

# **5th PERIODICAL REPORT ON PERFORMANCE OF THE OBLIGATIONS ARISING FROM THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

The Czech Republic presents hereby the 5th Periodical Report on Performance of the Obligations Arising from the Convention on the Elimination of All Forms of Racial Discrimination for the years 2000-2001. The Report includes information up to May 2002.

## **General Part**

### **Demographic Structure of the Population**

#### Overview of Minorities

1. A new census was held in the Czech Republic in 2001, i.e., after ten years from the previous one, which was held in 1991. Its preliminary results indicate that there are a total of 10,292,933 inhabitants living on the territory of the Czech Republic. 9.9% of the population, i.e., 1,022,318 persons claimed to have other than Czech nationality (by 490,630 persons more than in the last census). Most of those – 373,294 persons - claimed to have the Moravian nationality, followed by the Slovak nationality (183,749 persons), the Polish nationality (50,971 persons), the German nationality (38,321 persons) and the Silesian nationality (11,248 persons). As regards protection from discrimination, the number of persons claiming to have the Moravian or Silesian nationality does not play any essential role. As mentioned in the previous report, Moravia is the name of one of the two historical territories of the Czech Republic and its inhabitants do not have the status of a national minority, because they belong, as to their language and culture, to the majority society. Also members of the Slovak minority are highly integrated in the majority society due to their language and cultural proximity.

2. Only 11,716 persons<sup>1</sup> claimed during the census to have the Roma national identity, which is approximately 20,000 persons less than in the previous census in which the number of persons claiming to have the Roma national identity was 32,903. According to informed estimates, there are about 200,000 Roma living in the Czech Republic, who are generally considered as Roma and claim by themselves to belong to this community. Nearly all original Roma inhabitants living in Bohemia and Moravia were exterminated during World War II, and most of the Roma who currently live in these territories come from traditional settlements in Slovakia. They were coming to Bohemia after the war, partly on a voluntary basis, partly within the scope of organised transfers. By such transfers, the communist regime gained, among others, cheap labour force for sparsely populated border regions, without paying adequate attention to the necessary assistance to the Roma in their adaptation to the new conditions. Thus, the Roma found themselves in a totally unknown industrial environment of big cities, which set new demands regarding their housing style, coexistence, etc. To be labeled as a Roma means troubles (impossibility to relocate, the duty to report to the authorities, etc.). Therefore, the Roma avoided as much as possible to be designated as

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<sup>1</sup> The Council for the Affairs of the Roma Community, which is an advisory body of the government of the Czech Republic, set aside funds to finance the activities of Roma assistants, who accompanied census commissioners to Roma households and explained there the importance of the census. These activities were to support informed participation of the Roma in the census.

such. This belief still exists among the Roma and is transferred from one generation to another one.

### **Foreigners**

3. The number of foreigners having residence permit in the Czech Republic (irrespective of the length of permitted residence) was growing until 2000, when a year-to-year decline was registered for the first time after the establishment of the Czech Republic. The number of foreigners having residence permit who were registered in the Czech Republic reached as of December 31, 2000 approximately 201,000 persons, which represented a 12% decline in comparison with the year 1999. The year 2001 witnessed another slight growth of the number of this number. As of December 31, 2001, there were 210,794 foreigners having residence permit registered in the Czech Republic, 69,816 out of whom had permanent residence permit and 140,978 had temporary residence permit (based on a visa granted for more than 90 days).

4. In 2000, the most numerous group of foreigners having residence permit was comprised of Ukrainian citizens (50,212 persons). The second place was held by the Slovak citizens (44,256 persons), followed by the Vietnamese (23,566 persons) and the Polish citizens (17,050 persons). The most numerous group of foreigners having residence permit was comprised in 2001 of the Polish (11,592), followed by the Slovaks (10,850), the Ukrainians (9,909) and the Vietnamese (9,901). The most numerous group of foreigners holding visa for more than 90 days was comprised of the Ukrainians (41,916), the Vietnamese (14,023) and the Russians (8,326). A separate group was comprised of the Slovaks (42,444).

5. 23,713 applications for resident visa for more than 90 days and 6,005 applications for permanent residence permit were processed in 2000. 88.5% out of this number of applications were granted and 11.5% were rejected. The number of foreigners who applied for permanent residence permit in 2001 reached 7,194. 6,425 (i.e., 89.3%) of those applications were granted and 769 (i.e., 10.7%) were rejected. 25,708 (i.e., 88.2%) applications out of the total number of 29,146 applications for resident visa for more than 90 days were granted 88.2% and 3,438 applications (i.e., 11.8%) were rejected.

