways rather than as citizens who are entitled to services on their own terms.

Keywords: Czech Republic; critical race theory; Roma; segregation; Special Educational Needs

### **Introduction<sup>1</sup>**

In 2007 the European Court of Human Rights (ECtHR) ruled in a landmark case (D.H. and Others vs the Czech Republic) that Roma in the Czech Republic were subject to unlawful discrimination because disproportionate numbers of Romani children were being placed in

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remedial special schools (*zvláštní školy*) for children with mild Special Educational Needs (SEN). These schools offered a simplified curriculum which limited pupils' opportunities to gain further qualifications. Consequently, Romani graduates struggle to find employment and remain trapped in poverty. The over-representation of Roma in remedial special schools was deemed a violation of Article 14 read in conjunction with Article 2 of Protocol 1 to the European Convention on Human Rights which prohibits discrimination in the provision of education on the grounds of race or ethnicity. The Court required the Czech Government to create the conditions to allow the full inclusion of Romani pupils in standard schools (ECtHR 2007 para 216). The segregation of Roma in special schools has also been consistently criticised by international bodies including the UN Committee Rights of the Child (2011), and the UN Committee for the Elimination of Racial Discrimination (2012). In 2014 the European Commission launched infringement proceedings against the Czech Republic for breaching the Race Equality Directive (Financial Times, September 26, 2014).

In 2015, eight years after the judgement was passed, the disproportionate enrolment of Romani pupils in schools for children with mild SEN continues. In 2009 the Ministry of Education recorded that 27% of Romani children were enrolled in practical schools (the successor to remedial special schools following reforms in 2005) compared to 2% of non-Romani children, and that 65% of Romani pupils attending practical schools graduated with the lowest level of secondary school qualification (MHR 2009, 16). In 2012, the Czech Ombudsman reported that Romani children accounted for 32% to 35% of the enrolment in practical schools (Ombudsman 2012, 10-11). In 2014 the Czech Schools Inspectorate (2014, 26) found that 28% of Romani children were enrolled in practical schools.

Segregation manifests itself in two distinct forms in the Czech education system. The first, the focus of the DH and Others decision and this article, is the misdiagnosis of Romani children with SEN. The second occurs through informal practices in communities where

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standard schools become labelled as ‘Roma’ schools as a result of spatial segregation and the exercise of parental choice or ‘white flight’. These schools are formally classified as standard schools but there is mounting evidence to show that they deliver lower standards of education and constitute a substantial problem, not only in the Czech Republic but across Central and Eastern Europe. This problem has been widely discussed in the literature and thus will not be addressed here (see O’Nions 2010; New 2013; Rostas and Kostka 2014; Ryder et al. 2014).

Focusing on the Czech Republic as a case study, this article explores how government policy to end segregation is failing, not simply because of poor policy design or mistakes by individuals, but rather because of institutional racism – the policies, processes and practices which directly and indirectly sustain the power and privileges enjoyed by the majority (White) population and disadvantage minority groups. The analysis is based on education policy documents and submissions to the Council of Europe Committee of Ministers by the state, the Ombudsman and human rights NGOs. Press releases and media interviews with individuals involved in policy design and delivery have also been analysed using concepts central to the Critical Race Theory (CRT) approach, in order to detect themes relating to the racialisation of ability and other unconscious expressions of the structural racism which frame the policy debate. Although much of the early work on CRT focused on racism in the United States, it offers a useful mode of analysis to explore the nuances of anti-Romani discrimination in the Czech Republic. As Ryder et al. (2014, 520) argue, ‘the creation and maintenance of separate schools is linked to the cultural and political powers of a privileged majority able to legitimise the power and control of the status quo’. Similarly, Rostas and Kostka (2014) argue that research on Roma inclusion has focused too much on individual policies at the expense of critiquing structural barriers to change. Education is a key site of institutional racism as it reflects social values and reproduces the status quo through such organisational and procedural structures as: how teacher training is conducted, how pupils are

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taught, assessed and disciplined, and how procedures are monitored and evaluated (Figueroa 1991, Gillborn 2002). Thus, concepts such as white privilege and colour blindness allow us to identify and explore hidden and embedded assumptions that underpin education policy and obstruct meaningful progress.

