

“Protecting the Rights of Romani Children in the Child Protection System in Bulgaria, Czech Republic, Hungary, Italy, Romania and Slovakia”. Czech Republic: Field Research Report

## Czech Republic: Field Research Report

An integral part of the study

“Protecting the Rights of Romani Children in the Child Protection System  
in Bulgaria, Czech Republic, Hungary, Italy, Romania and Slovakia”

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*The violent placement of Romani children to children homes against the will of their parents is very often caused by the efforts to deprive the ethnic group of the influence on their own children and attempts that the Romani children are exclusively under the influence of the majority society.<sup>1</sup> (Charter 77: “On the status of Gypsies-Roma in Czechoslovakia”; 1978)*

*„Only few years ago Romani children under three formed 15-20% in infant homes and children homes. (...) At present the number reaches 45 to 50% (...) What are the reasons for such a high number of Romani children who lose or do not find their natural home? Our research has shown A LACK OF INTEREST from the side of Romani mothers as the main cause. We found it among 59% of the Romani children who lived in alternative family care.”<sup>2</sup> (Ministry of Labour and Social Affairs: “Gypsy children in the alternative family care”; 1981)*

*“The surveys from children homes often optimistically show that the placement of Romani children in adoptive families is no worse than for the non-Romani children. A representative research is still missing. An attempt to do a similar research was made in the beginning of 80s of the 20<sup>th</sup> century under the patronage of the Ministry of Labour and Social Affairs. The results were – not surprisingly – optimistic. However one of the research authors admitted in a private talk, that the results were somewhat adjusted upon the request of the officials. They were supposedly of the opinion characterized by a saying “no numbers – no problems”<sup>3</sup> (Z. Gabriel, T. Novák: “Psychological counselling in alternative family care”; 2008)*

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<sup>1</sup> Charta 77. O postavení Cikánů-Romů v Československu [On the status of Gypsies-Roma in Czechoslovakia] (delivered to the Czechoslovak government 13 December 1978); Available at [http://www.dzeno.cz/?c\\_id=8432](http://www.dzeno.cz/?c_id=8432) (Accessed 28 November 2010)

<sup>2</sup> Svobodová M., Kovařík J., Niederle P. Cikánské děti v náhradní rodinné péči (Praha: MPSV, 1981) cited in Středisko náhradní rodinné péče, *Romské děti žijící mimo vlastní rodinu* (Praha: SNRP, 2007) [Gypsy children in alternative family care; cited in: Center for Alternative Family Care, *Roma children living outside their family*]. Capitals in the original.

<sup>3</sup> Zbyněk Gabriel, Tomáš Novák: *Psychologické poradenství v náhradní rodinné péči* [Psychological counselling in the alternative family care] (Praha: Grada, 2008), 40

## 1. Introduction

The field research report is a background document for a country report on the state of Romani children rights protection in the child care system in Czech Republic. The text was developed within EC project “Protecting the Rights of Romani Children in the Child Protection System in Bulgaria, Czech Republic, Hungary, Italy, Romania and Slovakia”, coordinated by the European Roma Rights Centre, Milan Šimečka Foundation, and Osservazione.

The purpose of this research was to verify and broaden the findings and recommendations of the legal and policy analyse, and introduce data about the interaction of Romani children and families with the child care system, which are not accessible from secondary sources in the Czech Republic. The main aim of the research was to find out the representation of Roma among children and youth in State-run child protection institutions and the reasons of their overrepresentation. The specific goals were:

- a) To map the placement (institution, home setting, foster care, adoption) and status (temporary or permanent guardianship) of Romani children entering state care and whether this differs from non-Roma.
- b) Understand the reasons for the placement of Roma in state institutions, the reasons for Romani parents losing parental rights, as well as the process which leads to Roma being placed in state institutions with a particular emphasis on understanding the possible role of poverty and racist attitudes towards Roma. Assess the general adequacy of the Child Protection framework and its possible gaps to provide service to families.
- c) To assess whether there is differential treatment of Romani children in state care institutions and to understand whether Romani children have equal conditions as non-Roma in the homes and their possible segregation.
- d) To understand how children’s legal guardians protect their interests during the disability assessment process and as it relates to whether this categorization influences their placement (in homes, foster care or adoption).

Social and legal protection (SLP) of a child consists in securing the child’s right to life and favourable development, to parental care and family life, to the child’s identity, freedom of thought, conscience and religious conviction, education and employment, it also includes protection of a child from any physical or mental violence, neglect, abuse or exploitation.<sup>4</sup>

According to the Competency Act, several ministries deal with the care of children at risk at the central level; The Ministry of Labour and Social Affairs (MoLSA), The Ministry of Health (MoH), The Ministry of Education, Youth and Sports (MoEYS), The Ministry of Interior (MoI) a The Ministry of Justice (MoJ).<sup>5</sup> The state authorities and the self-governmental regional/municipal authorities as well as non-state sector entities are involved in the SLP at the regional and local level.<sup>67</sup>

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<sup>4</sup><http://www.mpsv.cz/en/8587> (Accessed 29 November 2010)

<sup>5</sup> The Act No. 2/1969 Coll., on the establishment of ministries and other central state administration authorities in the CR. Also The Ministry for Local Development and The Ministry of Finance influence the agenda of care of children by their activities.

<sup>6</sup> The SLPA in conjunction with the Act No. 128/2000 Coll., on Municipalities and the Act No. 129/2000 Coll., on Regions.

In 2007 the Ministry of Interior of the Czech Republic (MoI) [Ministerstvo vnitra České republiky (MV ČR)] evaluated the current state of the Socio-Legal Protection System (SLP system) and found it did not serve neither the purpose of protecting the child nor of correcting its behaviour (in the case the child was removed because of offense)<sup>8</sup>.

The analysis of the MoI points out some of the main systemic problems which will be reviewed throughout the text. Specific recommendations to tackle these problems are presented in the end of this study.

The SLP authorities, courts and the institutions do not act in the best interest of the child because they do not assess the situation of the child and its family to shorten the time the child spends in the institution. There is a general shortage of SLP workers and methodical guidelines for their work. Unsystematic practice of courts as to ordering of protective and institutional care persists.<sup>9</sup>

Because of slow courts many of the children are placed in the institution on the base of „preliminary measure“ which is meant to assess the actual situation of the child. However children often spend more than one year in this status in an institution without being assessed. New child care institutions have been founded during the last few years while it has been proved that the way in which the children are raised in the institutions is very problematic. In the institutions the children who have been removed from their families from economic, social or housing reasons are mixed with the children who committed offences. The children which are assessed in the „diagnostic institution“ spend five and half months in it as average, the extreme case being four years while the law prescribes eight weeks of the diagnostic stay.<sup>10</sup>

The system strengthens the criminal behaviour of the children who were already committing offenses and teaches criminal behaviour to the children who were removed from their families for other reason than criminal offence. Out of 17,454 children monitored between 1995-2004 as much as 8,866 (51%) committed a criminal act only after leaving the institution (meaning they did not have any criminal records before entering the institution). Once the criminal offense is recorded it makes very difficult for the young person to find a job. This is one of the reasons why most of the people who left the institution end up in the circle of social exclusion, criminal behaviour and marginalization.<sup>11</sup>

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<sup>7</sup> Cited from ERRC: *Legal and conceptual analyse of selected areas of the Czech child protection system with the emphasis placed on rights of Romani children* (ERRC, 2010)

<sup>8</sup> Ministry of Interior Evaluation of the care of Children at Risk [online], June 2008, available at <http://web.mvcr.cz/archiv2008/dokument/2007/prevence/mladez1016.html>

<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> Ibid

## 2. Methodology

The aims of the research and the research methodology were developed by European Roma Rights Centre for the project “Protecting the Rights of Romani Children in the Child Protection System in Bulgaria, Czech Republic, Hungary, Italy, Romania and Slovakia”.<sup>12</sup> The field research was conducted from August to October 2010 by six researchers in five regions of the Czech Republic. According to the research guidelines, four regions where there is a significant Romani population (I. e. Moravskoslezský, Středočeský, Ústecký and Karlovarský regions) and one region where the Roma population is present but not in such high proportions (I. e. Zlínský region) were selected<sup>13</sup>. In each of the regions interviews with a variety of state institutions, NGOs, Romani children in the institutional care, Romani families in risk and Romani families who had their children removed were conducted. Furthermore statistical data were gathered from state institutions and secondary sources.

A total of 230 interviewees were consulted: 78 of them in Karlovarský region, 43 in Ústecký region, 39 in Středočeský region, 39 in Moravskoslezský region, 26 in Zlínský region, and six on the central level. The main research findings and recommendations were presented and validated during four roundtables held in November 2010 in Ostrava, Prague, Ústí nad Labem, and Aš. The research report was reviewed and commented by the field researchers, research supervisor, and project coordinators.

Forty one interviews with Romani parents were done out of which 35 were done with mothers, four with fathers, eight with a couple and one with a child's grandmother. The fact most of the interviews were done with mothers is due to the fact very often the mothers who had their children removed lived alone or with their children but without partner. The mothers were also more easily accessible to the researchers in the given time scope who visited Romani households. It is a general weakness of the field research that the experience of Romani fathers is not adequately represented in the data and analysis, and should be subject to further research. The interviews with families were done in very diverse places such as separate houses in almost rural setting, households in socially excluded urban localities, in reception centres for mothers with children, infant homes and children homes. NGO field social workers were the main source of contact to interviewed parents while SLP authorities rejected to give contacts to their clients. A plan to have a total of 60 Romani parents interviewed could not be fulfilled because of 1) very small number of Roma living in Zlínský region, and 2) families in risk of having their children removed were very difficult to find as the period between entering the “in risk” category for SLP authority ( i. e. being under supervision of the SLP social worker) and having the children removed is very short.

In the children homes only children between 15 – 18 years could be interviewed with several exceptions of parents who were present and could give the consent to interview with their child under 15. A total of 60 children were interviewed who live in 14 different institutions.

Forty four interviews with directors and staff of institutions were held, 21 interviews with SLP authorities, 16 interviews with basic elementary school representatives, five interviews with judges,

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<sup>12</sup> The Czech researchers were not involved in the research design development, and followed the structure and contents of the given questionnaires as well as the list of individuals and organizations which should be interviewed.

<sup>13</sup> The numbers of socially excluded Roma by regions are based on GAC 2006, cited in Ivan Gabal, Karel Čada, Jan Snopek, Klíč k posílení Integrovaní politiky obcí – sociální vyloučení Romů a česká společnost (Otevřená společnost: Praha, 2008) [Key to strengthen the integration policies of municipalities: social exclusion of Roma and Czech society]



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five interviews with regional government officers, and seven interviews with NGOs.

The following thematic chapters are based on the data gathered during the field research, statistical data, secondary sources, and information gathered during in-country roundtables. The text is built from analytic arguments, descriptions, and summaries which generalize, widen, compare, and test the information contained in the individual cases. The analytical findings are not referenced in most of the cases as they stand for a variety of individual cases and represent the work of the analyst. Where appropriate the analytic findings are accompanied with examples from the data and referenced.

### **3. Child protection framework**

This chapter assesses the practical operation of the child protection framework towards Romani children and parents seen through the data gathered. The general systemic gaps and failures of the SLP system have been described elsewhere<sup>14</sup>, and they are not covered by this text. The chapter links very closely with the reasons for overrepresentation of Romani children in the SLP system which are treated in the chapter four. The examples presented are treated in more detail later in the text.

#### **a. Assessment, gaps and problems of the structure which contribute to over-representation**

The following sections are organized chronologically according to the trajectory of endangered child (family) within the SLP system.

##### **1. Lack of preventive measures**

The systemic measures that should prevent the children from being removed from their families are general measures aiming at social inclusion of the families which include social housing, employment opportunities, education and childcare system, health prevention, field social work and other areas.<sup>15</sup> Social housing facilities for families in risk are absent or very scarce<sup>16</sup> which further prevents the children return to the family which was found to be the main factor for the overrepresentation of Romani children in the SLP system.<sup>17</sup>

Among children in risk, there is a specific group of offenders. The following table shows responses of the employees of Diagnostic centres as to the reasons (offenses) why children (Romani and non-Romani) were sent by a court for a diagnostic stay in 1998. The reasons can be multiple. Absenteeism is the most frequent reason (71%), followed by thefts (50,2%), and smoking (sic!) (39,8%).<sup>18</sup>

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<sup>14</sup> e. g. Ministry of Interior Evaluation of the care of Children at Risk [online], June 2008, available at <http://web.mvcr.cz/archiv2008/dokument/2007/prevence/mladez1016.html> ; Ministry of Labour and Social Affairs: Analysis of the current state of the institutional provisions for the care of endangered children; available at <http://www.mpsv.cz/files/clanky/9619/Analyza.pdf> (Accessed 27 November 2010). See also the official internet pages for the Transformation of the child care system at <http://www.mpsv.cz/cs/7259> (Accessed 27 November 2010).

<sup>15</sup> Due to the fact the interviewed Romani families were searched for mainly through NGOs working in the regions, the concrete places which were visited during the course of the research were covered at least by field social work of an NGO. Several parents who are not clients of NGOs were interviewed in children homes or infant homes while visiting their children, but in most of the cases the interviewees had been in contact with a social work NGO. However, as will be noted later in the text, the contact with NGO did not improve the legal capabilities of the parents regarding their children removal / return, and only several parents who were in risk of removal were legally represented by a plenipotentiary assigned to them by an NGO.

<sup>16</sup> The social housing category has not been legally regulated by the Czech legal order (only the Act on Value Added Tax uses this term for tax area purposes, without any content definition relating to the needs of socially and economically weak parts of society).

<sup>17</sup> Other factors such as employment, health, education, social work etc., are dealt in the next chapter which analyses the reasons for the childrens removal from families.

<sup>18</sup> Based on data from Kazimír Večerka et al. Sociálně patologické jevy u dětí (Praha: Institut pro kriminologii a sociální prevenci, 2000). Available online at <http://www.ok.cz/iksp/docs/252.pdf> (accessed: 17 October 2010) pp. 144

Reason for placement in DC	Relative frequency (%)
absenteeism	71
thefts	50,2
smoking	39,8
unmanageable behaviour	28,9
physical aggression	29,9
verbal aggression	26,7
indifference towards education	24,9
disrespect for authorities	22,6
problems with alcohol	13,6
problems with drugs	13,1
bullying	11,3
vice problems	9
tendency to gambling	4,5

N = 221

Source: Večerka 2000

According to the school directors the cases of offenders are not treated fast enough by institutions of the correctional system. When a school reports a problem to the SLP authorities it takes too long before they respond.<sup>19</sup> One way to fix this slowness is that the school itself sues its student which is faster than contacting the SLP authority and waiting for the intervention. The doctors can also be the weaker part of the SLP system, according to schools, as they confirm every excuse of the child's absence even when it is retroactive, because they fear having problems with the children or their families.<sup>20</sup>

As will be shown later the enrolment of Romani children in voluntary correctional care for children and youth was about ten times less frequent than for the non-Romani children. These institutions should secure fast and professional intervention to children with behavioural problems which should prevent them from committing criminal acts. The financial contribution for the stay of the child is requested from its family and amounts to the expenses for board and lodging, which for example in the “Centre for upbringing care in Liberec” [Středisko výchovné péče Liberec] was 2,290 CZK for a month + 400 CZK of pocket money and for leisure time activities.<sup>21</sup> According to some of the interviewees the financial contribution presents a barrier for the Romani parents to send their child to the correctional institution, on the other hand the SLP authorities can arrange a one-off contribution from the social benefits for the stay.<sup>22</sup> It could not be proven from the research data whether the SLP authorities fail to arrange this contribution or whether the Romani families do not want to send their children to these institutions.

## 2. Weak points in the work of the SLP authorities

<sup>19</sup> This applies both to Roma and non-Roma.

<sup>20</sup> Interview with Jana Krejčová, teacher at special school. Česká Kamenice, Czech Republic: 2 September 2010; Interview with Petr Kotas, elementary practical school. Holešov, Czech Republic: 30 August 2010; Interview with Miloslava Hartmannová, practical elementary school. Cheb, Czech Republic: 27 August 2010

<sup>21</sup> <http://svp-lbc.cz/dobrovolne-pobyty/> (Accessed 21 November 2010)

<sup>22</sup> Interview with Jana Zelená, social curator, Litoměřice local authority. Litoměřice, Czech Republic: 6 September 2010

According to Ministerstvo práce a sociálních věcí (MPSV) [Ministry of Labour and Social Affairs (MoLSA)], the SLP authorities are understaffed which results in the fact the SLP workers do not have enough time to work in depth with the families.<sup>23</sup> The statistics of the SLP system in 2009<sup>24</sup> show that the SLP authorities had 582,203 families in evidence<sup>25</sup> while they had 1,460 employees which gives a very rough average of 399 families per one SLP worker<sup>26</sup>. The SLP workers made 251,931 visits in families in 2009.<sup>27</sup> MoLSA also argues that the SLP authorities have obligations to exercise activities which are sometimes not needed: for example a SLP worker has to spend a considerable amount of time attending the divorce hearings and trials at the court even if the partners have an agreement what should happen with the child.<sup>28</sup> The SLP workers had to attend 121,930 court hearings during 2009<sup>29</sup>. Problems such as the SLP worker does not visit the children in the children home or does not work preventively with the family can be attributed to lack of time.

One of the most important gaps which will be treated in detail in the next section is that the roles of the SLP social worker are in conflict by definition. While they are expected and called upon to take preventive measures and assist the family to stabilize so that the children can remain within the family they are also the controlling body which propose the children's removal. For example the same social worker who stood against a Romani father at a court and proposed the children were removed now comes to the man's household and checks whether he cares well about the children. It seems there is a conflict of interests and motivations - instead of assisting the man to raise his children on his own the SLP social worker proposed they were removed. When the court rejected the social worker still comes and checks and waits for the first mistake the man does.<sup>30</sup>

The research showed the SLP workers many times do not enter the socially excluded localities or shantytowns at all. In some cases they come only with the assistance of police when the latter comes to evict the family because of not paying the bills while the SLP worker removes the children. The researchers also came across several accounts of forced children removal. Very often SLP social workers do not intervene until it is too late and child must be removed from the family.<sup>31</sup>

There is a general problem with the quality of human resources among the SLP authorities, lack of supervision and education. Especially some NGO social workers felt there are huge differences as to the quality of the individual SLP social workers and their attitude to the children and families (and vice versa). It seems there is no push for professionalization and increase of quality of the SLP social workers employed by public authorities. The governmental material “Proposal of measures for transformation of the SLP system” argues “in most of the resorts there is a lack of continuous education and obligatory supervision, professional standards and manuals (...) The absence of common methodologies, the absence of the evaluation of the work and competencies of individual employees, insufficient education and absence of supervision may lead to non-effective or undesirable work

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<sup>23</sup> Interview with Miloslav Macela, MoLSA. Prague: Czech Republic: 25 October 2010

<sup>24</sup> Ministry of Labour and Social Affairs, *Statistical yearbook in the area of work and social affairs 2009* (Prague: MoLSA, 2010), 99 and 111.