### **Refugees and asylum applicants**

6. The number of applicants for asylum in the Czech Republic witnessed in 2001 another significant growth. While the number of those applicants reached 2000 8,878 persons, it grew in 2001 to 18,096 persons, which represents a 106% increase. One of the possible causes are the stricter provisions of the amendment of Act No. 326/1999 Coll. on the Stay of Foreigners on the Territory of the Czech Republic, as amended, due to which even persons who were already staying in the Czech Republic began to apply for asylum. At the same time, the structure of asylum applicants also changed. While the dominant groups of asylum applicants were until the end of the 1990s the citizens of Afghanistan, India, Sri Lanka and Yugoslavia, there has appeared in the last year a new tendency in the structure of asylum applicants by their citizenship, represented by a significant increase of applicants from Europe, namely from the countries of the former Soviet Union. Most asylum applicants came in 2001 from Ukraine, Moldavia, Romania, Vietnam and India. 83 persons were granted asylum in 2001, which is 50 persons less than 2000. An amendment of Act No. 325/1999 Coll. on Asylum, which tightened the conditions for filing an asylum application, came into effect on February 2002. This was reflected in the decline of the number of asylum applicants.

7. The problem of illegal migration further persists. The number of persons who crossed or demonstrably attempted to cross illegally the state borders of the Czech Republic fell in 2001 approximately to the 1996 level and reached 23,834 persons, i.e., 21,090 foreigners and 2,744 Czech citizens. Illegal migration is professionally organised (people smuggling services, travels with invalid or forged documents or hidden in transport means), frequently misusing the hopeless position of migrants or refugees. The analysis of testimonies of detained persons indicates that the number of refugees crossing the borders with the assistance of people smugglers or hiding in trucks and trains is much higher than the number shown in the statistics of persons who were detected.

## **Compliance with Articles 2 – 7 of the Convention**

### **Article 2**

#### **Legal and Administrative Measures against Discrimination**

##### Accession of the Czech Republic to International Human Rights Treaties

8. During the monitored period, the Czech Republic assumed or started assuming some obligations of international law, ensuring individual protection from discrimination; however, most ratification processes commenced within this period has not been completed yet.

9. On August 29, 2000, the Czech Republic issued a declaration pursuant to Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>2</sup> This declaration will allow individuals or groups that are subject to the jurisdiction of the Czech Republic to address their complaints regarding breach of the rights included in this Convention directly to the Committee on the Elimination of Racial Discrimination. Beside the Committee on the Elimination of Racial Discrimination, individual complaints of breach of the rights granted by the Convention may be also filed with the Committee against Discrimination of Women. This has been made possible by the adoption of the Option Protocol to the Convention on the Elimination of All Forms of Discrimination against Women by the Czech Republic<sup>3</sup>.

10. In accordance with final recommendations of the Committee issued after the review of the 3<sup>rd</sup> and the 4<sup>th</sup> Periodical Report, the government of the Czech Republic approved the amendment of Article 8(6) and the adoption of a new Article 8(7) of the International Convention on the Elimination of All Forms of Racial Discrimination<sup>4</sup>, which changes the financing of the activities of the Committee against Racial Discrimination from direct financing provided by the parties to indirect financing provided out of the UN budget, consisting of contributions of member states. The Parliament of the Czech Republic approved in May 2002 the adoption of the amendment of Article 8(6) and of the new Article 8(7). The formal adoption deed is expected to be submitted not later than by the end of July 2002.

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<sup>2</sup> The deed with the declaration signed by the President of the Republic was deposited with the General Secretary of the UN, who is the depositary of the Convention, on October 11, 2000. The notice of the declaration was published in the Collection of International Treaties under no. 24/2002 Coll. i.t.

<sup>3</sup> The Option Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was signed by the Czech Republic on December 10, 1999. The Chamber of Deputies approved on October 25, 2000 the ratification of the Option Protocol as an international human rights treaty pursuant to Article 10 of the Constitution. Thereafter, the ratification of the Option Protocol was approved by the Senate on November 22, 2000 and was published in the Collection of International Treaties under No. 57/2001 Coll. i.t.

<sup>4</sup> Resolution of the Government of the Czech Republic dated January 9, 2002.