First, the article addresses the structural racism embedded in the procedures used to diagnose SEN. Second, the article provides an overview of the key policy developments aimed at improving inclusion and reviews the lack of political appetite for reform. Finally, the article demonstrates how the reluctance to acknowledge and address institutional racism is the root cause of the failure to successfully implement the DH and Others decision. Until the myth of colour blind policies, which actually embody racialized notions of ability and paternalistic attitudes towards Roma, is challenged, no amount of tinkering with particular programmes or organisational structures will end the segregation of Romani children in special education.

### Why Critical Race Theory?

The social exclusion of Roma is an enduring and multifaceted problem and there is a school of thought which warns against placing too much emphasis on racism as the central issue.

Ignăţoiu-Sora (2011, 1708) argues that describing a whole community as discriminated against reinforces stereotypes and may cause more harm than good. Kovats (2003) and Goodwin (2009) contend that claims of racism polarise communities and simplify the complexities of marginalisation, where economic inequalities also play a major role.

However, this article follows Miskovic (2009) and Ryder et al. (2014) who argue that a failure to address structural racism has allowed expressions of anti-Romani prejudice to be dismissed as the actions of a few bad apples. Indeed, the growing literature on Romaphobia, anti-Gypsyism and antiziganism (van Baar 2011; Stewart 2012; Agarin 2014; Powell 2014)

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demonstrates that Roma face a very specific form of discrimination which securitises their poverty and their identity through processes of racial othering.

CRT gives us the tools to unpick the various facets of this racialisation, with its emphasis on the social construction of racial identities, critique of colour blind policies and the interrogation of intersections of race and class in the formation of identity (Ladson-Billings and Tate 1995; Dixson and Rousseau 2005; Solomon et al. 2005; Picower 2009; Delgado and Stefancic 2012). The study of Whiteness is key to understanding why policies to end the segregation of Romani children have so little impact: Whiteness is typically not acknowledged as a racial category and is instead perceived as the norm from which other categories deviate. As Picower (2009, 198–201) argues, this allows Whites ‘to be blind not only to their own privileges but also to their group membership’ and their complicity in sustaining racist practices. The ineffectiveness of the current policy approach can be explained by the failure to acknowledge institutional racism: Those with responsibility for policy design and delivery either refuse to recognise that a problem exists, or frame the problem as the fault of choices made by Roma.

### **“Self-fulfilling prophecy” – Roma, SEN and institutional racism**

Romani children have been excluded from standard schools for generations. In 1952 special Roma schools were established as a temporary measure to provide children with the rudimentary skills required for low-skilled employment (Čanek 2001, 11). Over time an elaborate network of special schools was established to educate children across the SEN spectrum (Gargulio et al. 1997, 25). Remedial special schools delivered a simplified curriculum specifically for children diagnosed with ‘light mental disabilities’ and it became standard practice to place Romani pupils in these schools (ERRC 1999). In 2005 as part of broader educational reforms, which emphasised inclusive education and a more pupil-focused

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learning approach, remedial special schools were abolished and replaced by ‘primary schools with special educational programmes for children with SEN’ more widely known as ‘practical’ schools (*praktické školy*) (Education Act 2004, 185: 3). They belong in the same category as mainstream primary schools while special schools for children with more severe forms of SEN (*zakladní školy speciální*) have been maintained as a separate category.

Practical schools offer the standard primary curriculum, but with modifications to take the ability of individual pupils into account (MEYS 2007). However, they occupy the same premises and employ the same staff as remedial special schools. In practice this means that children follow the same kind of simplified curriculum previously offered by a remedial special school (Bedard 2008; Amnesty International 2010, 16-30; White 2012, 36).

The case of *DH and Others vs the Czech Republic* was initiated in 1999 when 18 Roma from the city of Ostrava took their case of racial discrimination first to the Constitutional Court of the Czech Republic in 1999 and subsequently to the ECtHR (Goodwin 2009; New and Merry 2010; Ignăţoiu-Sora 2011; O’Nions 2015; Rostas and Kostka 2014; Ryder et al. 2014). The applicants claimed that they had been discriminated against in respect of their right to education on account of their race or ethnic origin. Their case was based on research conducted by the European Roma Rights Center (ERRC) which indicated that across the Czech Republic Roma were at least 15 times more likely to be placed in a remedial special school than their non-Romani peers (ERRC 1999, 14). The state’s defence rested largely on two arguments: the tests were fair because they were standard for all children, and in each case the parents had consented to the transfer. However, statistical data offered clear evidence of indirect discrimination and the Court found that regardless of the intentions of the those involved in assessing the children, the outcome was that Romani children experienced ‘differential adverse treatment in comparison with similarly situated non-Roma’ (ECtHR 2007 para 133).