<sup>25</sup> Having in evidence in this case means “the evidence of children and their families with whom the SLP authority works and to whom they provide specific help in the framework of socio-legal protection”. Ibid: 99

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Interview with Miloslav Macela, MoLSA. Prague: Czech Republic: 25 October 2010

<sup>29</sup> *Statistical yearbook in the area of work and social affairs 2009*: 108

<sup>30</sup> Interview with a 37-year-old Roma. Karlovarský region, Czech Republic: 21 September 2010

<sup>31</sup> Interview with Ján Čonka, Poradna pro občanství, občanská a lidská práva, Středočeský region, Czech Republic 30 August 2010; see also section 5a

results.”<sup>32</sup>

Informing the family and other institutions is another weak point: When approached by SLP authority the family is often not given the information what should be done so the child is not removed from the family. As an NGO social worker puts it: “Due to the lack of information and misunderstanding of the situation the Romani families understand that their children were removed (to the institution on the basis of preliminary measure) and they lose any motivation to solve the situation. Then the children are logically removed (totally).”<sup>33</sup> The research also found that SLP workers often do not inform the families about the money they are entitled to when their children come for holiday from the institution), while this information could facilitate the process of children stay with their parents.

### **3. Weak points in the work of the courts**

SLP is the authority which suggests to the court the measures be taken against family (which should be first of all in favour of the child) . While the state child protection system is represented at the court by the SLP authority in many cases the parents are not represented by a plenipotentiary. This problem will be discussed in the next section.

The experience of Romani families with the courts is not uniform: there were cases when the family was very well informed about the procedure and cases when the court would follow the suggestions of the SLP authorities without further investigation<sup>34</sup>. In the case shown above a Romani father could defend himself against the SLP authority and won the right to raise his children alone. On the other hand the researchers came across accounts of very formal assessment which followed without questioning or going into detail the opinion of the SLP authority without giving voice to the parents in some structured way that would allow them to defend. One such a case was described by a 31-year-old Romani mother whose six children were removed and have been raised in foster care families: “The last court was quite a heavy one (an NGO social worker was present at the court and according to her it was the worst court she ever saw), the judge treated the mother like a dirt; she wanted to explain her reasons but the judge did not let her speak and just read the documentation (...) In the beginning the judge said she was clear about the case. During the judgement justification the mother’s partner lost his temper and told the whole thing was a mockery, he told even the (NGO) social worker off, so he was ordered out. It was undignified, humiliating (...) (the mother had left before because the situation was unbearable for her)”<sup>35</sup>. Another case of a formal assessment of the court will be presented in the section 7e: for a person without legal ability it was automatic that her children were removed and the court did not even bother to investigate whether the mother was able to raise her children or not.

In a standard setting the child who was ordered institutional care by a court should be accompanied to the children home by a SLP social worker whom he and his family know. A director of a diagnostic institute from Liberecký region reported the fact children in Northern Bohemia are often removed from the family by a bailiff who is unknown to the family. This seems very unethical to the director.<sup>36</sup>

### **4. Weak points in the work of NGOs**

NGOs who perform socio-legal protection are considered as a part of the SLP system in this report.

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<sup>32</sup> MoLSA, *Návrh opatření k transformaci systému péče o ohrožené děti – základní principy*. 2009 [www.mpsv.cz/2Ffiles%2Fclanky%2F9556%2FNavrh\\_opatreni\\_k\\_transformaci.pdf&ei=a\\_HoTKWSLsSXOrGvoJYK&usq=AFQjCNEV2q4mq7VXI-HNBwLLfGjsL9p11A](http://www.mpsv.cz/2Ffiles%2Fclanky%2F9556%2FNavrh_opatreni_k_transformaci.pdf&ei=a_HoTKWSLsSXOrGvoJYK&usq=AFQjCNEV2q4mq7VXI-HNBwLLfGjsL9p11A) [Proposal to transformation of endangered child care system] (Accessed 21 November 2010)

<sup>33</sup> Interview with Eva Holečková. social worker, NGO Kotec; Aš, Karlovarský region. 9 August 2010

<sup>34</sup> See testimonies 3, 4 and 5

<sup>35</sup> Notes from an interview with a 31-year-old Romni. Moravskoslezský region, 24 August 2010, the NGO social worker was present at the interview occasionally joining in.

<sup>36</sup> Interview with Božena Lányová, director of Diagnostic institute. Liberec, Czech Republic: 6 September 2010

While it is generally truth that NGOs lack funding it has to be said that there are considerable differences as to the services provided by the NGOs to the families. In some regions the NGOs do not only do the social field work but also give the families legal advice and appoint lawyers acting as plenipotentiary of the parents at the courts (for example in Moravskoslezský region or some parts of Ústecký region). On the other hand it has been pointed out by the researcher of Ústecký region the interviewed families who lost their children or were in danger of losing them would often report some contact with NGO social field workers who for example make sure the children visit doctor or accompany the mother with her child to kindergarten which the mother could do on herself.<sup>37</sup> What is lacking from the side of NGOs is the legal advice and will to act as a plenipotentiary for the parents at the court.

#### **5. Some of the gaps that prevent the child from returning to its family**

The research revealed that one of the main problems of the SLP system is the fact once the child was removed from the family and placed in institutional care it is very improbable it returns back. There is no part of the system which would communicate with the parents on how to return the child to the family. The SLP curators interviewed in Moravskoslezský region claim they never saw return of the child who was ordered institutional care although everything went well with the family. On the contrary: they reported two cases when the children were repeatedly escaping from the institution. The institutionalization of the children was cancelled upon a request of the children's mothers because it "did not fulfil its purpose" – the children were escaping.<sup>38</sup>

The financial situation of the family can prevent the child who lives in institutional care to visit the family on weekends and summer holiday. The parents cannot get children benefits when they take the child home for a weekend or holiday, family is entitled to benefits only if they take the child for a period longer of 30 days (which is possible during the summer holiday for example). Especially in the cases when all children from the family have been removed it is very uneasy for the parents to take their children back during the summer.<sup>39</sup>

#### **6. Weaknesses of foster care**

Although foster care is often seen as the alternative and remedy for the institutional care of children several risks should be pointed out. The general problem connected with the foster care is the possibility for the parents to decide whether they like to have a Romani child or not. While the Act No. 359/1999 on Socio/Legal Protection does not detail any kind of inquiry into the ethnic background of the child nor the preferences of the prospective foster care family about the child's ethnic background, it has been a standard procedure to ask the foster care applicants whether they would “accept a child of a different ethnicity to theirs” in the official questionnaires issued by the intermediary institutions (e. g. municipal authorities and regional authorities).<sup>40</sup> According to the respondents from central level as well as to the directors and staff of the institutions the fact prospective foster care parents or adoptive parents avoid Romani (and other different ethnicity)

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<sup>37</sup> Interview with a 31-year-old Romňi. Ústecký region, Czech Republic. 31 August 2010; Interview with a 35-year-old Romňi. Ústecký region, Czech Republic. 31 August 2010

<sup>38</sup> Interview with Miroslava Skotnicová and Lucie Haltufová. Curators for children and youth, Magistrate of Karviná. Karviná: Czech Republic, 25 August 2010

<sup>39</sup> Interview with a 42-year-old Romňi. Radvanice, Moravskoslezský region, Czech Republic: 18 August 2010

<sup>40</sup> See for example Pp. 11 of the questionnaire to prospective foster care parents of Plzeň municipality at: [http://www.google.cz/url?sa=t&source=web&cd=1&ved=0CBcQFjAA&url=http%3A%2F%2Fepodatelna.plzen.eu%2Fforms%2Fprint%2Fdocs%2FDotaznik\\_nahradni\\_rodinna\\_pece.doc&rct=j&q=p%C4%9Bstounsk%C3%A1%20p%C3%A9%C4%8De%20dotazn%C3%ADk&ei=m9EqTfizC4K38QPlnaH-DQ&usg=AFQjCNHtBcxOu2wt3xnWTPyRRbnj1tprlw&sig2=Y79KeXhy-nvJVFpRBhzDvg&cad=rja](http://www.google.cz/url?sa=t&source=web&cd=1&ved=0CBcQFjAA&url=http%3A%2F%2Fepodatelna.plzen.eu%2Fforms%2Fprint%2Fdocs%2FDotaznik_nahradni_rodinna_pece.doc&rct=j&q=p%C4%9Bstounsk%C3%A1%20p%C3%A9%C4%8De%20dotazn%C3%ADk&ei=m9EqTfizC4K38QPlnaH-DQ&usg=AFQjCNHtBcxOu2wt3xnWTPyRRbnj1tprlw&sig2=Y79KeXhy-nvJVFpRBhzDvg&cad=rja) (Accessed 10 January 2011)

children is one of the main sources of overrepresentation of Romani children in the institutions. However data on the rate of Romani children offered for foster care and prospective foster care parents who are not willing to take Romani child are not collected.

According to the MoLSA the SLP system reform aims at professionalization of foster care and the professional foster care parents will not be allowed to choose a Romani or non-Romani child. The foster care parent will provide a social service aimed at facilitating return of the child to the family. Professional foster parents will have to be in a close contact with the child's natural family unless it is proven the return of the child is infeasible.<sup>41</sup> The professionalization of the foster care should also preclude the foster care failure: during the research cases were recorded where the child had been beaten in the foster care family.

Mostly children homes directors objected to the foster care system. They assume that foster care parents who have own biological children are motivated financially: the child that returns from the foster care are the worst psychologically injured.<sup>42</sup> Furthermore the foster care parents are not, according to the children home directors, motivated to seek contact with the child's biological family<sup>43</sup> and they are not obliged to do it.

#### **7. The gaps of the system which did not reveal in the data**

During the research lot of opinions on the gaps of the system were gathered which this analysis did not prove relevant. However they should be mentioned in case the research scope was not broad enough to find such cases and verify them.

Some of the interviewed SLP social workers claimed that the Romani parents themselves want to leave their children in the institution. The reasons for such a placement, according to them, range from the situation when the family is not able to control the child's behaviour to resignation when the overall family situation is very bad and the children's placement in the institutional care is a fast solution.<sup>44</sup> The researchers did not get across a case when the parents would deliberately send their child to the institution during interviews with the Romani families.

It has been commented by a children's home director from Karlovarský region and a children's home educator from the same region that Romani children can be abused by their biological families after they have left the institutional care because they can bring profit to the household.<sup>45</sup> The researchers did not find such a case among the interviewed children who returned from the institutional care neither among the families who had their children removed. It should also be noted that very often the child who left the institutional care did not return to its family but went to live elsewhere.<sup>46</sup>

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<sup>41</sup> Interview with Mr Miloslav Macela, MoLSA. Prague: Czech Republic: 25 October 2010

<sup>42</sup> Interview with Ms Jana Dykastová, director of children home. Krásná Lípa: Czech Republic: 29 August 2010

<sup>43</sup> Interview with a Regional authority who wished to remain anonymous. Czech Republic: 24 September 2010

<sup>44</sup> Interview with Renáta Chytrová, Jarmila Zelková, and Jarmila Szurmanová, SLP authority of the Municipality of Karviná. Karviná, Czech Republic: 25 August 2010; Interview with Tomáš Zelenka, SLP social worker. Ústí nad Labem, Czech Republic: 29 August 2010

<sup>45</sup> Interview with Jana Neumannová, director of children home. Cheb: Czech Republic, 4 September 2010; Interview with Ivo Batelka, educator at children home. Mariánské lázně, Czech Republic: 2 September 2010

<sup>46</sup> For the counts of the field research see section 4b5



#### **4. Overrepresentation of Roma in the child protection system**

This chapter presents the reasons of overrepresentation of Romani children in the SLP system in general and in the institutional care in particular. The chapter starts with statistical overview of the available official data and other statistical data which include ethnicity, and the field research statistics are also presented. A basic grouping of the interviewed Romani families is made and reasons for overrepresentation on the side of input to the institutional care and output from it are covered.

##### **b. Available data**

In most parts of the child protection system the children's ethnicity is not statistically recorded. It has also been a question of a big controversy among the interviewees of this research. However the data on ethnicity of the children are available for infant homes and children homes for children under three years of age. There are also estimates as to the proportion of Romani children in other parts of the SLP system that will be presented in this chapter.

Many children have the record on ethnicity of their parents in their personal documentation. The children who are available for foster care or adoption need this record in order to match them with the criteria of the foster care/adoptive parents. However the ethnicity of parent's requests as well as of the children entering the foster care/adoption system is not statistically recorded.

##### **1. Official data on institutional care: Romani children under three years of age**

The latest official data account for 419 Romani children (30%) out of 1,391 children under three years living in infant homes and children homes for children under three years of age on 31 December 2009. The available data show that neither the proportion nor the absolute numbers of Romani children in these institutions vary since 1995: the absolute number was in its minimum in 2007 (392 Romani children) and maximum 1996 (537 children) and the rate of Romani children varied around 29%.<sup>47</sup>

There was an estimated total of 188 000 Roma living in Czech Republic in 2009<sup>48</sup> out of which approximately 10,592 were children under three<sup>49</sup>. Romani children under three thus form 2,99% of all children in the Czech Republic under three.<sup>50</sup> This calculation shows that it is ten times more probable for the Romani child under three to enter the institutional care than for the non-Romani child. If we

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<sup>47</sup> Source: Ústav zdravotnických informací a statistiky České republiky (ÚZIS) [Institute of health information and statistics of the Czech republic (IHIS)], table of the distribution of Romani children in the infant homes and children homes for children under three years of age. Range: 1995 – 2009. Data provided on personal request. These data come from the infant homes and children homes for children under three years of age, which complete yearly statistical sheet for the Ministry of Health which contains the number of received Romani children per infant home.

<sup>48</sup> Roma Initiatives, *No data no progress: Data Collection in Countries Participating in the Decade of Roma Inclusion 2005 – 2015* (New York: Open Society Institute, 2010), 40, available at: [http://www.soros.org/initiatives/roma/articles\\_publications/publications/no-data-no-progress-20100628/no-data-no-progress-20100628.pdf](http://www.soros.org/initiatives/roma/articles_publications/publications/no-data-no-progress-20100628/no-data-no-progress-20100628.pdf) (accessed 23 October 2010)

<sup>49</sup> This estimate combines the data on age structure of Czech citizens who declared Romani nationality in the 2001 census with the estimated total number of Roma in Czech Republic in 2009. Data on the age structure of Roma in 2001 can be found at: [http://www.czso.cz/csu/2005edicniplan.nsf/t/D6002F08A5/\\$File/41320507.xls](http://www.czso.cz/csu/2005edicniplan.nsf/t/D6002F08A5/$File/41320507.xls) (Accessed 27 November 2010)

<sup>50</sup> The total number of children under three in Czech Republic was 354,079 in December 2009. Official web pages of Czech Statistical Office: [http://www.czso.cz/csu/2010edicniplan.nsf/t/0C001BB2A3/\\$File/400310007.xls](http://www.czso.cz/csu/2010edicniplan.nsf/t/0C001BB2A3/$File/400310007.xls) (Accessed 27 November 2010)



suppose only Romani children who live in social exclusion enter the institutional care under the age of three, the probability that the Romani child under three years who lives in social exclusion is placed in institutional care raises up to 27 times compared with the non-Romani children.<sup>51</sup>

One of the generally shared arguments among the informants is that the overrepresentation of Romani children in institutional care is due to higher numbers of children in Romani families: when the family has problem, more children are removed. While it could not be proved in this research that the number of children under three living in institution which come from one mother does not vary between Romani and non-Romani, it is impossible to sustain that an average Romani mothers would have 10 or even 27 times more children who are currently under three than the average non-Romani mother. This shows that the overrepresentation of Romani children in institutional care cannot be explained by the fact Romani mothers have more children.

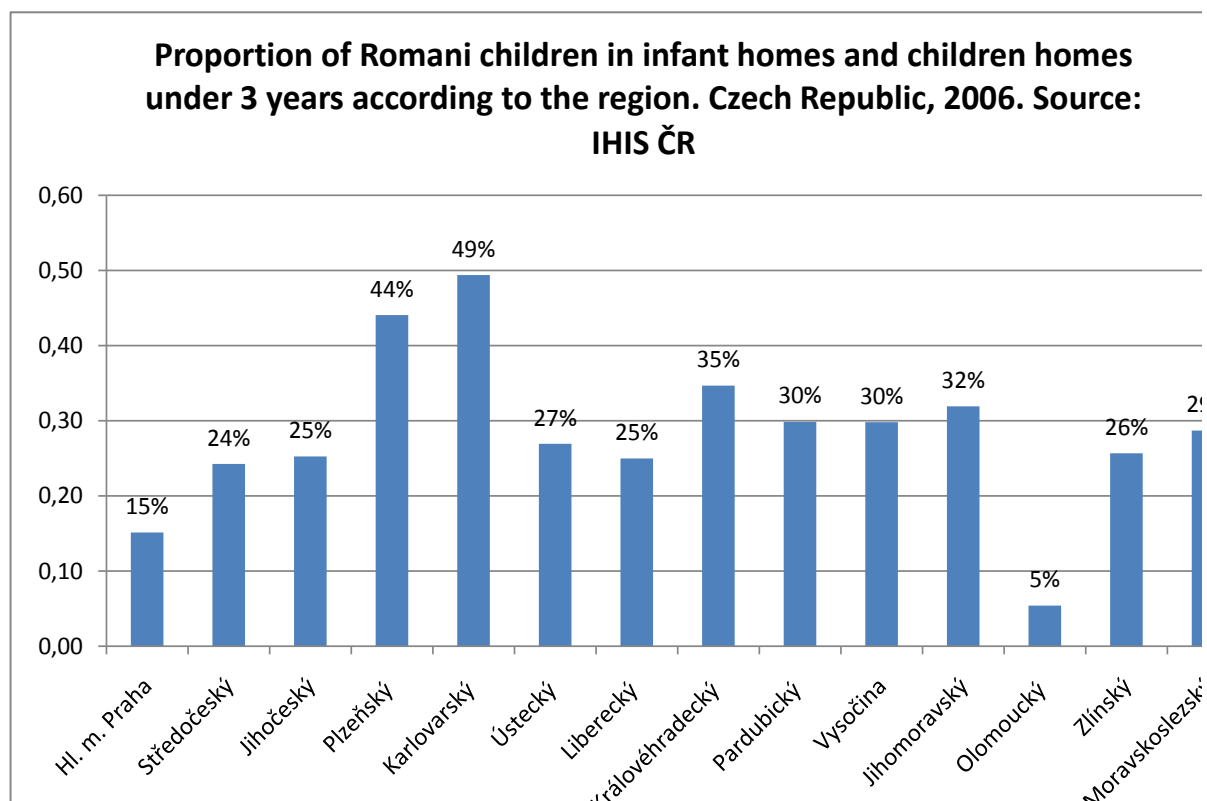
As to the children received by these institutions in 2009, Romani children constituted more than 20% of the children received by infant homes in the Czech Republic in 2009, the number oscillating between 28% and 20% since 1990s. According to the report the proportion varies in different districts and in diverse institutions, the highest is in Most, Teplice, and Olomouc.<sup>52</sup> The difference between the rate of the received children and the children living in the institution on 31 December of the respective years shows that non-Romani children under three years leave the institutional care more often than Romani children.