11. On November 4, 2000, the Czech Republic signed Protocol No. 12 to the European Convention for the Protection of Human Rights, which expands the application of Article 14, regulating the general prohibition of discrimination by allowing protection not only in connection with the rights and freedoms protected by the Convention. The Czech Republic has not ratified yet the adoption of this Protocol. The ratification has been postponed due to the necessity to ensure compliance of the ratification process with the process applied by other member states of the Council of Europe (two ratification deeds have been deposited with the depository of the Convention to date – that of Georgia and Cyprus). Apart from this formal reason, such reserved stance taken by the Czech Republic was also due to the restitution-related complaints raised against the Czech Republic before the European Human Rights Tribunal in Strasbourg and the Human Rights Committee in Geneva, where the measures taken in certain restitution matters were found to be discriminatory. This indicates that it should be clarified whether to revise restitution laws before such ratification of Protocol No. 12 of the European Convention by the Czech Republic.

12. The Czech Republic signed on November 9, 2000 the European Charter for Regional and Minority Languages, whose basic mission is to protect and support historical, regional or minority languages with the aim of ensuring the use of any such regional or minority language in personal and public life, thus protecting and developing traditions and European cultural heritage. Also this international treaty has not yet been ratified by the Czech Republic.

13. On June 7, 2000, the Czech Republic signed the European Convention on the Participation of Foreigners in Public Life at the Local Level, which reflects the increased mobility of individuals within the European area by guaranteeing political rights to foreign residents. The Czech Republic, however, made a reservation to Chapters B and C of this Convention, relating to possible set-up of consultative bodies to represent foreign residents at local level and to the right of foreigners to vote and to stand for election in local authority elections. The ratification proposal is likely to be submitted only after the adoption of a new legislation regarding the right of assembly.

14. The Czech Republic became a party to the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data<sup>5</sup>, the purpose of which is to secure “*for every individual, whatever his nationality or residence, respect for his rights and fundamental freedoms, and in particular his right to privacy, with regard to automatic processing of personal data relating to him*”.

15. Another significant factor regarding the protection of rights of individuals embodied in international treaties is the amendment of the Constitution of the Czech Republic. In accordance with the wording that was in force until May, 31, 2002, only promulgated and ratified international treaties on human rights and individual freedoms were directly binding and had precedence over the law. The amendment of Article 10 of the Constitution of the Czech Republic represents a breakthrough, since it stipulates that “*Promulgated international treaties whose ratification was approved by the Parliament and whereby the Czech Republic is obligated, shall be part of the law. If an international treaty stipulates otherwise than the law, the international treaty shall apply.*” This means, in practice, that the Parliament of the Czech Republic will no longer decide whether an international treaty is a human rights treaty

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<sup>5</sup> The Convention was signed at Strasbourg on September 8, 2000 and was approved thereafter by the Parliament of the Czech Republic and ratified by the President. The ratification instrument was deposited with the General Secretary of the Council of Europe, who is the depository of the Convention, on July 9, 2001 and was published in the Collection of International Treaties under No. 115/2001 Coll. i. t.

pursuant to Article 10 of the Constitution, i.e., whether it is directly applicable. All international treaties that are binding for the Czech Republic and that have been promulgated and ratified shall be directly applicable with respect to the Czech Republic.

#### Local laws providing protection against racial discrimination

16. As specified in previous reports, the basic law that embodies the protection of fundamental rights and freedoms is the Charter of Fundamental Rights and Freedoms (Act No. 2/1933 Coll., as amended – hereinafter only the “Charter”), which is a part of the constitutional order. Pursuant to Article 1 of the Charter, people are “*free and equal in their dignity and in their rights. Their fundamental rights and freedoms are inherent, inalienable, unlimitable, and irrevocable*“. The prohibition of discrimination is expressly provided for in Article 3, which stipulates that “*Fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status.*“ According to Article 4 of the Constitution of the Czech Republic, fundamental rights and freedoms are protected by judiciary power and any individual or legal entity may file a complaint to the Constitutional Court if he believes that “*his fundamental right or freedom secured by the Constitutional Act has been breached by an effective decision issued in a process to which he was a party, by any measure or other intervention of public authority*”.

17. The Charter also embodies the rights of national and ethnic minorities. Whilst Article 24 stipulates that the national or ethnic identity of any individual may not be used to his or her detriment, thus applying to all individuals irrespective of their citizenship, Article 25, which regulates the exercise of national rights, refers to citizens. Thus, the Charter guarantees the rights to all-round development, in particular the right to develop with other members of the minority their own culture, the right to disseminate and receive information in their language, and the right to associate in ethnic associations, solely to the citizens of the Czech Republic. Only the citizens are entitled, subject to the conditions stipulated by the law, to receive education in their own language, to use their language in official contact<sup>6</sup>, and to participate in the settlement of matters concerning national and ethnic minorities.