The problems facing Romani children in the Czech special school system have been extensively researched (Albert 2012; Amnesty International 2010; 2015; Bedard 2008; O’Nions 2010; Rostas and Kostka 2014; White 2012). The key mechanisms leading to misdiagnosis are the definition of SEN and the willingness of parents to agree to transfers. At first glance the procedures appear straightforward and fair: the decision to transfer a child to a practical school is based on recommendations by doctors before children begin formal education or by teachers if they see a child struggling to cope in the standard class. Children are assessed at Pedagogical-Psychological Counselling Centres (PPCCs) on the basis of interviews and standardised tests. The law is very clear that parents must consent to the transfer and there are no legal barriers to returning to standard classes or schools should this be deemed appropriate at a later stage (Education Act 2004 49: 2). However, as discussed below, the impact of institutional racism can be detected at each stage of the process. Indeed, the ECtHR agreed with the applicants in *DH and Others* that even if there was no explicit or deliberate intention to disadvantage Romani children, the procedures and approaches to assessment led to mistakes in the diagnosis of SEN and transfer to schools where they received an inappropriate education.

### Ingrained prejudice

Ferri and Connor (2005) and Harry and Klinger (2014) have shown that in the United States racialised understandings of ability have led to new ways to segregate students on ethnic and class lines. Clear parallels can be seen in the experiences of Romani children in the Czech Republic. The extent and pervasiveness of anti-Romani prejudice in Czech society means educational segregation has been uncritically accepted by Roma and non-Roma alike for generations. Teachers tend to refer Romani children for psychological testing at the first sign that they are struggling in a standard class, rather than implement strategies to help them keep

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up. Amnesty International (2015, 19-26) documents numerous examples of teachers expressing the view that Roma are simply better off in practical schools because they are incapable of coping with the standard curriculum. Such views are shaped by the enduring stereotypes of Roma as irresponsible and unwilling to submit to social conventions (Trubeta 2013; Čada 2012). Financial constraints may limit the kinds of additional or tailored support schools can currently provide but this also reflects the longstanding presumptions that Roma belong in practical schools. Bedard (2008) reports numerous instances where parents felt pressured by school principals to have their children assessed for a transfer; in some cases due to racist bullying and in other instances a failure on the part of the school to deliver an inclusive curriculum which could help their child fulfil their potential.

White privilege, unearned advantages on the basis of belonging to the majority ethnic group, can be observed in the over-representation of Roma in practical schools. Whites (in the Czech context non-Roma) benefit from the current system in ways similar to those observed by Ferri and Connor (2005, 458) in the United States where White students benefited from labels which accord them more intensive educational support whereas Black students were more likely to be taught in settings which diminished their educational outcomes. In a Eurobarometer survey in 2012, 52% of Czech respondents stated they would feel 'uncomfortable' with their children having Roma schoolmates (European Commission 2012, 113). By maintaining alternative schools for pupils who fall outside the norm, parents and children are spared the discomfort of sharing classrooms with Romani pupils and teachers are not required to manage the dynamics of diverse pupil profiles in the classroom.

Colour blind tests – discriminatory outcomes

Internationally, research indicates that misdiagnosis is most likely to occur in categories of special education such as mild SEN, which depend on clinical judgement rather than

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biological data. This may be due to linguistic barriers, unconscious bias and the ‘self-fulfilling prophecy’ effect whereby students respond to teachers’ low expectations (Harry and Klinger 2014, 50). The challenges of devising IQ tests which are culturally sensitive to minorities are well documented (Gipps and Murphy 1994, 73; White 2012; Ferri and Connor 2005). In the Czech Republic a broad range of tests are used to assess children. These include the Woodcock-Johnson Test, Raven’s Progressive Matrices, the Stanford-Binet test which is highly dependent on communication skills in Czech, the WISC-III and WISC IV tests which were only standardised in Czech in 2002, and Kern’s Orientation Test for School Maturity, which has not been revised since the 1970s and makes no allowances for different results or responses based on cultural background (White 2012, 39–40).