The proportion of Romani children under three years in the institutional care varied significantly between the regions. For comparative purposes the 2006 data with an exception of Jihočeský region (only 2009 data available) are used:

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<sup>51</sup> The estimated number of socially excluded Roma in Czech Republic was 69,750 in 2006. Source: GAC 2006

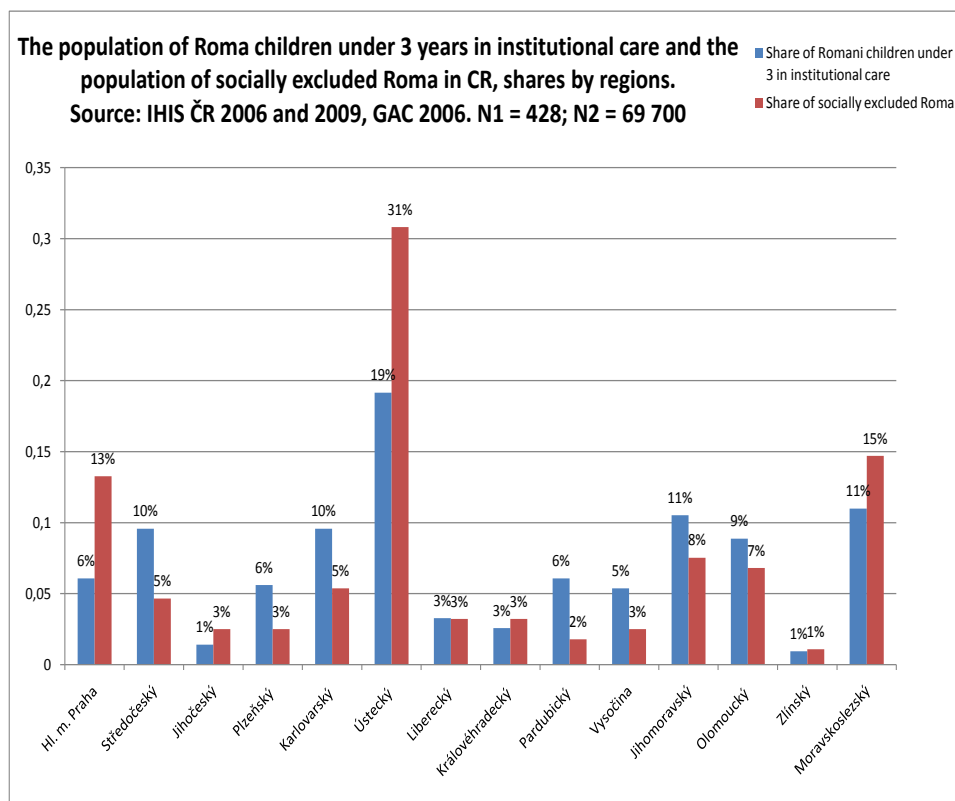
<sup>52</sup> Ústav zdravotnických informací a statistiky České republiky (ÚZIS ČR) [Institute of health information and statistics of the Czech republic (IHIS CR)] : „Activity of institutes for infants and homes for children up to 3 years of age and other institutions for children in 2009“, *Actual information 13*, Prague 11 May 2010.



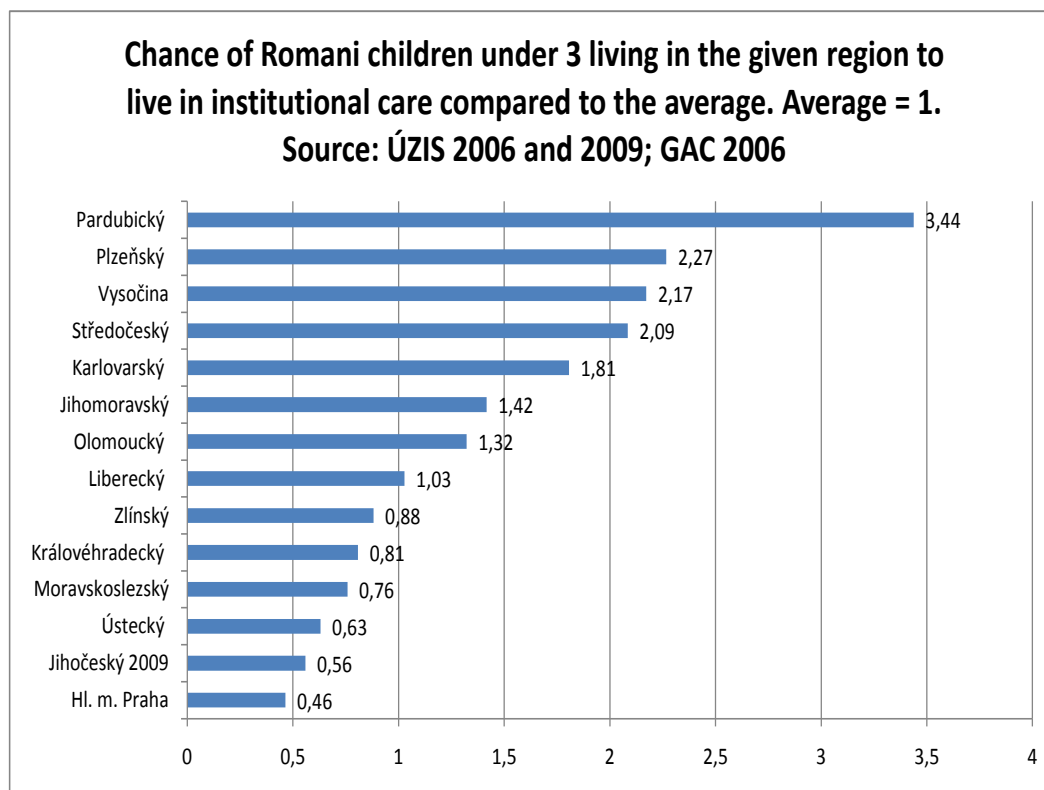
These significant differences in the proportion of Romani children in institutional care can be partly accounted to the estimated number of socially excluded Roma in the region. If the share of Romani children under three years who lived in institutional care in 2006<sup>53</sup> by regions is taken and combined with the share of socially excluded Roma by regions in 2006<sup>54</sup>, the following picture unfolds where the percents account for the share of total population (Romani children under three years in institutional care and Roma in socially excluded localities):

<sup>53</sup> Source: IHIS ČR

<sup>54</sup> Source: GAC 2006, cited in Ivan Gabal, Karel Čada, Jan Snopek Klíč k posílení Integrovaní politiky obcí – sociální vyloučení Romů a česká společnost (Otevřená společnost: Praha, 2008)



It can be observed that in the three regions with the highest socially excluded Romani population (Prague, Ústecký and Moravskoslezský regions) the chance of Roma child to be placed to an institution is lesser than in the rest of regions. This difference could signal a differential treatment of Romani families by the SLP authorities in the different regions or also better coverage of social services in the regions with high Romani population. The following graph shows the differences between the regions in ratio which shows how many times it is more or less probable than the average that the Romani children living in the region would enter the institutional care:



The last graph shows that in 2006 Romani children living in Plzeňský region were placed 2,27 times more often to the institutional care than the average for Romani children (which is still around 10 times higher than for non-Romani children!) and in Prague 0,46 times less often than the average.<sup>55</sup> This graph further showed the differential practice of SLP authorities and different coverage of social services between the regions, which affects the probability of children removal from the family.

## 2. Other quantitative data on Romani children in institutional care

A 1981 study “Gypsy children in foster care” found that the proportion of Romani children in infant homes and children homes was 45 to 50 per cent, and in some infant homes of the West-Bohemian region even 70 per cent. The study based on data gathered by SLP social workers stated that an assumed lack of interest of mother was the reason for the children removal in 59 per cent of cases. The study also stated that the proportion of Romani children in institutions grew from 15 per cent in 1970’s to 45 – 50 per cent in 1981.<sup>56</sup>

A 2000 study of the Institut pro kriminologii a sociální prevenci (IKSP) [Institute for Criminology and Social Prevention (ICSP)] which is a part of the Ministerstvo spravedlnosti České republiky [Ministry of Justice of the Czech Republic (MoJ)] collected ethnical data on the criminal behaviour of all children between 7 and 15 who were ordered preventive or institutional care by Czech courts in 1998

<sup>55</sup> It has to be noted that for the regions with low Romani populations the absolute numbers are very small and they could range a lot between years (i. e. in Pardubický region 40 Romani children under 3 years were living in the institutions in 2, 000, 21 children in 2001, 26 in 2006, 18 in 2008 and 10 in 2009.

<sup>56</sup> Svobodová M., Kovařík J., Niederle P. *Cikánské děti v náhradní rodinné péči* (Praha: MPSV, 1981) cited in Středisko náhradní rodinné péče *Romské děti žijící mimo vlastní rodinu* (Praha: SNRP, 2007)

because of offending behaviour. The research report does not reveal any obstacles to ethnic data collection. The study defined Romani child as a child who had had been raised in Romani family (I. e. excluding non-Romani foster care and adoptive parents). Out of the 457 children 32% were Roma.<sup>57</sup>

The institutional care should be the last step for the child with problems; before being put in the institution she should be treated in the prevention system and correction system to get a chance to correct its behaviour. A different research done by the same team found out that while the ratio of Romani to non-Romani children removed because of offending was 1:2 in the institutional care (I. e. child homes), it was 1:20 in the institutions of preventive care<sup>58</sup> (I. e. centres of educational care and Pedagogical-psychological counselling centres). This means Roma youth enter the state correction system after committing a minor offence ten times less frequently than the non-Romani; instead they are left without intervention until they reach the situation when nothing else can be done than placing them in the institutional care.<sup>59</sup> This is definitely another source of the overrepresentation of Roma in the institutional care.

Czech Ministerstvo mládeže, tělovýchovy a sportu [Ministry of Education, Youth and Sports (MoEYS)] made an attempt to collect estimates of the proportion of the Romani children among the children living in the institutional care in 2010. According to Michaela Hejná who collected the filled questionnaires “the attempt for a rough estimate failed because of unclear instructions, it was not clearly set who is Roma if she does not claim the nationality and the institutions send inaccurate information.”<sup>60</sup> According to Pavla Doležalová, former director of MoEYS Department of institutional care, who prepared the questionnaire, the very rough estimate of the proportion of Roma children in the institutions was about one third. According to her, the proportion of Romani children is decreasing and the situation is much better than 10 years ago<sup>61</sup> that “possibly indicates that the living conditions are improving together with upbringing and education possibilities and socioeconomic situation of the families”.<sup>62</sup> Neither the questionnaire nor any of the results of this survey are available.<sup>63</sup>

### 3. Children's personal list

Every child in the SLP system has its own personal documentation which contains detailed data about its family, and also information about the ethnicity of the parents (if available). Concise information about the personal list was provided by children home director from Zlínský region: “We register the ethnicity in the personal list of the child which we open for each child that arrives. They themselves claim ethnicity. Among other things there are also the address, parents, contact for SLP authority, doctor, nationality. Sometimes the box for ethnicity is blank; it depends on the will of the family and the child. The social curator fills it in the household together with the parents.”<sup>64</sup> The practice in an

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<sup>57</sup> Kazimír Večerka et al. *Sociálně patologické jevy u dětí* (Praha: Institut pro kriminologii a sociální prevenci, 2000). Available online at <http://www.ok.cz/iksp/docs/252.pdf> (accessed: 17 October 2010)

<sup>58</sup> Kazimír Večerka et al. *Problémové děti ve školských výchovných zařízeních* (Praha: Knok, 2000) cited in Karel Červenka: „Skupinová solidarita a etnizace deviantního chování ve výchovných institucích. Poznámky k etnický definovaným aspektům inkluze tzv. problémové mládeže.“ in *Etnická různost a občanská jednota.*, ed. Marada, Radim. (Brno: CDK, 2006), 256-277.

<sup>59</sup> Červenka 2006

<sup>60</sup> Email correspondence with Michaela Hejna, Department of Special Education, MoEYS: 19 October 2010

<sup>61</sup> However the data from infant homes and children homes for children under three years cited above do not support this assumption.

<sup>62</sup> Email correspondence with Pavla Doležalová, former Head of Institutional care Department, MoEYS: 19 October 2010

<sup>63</sup> Telephone interview with Michaela Hejná, MoEYS, 19 October 2010

<sup>64</sup> Interview with Jiří Vodák, infant home in Bystřice pod Hostýnem, Bystřice pod Hostýnem, Czech Republic: 30 August 2010

infant home is that the child's ethnicity is deduced from its name, visual appearance, or after asking the SLP authority that knows the family.<sup>66</sup> Additionally the parents „explain some situation by their Romani ethnicity, they claim their ethnic belonging. Everything is written down to the children's documentation.“<sup>67</sup> If the child is available for adoption or foster care and its ethnicity is not detailed in its personal documentation, the regional SLP office requires specification of the child's ethnic background from the local SLP social worker who knows its family personally<sup>68,69</sup>. Contrary to this information one director of a children home claimed he had never seen ethnicity of the children's parents written in its documentation.<sup>70</sup> The researchers regularly registered statements that there are no official data on the children's ethnicity available among the interviewed institutions, but it does not mean the institution could not learn the ethnicity from the personal list.

However no statistical data on ethnicity of the children in the children homes are gathered by the MoLSA and during the field research the children's ethnicity was quite a controversial topic. The barriers of ethnic data collection are discussed in the section 4b.

#### **4. Field research findings**

The total number of children living in the institution together with the estimate of the number of Roma children among them was requested from all of the interviewed institutions (21 institutions) in the five regions of the Czech Republic. According to the general project methodology four regions of Czech Republic where the proportion of Roma population is comparatively higher (I. e. Ústecký, Karlovarský, Moravskoslezský and Středočeský regions) and one region where the proportion of Roma is lower (I. e. Zlínský region) were selected. This means that the following numbers cannot be taken as representative of the Czech Republic in general.

Within the 17 institutions<sup>71</sup> in five regions of Czech Republic interviewed in August – September 2010 there were a total of 773 children living of which estimated 314 (40%) children were Roma.<sup>72</sup> The institutions in the four regions with high proportion of Roma had total of 632 children out of which estimated 279 (44, 1%) were Roma whereas the region with low Roma population had 35 (25%) of Romani children among the 141 children living in the institution.

#### **5. Data on the families who had their child(ren) removed**

Little is known about Romani families whose children have been removed. Based on data gathered during the research, the interviewed families could be distributed into several groups based on how many of their children were living in the institutional care and how many stayed with the family by the time of the research. The idea behind such a grouping is to unmake the homogenous group of Romani families whose children have been removed and try to look for the different ways that allowed some of the children would stay with their family while others would be removed.

Based on the interviews with children in the institutional care (children of 31 mothers, some of them

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<sup>65</sup> The total number of children in this home was 48 out of which 16 were Roma.

<sup>66</sup> Interview with Helena Cydrichová, director, children home. Most, Czech Republic: 25 August 2010.

<sup>67</sup> Interview with Yveta Holubová, Children and Youth curator, Municipality of Ostrava, Přívoz. Ostrava, Czech Republic: 19 August 2010

<sup>68</sup> Interview with Jarmila Zelková, SLP authority, Karviná, Czech Republic: 25 August 2010

<sup>69</sup> It was beyond the scope of this research to learn whether the supposedly Romani families and children were informed that they were ascribed the Romani ethnicity and whether they could express their view on it. This question should be further researched.

<sup>70</sup> Interview with Josef Palkovič, Children home Na Vizině, Ostrava, Czech Republic: 24 September 2010

<sup>71</sup> Two of the institutions refused to give such an estimate and another two could only give numbers which were not relevant to the research methodology.

<sup>72</sup> Estimates were made by children home directors and staff.

were couples or groups of sibling aged 15 – 18 years) and parents who had their child(ren) removed (25 parents) a complete dataset containing 37 Romani families (198 children of 37 Romani mothers<sup>73</sup>) was gathered which gives an average of 5,3 children per mother (who had her child(ren) removed). This number can be contrasted to the overall fertility in Czech Republic which amounted 1,49 children per mother in 2009.<sup>74</sup>

Out of the 198 children, 48 were already adult and a vast majority of them lived without their parents. Of the remaining 150 children who were between 0 – 18 years 22 (15%) lived with their parent(s) and 128 (85%) lived outside their biological family (105 of them in the institutional care and 23 in foster care (12 within family, 11 outside family)).

### **Parents who had all of their children removed**

Twenty seven (73%) of the 37 mothers had all of their children under 18 removed. The reasons for children removal from family and obstacles to their return discussed in the following chapters generally apply to these families.

### **Parents who had all but one child removed**

Five (13%) of the 37 mothers had had all but one child removed. In most cases after elder children were removed the family had another child that was not removed. Only in one of these cases it was the younger siblings who had been removed while the elder stayed home with their parents. Two children were born in one year and one by one they were removed to an infant home from the mother in the maternity hospital. The reason for their removal was poor hygienic conditions of the household that did not improve during the year. However the SLP authority did not assess the living conditions such terrible that the older sibling would also be removed from the family.<sup>75</sup>

The rest of these families can be described as “somewhere between” – the concrete situations which led to the children removal were overcome and another child was born already in an environment that the SLP authorities assessed as stabilized. However, the children who were removed still have not returned from the institutional care.

One interviewed Romanian woman gave birth after returning from jail while her four children were still remaining outside her household (they had been removed when the mother went to jail): two of them in the institutional care and two in the foster care of her relatives. The SLP authority which removed the children did not work with the mother anymore to assess whether the remaining children could return back to the mother. In this case there were no obvious barriers to the children's return.<sup>76</sup> Another Romani woman had her four children removed because of bad housing conditions. Since then she moved and gave birth to another child who she raises. The SLP worker (same as the one who removed the four children) comes every several months and checks whether the child has good conditions but does not assist the mother in the return of the rest of her children. The family is saving money and planning to rent a bigger flat, than they are planning to ask the children be returned to them

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<sup>73</sup> In total we came across children of 56 mothers who were living in institutional care. The remaining 19 were several cases of children who had grown up in the institution and did not know about their siblings, children who knew about some of their siblings but were not able to give us data on all of them and also several cases of uncompleted questionnaires. Although we also made interviews with children who already left the institution and with families in risk of having their child(ren) removed we did not count them in this statistic as they were not living in the institutional care by the time of the interview.

<sup>74</sup> Czech Statistical Office 2009 ([www.czso.cz](http://www.czso.cz))

<sup>75</sup> Interview with a 20-year-old Romni, Středočeský region: 17 September 2010

<sup>76</sup> Interview with a 33-year-old Romni, Zlínský region: 3 September 2010

while there is no specific requirement for the housing when requesting the children back.<sup>77</sup>

What both of these cases have in common is that the SLP authority was only concerned about the children's conditions while these were still living with the family. Once the child was removed SLP workers failed to protect its best interest and work with the family so the child returned to the family as soon as possible.

The two remaining cases are of a different sort and the pattern they show will be treated in the next section: they present the view of two pairs of siblings, teenagers, interviewed in a children home. Their biological parents do not live together anymore and the young Roma see them finishing the high-school in the family home. They are not able to return back to their families as the families do not exist: their mothers and fathers already started new families and do not take steps to reunite with their children in institution.<sup>78</sup>

### **Parents with some of their children in the institution and other living with them**

Three of the 37 mothers had had some of their children removed while other children stayed with them.. This group was very inconsistent. On one hand there were cases of siblings who had problems with school attendance and committed criminal acts together – thus they were removed both. On the other hand there was an example of a family whose three children were to be removed because one of them had problems with school attendance and the SLP authority insisted all of the children were wicked and should be removed.<sup>79</sup> Some of the parents seemed they were not very interested in the idea their child would return back. One example was a couple whose children have been removed: the couple would split and return again several times, in the time of the interview the man was just about to leave the household for another woman. While they knew they could request the children return it did not seem an option for them.<sup>80</sup> In second case the mother of a 11-year-old Romani boy is pregnant with another man, lives in a shelter house and while she visits her son regularly she was not planning to take him back. This could also be due to the fact her son was placed in the institution because offences and bad school attendance.<sup>81</sup> Only in one case there was someone who worked with the family on return of their children back. It was not uncommon among the respondents that the children knew about more siblings who also live in the institutional care.

### **Parents who had only one child removed**

There were only two families (5%) who had one child in the institutional care while other children under 18 at home which would mean something particular happened with the one child.<sup>82</sup> In one case the mother had such a difficult labour that she rejected the child. In the second case the girl did not know or did not want to say the reason for her removal.

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<sup>77</sup> Interview with a 27-year-old Romňi. Ústecký region, Czech Republic: 14 September 2010

<sup>78</sup> Interview with a 16-year-old and a 17-year-old Romňi siblings, Karlovarský region: 2 September 2010;

Interview with a 15-year-old Roma and his 16-year-old sister, Karlovarský region: 3 September 2010

<sup>79</sup> Interview with a 36-year-old Romňi whose children were removed, Karlovarský region, Czech Republic: 21 August 2010

<sup>80</sup> Interview with a 37-year-old Roma. Ostrava-Hulváky, Moravskoslezský region: 24 August 2010

<sup>81</sup> Interview with a 33-year-old Romňi whose children were removed, Moravskoslezský region, Czech Republic: 23 August 2010

<sup>82</sup> The research focused on children living in children homes and infant homes, thus does not include cases of children with behavioural problems who could be individual and who are treated in different kind of state care centres. The children we interviewed in the diagnostic centres were not taken into account neither as it was not clear whether the child would stay in the family or would be removed to institutional care. These children are treated in the section 5c.



The first case was a combination of housing and health problems. According to the child’s father the mother rejected the child after giving birth but later she changed her mind. The father explained the mother had terrible pains and was out of her mind.<sup>83</sup> The SLP social worker interviewed stated the main problem was housing situation of the family. By the time of the interview the child in institutional care was two months old and it seemed the family would take her home.

The second case is still unclear to us: the 15-year-old Romani girl lives in the institutional care since twelve years ago. Her older brother and younger sister live together with her family. She prefers not to visit her family on weekends although she could. She speaks Romani which she learned in the institution while only half of the Romani children living in the institution speak Romani. She states she does not like the place where her family lives. When asked about her siblings she said she could manage everything on herself or she sought advice within the institution. She knows many Roma and she shares very dichotomous view on them: “I know some who know how to behave and others who keep making mess anywhere.”<sup>84</sup>

### **c. Obstacles to the data collection**

The way how Romani ethnicity was defined in the project methodology was not compatible with the way documentation on the children is kept by the interviewed institutions – that was also one of the reasons why some of the directors refused to answer the research questions related to ethnicity of children. The clause “the person who considers herself Roma or is considered as such by his or her surroundings” has already been used in previous researches in the Czech Republic. However in the case of institutional care the researchers consider question about biological parents of the child more accurate and also easier to reply for the institution representative because it seems almost every child has this information in her documents. The unwillingness of the state care institutions staff to give these numbers was also due to the fact the research focused on discrimination and they do not consider themselves discriminating Roma.

### **d. Placement and status of Romani children entering state care and whether this differs from non-Roma**

In the next sections the factors at the “input” as well as the factors at the “output” of the institutions to assess the reasons for Romani children overrepresentation will be examined. The specific trajectories of children removal are discussed in the subsequent chapters.

#### **1. The “input” of the institutions**

Most interviewed authorities do not assess that Romani children are more often placed in the state care system than the non-Romani. On the other hand they were able to provide specific reasons why Romani children are placed in the institutional care more often. This was also the case of SLP social workers in Moravskoslezský region: the main reason for children’s placement, according to them, is the economic and social situation of the family who is receiver of social benefits. “What is characteristic of Romani families, according to them, is they are not able to handle money properly, they get enormously indebted and everything is connected with it then. They take a taxi, go shopping and are not able to manage it. They play gambling machines.”<sup>85</sup> The role of poverty in children’s removal will be discussed in the next chapter but here it can be seen the SLP authorities observe special way of handling the money among Roma, which according to them is connected with the children’s removal. It seems it is not the actual poverty of the family but the moral assumption behind

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<sup>83</sup> Interview with a 20-year-old Roma. Ústecký region, Czech Republic: 14 September 2010

<sup>84</sup> Interview with a 15-year-old Romani girl. Ústecký kraj: Czech Republic: 1 September 2010

<sup>85</sup> Interview with Renáta Chytrová, Jarmila Zelková, and Jarmila Szurmanová, SLP authority of the Municipality of Karviná. Karviná, Czech Republic: 25 August 2010

the way of spending the money which the SLP authorities point out. This could possibly lead to different assessment of the family who spend immorally: as the “undeserving poor” and the ones who are not able to raise their children properly.

According to an infant home director in Moravskoslezský region among the most common reasons for overrepresentation is the fact Roma women leave their newborn children in the maternity hospital and leave<sup>86</sup>: one half of the children are “abandoned” in the maternity hospital and another half is taken directly in the hospital by the SLP authorities.<sup>87</sup> Leaving the child in the hospital may have many reasons very different to the will to abandon the child: for example the mother knows she has to take care of the rest of the children who stayed home and she also knows that the newborn will be treated well in the maternity hospital. She would then come just to take the newborn home after the 4 - 5 days after the birth. In such a case she would already come into the focus of the SLP authorities which increases the possibility of the child being removed (but also for preventive measures).

An argument given by several SLP workers was also considered that seems quite banal at the first sight: “The neglect of compulsory school attendance is more often problem of the Romani families. (...) Another difference comes from the number of children; if there is a problem in a Romani family which often has five and more children it applies to more children. That is why the number of Romani children in the state care is so high.”<sup>88</sup> The common practice of SLP authorities is to assess whole family from which the “problematic” child (most often captured by school) comes, which means it is more probable that if the child is removed his siblings will be removed too, the probability in our sample being 76 per cent. While the argument seems to explain some sources of the overrepresentation it does not explain why 29 per cent of the children under three years in institutional care are of Romani origin. If the argument was to be valid it would have to be proven the number of children of one mother placed simultaneously in the infant home or children home for children under three is bigger for the Romani mothers than for the non-Romani. However, there is not even a reason to assume Romani mothers have children more frequently in time than the non-Romani mothers.

According to one Romani mother the SLP worker which dealt with her did not assess her children or even the family as a whole but applied the same measures to all the children based on one “problematic child”. In this particular case the argument of the SLP authority was that the siblings have learned the inappropriate behaviour one from the other and that the problem would display sooner or later on the “problematic child’s” siblings.<sup>89</sup> The underlying assumption that the children learn criminal behaviour from their parents, siblings and friends, seems to be postulated without doubts in the Czech criminology research under the term “criminal infection”. This concept which at the first sight seems to be a very inconsistent and highly prejudiced folk theory (one type of “blaming the victim” argument<sup>90</sup>), but alarmingly is presented as a scientific instrument on which criminal

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<sup>86</sup> While the interviews with Romani families did not turn up any such a case it was argued during the in-country roundtables that this still occurs. It would be more often nowadays that the mother leaves the child in the care of nurses but agrees with the doctor about it. Interview with Petr Fabián, director of children centre Čtyřlístek. Opava, Czech Republic: 17 August 2010

<sup>87</sup> Interview with Petr Fabián, director of children centre Čtyřlístek. Opava, Czech Republic: 17 August 2010

<sup>88</sup> Interview with Ivana Litošová, SLP authority, Municipality of Kraslice. Kraslice, Czech Republic: 6 September 2010

<sup>89</sup> Interview with a 36-year-old Romňi, Karlovarský region, Czech Republic: 21 August 2010, For detailed account see section 5d. See also Testimony No. three for further information about this case.

<sup>90</sup> For example, the concept as used by the cited materials (below) does not differentiate between the perpetrator and a victim of a criminal act. It is stated that if the parents have some criminal record, the children would be subject to criminal infection, which could mean either they become perpetrators or victims of criminal activity.

prevention and social intervention should be made.<sup>91</sup> It is no surprise that the SLP authorities share it if the criminologists use it in the official publications.<sup>92</sup>

## 2. The “output” from the institutions

Most of the informants stated the main reason for overrepresentation of Roma was the shortage of foster care parents and adoptive families who would take care of Romani children. The same mechanism applies to the mentally or physically disabled children. It is to be stressed that almost none of the interviewees envisaged as a possibility of output of children a return of the children to their biological families – as if they were to be “non-functional” forever.<sup>93</sup> As one of the informants puts it the families who would regularly take their children home for holidays are not able to secure such an environment for them so they could return. Each of such families would need special social care which would mean too many social workers. There will never be as much social workers so it is easier for the state to leave the children in the institution.<sup>94</sup> If considering preventive measures against children’s removal from the family we should never forget about the children whose families could take them back from the institution. There is no information available as to how many children return to their families before they reach the age of 18. As to the measures the institutions apply for the children return to the family: some of the institutions do not apply any measures and state their primary purpose is the education of children and any other thing is beyond the capacity of their personal<sup>95</sup>. Most of the children homes which have no programs state that the parents are not interested in their children or they would say “we work with the family if they express interest.”<sup>96</sup> On the other side there is a plentiful of institutions which do employ programs aimed at children return to the family. They would either do the programs themselves or in partnership with an NGO. In general the infant homes are more skilled in such programs and do them in-house, however, in a paternalistic way: “The parents come to visits to the institution, we teach them basic parental habits and skills. They can consult with a psychologist, therapist, or take part in rehabilitations.”<sup>97</sup> In some of the children homes an NGO was involved, which would facilitate the contact of the child with his family: “We are now part of a program of Czech Helsinki Committee, where children visit their parents who are under custody. Helsinki committee provides a better environment for these visits than we would be able to provide.”<sup>98</sup> In some of the institutions the outsourcing of such programs has been a marker of a new era: “When my predecessor was here, there was nothing. Now I started to cooperate with organization SES Spolu which is going to prepare these programs on contract basis. Training for educators, preparation of activities when a family with children will be contacted, development of cooperation with the family.”<sup>99</sup>

The general preference for decreasing the number of children in institutional care is foster care

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<sup>91</sup> See already cited research done by Večerka et al. in 2000 or other researches from the Institute for Criminology and Social Prevention ([www.iksp.cz](http://www.iksp.cz)).

<sup>92</sup> However, usage of this concept in the realm of institutional care and children removal should be a subject for further inquiry.

<sup>93</sup> There are cases when the children did return to the family, see for example testimonies 2 and 4.

<sup>94</sup> Interview with Renáta Chytrová, Jarmila Zelková, and Jarmila Szurmanová, SLP authority of the Municipality of Karviná. Karviná, Czech Republic: 25 August 2010

<sup>95</sup> Interview with Ivana Dudarcová, director of children home “Paprsek”, Mariánské lázně, Czech Republic: 2 September 2010

<sup>96</sup> Interview with Pavel Šoltys, director of infant home, Bystřice pod Hostýnem, Czech Republic: 27 August 2010

<sup>97</sup> Interview with Dagmar Stárková, director of infant home, Valašské Meziříčí, Czech Republic: 1 September 2010

<sup>98</sup> Interview with Vidor Mandelík, Dětský domov Horní Slavkov. Horní Slavkov, Czech Republic: 9 September 2010

<sup>99</sup> Interview with Libuše Hoyerová, director of children home, Plesná, Czech Republic: 3 September 2010

families and adoption. The problem of adoption and foster care of Romani children has been widely discussed in public sphere owing to a 2008 book by famous Czech writer that had adopted two Romani boys which turned unmanageable in their teens. The writer attributed the problems to the biological predispositions of the boys while her opponents stated the reason was in the things the boys had gone through before coming to the adoptive care or also in the fact the writer could strategically distance herself from the boys when the problems passed certain limits while she would never do this with her own children. Her ability to educate the children properly was also questioned. The book seems to occupy a cornerstone place for the parents who consider adopting a Romani child<sup>100</sup>.

The research could not go in detail in the questions of foster care and adoption but what the cited discussion reveals (and the book is also formative in this way of reasoning) is that there is a possibility of attributing the child's behaviour to its ethnic background and a free-hand in returning the child from foster care if he/she does not behave “properly”. The foster care parents can and do return the children back to the institution if there is some serious problem. The researchers could not gain numbers as to the proportion of children that are sent back to the institutions but they came across several examples of Romani children who had this experience and if the phenomena was spread it would also have an impact on the overrepresentation of Romani children in the institutional care. The data about such cases could be obtained from the SLP authorities and should be subject to further research.

The difficulties connected with a foster care of a Romani child are many: according to a children home director in Karlovy Vary. the foster care parents do not necessarily need to be prejudiced against Romani children but it is prejudice of larger family or neighbours that makes them give preference to non-Romani children.<sup>101</sup> Furthermore there are almost no Romani foster care parents who would take a Romani child unknown to them. As children's rights advocate points out Romani couples tend to separate if they do not have biological children, and therefore they would not adopt a child. Thus the foster care of the child's relatives is one of the very few ways to decrease the proportion of Romani children in institutional care.<sup>102</sup>

On the other hand there is quite a difference between foster care and adoption applicants with regard to their selectivity in ethnic background of the child and its disabilities for example. Foster care parents have less demands, they would take Romani child more easily than adoptive parents would because “they want to help the children”.<sup>103</sup> Again, it has to be pointed out that no statistical information which would support or falsify this statement is available. The foster care parents are also motivated to ask for a Romani child because of the fact foster care for Romani children is much less competitive: less demands put on the child by foster care applicants shorter the time until they receive the child, broader age limits for the applicants etc.. The logical assumption is that more competitive the foster care area is, better foster care parents are available. It should thus be assessed whether these conditions do or do not allow for differences in the quality of the care given by foster care parents to Romani children compared to the non-Romani.

The low numbers of adopted Romani children are also due to their low numbers in the adoption system: they are most often legally bounded with their biological parents. “Their parents do not abandon them. The mother disappears somewhere; she might be chasing some money but she plans to

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<sup>100</sup> Tereza Boučková *Rok Kohouta* (Prague: Odeon, 2008), for one of the many internet discussions see also: [http://www.rodina.cz/scripts/diskuse/novep\\_tree.asp?all=yes&id=6685&typ=1](http://www.rodina.cz/scripts/diskuse/novep_tree.asp?all=yes&id=6685&typ=1) (accessed 24 October 2010)

<sup>101</sup> Interview with Petr Zmunda, director of children home. Karlovy Vary, Czech Republic: 27 August 2010

<sup>102</sup> Interview with Dana Zapletalová, Educator in children home. Horní Slavkov, Czech Republic: 9 September 2010

<sup>103</sup> Interview with Pavla Hrbáčková, SLP authority in Vsetín. Vsetín, Czech Republic: 11 August 2010

“Protecting the Rights of Romani Children in the Child Protection System in Bulgaria, Czech Republic, Hungary, Italy, Romania and Slovakia”. Czech Republic: Field Research Report

take her children back. This is why most of them stay in the children homes.”<sup>104</sup>

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<sup>104</sup> Interview with Nora Koubová, NGO social worker. Prague, Czech Republic: 17 August 2010

## 5. How and why Roma end up in a state care

This chapter presents more detailed accounts of the trajectories and reasons why Romani children end up in institutional care. The process of the children removal is examined with special attention to the moments when the family comes in the focus of the SLP authority. This is not to claim that being in focus itself is problematic. On the contrary, the SLP system should actively search for the endangered families and assist them in their problematic situations. However, in this regard the system seems to fail and preventive measures towards Romani families are not applied enough. Following sections also present the children and parents views as to the reasons of their / their children's removal. Special attention is paid to the foster care of Romani children relatives which has been a controversial issue in the Czech Republic lately.