Many Roma speak an ethnolect of Czech at home, combining Czech and Romani vocabulary and grammar structures (Šotolová 2001, 26). As Romani children typically do not attend nursery schools<sup>2</sup> they may not be familiar with the cultural references which are deemed general knowledge. Thus tests which are purportedly colour blind privilege white middle class experiences and knowledge and disadvantage children from other backgrounds (Ombudsman 2012). In July 2012 the Czech Association of Psychological Pedagogical Centres conducted their own review of tests and concluded that they were indeed ‘imperfectly adapted and failed to adequately address the specific situation of Romani children’ (OSJI et al. 2012, 9). Revised tests which have been more carefully standardized to take Romani populations into account, and training in their use, are being rolled out in 2015 (Czech Republic 2015, 7). Meanwhile, the original tests continue to be used despite the concerns about their reliability (COSIV et al. 2015, 4- 5). Even where tests are applied

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<sup>2</sup> According to a 2011 survey of the United National Development Programme only 28% of Romani children aged 3 to 5 attended pre-school, kindergarten or nursery compared to 65% of non-Romani children living in close proximity to Roma households (Brüggemann 2012, 33).

appropriately, interpreting the results of these judgement categories of SEN can be inconsistent. Klusáček's analysis of regional patterns indicates wide variations in diagnosis (2015, 5).

A final problem with the testing protocol was the use of 'diagnostic stays' which placed children in practical schools for 2 to 5 months to see if the alternative support provided would suit the child. This practice was broadly criticised because a child who was already struggling would find it impossible to catch up after being removed from a standard class for an extended period of time (White 2012, 37). In effect the use of the diagnostic stay was a means to remove problematic or disruptive children from the school ahead of a formal diagnosis. Once a diagnostic stay was agreed, the ultimate transfer became inevitable.

There have also been other problems with how the tests are conducted. Investigations have revealed many instances of poor practice with children being tested in groups rather than individually, and insufficient time being accorded to fully assess each child (Bedard 2008; ECtHR 2007 para 44). Often Pedagogical-Psychological Counselling Centres (PPCCs) are linked to practical schools and share a director. Conflict of interest can be a risk if decisions are based on the needs of the school to maintain numbers rather than on the needs of the child (COSIV et al. 2015, 5). In March 2010 the Czech Schools Inspectorate reported that 34 practical schools had enrolled children without using the proper testing procedures or obtaining formal parental consent. Approximately 5,000 children without any disability were enrolled in practical schools, securing approximately CZK 2,225,000 in illegitimate subsidies (Kushen et al. 2010, 7).

### Socio-economic disadvantage

It is well established that in Western states, children from poorer families are more likely to be diagnosed with SEN (Bruce and Venkatesh 2014, 911). The significant socio-economic

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deprivation of many Romani families increases their risks of exclusion from standard schools. Poverty may also explain why parents consent to – and in some cases request – a transfer to practical schools where free school meals or free transportation are provided. Indeed, Bedard (2008, 19) found that once the status and name of practical schools had been formally changed, parents felt more comfortable agreeing to their child's transfer. Equally, with little economic power or social capital, parents' complaints fall on deaf ears when they experience the kinds of poor practice outlined above (New and Merry 2010, 397; Amnesty International 2015, 20).

From an institutional perspective, the legal definition of SEN has further contributed to the problem of segregation. Roma find themselves at the intersection of categories of class, race and disability which have become conflated in law. The 2004 Education Act 16(1) identified three categories of children who could be educated in practical schools. 'Children with SEN' were children with a defined health disability, with a defined health disadvantage or with a social disadvantage. 'Social disadvantage' was left undefined in the legislation until the law was amended in 2008. It then referred to children from families 'with a low social and cultural status', or at risk of 'pathological social phenomena', children in institutional care and children of asylum seekers (Decree on Special Education No. 73/2005 as amended, MEYS 2011a). Given that terms such as 'socio-cultural disadvantage' have long been regarded as a racially coded euphemism for Roma (Kluknavská and Zagibová 2011; Vodochodský 2013) this has also contributed to disproportionate enrolment of Roma in practical schools. As part of current legislative reforms, these three categories will be removed entirely from the law and from 1 September 2016 children with SEN will be defined as 'pupils who need auxiliary measures in order to fulfil his/her educational possibilities and pursue his/her right to education' (Czech Republic 2015, 4). Until then the category of 'low

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social and cultural status' remains and how that should be assessed is left to the judgement of psychologists.