### 1. Process of children removal from the family

In 2009 49% of the children aged 0 – 3 were removed from their families because of social reasons, 33% for health issues, and 18% for combination of health and social issues.<sup>105</sup> The process and reasons for the children removal from their family were very closely intertwined, especially in the accounts of SLP workers. In most of the interviews the SLP authorities matched the reasons for children removal with the information channels by which the authorities learned about the child/family. Most of the warnings come from institutions run or controlled by the state and they copy the life-cycle of the child. For infants the information comes from doctors (absence of vaccination) and birth centres, for school age children from the school and doctors, then from municipal and state police, neighbours and anonymous announcers. The SLP authority is obliged to investigate each of such “signals” even if they are irrelevant from the first sight. The case of investigation initiated by SLP authority without previous external “signal” are very scarce, the SLP social workers do not actively search for their possible clients. According to the SLP authority from Karviná another source of information is the municipal birth registry which contacts the court with cases of extramarital children. The court then attempts to validate the absence of father.<sup>106</sup>

School reports to SLP authorities unfold one set of reasons when SLP is getting interested in the family: when the child starts its school attendance the family is not always able to provide it with snacks or lunch. Unexcused absences are the most common reason and also one where the school and SLP authority seem not to differentiate between Romani and non-Roma children. It is also very often that the child is excused from school for being ill but she is seen in town without its parents and then reported.<sup>107</sup> The school absence of Romani children is the mayor reason for their recognition by the SLP authorities as being potentially “in risk”. While doctors are often mentioned as a source of “signals” the researchers did not come across many cases where child practitioner would be known to report her patient: it was hospitals and specialists to whom the child would come because of diseases caused by bad hygienic conditions of the household (I. e. scabies, hepatitis).

The SLP workers, together with judges state they remove the child from its family only when the child

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<sup>105</sup> Ústav zdravotnických informací a statistiky České republiky: „Activity of institutes for infants and homes for children up to 3 years of age and other institutions for children in 2009“, *Actual information 13*, Prague 11 May 2010. The MoLSA does not keep statistics of the reasons for children's removal at all, potentially some regional SLPA authorities could keep such statistics.

<sup>106</sup> Interview with Renáta Chytrová, Jarmila Zelková, and Jarmila Szurmanová, SLP authority of the Municipality of Karviná. Karviná, Czech Republic: 25 August 2010

<sup>107</sup> Interview with Miroslava Skotnicová and Lucie Haltufová. Curators for children and youth, Magistrate of Karviná. Karviná: Czech Republic, 25 August 2010

is seriously endangered. At first place the family should be closely supervised. Non-discrimination was the most often repeated term while some of the SLP workers openly and one of the judges “off-the-record” noted that their non-discrimination goes so far that they would apply more benevolent measures for the living conditions of Romani children: “It is not true that we remove their children more often or different measures are applied. Perhaps on the contrary. If there is ten persons in one flat I keep the child in the family more probably than at the non-Romani. The problem is that they do not educate the children, they do not give them knowledge, and they put off the things for some other time. As some would put it “it is their nature”. But the rules are same for everyone.”<sup>108</sup> Sometimes this “double measure” is explained by cultural sensitivity of the SLP authority: “it is not set exactly what the families should comply with, the boundary is set differently for Roma families, we take into account their traditions, habits, they pay attention to another things than the majority, but if they don’t have where to sleep, what to eat over a long period, the health care is neglected, if the health of the child is in danger, abuse of addictive substances (toluene, marihuana).”<sup>109</sup> This “cultural sensitivity”, however, is seen as very problematic by many respondents from children homes, NGOs and schools.

The differential treatment with reference to cultural difference is in fact a means of discrimination. Markéta Vaňková who studied interactions between inhabitants of “socially excluded localities” and police notes that many of the policemen “*adapt police criteria of the assessment of criminal behaviour to the “standards” of the group from which the perpetrator and the victim come, and that the criteria of “majority” do not coincide with criteria of “Roma”.*”<sup>110</sup> In cases such as but not limited to domestic violence the policemen classify the behaviour as a part of Romani culture (in their stereotypical view violence could be even means of expressing love among Roma) and not a criminal act and does not pay further attention to it.<sup>111</sup> In such cases the ethnic definition of the situation is by all means discriminatory to the group of persons who are neglected assistance.

The fear of intervention can, paradoxically, be accounted to the fear of being blamed for discrimination. The director of one children home places it as: “Almost apprehensively they avoid intervening when they should (poor nutrition, absolute child neglect. For example the children home receives children who do not have basic habits, they fear for their food, they don’t know the meal consists of meat and side dish, they are not clothed enough or do not have underwear). They are under pressure. It is mostly Romani families concerned, moreover they are afraid of being blamed for discrimination.”<sup>112</sup> Such a critique did not come only from the state part of the system. SLP workers in one of the cases took a NGO social field worker, who is Roma himself, as a hostage: Ján Čonka (then employed by different NGO) kept warning the SLP authorities about problematic families which were overseen by them in the town of Sokolov. In one case of a family living in alarming hygienic conditions who abused their children the SLP authority did not intervene (because she feared the family) until Čonka came and signed that it was him who reported the family and takes responsibility for it. Čonka would not link this directly to the fear of discrimination but rather to the unwillingness of the SLP authorities to intervene.<sup>113</sup>

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<sup>108</sup> Interview with a judge, off-the-record

<sup>109</sup> Interview with Tomáš Zelenka, SLP social worker. Ústí nad Labem, Czech Republic: 29 August 2010

<sup>110</sup> Markéta Vaňková, „„Systém brána“: Problematické strategie policejní práce“, *Migraceonline.cz*, April 2007; available at [http://aa.ecn.cz/img\\_upload/79a33131c9c4293e0fcef50bfa263ef/MVankova\\_Systembrana.pdf](http://aa.ecn.cz/img_upload/79a33131c9c4293e0fcef50bfa263ef/MVankova_Systembrana.pdf) (accessed: 17 October 2010)

<sup>111</sup> Ibid., 6.

<sup>112</sup> Interview with Vidor Mandelík, Dětský domov Horní Slavkov. Horní Slavkov, Czech Republic: 9 September 2010

<sup>113</sup> Interview with Ján Čonka, Poradna pro občanství, občanská a lidská práva, Středočeský region, Czech Republic 30 August 2010

Systematic denial of preventive measures leads to the situation when there is no other means than removing the child from the family. Such a case was described in the previous chapter with the preventive upbringing institutions being neglected to Romani children. The same mechanism seems to apply in the case of preventive measures towards the family and the environment in which Romani families live. Thus when it comes to Romani parents who are not able to educate their children anymore and turn to SLP authorities with request of institutionalization of their child, it is exactly the situation that could have been avoided by preventive measures.

Housing and social reasons for children removal are very frequent. It has to be added several examples of long-term recovery work with the family were found that unfortunately ended up with the children removal after trying many ways of assistance to the family. “We were removing seven children from one family, we tried to help the family in many ways but they did not cooperate. Diakonie (social work NGO) went shopping with the mother, they had huge debts, they agreed on instalments, and after all we received a call from the school that the children did not eat for two days. If the mother opposes there are no means.”<sup>114</sup>

The SLP authority has been criticized from several sides for not informing the family about the process of child removal: it often happens that the family thinks once the child was removed she was lost forever and there was no way to return it back before its adulthood. NGOs who are supposed to “restore” the family start with informing the parents about their rights. As SLP worker puts it statistically: “Not really, return back to biological family, this does not happen a lot. It is less often; once they are placed (in the institution) it is practically the last possibility after a long cooperation.”<sup>115</sup> But in the same time her colleague who was present could identify several Romani families with whom they have been working so their children could return back to them.

Many of the interviewees identified the shortage of SLP workers as a main obstacle to their preventive work. However in few cases SLP field workers were found who would visit the families regularly but almost none of them informed the family about SLP enough. In some cases it proved to be quite difficult to reach the children’s mother after she loses them: it could result in the situation when the child itself was better informed about his legal situation than his mother.<sup>116</sup> On the other hand various Romani parents complained about signing some document they did not understand with consequences they did not expect. Two of the interviewed Romani women reported signing consent to adoption without understanding what they signed. One Romani mother reported: “I did not go to school a lot, just six years finished. My parents married me when I was fifteen, so I could not read a lot. When my children were removed the social worker (SLP social worker) told me it was only for few months, until it gets better at my home. So I signed it but afterwards I learned that I signed adoption and I did not see my children since then.”<sup>117</sup> In two cases the mother signed she abandons the child but her larger family or her husband did not agree. When recounting the mothers were sorry for signing. Five mothers reported they had been persuaded by SLP social workers to sign a consent to adoption.

An interesting practice of informing Roma parents about the SLP system is done in one of the towns of Ústecký region<sup>118</sup>. The local SLP field worker regularly visits the endangered households and sets

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<sup>114</sup> Interview with Jarmila Zelková, SLP referent, Magistrát města Karviné. Karviná, Czech Republic: 25 August 2010

<sup>115</sup> Interview with Yveta Holubová, SLP director, Městský obvod Moravská Ostrava a Přívoz. Ostrava, Czech Republic: 19 August 2010

<sup>116</sup> Interview with a 12-year-old boy who lives in the institutional care. Moravskoslezský region. 18 August 2010. The interview was approved by the child’s mother.

<sup>117</sup> Interview with a 27-year-old Romňi. Středočeský Region. 18 September 2010

<sup>118</sup> In order to protect the Romňija who are in danger of having their children removed we changed the name of



rules for their behaviour so she would not take their children. One Romňi reported the SLP social worker would come to her flat and tell her to increase the heater inside or the child is removed. Second Romňi told us she was said that the conditions at home are not sufficient: the family has financial problems, one of the partners left and the other has problems with alcohol. If the situation does not improve her children would be removed. Third Romňi said she was warned not to fall into drugs, alcohol, to take care of her son and make sure he goes to school or her child could be removed. While at the first sight this could look like bullying what should be valued from such account is that the SLP social worker set clear boundaries and explained them to the mothers. Such practices have potential of being amended by “softer” treatment of the mothers and wider information and services given. However, in this case no assistance was provided to the families from the side of the SLP social worker.

## **2. Reasons for children removal from the family: children’s views**

Assessment of the reasons for child removal differs substantially between the groups of informants: it shows different practical and ideological standpoints of the different actors. Romani families who had their children removed stated housing and economic conditions as the most common, followed by family problems, school attendance issues and health issues. On the other hand SLP authorities interviewed assessed school attendance problems as the main reason followed by child neglect and deliberate abandonment of children by parents (for different motives) and housing problems and poverty in the last place.

This question was particularly sensitive for Romani children who lived or had lived in institutions. Romani children **who lived in institutions** and could be interviewed were between 15 and 18 years of age which also explains why school attendance problems together with child’s behaviour were the most common reasons followed by lack of parental care and child abuse. Few of the children interviewed did not want to respond or did not know the reasons. The poor school attendance reasons were not directly connected to family problems: the cases when children from “stable” families had not been attending school were common.<sup>119</sup> In some cases the “problematic” children’s parents themselves requested placement of their child in institutional care in order to protect them either from a forced removal or from criminal behaviour, which was overly judged as wise by the children: “She did well, better than if the social worker dragged us. Usually, they are tough; they grab one from the bed in pyjamas.”<sup>120</sup> The children who had lived in institutional care since infant home did not know the reasons at all or could only repeat the version given to them such as: “She did not give a fuck about us” or two 15-year-old Romani girls who had been raised by the state since infant home, one of which had not ever been with her family: “Supposedly our parents beat us, abused, they did not care about us.”

Romani children who lived with their families but had spent some time in the institutional care had had problems with school attendance and behaviour (I. e. one of them had beaten his teacher) or were involved in criminal activity (14-year-old Romani boy) or begging. Housing problems were also involved and in some cases children could return back to the family after proper housing conditions were restored. Mother imprisonment and child neglect were also reasons for the removal.

## **3. Reasons for children removal from the family: parents’ views**

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the region and do not mention the characteristics by which they could be identified.

<sup>119</sup> On the other hand one of the striking examples which revealed interconnectedness of school attendance and family situation was 15-year-old Romani girl who had not been attending school because of taking care of her ill father.

<sup>120</sup> Interview with a 15-year-old Romani boy. Karlovarský region, Czech Republic: 9 September 2010

### **with a special attention paid on the role of poverty and racist attitudes**

The bad housing situation was the most common reason for child removal which is very closely connected with the economic situation of the family. Economic conditions as a sole reason for child removal was reported only in one case when a Romani woman with Slovakian citizenship who lived in the Czech Republic did not have money to pay health insurance for her children so she agreed with their placement in the institution.<sup>121</sup> This happened before 2004 since when the EU citizens would not have to pay health insurance in CR any more. The role of poverty also increases with problems in family which will be dealt later. Poverty or lack of cash and indebtedness were also reasons of loss of housing which lead to children removal in most of the cases. The children would be taken after electricity and water were cut from the household or when an executor came to evict the family from rented flat. In municipal flats the SLP worker would come together with the executor. Lack of cash was also reason why Romani parents in some cases did not send their children to school where transport ticket was needed: “It happened time to time that I didn’t have money to send them, for bus, snack at school, mainly before the social benefits came.”<sup>122</sup> Romňija would take debt to overcome such situations while Romani men would be more likely the destabilizing part of the financial situation of the family.

While housing situation is the most common reason it is one that can be overcome – most of the cases when children could return to their families were result of the improvement of housing conditions. The research did not find many cases when the family would be assisted with their housing situation: if serious housing problems appeared and the SLP authority learned about it, the children were placed automatically in the institution. In some cases reception centre was found for the mother with children and the couple had to separate because overwhelming majority of reception centres and asylum houses do not host whole families; they are dedicated exclusively either to women with children or to men, but not to whole families. Shortage of reception centres was also reason of migration of some of the families – for example from Ústecký region to Liberec where the reception centre had free capacity.<sup>123</sup>

From the very few cases of housing assistance given to the family which were encountered during the research it can be stated that the assistance was not part of any systemic measure, but a will and dedication of a given individual. One case was a Romani mother who had lived with her children in a house without electricity and water. The SLP social worker was visiting them regularly but she would not remove the children until the housing conditions were so bad that the roof of the house started falling. In this moment the SLP worker told the mother to find other housing or her children would be removed. A child doctor helped the mother and found a reception centre where the mother could move, so the children were not removed from her.<sup>124</sup> Another case was a Romani mother who lived alone with her children in bad housing conditions. One winter the water froze in the house and SLP social worker told the mother her children would be removed unless she finds housing in three days. A representative of Romani NGO found a reception centre for her in different region and thus the children were not removed from the family.<sup>125</sup>

The bad housing conditions were often interconnected with poor relation of the parents. A 25-year-old Romňi lost her flat. Her partner left her because of other woman and indebted her with usurers. The woman found herself together with three children in such a bad situation that the SLP social worker

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<sup>121</sup> Interview with a 25-year-old Romňi. Moravskoslezský region, Czech Republic: 18 August 2010

<sup>122</sup> Interview with a 36-year-old Romňi, Karlovarský region, Czech Republic: 21 August 2010

<sup>123</sup> Interview with 40-year-old Romňi. Ústecký region, Czech Republic: 16 September 2010

<sup>124</sup> Interview with a 45-year-old Romňi, Ústecký region, Czech Republic: 16 September 2010

<sup>125</sup> Interview with a 40-year-old Romňi. Ústecký region, Czech Republic: 16 September 2010

proposed placement of the children in institution. She agreed and signed some paper but she kept no copy and is not able to read. Afterwards she got together with father of the children again and they tried to visit the children in the institution but were not allowed in.<sup>126</sup> A 26-year-old Romňi R. had been abused by her partner who later went to prison for other reason. R. did not have money to pay the rent for the flat so she went to live to a reception centre. After she was found to have used drugs she was ordered out and her children were removed to institution and to the care of her relatives.<sup>127</sup> Separation of the children’s parents often starts a chain that leads to placement of the children in institutional care. Housing conditions remain the final reason for the placement in majority of the cases.

Most of the families in risk or whose children have been removed were single-parent (mother) families due to various reasons ranging from bad housing situation (only mother with children is allowed in reception centre), problems between the children’s parents, or commencement of children’s father sentence.<sup>128</sup> In the moment the father is missing, whole range of practical problems arises that falls upon the mother. Financial problems described above are first of them. More subtle difficulties of a life without male can be involved: one Romňi who found herself abandoned with children in a house was not able to heat the house properly in winter and the water pipes got damaged. Another such a difficulty was that Romani mother was unable to stay in touch with the school authorities, for example she could not go to the parents evening because she had to look after the children. Her son had problems with school attendance and she could not show she was interested enough in her sons education which led to his removal to an institution.<sup>129</sup> Abandonment had also psychological effects on the Romňija , some of them found themselves incapable to carry on: “I went to prison and my wife put them all there (..) She started to drink and they took them from her. She did not take care of them...”<sup>130</sup>. When the partner returned from prison the family situation got much more stable and the couple was preparing to receive their children again in the time of the field reesearch.

Health care issues were very rare and it was in connection to family problems and serious risk to children when they became reasons for children’s removal such as violence against pregnant Romňi which led to early birth of the child and his automatic placement in an infant home.<sup>131</sup> In this case as well as in other cases of violence against the mothers the only measure taken was separation of the child without protecting the mother from the perpetrator at all.

Poor school attendance of the children was among the reasons Romani mothers gave most often as a cause of child removal. In some of the cases it was unconnected with the family situation or housing situation and the case was only that the child did not go to school without his mothers’ knowledge. Such behaviour was sometimes connected with criminal activities of the children. As it was mentioned earlier the preventive measure in such a situation is that the mother requests institutional care for her child herself. This has logic as the parent could be sentenced (and some of the parents are) for school attendance problem of their children which leads to removal of all the children. Even if the parent is not sentenced the risk for the “problematic child’s” siblings is high: “The social authority picks on me. They took my children away, that I have one naughty son they told all of them are alike. I did not want this, I explained them I was good mother, I lived in poverty but I had a place where to live, even in lodgings, but I lodge. It is just that she dislikes him misbehaving and she thinks the rest do as well. She simply put the proposal on him and then on the others one by one. (...) She insisted that they

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<sup>126</sup> Interview with a 25-year-old Romňi, Moravskoslezský region, Czech Republic: 18 August 2010

<sup>127</sup> Interview with a 26-year-old Romňi, Karlovarský region, Czech Republic: 21 August 2010

<sup>128</sup> See also chapter 2 Methodology.