These flaws in procedures and processes have allowed generations of Romani children to be misdiagnosed with SEN and condemned to a life with few opportunities to escape their social exclusion. The decisions reflect the racist assumptions that Romani children are less academically capable than their white Czech peers, which underpin the assessment process, and perpetuate the structures which segregate Roma from non-Roma in the whole of Czech society.

### **Problems with the current policy trajectory**

While it is relatively clear why vastly disproportionate numbers of Roma children find themselves relegated to practical schools, it is proving more difficult to design and implement effective policies to reverse these trends. The overall response of the Ministry of Education, Youth and Sport (MEYS) has been to take a very gradualist approach, implementing incremental changes which are difficult to enforce, and as the statistical evidence demonstrates, have had little impact to date. Reforms have come largely as a result of pressure from external, international bodies, most importantly the Committee of Ministers at the Council of Europe who oversee the implementation of the D.H. and Others decision. For example, the problematic use of diagnostic stays as a mode of assessment of SEN, discussed above, was not annulled until 2014 following persistent calls from Romani advocacy groups (ERRC and OSI 2011; OSJI et al. 2012; OSJI et al. 2013).

### **Policy overview**

The 2004 Education Act formally abolished remedial special schools and introduced changes to the curriculum to allow standard schools more flexibility to develop programmes

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around the specific needs of each individual pupil. However, as discussed above, in practice there was little change in terms of outcomes for Romani pupils. The Concept of Timely Care for Children from Socio-culturally Disadvantaged Backgrounds in the Area of Education 2005-2007<sup>3</sup> focused on measures to support children from so-called socio-culturally disadvantaged backgrounds (typically Roma) before they enter primary school, for example by establishing preparatory classes and funding the employment of Romani Teaching Assistants (MEYS 2005). The National Action Plan on Inclusive Education 2010-2013 was launched following the DH and Others decision. It maintained a gradualist approach and did not include many specific targets or deadlines (MEYS 2010a). Moreover, it did not specifically address racism as a barrier to inclusion. The 2011 Strategy for Combatting Social Exclusion, although not a specific education policy (Agency for Social Inclusion 2011), put forward more radical proposals. These included abolishing practical schools entirely and providing more funding for inclusion programmes but the proposals were rejected by the MEYS following intensive lobbying by the Association of Special Educators (MEYS 2011b and Romea, March 6, 2013).

In 2014 the government approved the Education Strategy 2020 which envisages a major overhaul of the whole education system (MEYS 2014). Specifically regarding special education, Article 16 of the Education Act will be amended to abolish the problematic definitions of children with SEN discussed above and to encourage further inclusion of children with SEN in standard schools. In February 2015 a Revised Action Plan was submitted to the Committee of Ministers in response to consistent criticism and pressure for progress (Czech Republic 2015). It proposed amending the Schools Act to make the goal of inclusive education more explicit, to provide more monitoring and training for staff at

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<sup>3</sup> Henceforth ‘Timely Care Concept’

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PPCCs, the introduction of a mandatory year of preschool education and the abolition of the current educational programme offered to pupils with mild SEN. No mention was made of racism or discrimination in the document (Czech Republic 2015). These proposals are due to be implemented in September 2016 but at the time of writing it is still not clear what the impact will be. At a press conference in September 2015 the Minister of Education, Youth and Sports Kateřina Valachová confirmed that practical schools will not close but changes would have to be made to the curriculum (Romea, September 25, 2015).