<sup>129</sup> Interview with a 36-year-old Romňi, Karlovarský region, Czech Republic: 21 August 2010

<sup>130</sup> Interview with a 52-year-old Roma, Ústecký region, Czech Republic: 30 August 2010

<sup>131</sup> Interview with a 31-year-old Romňi, Moravskoslezský region, Czech Republic: 24 August 2010

learned from each other so she gave the proposal on all of them (another three children).”<sup>132</sup> This account reminds us once again that being labelled as a problematic family increases the possibility of all the children being placed in the institutional care.

#### 4. Romani children and foster care of their relatives

One of the current propositions of neoliberal governance represented by „zero tolerance“ politicians towards „inadaptable“ citizens<sup>133</sup> is that foster care benefits should be cut for people who take care of their grandchildren while biological parents remain living in the same household. Instead the biological parents should pay for the foster care<sup>134</sup>. One of the judges interviewed spoke of higher demand for the foster care from the side of family members but the decision whether foster care is needed or not should be taken as a part of the judge work – if she is sensitive to possible abuses in her practice, than the abuses should be minimized by her decisions. The research found only one example of foster care abuse by an aunt of Romani girl (17) P.. After the mother of P. went to prison, she was sent to foster care of her aunt together with her two siblings. However in her words the aunt took the children only because of the foster care benefits. The siblings of P. soon left the household and she herself asked the SLP authority to be placed in the institutional care until her mother returns from prison.<sup>135</sup>

The regional judge in Karlovarský region confirmed that in most of the cases foster care is sought after among the extended family of the child, especially when the parents have drug, alcohol or psychiatric problems. From this point of view it is not the abusive strategy of Romani parents to place their children within the family, but deliberate preventive strategy of the child care system to provide safe environment for the child. There are various reasons for such a practice.

If the biological mother is not able to take care of her children placing the child in the foster care of their relatives strongly prevents their placement in institutional care. The research encountered cases where mother was officially part of the household without taking care of her children or even living in the household. One of the examples comes from Ústecký region: two children of 2.5 and 1.5 years, one of them with physical disability, were abandoned by their parents on drugs (who officially remained permanent residents of the household). The children’s grandmother who lived in the same household and had raised them could not take care of them because of her work so both children were removed to institutional care. Presently she is in the process of acquiring one of the children in her foster care. If she succeeds she can leave her work and take care of the child.<sup>136</sup>

State care employees sometimes find themselves discussing best interest of the child with NGOs and children’s rights advocates. According to the director of infant home in Ostrava the return to biological family is not the child’s best interest in many cases, furthermore the children themselves often wish to leave the biological family often. The same informant also pointed out the number of foster care parents is so low because they do not get paid enough for their work.<sup>137</sup> Foster care itself does not prove economically lucrative. There are almost no Romani foster care parents who would take unknown Romani child. As children’s rights advocate points out Romani couples tend to separate if they do not have biological children. Thus the foster care of the child’s relatives is one of the very few ways to decrease the proportion of Romani children in institutional care.

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<sup>132</sup> Interview with a 36-year-old Romňi, Karlovarský region, Czech Republic: 21 August 2010

<sup>133</sup> Pejorative, while in the same time politically correct term which has replaced term „Cikán“ used in public arena while keeping the same discursive connections and staying highly ethnicized.

<sup>134</sup> Hana Škodová, “Plošná rodičovská v ohrožení”, *Hospodářské noviny*, 12 October 2010

<sup>135</sup> Interview with a 17-year-old Romňi. Karlovarský region, Czech Republic: 2 September 2010.

<sup>136</sup> Interview with a 50 and 55-year-old Romani couple, Ústecký region: 14 September 2010

<sup>137</sup> Interview with Zdeněk Novotný, director of Infant home. Ostrava-Zábřeh, Czech Republic: 22 August 2010

We also found examples when the foster care of the family members was not made possible even if the family members expressed their wish. That was caused either by court's denial of foster care or by children's mother unwillingness. Judges informed by social workers, police, schools and other actors seem to be selective and well informed. It is by no means automatic that family members will be selected as foster care parents. What is important to mention is that the family members in most cases have their own children and they can be assessed as to their ability to bring up a child.

## **6. Living conditions in the state care**

This chapter deals with the living conditions of children in the state care. It assesses the conditions of Romani children compared to non-Romani, possible segregation, adequate access to education, and abuses based on ethnicity.

The equipment and material conditions of children homes were frequently the matter of positive assessment from the side of children and employees of children homes. According to the director of one children home money for the children are very easy to obtain from sponsors; it is more complicated to gather money for renewal of buildings<sup>138</sup>. Our researchers also reported quite often that lot of institutions are very well equipped, while the exterior might not be so attractive. The children appreciated they do not miss anything in the institutions, they can go abroad for holiday, go skiing, play a musical instrument, and they have lots of leisure time activities such as sport clubs etc.<sup>139</sup> Furthermore, lot of children appreciate that children home provides them with appropriate conditions to successfully complete their education (in contrast to their parents household).<sup>140</sup> Nevertheless according to one NGO worker, children from institution do not finish vocational schools as often as the representatives of the institutions claim. The institutions also raised criminals, drug-addicted, homeless and unemployed people<sup>141</sup>.

### **1. Equal access to material comfort**

When directly asked about segregation or discrimination on the base of ethnicity the Romani children did not report any inequality in access to material comfort. The rooms in the institution as well as family-like groups are always ethnically mixed and the children eat together in a common dining room. The interviewed employees often felt offended by the research questions which anticipated some ethnic segregation in the children homes.

### **2. Relationships between staff and children**

The absolute majority of children home employees are non-Romani. The research found only one case of a Romani educator in child home. While the interviewed staff from children homes did not recognize any kind of discriminatory practice, children's experiences were sometimes different. They described having been subjected to openly racist remarks such as calling them names such as dirty gypsies, briquettes, etc. by some of their educators and other children (Romani children too). Exceptional was a situation described by a group of children in one children home: The former director was a racist, confirmed four children: “He didn't like Gypsies. He beat small kids. He was calling fat children names saying they just ate and shit and did nothing. He called them “Cikáni z Wolkrovky” (Gypsies from Wolkrovka; Wolkrova street being a ghetto in the city of Cheb, well known for prostitution, dealers [...]) He was casting slur on their mothers calling them hookers.” The children complained about him to an “aunt ZZ” but she was his girlfriend so nothing happened. Then they turned to SLP social worker who promised to solve the problem but nothing happened again. The institution was also visited by NGO workers: “someone like you”, said one boy, but nothing changed.

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<sup>138</sup> Interview with Petr Fabián, director of infant home. Opava, Czech Republic: 17. August 2010

<sup>139</sup> Interview with a 15-year-old Romani girl who lives in institutional care. Ústecký region, Czech Republic: 1 September 2010. Interview with a 12-year-old Romani boy who lives in institutional care. Moravskoslezský region, Czech Republic: 13 September 2010.

<sup>140</sup> Interview with a 16-year-old Romani girl who lives in institutional care. Středočeský region, Czech Republic: 1 September 2010; Interview with a group of Romani youth who live in institutional care. Karlovarský region, Czech Republic: 3 September 2010; Interview with a 16-year-old Romani girl who lives in institutional care. Ústecký region, Czech Republic: 19 August 2010.

<sup>141</sup> Interview with NGO director and psychologist, Ostrava – Moravská Ostrava, Czech Republic: 16 August 2010.

The situation was solved only when the director got retired.<sup>142</sup> Another exceptional example of abuse from a different children home which was not solved properly was a case when children had been beaten by couple of educators who got drunk at school trip. Children reported it to the home director but nothing happened either. The children were beaten again because they knew “all the dirty stuff” on the educators. According to one child those who had been beaten were predominantly Roma.<sup>143</sup>

The children also described quite often a kind of injustice which the children perceived to be based on their ethnicity. E.g. when children were asked, if they experienced a differential treatment by educators because of their ethnicity one girl described: “When my sister was sick nobody from educators believed she was really sick. Later on they discovered it was angina. But, when some white kid feels sick, the educators immediately run to get some medicine”.<sup>144</sup>

Children can also consider differential treatment when it comes to punishment when they think their punishment was inadequate compared to others: “One is forbidden to watch telly for a month and other for two weeks”<sup>145</sup>. The children also considered educators’ rude attitude towards them calling them names, bossing children in a rude way (e.g. “do not stare and dig”). In both of the cases racist motivations were mentioned. The same aspect can be found among children’s parents. E.g.: A mother whose child lives in children home says she is not very satisfied with the relationship between children there. She said: “My son is just one month after surgery and some 15-year-old guy is beating him. My son has no muscles to defend himself. I fear his safety. Two of his cousins live there, when they are at the home they take care of him but now they are on vacation (...) I think it is because he is Roma, I think there must be some racist.”<sup>146</sup> What all of these cases share in common is the interviewees link them with prejudices or racist attitudes which is not always an accountable way to talk about someone’s motivation. The researchers think that it reflects their feelings about the majority society in general and fears from it.

The common feature of all experiences with injustice, rudeness or violent behaviour is that children do not see any way how to stand up against it. Although they say some of the educators would normally be on their side when a problem appears their educators stick together with their colleagues and children have no one to stand up for them. As it was shown for example in the case from Karlovarský region, there is also no one in the outside world to turn to for help or merely to discuss own problems.

### **3. Limited access to quality education**

Indirect discrimination showed for example when the educator underestimated child’s educational abilities. One girl interviewed complained about her vocational school: she had wanted to become a teacher but her educator told her she was not good enough so she went to study window dressing which she hated.<sup>147</sup>

Another and probably more serious (because systemic) problem connected with education is the

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<sup>142</sup> Interview with a group of Romani children aged 15 – 17 and another group aged 17-20 from children home. Karlovarský region, Czech Republic: 3. September 2010.

<sup>143</sup> Interview with a group of Romani children aged 15 – 18 from children home. Karlovarský region, Czech Republic: 9 September 2010.

<sup>144</sup> Interview with a 15-year-old Romani girl who lives in institutional care. Ústecký region, Czech Republic: 1 September 2010.

<sup>145</sup> Interview with a 18-year-old Roma who left the institutional care. Štětí, Czech Republic: 30 August 2010

<sup>146</sup> Interview with a 33-year-old Romňi whose children have been removed. Moravskoslezský region: Czech Republic: 23 August 2010

<sup>147</sup> Interview with a 18-year-old Romňi who lives in institution. Karlovarský region, Czech Republic: 9 September 2010

placement of the children into the boarding schools which are part of the institution. According to some of the children schools of this kind are less demanding and less inspiring compared with standard elementary schools and as a result limits the child's chances for further education. One Romani boy puts it as: “The school is, sorry for the term, piece of shit. They talk only to older ones and not to us. I sleep there. One day they teach the older, other day they teach us, I would not have to go there those days at all!”<sup>148</sup>. Another boy commented: “we did not learn almost anything there, in some classes we were learning but if we did not want to learn, we did not. (...) If I was to go to a normal elementary school I would fail”<sup>149</sup>. If some of the children continue in education after finishing compulsory nine years of elementary school they mostly go to boarding vocational school. It is very rare some of them go to a grammar school. This seems to apply equally to Roma and non-Roma. Several children also complained about the insufficient privacy needed for studying in children home. Nevertheless it should emphasise that both the educators and the children appreciate (see the first paragraph of this chapter) that staying in the children home allows some of them to finish the high school.

#### **4. Relationships between children**

Although most of interviewed children confirmed that in children home in contrast to the school they all are friends and do not make differences because of skin colour (one of the educators puts it like this: “they stick together, they are all in the one boat”<sup>150</sup>), in couple of cases Romani children said they have probably more friends among Roma. Also some employees confirmed although the children do not make any distinction because of their ethnicity, but finally Romani children somehow stick together.

What do the different experiences of injustice from the side of employees or from side of other children share in common? Children home is a total institution which means there is no chance to live across its border. Children know very well they are going to stay in the institution until their adulthood so they have to behave strategically not only towards their educators but also among themselves. As children know that all of them have to somehow get on with each other they are also afraid to report the cases of bullying or violence to the educators because they know denouncing someone would only worsen their situation in the group. One girl reported there was even case of rape in their home but employees never knew about it. “Educators play tough guys but they cannot really understand the kids because they did not go through the same things. They will never understand the tough conditions the kids grew up in. There was a rape in the children home which was not penalized. The educators know really nothing about the relationships between children. If the children are bullied they do not report it as they know they have to stay in the children home until they finish their studies.”<sup>151</sup>

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<sup>148</sup> Interview with a 12-year-old Romani boy living in an institution. Moravskoslezský region, Czech Republic: 23 August 2010

<sup>149</sup> Interview with a Romani boy living in an institution. Moravskoslezský region, Czech Republic: 23 October 2010

<sup>150</sup> Interview with Josef Fuchs, children home educator. Zruč nad Sázavou, Czech Republic: 13 September 2010

<sup>151</sup> Interview with a group of Romani children 15-17-year-old. Karlovarský region, Czech Republic: 2 September 2010



## **7. The role of disability in the placement of Romani children in the institutional care**

This chapter focuses on the different roles disability plays in the children removal from their biological families. The research was focused only on state-run general child homes and infant homes, thus serious physical or psychological handicap was quite rare among the informants. There are also special institutions for the children with more serious damages requiring specialized medical care called “Social care institutions”. The prevailing estimate of disabled Romani children in the institutions was around 50% of the total number of disabled children which is about 10% more than the estimated overall Romani children proportion in the state care. Most of the children in the institutions have diagnosed disability with psycho-social character (LMD, behaviour disturbance, emotional or social deprivation) which according to a considerable amount of the representatives of institutions can be closely connected with poor and non-stimulating social conditions (social neglecting) that can be caused by neglecting parental care or long stay in institutional care from early age.<sup>152</sup>

### **1. The types of disability among the children in institutional care**

Light mental disability is the most common diagnosis together with ADHD („Attention Deficit Hyperactivity Disorders“) combined with other psychiatric problems. It is almost one half of the children in the children homes who suffer from one or more of these handicaps.<sup>153</sup> However these estimates differ from home to home. All of the respondents insist that handicap is not any specific for Romani children. According to them, the higher ratio of disabled Romani children is a result of bad social conditions in which big proportion of Roma live.

### **2. Disability of the child as a reason for its placement in the institutional care**

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<sup>152</sup> This approach to LMD reflects current discussions on the proportion of Romani children in so called „practical schools“ which have been designed for children with light mental handicaps. According to a 2009 study by the Czech MoEYS the probability of Romani children for entering such an institution is more than 12 times higher compared with the non-Romani. (Ústav pro informace ve vzdělávání, *Monitoring RVP*. (Praha: UIV, 2009) These findings together with advocacy actions on the DH vs. Czech Republic judgement follow-up, and media attention led to an announcement by the Minister of Education, Ms. Kopicova before school inscriptions in January 2010 that Romani children should be placed in the practical schools only in cases they are mentally disables. A coalition of special educators formed around Mr. Pilař, former director of special schools section at MoEYS who was fired from the ministry shortly after the DH vs. Czech Republic case and who had been keeping the ethnically segregational system of special schools in motion since 1990s. The counterargument of this coalition was that Romani children’s light mental disability is not caused only by biological reason but also by neglecting parental care and bad overall social conditions of the child. The child’s performance in the psychological test is, according to this argument, indicator of her preparedness for the basic elementary school. If she fails she should be treated in practical school. The long-term policy of MoEYS after DH is to reform the separated schooling practise and introduce inclusive education. Assessment of child’s mental ability (if done) should not be used for separation of the child but for assessing her educational needs that should be fulfilled in the mainstream education. Experts in special education and assistants of teachers should assist the child to succeed in the mainstream school. Such an approach should facilitate overall inclusion of the child with special educational needs into mainstream society and prevent the child (and citizen) from further marginalization (based on education, ethnicity, and class).

<sup>153</sup> Interview with Vidor Mandelík, children home Horní Slavkov. Horní Slavkov, Czech Republic: 9 September 2010

The disability in itself does not seem to be the direct reason for the child's placement into the state care institution: it is when the family is not able to take care of their disabled child according to standards of the SLP authorities. Disability is just one of the factors that makes childcare excessively demanding. So much that socio-economically low situated families cannot manage it at their own without some kind of assistance. According to the collected data, the kind of ambulatory assistance that would be needed is beyond the capacity of SLP social workers. In some localities lack of SLP social workers capacity is effectively substituted by work of NGOs. Nevertheless, in most cases disabled Romani child ends in state care institution.

Considering disability like ADHD, which is usually connected with frequent school absence and behavioural disruption, there are also cases of children placement into the state care institution from their parents will (feeling not able to guarantee school attendance or sufficient living conditions). According to experiences of infant centres employee, its more common that Romani mothers leave their infants in institutional care, because they have more limited possibilities of taking special care of handicapped child.<sup>154</sup>

### **3. The diagnostics process in case of child living with its family**

The educational and behavioural problems usually form an integral part of the reasons why children have been placed to the institution by their parents or by a court order. There is quite narrow cooperation of diagnostic centres, pedagogical-social counsellors, school teachers and SLP social workers. The usual practice is the following: The teacher or SLP social worker (or parents themselves) alert child's behaviour, school attendance and study results. After a consultation with parents the child goes for diagnostic stay in a diagnostic centre. The diagnostic process includes psychological testing, an analysis from the “etopedie”<sup>155</sup>, and observation by teachers or nurses. A final report should be then submitted to the parents. Afterwards the child either returns back to the family and stays supervised by SLP worker or remains for longer term stay in re-education centre or is sent to children home, according to the anamnesis, family situation, and court verdict if situation requires this.

The opinion on the accuracy of anamnesis differs among the professionals (directors of children homes, educational centres, diagnostic centre). The diagnostic process is based on quite a short stay (from two to five weeks) compared to time that children spend in children homes where they are also observed by the staff. In most of the cases children come to diagnostic centres in the age of 13 or 14, when is already quite complicated to distinguish sources of the child's bad results in disability testing as was explained in the beginning of this chapter.