### Political apathy

There many reasons for the lack of progress in ending the segregation of Romani pupils, and integration policies on the whole have seen little success. As a condition of EU entry in 2004 the state was obliged to develop effective integration and anti-discrimination policies, yet a 2009 survey revealed that 64% of Czech Roma experienced discrimination in the previous 12 months (EU-MIDAS 2009, 4). Regular surveys conducted by the Czech Centre for Research into Public Affairs (CVVM 2013) indicate that between 1997 and 2013 the percentage of Czechs who felt that relations between the Romani and non-Romani population were bad never fell below 66% and rose to a high of 87% in 2013. Indeed, it is noteworthy that an international NGO (the European Roma Rights Center) rather than any domestic group, initiated the DH and Others case. Roma have little political power and the policy process tends to involve decisions being made without them rather than with them (New and Merry 2010, 410). The consensus remains that being educated in practical schools is not really as serious a problem as NGOs claim. The lack of urgency in addressing the issues is illustrated by comments made by the first Ombudsman for Education (and former Minister for Education) Eduard Zeman. In an interview in August 2014 the person with responsibility for the rights of children pertaining to education stated that the placement of Romani children in

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these schools was ‘not necessarily a bad thing’ and that in comparison with many other European states Roma were treated ‘quite well’ in the Czech Republic (*Radiožurnál*, September 26, 2014).

The period since 2007 has proven turbulent for the entire Czech political system. No government has successfully survived a full parliamentary term. There have been five Prime Ministers and nine Ministers for Education. Without strong leadership it is difficult to develop complex policy or win over the many sceptical stakeholders in the education system, particularly the Association of Special Educators which has vehemently criticised the ‘imposition’ of inclusion (Romea, December 27 2012; Romea, July 7 2015). The actions (and inaction) of key education Ministers must be examined in this context. Ondřej Liška (Green Party) was Education Minister when the ECtHR judgement was reached and his response was largely positive. He laid the groundwork for the National Action Plan for Inclusive Education, instigated better cooperation with experts from the NGO sector and initiated data collection on the ethnic profiles of school children (Albert 2012, 180). However, his successors Miroslava Kopicová, from the right wing Civic Democrats, and Josef Dobeš, from the short-lived, anti-establishment, anti-corruption Public Affairs party both sacrificed integration programmes when budget cuts were required (Romea, November 2, 2010; Kushen et al. 2010, 7). As Shadow Minister for Education Marcel Chládek (Social Democrats) promised to block the plan in the 2011 Social Exclusion Strategy to phase out practical schools (Romea, March 6 2013) and he honoured this commitment in office. Minister Chládek led the development of the 2020 Education Strategy until he was replaced in June 2015.

The decentralised structure of the education system also has important implications. Tensions between the centralised development and local implementation of integration policies remain a barrier to effective change, particularly when problems emerge with how

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policies are communicated and funded (Cashman 2008a, 2009). Given the prevailing anti-Roma sentiments, there is little political capital to be made by supporting Roma issues, and much to be lost. At the local level municipalities are reluctant to fund projects which appear to benefit Roma fearing a backlash from the majority (Cashman 2008b). Furthermore, it has been left to schools to decide whether or not to engage with the integration initiatives. Many standard schools chose not to, on the basis that they did not wish to 'attract' Romani pupils and frighten away non-Romani families. These fears are well founded, as research published by Amnesty International (2010, 32) has revealed; when the percentage of Romani pupils reached 40% it prompted an exodus of non-Romani children. On the other hand, many practical schools have adopted inclusion programmes, thereby reinforcing the idea that these schools were best suited to Roma (Bedard 2008). Thus from the Ministry down, there is very little appetite to implement costly changes which may lead to disruption.

### **No problem here: Failure to acknowledge racism**

CRT starts from the premise that racism is the normal state of affairs which feels natural to all members of the society – including the victims. This means racist practices and outcomes are often not challenged; indeed their very banality make them difficult to identify and address (Ladson-Billings and Tate 1995; Delgado and Stefancic 2012). Furthermore, the invisibility of Whiteness as an ethnic category masks racist structures and shields the majority from their complicity in sustaining racist practices (Solomon et al. 2005; Picower 2009). In the Czech case, the unconscious bias of many educational professionals is an important barrier to progress in ending segregation. The failure to comprehend how purportedly colour blind policies disadvantage Roma, or how structural racism shapes expectations of Romani children contributes to the reluctance to deal with the structural causes of segregation evidenced by the policy review presented above.

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## Racialisation of ability

The view of Mr Zeman, Ombudsman for Education, quoted above, that the current situation should be considered satisfactory, is symptomatic of the very low expectations of Romani children among the professionals whose decisions are central to education policy. For example, Jiří Pilař, chair of the Association of Special Educators, has publically stated that it is unfair to criticise Czech education policy with regard to the integration of Roma, given its success compared to other EU countries. He has argued that Czechs should be proud that 30% of Roma complete secondary school and 40% find employment (Pilař cited by Komárek 2015). However, while Czech Roma may be achieving more than Roma in other countries, when compared to national secondary school graduation rates of 75%<sup>4</sup> and a national unemployment rate of 7.5% (Komárek 2015), the inequality of outcome in the Czech education system is clear. Similarly, there has been resistance to abandoning IQ tests which have been shown to be discriminatory. In 2010 Petr Roupec, senior director of the MEYS cabinet, defended the processes in place to diagnose SEN:

I don't want to think about it in terms of ethnicity. Is it important, if there are so many Roma? [...] Sure, there may also be a problem with the diagnosis of pedagogical-psychological counselling centres, where Roma children really are more often 'measured' with lower intelligence. But as far as I know, there is intensive work ongoing to improve diagnosis. If the new tests show that such a high percentage of Roma has reduced intelligence, there is nothing to do but just take it as fact (MEYS 2010b).

Preferring to believe that an entire ethnic group have reduced intelligence rather than that tests could be flawed may appear startling, but this view illustrates the extent to which the negative perceptions of Roma have been pathologised.

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<sup>4</sup> According to OECD data in 2013 72% of 25 -64 year olds completed their education on graduation from upper secondary school and a further 20% completed tertiary education (OECD 2013).

Those responsible for tackling segregation in education today do so in the context of the legacies of communist assimilation policies which characterised Roma as a socially deviant underclass rather than an ethnic minority like Germans or Poles (Sokolova 2008; New and Merry 2010). The Communists undertook a comprehensive assimilation programme to solve ‘the Gypsy Question’. Special schools to effectively civilise Romani children were a key part of this policy alongside ‘social parasitism’ laws to force adults into employment in state enterprises, the forced dispersal and resettlement of families to industrial centres and the sterilisation of Romani women to control family sizes. This discourse of deviancy took root and is expressed today in the terms used to refer to Roma such as ‘socio-culturally disadvantaged’ or ‘unadaptable’ (*nepřizpůsobivý*) (Kluknavská and Zagibová 2011; Vodochodský 2013). Indeed as Čada (2012, 76) argues, while a term such as ‘inadaptable’ may seem neutral it ‘stresses the impossibility of change’. Such language has contributed to the view commonly held by teachers that Roma can only succeed in education if they stop behaving like Roma (Miskovic 2013, 7).

We also see evidence of minority groups being played off one another to suit the prevailing discourse of racial superiority. There is widespread denial of racism because the Vietnamese community is seen as having integrated successfully, whereas the problems facing Roma are blamed on their irresponsible lifestyle choices and their anti-social behaviour (Čada 2012; O’Nions 2015, 8). Comments made by PPCC Director Václav Mrštík, in the national press, echo the views of many:

What is interesting is that we have practically no Vietnamese children at our counselling centre. That is a community that has been in this country 40 or 50 years, their children speak perfect Czech, and they have established themselves as very good students. The Gypsies have been here 500 years and there are almost no students among them even though they have absolutely comparable conditions (quoted in Fremlová 2014).

Stereotypes of Roma as unadaptable or incorrigible (Trubeta 2013) echo the ‘culture of

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poverty' myths which are commonly used to justify inaction to tackle inequality and discrimination in education systems. Rostas and Kostka (2014, 273) argue that the academic underachievement of Romani students is typically blamed on their 'moral and intellectual deficiencies' rather than systemic conditions. The Czech Republic is no different. Therefore, the current policies can be justified, and the broader processes of institutional racism disregarded.

Paying lip service to inclusion

Examining Whiteness reveals significant problems with the ways in which integration and inclusion are conceptualised in policy design. Broadly, we can distinguish between integration as a process of accommodating others in a largely unchanged environment, and inclusion which demands structural change to allow the full participation of all on their own terms. Yet, in terms of policies to support Roma, the expectation persists that Roma must change in whatever ways the majority consider necessary in order to cope in standard education.