### **4. Disability in adoption or foster care**

According to the statements of all actors involved in seeking alternative care, the chance for placing disabled child into adoption or foster care is very low. As a Roma coordinator from Ústecký region summarized: “No one wants to adopt disabled child, no matter if it is Romani or not. It is like adopting a baby with Down syndrome. Everyone wants healthy, white blue-eyed blond-hair baby if possible.”<sup>156</sup> Adoptive families do not want children with problems thus the best chance to find adoptive parents for a disabled child is adoption to foreign countries. In the case of Romani children the informants mentioned successful experience with adoption by Spanish, Italians or other parents living in more multicultural places. There is no data available as to the proportion of Romani children among the

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<sup>154</sup> Interview with Vladimíra Knýblová, judge for Moravskoslezský region. Ostrava-Poruba, Czech Republic: 16 August 2010

<sup>155</sup> A part of Czech special pedagogy curricula which does not seem to have an English equivalent.

<sup>156</sup> Interview with Lenka Balogová, Roma coordinator of Ústecký region. Ústí nad Labem, Czech Republic: 29 July 2010

adoptions abroad.

## **5. The disability of parent(s) as a reason for the child's placement in the institutional care**

Disability on the parents' side - real or presumed can also play a significant role in the child's placement in the institutional care. The most striking example which was found in the research is of a mother who was officially under disability (meaning without legal capacity) and based on this she was automatically denied her parental rights. As this testimony unfolds many gaps of the system in the same time special space to it will be dedicated. The 41-year-old Romňi insisted her case had nothing to do with her ethnicity but only with her legal position and actually did not like at all the fact the research was focused on Roma. She had suffered strong epilepsy and received partial disability pension. As a part of the process she was taken legal capacity away<sup>157</sup>. When she got pregnant the epilepsy disappeared. Although she was visiting her doctor together with her guardian every two weeks none of them informed her that her child would be removed unless she asks the court to give her the legal capacity back. After her birth she only realized the child was taken to an infant home after a court decision without her. She could not even give name to the child. The only way to get the child back was to ask her cousin to become child's legal guardian. The cousin, however, refused the child after three months and it returned back to infant home. The mother was then advised by her guardian she should find a fictitious partner to have him as a guardian of the child. After another mishap the guardian advised the Romňi to ask the court to be given her legal capacity back and then request the child's return to her. The mother did all this on her own and in the end the child was returned to her at 18 months of age. She has been regularly visiting an NGO to seek assistance with proper child care since then. When she got her child back she forgot about her plans to sue against the maternity hospital and her guardian. Today she comments: “It is crucial the laws to be changed so the children cannot be taken away just because the parents are not legally capable. (...) Nobody examined me as to my abilities to take care of a child. (...) When one is not legally capable it is necessary to supervise her, in the morning, in the afternoon the field worker can check if the child has everything she needs but NOT THIS WAY!”<sup>158</sup>

This testimony can serve us to better understand what is happening when none of the parts of the system work for the parent and her child. One of the reasons for such a failure was that the mothers' rights and wellbeing were not represented by any of the institutions involved – the children's rights protection system worked in such a way it could not be corrected. While this problem is not specifically ethnic one it could have much more impact on Roma who disproportionately more often than non-Roma underwent special education (designed for mentally handicapped children) and live in poverty.

One of the mechanisms that could lead to such a case was described in a study on socially excluded Roma localities in the Czech Republic from 2008<sup>159</sup>. The researchers found unconventional but in the short term very effective way how the local administration in one of the villages in Jesenicko region of Czech Republic dealt with the indebtedness of a local Roma family. All of the adult family members

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<sup>157</sup> According to Petra Stehlíková, social worker of Czech NGO „Společnost E“ who works with clints with epilepsy the disease itself is never the reason for taking the legal capacity of a person away. It is only in the cases when the person suffers some psychological diseases. Telephonic interview with Petra Stehlíková, Social worker, Společnost „E“, Prague, Czech Republic: 23 November 2010

<sup>158</sup> Interview with a 41-year-old Romňi. Moravskoslezský region, Czech Republic: 24 September 2010

<sup>159</sup> Tereza Špidlenová, Klára Vomastková, “Lokalita Jesenicko” In *Dlouhodobý monitoring situace sociálně vyloučených romských komunit: Moravské lokality*, eds. Irena Kašparová, Štěpán Ripka, Kateřina S. Janků (Praha: Úřad vlády ČR, 2008)

were deprived in one point of their legal capacity based on their supposed psychological problems. This allowed the local authorities to manage their incomes from social benefits in such a way the family did subsist during whole month and their debts have been also paid little by little. Furthermore the family members got rid of their obligation to visit the labour office all the time supposedly seeking work and having to deal with the authorities at all.<sup>160</sup> While the study warned that such a paternalistic approach could lead to further marginalization of the family it was not known to the researchers that their legal incapacity could prevent them from raising their own children. It remains an open question for further investigation how often this practice of legal incapacitation is and what are its impacts on the placement of poor Romani children in institutional care.

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<sup>160</sup> Ibid, 222

## 8. Other issues

The relationship between the children homes, children's parents and the way Romani children learn about their family and group background appeared to be one of the main general problems which are not adequately addressed in the work of the institutional care nowadays neither in the planned reform of the system. While the leading (manifest in the communist era, latent nowadays) philosophy of institutionalization of Romani children has been their re-education and their “full integration” (i. e. assimilation) in the majority society, this concept provably failed and should be replaced.

### 1. Communication and work with parents

The communication between children homes educators and parents seems to be one of the most problematic aspects of institutional care. According to several mothers whose children were removed, homes staff does not inform them well about their children's health. Some of the mothers are convinced the institutions do not care for their children properly (e.g. they do not get enough food).<sup>161</sup>

On the contrary homes employees' evaluation of the parents is also very critical. In their view the parents' world represents the “inadaptable Gypsy culture”. They often see them as the root of the children's bad luck and they work to weaken the parents influence on children rather than cooperating with them and working with whole family (of course only in cases where it is relevant – where parents want to be in contact with their child). In such a situation the children stay in the institution got a very concrete purpose: to re-educate them.

The position of institutions towards Romani families can be illustrated by following extracts: “In children home Roma kids learn normal customs but when they become teenagers they forget it immediately. They join their gang, find their Roma (...) they fall into the same lifestyle, into the system of abusing social support, the system of Roma family with many children living from benefits. In the children home they behave well, they are clean but it is just the notion of responsibility and order which is imposed on them from outside while they are supervised. But when return to their environment they also return to their lifestyle.”<sup>162</sup> Many of the children homes employees have the similar view to take the children away, to show them the right customs, re-educate and isolate them from the family. Another SLP social worker has a more optimistic view: “Concerning the older children there are no such a serious problems with their families that they would have a bad influence on them. The children are old enough to decide on their own not to go back to dysfunctional families. They manage to avoid danger on their own, if they want to.”<sup>163</sup>

The relationship between parents and institution (and through this also with children) does not lead to cooperation that will be needed. To paraphrase opinion of one SLP social worker: if children are put into the institutional care it is them who is punished, not the parents. There should be a family counsellors that could work with families intensively so the children could return to the family.<sup>164</sup>

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<sup>161</sup> Interview with a 26-year-old Romňi whose children were removed, Rotava, Czech Republic: 26 August 2010; Interview with a

<sup>162</sup> Interview with an educator from children home who wished to stay anonymous. Karlovarský region, Czech Republic: 4 September 2010

<sup>163</sup> Interview with Josef Palkovič, director, children home Na Vizině. Ostrava, Czech Republic: 24 September 2010

<sup>164</sup> Interview with Yveta Holubová, Children and Youth curator, Municipality of Ostrava, Přívoz. Ostrava, Czech Republic: 19 August 2010

## 2. *Romipen*<sup>165</sup> in the institutions: the positions towards cultural education

As one infant home director summarized it: “

Children homes raise coconuts: white inside, black from the outside.”<sup>166</sup> This metaphor seems to fit. Children have Romani background, most of them look like Roma but they were re-educated in a non-Romani institution, they adapt to the values of “white majority”. What does this mean? One children home director showed a very illustrative position when describing how the children home supports Romani cultural awareness. The home supports reading of Romani journals; they offer music therapy, the children take part in a competition of Romani songs and dance. As to the possibility that children get to things they understand such as Romani culture and language it is a bit in opposition to our concept which aims at full integration. We want to include them among other children and not to divide Roma and Czech kids”<sup>167</sup> In this interview it did not come up that both Romani and non-Romani children could learn about Roma culture, history, language etc...

In the concept presented above, the *Romipen* (a specific but very heterogeneous way how to be or become a Roma/Gypsy, how to live a decent life and gain respect, what morality one should preserve and seek for, how to behave among *Gadje*, the history of oppression and the holocaust memory, etc....) of the Romani children is reduced to thoughtless practice of Romani songs and dance. The *Romipen* is thus castrated and the children assimilated. What can be found pragmatically inappropriate in this approach is its short-sightedness. Some of the institutions tend to be explicitly colour-blind and neutralize the ethnic background of all the children so they live in the children home in harmony. As it was already stated this seems to be more a case of assimilation of Roma than of neutralization of ethnic belonging as such (of non-Roma as well). While the children are inside the children home it could work but one day they will have to leave (as will be shown in the following section) and they should be prepared for the outside world.

Discussions about cultural roots of Roma, about their position in the Czech society, as well as already mentioned memory of oppression are probably beyond the capacity of children homes. Only one of the Romani youth interviewed said they discussed in depth with their educators: “I know many Roma, some of them behave well, and some mess up everywhere. We had a group session in the evening with our educator and he was telling about Roma, how they behave and how we should not behave.”<sup>168</sup> However this type of “cultural education” is one-sided: the stereotype of the majority towards Roma is presented. This view should be much more balanced for the Romani kids gain understanding about where they come from.

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<sup>165</sup> *Romipen* in a Romani word for sometimes used Romanihood

<sup>166</sup> Interview with Zdeněk Novotný, director of Infant home. Ostrava-Zábřeh, Czech Republic: 22 August 2010

<sup>167</sup> Interview with Eva Němečková, director, children home Horní Těrlicko. Czech Republic: 23 August 2010

<sup>168</sup> Interview with a 15-year-old Romňi, Ústecký region, Czech Republic: 26 August 2010.

## 9. Conclusions

The research has shown Romani children are overrepresented in the institutional care in Czech Republic. The share of Romani children under three years among all the children in institutional care varies around 29% since 1995; from this year the first comparable data are available. The share of Romani children in institutional care as whole would be even higher, but the data is not available.<sup>169</sup> Ethnic data for the age group 4-18 in institutional care is not gathered.

The proportion of Romani children under three years in the institutional care varies largely among the different regions of Czech Republic: in 2009 the highest proportion was found in Ústecký region (68%) and the lowest in Pardubický region (10%). This can be partly accounted to the number of socially excluded Roma living in the given region. However, controlling for this factor, Romani children under three years have different chances to enter the institutional care according to the region they live in.<sup>170</sup>

Housing problems, lack of emergency housing facilities and social housing were among the most often reasons for the children removal in the accounts of Romani families who had their children removed. Financial shortage leads to loss of housing and inability to send the children to school (especially during the last week before social benefits arrive). A very strong pattern in the trajectory of the children loss (removal) was found: The breakup of the parents or commencement of imprisonment of one of the parents often leads to financial problems, practical problems related to household and family keeping, psychological problems of the mothers, and children abuse from their stepfathers, which ends with children removal. Bad school attendance of the children which is often an indicator for the SLP authorities to closer observe the family, is found also in the otherwise stable families.

There is a general lack of preventive measures which would lower the number of Romani children entering the institutional care. Instead of timely intervention, the SLP social workers in many cases do not intervene at all until the family situation reaches a crisis; there is no other means that the children removal. The SLP social workers are in a conflict of roles between the controlling state authority which should seek malfunctioning families and protect their children from the point of view of the state and a social worker which should develop a relationship of trust with the family and work with the family as a complex. Even if they were not in this conflict of roles, they would not be able to do proper social work because of lack of time. The families whose children have been removed were not informed in many cases about the ways to claim the child's return again.

The interest and voice of the parents is not adequately represented at the courts where the state interest about the children's upbringing is represented by the SLP authority. NGOs do not cover well the needs of the endangered families for their legal representation by a plenipotentiary: instead the NGOs would often only do the field social work with these families. The courts are unable to assess in detail the family situation and they heavily rely on the SLP authority assessment. Teachers and other institutions with whom the family and the child is in everyday contact are not represented at the courts. Furthermore, the judgements for the children removal do not detail the duration of child's

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<sup>169</sup> Taking into account that it is very often all children are removed from the family and that Romani families have more children, the share of Romani children under 18 years among the children living in institutional care would be even higher than 29% for the three years old.

<sup>170</sup> While the regions with largest socially excluded Roma populations were removing less Romani children to institutional care than average for the CR, the regions with moderate socially excluded Roma populations were removing more Romani children than average, in some cases two to three times more than the average.

institucionalization, the measures that should be taken so the child returns to the family, and dates of reassessment. This leads to resignation of Romani parents as to possible reclaim of their children's return.

After the children's removal neither the SLP authorities nor any other institution (with several exceptions of NGOs) work with the family so the children would return back home. This is often not seen as a real possibility by the state care system employees. Alongside these interviewees identified lack of foster care and adoptive parents who would accept Romani child as one of the main reasons for their overrepresentation in the institutional care. The prospective foster care or adoptive parents can detail in the initial form whether they want or not a child of non-majority ethnic background. Romani children also seem to be returned back from foster care or adoption more often than the non-Romani. In these cases it would be the child's ethnicity and not the incapability of the foster care/adoptive parents which would be seen as the reason for the child's return. However statistical data to prove such arguments are lacking.

The material conditions at the children homes are generally very good. Some of the children who live in a children home with primary school criticised its poor quality. The children in institutions are able to finish their secondary or tertiary education, in the case of the interviewed Roma only vocational schools were visited by them. No cases of ethnic segregations in the children homes were found. The institutions lack Romani staff and several children reported unequal treatment from the educators. In case violence, unequal treatment or abuse from the side of the staff occurs, there is no outside authority to which the children could turn to report the problem. In one of the visited institutions this lead to a long-term abuse of children by a children home director which ended only when the director retired.

The development of Romani identities is not supported by children homes: in some of them the directors claim they support Romani culture but this is limited to folklore courses. The overall concept is re-education of Romani children in the name of their full integration into the majority society. The children do not get to know about Romani cultures in the broad sense, history of Roma, or Romani language; they do not meet with respectable Roma in the children homes. If the children hear about Roma from the side of the educators it is when they are discouraged to act like “Cikáni (Gypsies)” after they leave the institution. However the employees of institutional care are aware of the failure of re-education: they complain that once the children leave the institution they often go back to “theirs”.



## **10. Recommendations**

The systemic changes that should be done in the state system of socio-legal protection have been described elsewhere<sup>171</sup> and they are necessary for the general improvement of the situation. The recommendations presented in the following sections are the ones that are linked to the field research findings and those which have been discussed during the four in-country roundtables with interviewees and other experts.

### **1. Recommendations to decrease the proportion of Romani children entering the institutional care**

- The supervisory and supporting roles of the SLP authorities should be divided between different institutions as there is a conflict of roles by definition. The SLP authorities are supposed to supervise that families raise their children according to some standards (set up by the mainstream society). If the SLP authority detects problem it is supposed to care for the best of the child and secure better environment for it. In the same time it should take preventive measures with the whole family to prevent the situations in which the children are removed. The social work should be covered by a different institution, either NGO or professional ambulant social workers who currently work in the children homes etc... Separation of supportive role of the social workers from coercive role of the SLP authorities will help to raise the trust of the families in danger and also counterbalance the power of the State authorities over the families.
- The preventive work should be done with whole family with special regard to incorporate children's fathers in the process. It proved that either the SLP authorities and NGOs, or the researchers of this survey could more easily find mothers to talk with than the fathers. However, the presence of the father in the family proved to be a key component for the family stability preventing the children from removal.
- If one of the parents starts an imprisonment, special care should be dedicated to his family, because during the one parent's absence the family becomes very vulnerable to removal of children.
- The women and mothers who experienced domestic violence should be protected together with their children. The research shown the abuse of the mother let in several cases to her children's removal. Instead the mothers together with their children should be offered emergency housing and assisted to keep their children with them.
- The school attendance which often leads to children removal should be carefully monitored and the parents should be informed after their children do not come to school. The role of the child's teacher should be strengthened: the SLP authority should inform the teacher about the consequences of the school reports about the child and the teacher should also have the possibility to take part at the courts.
- The lack of access to (free) legal advice and was identified as one of the main problems of the SLP system. There is the possibility for the parents of having a plenipotentiary who represent the parents at the court. While some NGOs provide the legal services, there is many who only

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<sup>171</sup> For more information visit: <http://www.mpsv.cz/cs/7259> (Accessed 26 November 2010)

work with the family as the field social workers but never come to the courts. While the NGOs cover areas of social services for the state and they receive funding for doing so, it is currently up to them to decide whether or not they would act as plenipotentiaries. It is the MoLSA who distributes funds for social services who should make sure that the legal aid and plenipotentiaries are covered by the work of the NGOs they contract. The MoLSA should require NGOs to provide such services with the state/ESF funding which MoLSA manages.

- Many interviewees pointed out the Romani families misused the SLP system to get rid of their parental responsibilities. In such cases the SLP authority should protect the best interest of the child which is to live in the well-functioning biological family. If the family requires the child removal the concrete reasons for such a requirement must be taken into account. In case there are objective reasons such as homelessness the child should be only placed to the institution temporarily and it should be secured the family is assisted in finding proper housing. If the family does not report back the situation should be assessed after a given period. If there is no objective reasons for the parents will for the child to be removed the parents should not lose the maintenance obligation and foster care or adoption within the family should be sought. If not possible the child should be legally freed to be able to be adopted. At the court the SLP authority should present the judge with proofs the family had been warned their child would be removed if they do not do this and this in that way. It should also be proved that the actions required by the SLP authority from the parents were achievable but not fulfilled. This dynamic way of assessment should replace the mechanical way how the courts seem to work: the SLP authority states the child does not have conditions for upbringing and the court decide on the adequacy of the conditions. The family should be found to have had the possibility of keeping good conditions for the child but that it did not take advantage of the possibilities.
- Preventive placement of a child into institutions which should allow the child to normalize its behaviour is paid and thus inaccessible for many families. However some of the SLP authorities are able to manage a one-off contribution for the child's stay in cooperation with municipal department of social affairs. This measure should be used more often in case of poor families.
- Municipalities should share costs of placement of children of their inhabitants into institutional care. This will increase their motivation to more actively and preventively solve the existing social problems of their inhabitants (in order to prevent removal of children).
- If the SLP workers are concrete about something it is about what the family must not do in order not to have their children removed. They do not present a view on what the family should do and how they should do it. This approach would provide the families with a possibility to object to the findings or actual opinion of the SLP worker. This way the families are unable to defend anyhow at the court. If the SLP social worker finds something is not optimal in the household she should set a date of next control when the situation should be resolved.

## **2. Recommendations to increase the proportion of Romani children leaving the institutional care**

- The programs which seek children's return to the family should be scaled up because there seems to be a considerable amount of families whose children live in the institutional care but could live with the family instead.
- The court's decision about the children's placement in the institutional care should be only temporary with concrete date set for the family situation reassessment. When the children are

removed a plan for their return to the family should be created, which details concrete actions and timeline for each actor involved – SLP authority, parents, social worker, representative of municipality who is responsible for social housing and others. This plan should be made part of the judgement for the child’s removal.

- The family should receive the children benefits for the child for every day she spends at home. Families whose children live in the institutions could take them home for weekends and holidays, however they are entitled to the children benefits only if the stay of their child is longer than 30 days. This makes the shorter stay of the child in the family more difficult, especially in the cases when more children from one family live in the institutional care.
- Some children would like to finish their high-school studies and it is why they do not want to return to their families from the institutional care. The concrete cases should be assessed and the children should be offered such a setting when they could live together with their family and study. If a field social worker or career advisor was set for the child so she can return to its family and continue with its high-school studies, it would allow the child to live with its parents.
- A quantitative analysis of the role ethnicity plays in the foster care and adoption placement of Romani children should be done by MoLSA. The data are accessible from the children’s personal documentation, the forms filled by the prospective foster care and adoptive parents and documents about foster care and adoption process on regional and state level. It should be found out whether it is true that prospective foster care and adoptive parents do not want Romani children, how many Romani children leave for the adoption abroad, what is the profile of the parents who are prepared to accept a Romani child, what is the proportion of children who are returned and who come back from foster care and adoption to the institutional care.
- The professionalization of foster care should lead to the situation when a) the most foster care parents are sought for the child and not vice versa; b) the foster care parents are prepared to accept a child of any ethnic background including Romani children – in this case the possibility of the foster care parents to decide whether they want to accept a non-majority child or not should be cancelled; c) the foster care parents are taken as temporary placement for the child; d) the foster care parents are able to receive more children at once (i. e. groups of siblings)
- Foster care and adoption should be promoted and supported for the Romani families. However they should receive both Romani and non-Romani children.

### **3. Recommendations for improvement of the living conditions in the institutional care**

- The latent concept of re-education and assimilation of Romani children in the state care (sometimes called full integration, equal treatment or colour-blindness by the staff of the institutions) failed and should be replaced by a pluralistic cultural education which takes into account the variety of Romani identities and experiences. Romani as well as non-Romani children should be presented with Romani cultures, histories of oppression and holocaust memories. Romani language courses should be offered to the children who live in institutional care. They should also meet different Roma who come to visit them in the institutions, such as local Roma, publicly known successful Roma, Romani professionals of different occupations. The children should learn how Roma live outside the institution and what they should expect after they leave the institution.

- Regular Romani staff in the facilities of institutional care should at least copy the regional proportion of Romani children in infant homes, which means that there should be an average of 29% of Roma employees of institutional care for Czech Republic with regional variations.
- The quality of basic elementary schools which are part of the children homes should be evaluated and monitored.
- An information campaign should be developed and introduced among the children in institutional care which broadens their knowledge about the ombudsperson and the possibility to turn to them with problems which cannot be solved by the children home director or staff.

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## 12. Annex 1: list of institutions and interviewees with contact details

No.	Name (family name 1st)	Gender	Age	Roma (yr Employer)	Position	Date of int.	Place of int.	E-mail	tel
1	Miroslav Rakos	M	53	no	Krajský dětský domov pro děti do 3 let	9.8.2010	Aš, Czech Republic	reditel.as@dd-karlovarsky.cz	
2	Hana Jirků	F	54	no	Krajský dětský domov pro děti do 3 let	9.8.2010	Aš, Czech Republic		
3		F	23	yes	family at risk	9.8.2010	Aš, Czech Republic		
4		F	36	yes	family at risk	19.8.2010	Lybín?, Czech Republic	nutno kontaktovat p7es pana Julieše Breu	725309729
5		F	26	yes	family at risk	21.8.2010	Rotava, Czech Republic		
6		F	49	yes	family at risk	21.8.2010	Rotava, Czech Republic		
7		F	38	yes	family at risk	27.8.2010	Cheb, Czech Republic		
8		F	36	yes	family at risk	21.8.2010	Rotava, Czech Republic		
9		M	18	yes	child grown up in state c	27.8.2010	Cheb, Czech Republic		
10	Petr Zmunda	M	40	no	dětský domov Karlovy Vary a Ostrov	27.8.2010	Ostrov, Czech Republic	ddkvo@ddkvo.cz	353821875 Dukelských hrdin? 610, Ostrov 363 01
11	Eva Šrédlová	F	56	no	dětský domov Karlovy Vary a Ostrov	27.8.2010	Ostrov, Czech Republic		
12		F	12	yes	child in state care	27.8.2010	Ostrov, Czech Republic		
13		F	15	yes	child in state care	27.8.2010	Ostrov, Czech Republic		
14		F	14	yes	child in state care	27.8.2010	Ostrov, Czech Republic		
15	Miloslava Hartmannová	F	52	no	Základní škola praktická	27.8.2010	Cheb, Czech Republic	zakladniskolacheb@seznam.cz	354422095 Kostelní nám?sti 14, Cheb 350 02
16	Iva Krausová	F	61	no	Okresní soud Sokolov	2.9.2010	Sokolov, Czech Republic	krausova@osoud.sok-justice.cz	
17	Ivana Dudarcová	F	51	no	dětský domov Paprsek Mariánské lázně	2.9.2010	Mariánské lázně, Czech Republic		
18	Ivo Batelka	M	43	no	dětský domov Paprsek Mariánské lázně	2.9.2010	Mariánské lázně, Czech Republic	domovml@quick.cz	354621388 Palackého 191/101, Mariánské lázně
19		F	17	yes	educator	2.9.2010	Mariánské lázně, Czech Republic		
20		F	16	yes	child in state care	2.9.2010	Mariánské lázně, Czech Republic		
21		F	15	yes	child in state care	2.9.2010	Mariánské lázně, Czech Republic		
22		M	15	yes	child in state care	2.9.2010	Mariánské lázně, Czech Republic		
23		M	16	yes	child in state care	2.9.2010	Mariánské lázně, Czech Republic		
24		M	15	yes	child in state care	2.9.2010	Mariánské lázně, Czech Republic		
25		F	15	yes	child in state care	2.9.2010	Mariánské lázně, Czech Republic		
26		F	17	yes	child in state care	2.9.2010	Mariánské lázně, Czech Republic		
27	Věnceslava Wernerová	F	70	no	Výchovný ústav a dětský domov se školou Žitlice	3.9.2010	Žitlice, Czech Republic	vu.castkova@volny.cz	353176219 Jiráskova 344, Žitlice 364 52
28	Libuše Hoyerová	F	40	no	dětský domov Plesná	3.9.2010	Plesná, Czech Republic	detskydomovplesna@seznam.cz	354596327 Nádražní 338, Plesná 351 35
29	Tereza Ho?i?ková	F	37	no	dětský domov Plesná	3.9.2010	Plesná, Czech Republic		
30		F	16	yes	child in state care	3.9.2010	Plesná, Czech Republic		
31		M	15	yes	child in state care	3.9.2010	Plesná, Czech Republic		
32		F	16	yes	child in state care	3.9.2010	Plesná, Czech Republic		
33		M	16	yes	child in state care	3.9.2010	Plesná, Czech Republic		
34		F	15	yes	child in state care	3.9.2010	Plesná, Czech Republic		
35		F	17	yes	child in state care	3.9.2010	Plesná, Czech Republic		
36		F	20	yes	child in state care	3.9.2010	Plesná, Czech Republic		
37		M	19	yes	child in state care	3.9.2010	Plesná, Czech Republic		
38		M	18	yes	child in state care	3.9.2010	Plesná, Czech Republic		
39		M	19	yes	child in state care	3.9.2010	Plesná, Czech Republic		
40	Jana Neumannová	F	49	no	dětský domov Cheb	4.9.2010	Cheb, Czech Republic	dd-cheb@seznam.cz	354433855 Goethova 1660/16, 350 02, Cheb
41	Martina Hejlová	F	42	no	dětský domov Cheb	4.9.2010	Cheb, Czech Republic	martina.hej@seznam.cz	
42		M	kolm 1	yes	child in state care	4.9.2010	Cheb, Czech Republic		
43	Ivana Litošová	F	39	no	městský úřad Kraslice	6.9.2010	Kraslice, Czech Republic	litosova@meu.kraslice.cz	
44	Ivana Rážová	F	52	no	městský úřad Kraslice	6.9.2010	Kraslice, Czech Republic	razova@meu.kraslice.cz	
45		F	19	yes	child grown up in state c	6.9.2010	Kraslice, Czech Republic		
46	Jiřina Krausová	F	58	no	městský úřad Aš	7.9.2010	Aš, Czech Republic	krausova.jirina@muas.cz	354524247 Kamenná 473/52, Aš 1 35201
47	Ludmila Jelinková	F	43	no	městský úřad Aš	7.9.2010	Aš, Czech Republic	jelinkova.ludmila@muas.cz	354524227
48	Ian Bureš	M	28	no	městský úřad Aš	7.9.2010	Aš, Czech Republic	bures.jan@muas.cz	354524272
49	Eva Holečková	F	27	no	Kotec	8.9.2010	Aš, Czech Republic	cpr_as@kotec.cz	608656550 Poštovní nám?sti 1, Aš 352 01
50	Viktor Vanžura	M	37	no	dětský diagnostický ústav, st?edisko výchovné pé	9.9.2010	Pízeň, Czech Republic	dduPizeň@dduPizeň.cz	
51	Karla Kašleová	F	44	no	dětský diagnostický ústav, st?edisko výchovné pé	9.9.2010	Pízeň, Czech Republic		
52		F	15	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
53		F	15	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
54		F	15	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
55		F	15	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
56		M	15	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
57		M	15	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
58		M	15	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
59		F	16	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
60		M	16	yes	child in state care	9.9.2010	Pízeň, Czech Republic		
61	Vidor Mandelík	M	63	no	dětský domov Horní Slavkov	9.9.2010	Horní Slavkov, Czech Republic	ddslavkov@volny.cz	
62	Dana Zapletalová	F	49	no	dětský domov Horní Slavkov	9.9.2010	Horní Slavkov, Czech Republic		
63		F	18	yes	child in state care	9.9.2010	Horní Slavkov, Czech Republic		
64		F	17	yes	child in state care	9.9.2010	Horní Slavkov, Czech Republic		
65		M	15	yes	child in state care	9.9.2010	Horní Slavkov, Czech Republic		
66		F	15	yes	child in state care	9.9.2010	Horní Slavkov, Czech Republic		
67		M	15	yes	child in state care	9.9.2010	Horní Slavkov, Czech Republic		
68		F	15	?	child in state care	9.9.2010			
69	Zuzana Kolyová	F	50	no	ZŠ Marie Curie Skłodowské jáchymov	9.9.2010	Ostrov, Czech Republic	kolyova@zsjachymov.cz	
70	Ilitka Hanzlíková	F	44	no	ZŠ speciální a praktická Mariánské lázně	10.9.2010	Mariánské lázně-Hamrnlky, Czech Re	zs.spec.ml@gmail.com	
71	Stanislava Správková	F	53	no	Krajský úřad Karlovarského kraje – odbor sociální	17.9.2010	Karlovy Vary, Czech Republic	stanislava.spravkova@kr-karlovarsky.cz	
72	Jarmila Petřeková	F	39	no	Krajský úřad Karlovarského kraje – odbor sociální	17.9.2010	Karlovy Vary, Czech Republic	jarmila.petrekova@kr-karlovarsky.cz	
73		F	32	yes	family at risk	8.9.2010	Aš, Czech Republic		
74		F	23	yes	family at risk	8.9.2010	Aš, Czech Republic		
75		F	36	yes	family at risk	21.9.2010	Aš, Czech Republic		
76		M	37	yes	family at risk	21.9.2010	Aš, Czech Republic		
77		F	40	yes	family at risk	21.9.2010	Aš, Czech Republic		

### **13. Annex 2: Testimonies**

The information presented in the testimonies is based exclusively on the individual accounts of the Romani parents without further verification.

1. M. is 36-year-old Romňi, mother of seven children currently living in Karlovarský region together with her husband. She lived in a municipal house with lease contract for indefinite period of time. She paid her bills but she was evicted from the flat. She was reported by a neighbour when she was preparing food on a gas stove outside her house: the electricity in the house broke and it took two weeks until the electrician arrived. Although her children stayed with their grandparents by the time, the SLP authority removed them and set a date when housing should be fixed for the children's return. She managed to find another house in the region but the court would not return the children because the house did not go through a final inspection. There was a second hearing but M. did not manage the housing conditions so she wanted a prolongation but it was never issued: the children were legally placed in institutional care. Now she and her husband cooperate with lawyers to return their children home again. She is very unhappy about the situations her children face in the institutional care: her daughter suffered pneumonia and only learnt it from her older siblings. In the evenings her children have to eat only bread with salt. They undergo bullying in the institution and the educators do not care for them.
2. J. and A. are 50 and 55 year-old Roma, grandparents of two children (2,5 and 1,5 year-old) living in Ústecký region. Their son with his partner and children lived in their flat. The partner did not care enough about the children. The younger grandchild is disabled and his mother did not visit doctors with him and neglected him. She would leave the child for hours unattended in the baby walker. Both parents are on drugs. About a week before the interview the mother abandoned her children, her family called police and on the next day the children were taken to an infant home where their grandparents visit them. They have money to visit them because they work. They would like to take the older grandson to foster care because they have been raising him since he was born. Their son starts a detoxication treatment and he is allowed to return to the household, his partner is not welcome anymore. The grandparents are very disappointed with the situation with drugs: they have been working whole lives and raising their sons properly but this is something very new to them.
3. H. is 36-year-old Romňi, mother of seven children out of which two are adult, one lives with her father, two in institutional care and two with the mother. She left her husband because he was an alcoholic. Her two sons were removed because they did not attend the school properly. She could secure their school attendance before her two youngest children were born but then she was unable: every month before the social benefits she lacked money for bus and snack to the school. She wanted to excuse them from the school but she did not have money for the phone. She could not attend the parental meeting because she had the other children at home, but the teachers thought she was not interested in the education of her children. The older son was not visiting the school, robbed, was leaving the school, but the mother always tried to bring him back to the school. He had 50 unexcused absences. His brother, who had only 19 absences, was removed to the institutional care too. The SLP authority also wanted to remove her daughter, but she managed to place her in the family of her father. The SLP authority was against it and stated the father would make the daughter a prostitute but then she did not object at the court. It is true that another daughter of the same father is prostitute. Nobody helped her at the court. Both sons are placed in the same institution; she visits them every two weeks. Her daughter also comes often to the household. Her sons are often bullied in the children home but they do not report it.



4. J. is 41-year-old Romňi, mother of two children, living in Ostravský region. She insisted her case had nothing to do with her ethnicity but only with her legal position and actually did not like at all the fact the research was focused on Roma. She had suffered strong epilepsy and received partial disability pension. As a part of the process she was taken legal capacity away. When she got pregnant the epilepsy disappeared. Although she was visiting her doctor together with her guardian every two weeks none of them informed her that her child would be removed unless she asks the court to give her the legal capacity back. After her birth she only realized the child was taken to an infant home after a court decision without her. She could not even give name to the child. The only way to get the child back was to ask her cousin to become child's legal guardian. The cousin, however, refused the child after three months and it returned back to infant home. The mother was then advised by her guardian she should find a fictitious partner to have him as a guardian of the child. After another mishap the guardian advised the Romňi to ask the court to be given her legal capacity back and then request the child's return to her. The mother did all this on her own and in the end the child was returned to her at 18 months of age. She has been regularly visiting an NGO to seek assistance with proper child care since then. When she got her child back she forgot about her plans to sue against the maternity hospital and her guardian. Today she comments: “It is crucial the laws to be changed so the children cannot be taken away just because the parents are not legally capable. (...) Nobody examined me as to my abilities to take care of a child. (...) When one is not legally capable it is necessary to supervise her, in the morning, in the afternoon the field worker can check if the child has everything she needs but NOT THIS WAY!”.  
The mother was then advised by her guardian she should find a fictitious partner to have him as a guardian of the child. After another mishap the guardian advised the Romňi to ask the court to be given her legal capacity back and then request the child's return to her. The mother did all this on her own and in the end the child was returned to her at 18 months of age. She has been regularly visiting an NGO to seek assistance with proper child care since then. When she got her child back she forgot about her plans to sue against the maternity hospital and her guardian. Today she comments: “It is crucial the laws to be changed so the children cannot be taken away just because the parents are not legally capable. (...) Nobody examined me as to my abilities to take care of a child. (...) When one is not legally capable it is necessary to supervise her, in the morning, in the afternoon the field worker can check if the child has everything she needs but NOT THIS WAY!”.
5. K. is a 33-year-old Romňi, mother of five children living in Zlínský region. The father does not live with her. She thinks criminal police wanted to revenge on her because she did not give away her friends who committed criminal offenses. The criminal police told her all her children would be removed if she did not speak. She told nothing, but later that week when she was returning home some drunk men approached her in her street, she ended up at a police office and had to go to jail for ten months. Her four children were removed from her. The SLP authority did not seek the care of a relative for the children and placed them automatically in the institutional care. Once in jail she started to write letters to an NGO describing her situation. The NGO took the case and sued the SLP authority: two of the children were placed to the foster care of the father of K. After leaving the jail she gave birth to another child. The other four children still remain out of her care: two of them in the foster care of her father, two of them in the institutional care. She plans to claim return for the two children who are in the institutional care once she solves her debts.