For example, the Timely Care Concept focused on measures to support Roma before they entered primary school (MEYS 2005). It approached integration from the premise that pupils and families needed help to fit into standard schools (for example, by attending preparatory classes before starting school) rather than from the premise that it was necessary to find ways to change schools to accommodate their needs. The policy did not achieve much in terms of reducing segregation, and subsequently its failure was attributed to a lack of engagement among Romani families. In fact, a key problem was the lack of political will at the local level to support inclusion projects (Cashman 2008a).

Thus, in policy and practice, models of integration and inclusion are seen through the eyes of white supremacy. They act as a useful veneer to claim a commitment to change but

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when the policies fail, it is the Roma who are to blame. This also feeds into the classical liberal discourse about individuals taking responsibility for their own destiny which has dominated in the Czech Republic since 1989. This can be seen in the arguments brought by the state in their defence of the D.H. and Others case, where it was claimed that parents played a passive role in their children's education and that if they did not fully understand the differences between standard and practical schools, it was their responsibility to inform themselves before giving consent (ECtHR 2007 para 153).

The refusal to countenance that the system discriminates also justifies the reluctance to abandon colour blind policies or tolerate any form of special treatment. In Czech this is referred to as the civic principle (*občanský princip*), whereby in public life a person's status as an individual citizen takes precedence over their minority or ethnic status (Vermeersch 2004, 12; Cashman 2008b). When the power dynamics and structures of racism are masked, Whites come to believe that their achievements are the results of their own personal efforts rather than accrued through a system which rewards one group disproportionately compared to others (Solomon et al. 2005, 147-150). This sustains discourses of meritocracy and colour blindness which focus on individual experiences rather than addressing the broader structural forces at play. Such a liberal approach is defended as fair through its promotion of equality for all. However, in practice it makes the experiences of Whiteness the norm and hides the structural inequalities in society which make it impossible for citizens from ethnic minorities to experience equality (Dixson and Rousseau 2005). For example, the civic principle was invoked for years to refuse the demands of NGOs and international bodies to measure representation of Roma in special schools. However, as the D.H. and Others case demonstrates, reliable data is required to draw attention to social inequalities and to make a vital first step in effecting change.

## **Conclusion**

Eight years after the ECtHR called on the Czech government to address the problems of misdiagnosis of Roma with SEN, the MEYS is still at the ‘planning’ stage. A range of vested interests have lined up to resist the transition to a fully inclusive education system and despite the best efforts of NGOs to lobby on behalf of Roma, there is no strong political will for change. Applying CRT as a lens to explore the failure of the Czech state to resolve the misdiagnosis of Romani children with SEN highlights key issues which are central to the failure of inclusion policies more broadly. The diagnostic procedures are neither neutral nor fair. Additionally, policy makers and educational professionals are unwilling to accept that structural racism is the central problem. The pervasiveness of anti-Roma prejudice means that segregation is accepted as unexceptional and criticism from external bodies is met with bafflement or dismissed as ill-informed meddling. Education policy continues from the perspective that Roma are deficient in various ways: the focus has been on offering them help to adapt rather than reforming the system to make it truly inclusive. The comments of Mr Zeman, Mr Pilař, Mr Roupec and Mr Mrštík highlighted in this article are representative of the broad consensus in Czech society that Roma are incapable of academic success. Furthermore, while most teachers, psychologists and policy makers would presumably be horrified to be accused of obstructing the integration processes, the application of CRT helps us to see how this is happening in unconscious and indirect ways. Until these processes are revealed and addressed, little is likely to change.

Radical and far reaching reform of the education system is required to address the educational segregation of Roma. The required steps – abolition of practical schools, transforming the school curriculum to make it more inclusive, enforcing anti-discrimination policies and dictating to municipalities how they should direct their education spending – will cause significant disruption and it will take a brave minister to take on those with vested

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interests in the status quo. Ultimately it does not matter to these groups if some Roma children are relegated to second class schools. The costs to the majority are minimal. In contrast, the alternatives seem very threatening and will continue to be resisted at every step.

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