18. The Charter stipulates that details relating to the exercise of national rights are to be regulated by law. The relevant act on rights of national minorities<sup>7</sup> was adopted in 2001. This act defines the term “national minority” as a community of Czech citizens living within the territory of the Czech Republic, who differ from the other citizens namely by common ethnic origin, language, culture and traditions, who constitute, as to their number, a minority of the population and manifest at the same time their will to be considered as a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture.

19. The act grants to national minorities that have been living traditionally and for a long time in the Czech Republic special language rights (the right to disseminate and receive information in the language of the national minority, to use the language of the national

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<sup>6</sup> At the same time, Article 37(4) of the Charter stipulates, with respect to the exercise of the right to judiciary or other protection, that “Whoever states that he or she does not speak the language in which the proceedings are conducted is entitled to the services of an interpreter. “

<sup>7</sup> Act No. 273/2001 Coll. on Rights of Members of National Minorities came into force on August 2, 2001.

minority in official contact and before the courts, and the right to receive education in the language of the national minority), the right to develop their national minority culture and the right of the members of each such minority to participate in the settlement of matters concerning them.

20. Both the Act on Rights of Members of National Minorities and the Charter grant minority rights solely to citizens of the Czech Republic and fail to guarantee the rights of growing immigrant communities, which are finding themselves in the position of minorities. Representatives of national minorities criticised that the act does not foresee the establishment of an independent institution dealing with problems of national minorities, which would permit more extensive participation of representatives of national minorities in the decisions on matters concerning them.

### Institutional Provisions

21. Very detailed information regarding institutional arrangements to ensure protection against discrimination was provided in the 3<sup>rd</sup> and the 4<sup>th</sup> Periodical Report.

22. There are three advisory bodies of the government dealing with human rights protection – the Council of the Government of the Czech Republic for the Affairs of the Roma Community, the Human Rights Council of the Czech Republic Government and the Government Council for National Minorities. Secretariats of those advisory bodies are parts of the structure of the Office of the Government of the Czech Republic, where they jointly constitute the Human Rights Department, headed by the Government's Human Rights Commissioner. The adoption of the Act on Rights of National Minorities and changes in the statute of advisory bodies of the government resulted also in certain changes in these advisory bodies.

23. The Government Council for National Minorities was newly founded as an advisory body of the government by a government resolution issued in 1991.<sup>8</sup> Its status has changed following the adoption of the Act on Rights of Members of National Minorities, because it is established directly by the law as an advisory and initiating body of the government. The Council is headed by a member of the cabinet and its membership consists of representatives of public authorities and of representatives of national minorities, who must form, under the law, at least one half of its members.

24. Under its new statute, the Council of the Government of the Czech Republic for the Affairs of the Roma has 28 members. This means that the number of its members was increased by two representatives of the ministries and of the Roma community. Roma community representatives are newly appointed based on the territorial principle in a manner ensuring the representation of every region in the Council. The Council is chaired by a member of the government, the first vice chairman being the Government's Human Rights Commissioner, who used to preside over the Council until the adoption of the new statute. The second vice chairman is a Roma community representative.

25. Thus, the Human Rights Council of the Government of the Czech Republic has remained the only one out of these three advisory bodies that is not headed by a member of the government. According to its statute, the Human Rights Council is headed by the Government's Human Rights Commissioner. The Council establishes committees as standing

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<sup>8</sup> Resolution of the Government of the Czech Republic No. 72 of March 13, 1991

work teams that may submit to it suggestions to improve the state of human rights in the Czech Republic and to observe those rights. As regards protection against discrimination, the most important role in this respect is played by the Committee for the Elimination of All Forms of Racial Discrimination, whose task is to monitor the compliance with the Convention on the Elimination of All Forms of Racial Discrimination.

26. The Human Rights Council of the Government of the Czech Republic, the Government Council for National Minorities and the Council of the Government of the Czech Republic for the Affairs of the Roma Community are defined as advisory bodies of the government. Therefore, they have no powers to provide any protection to individual victims of discrimination. They prepare proposals for the government concerning principles of policy to be followed in individual areas of protection of human rights, proposals of partial measures and suggestions to improve respect for human rights. At the same time, these bodies co-operate with non-governmental non-profit organisations focused on human rights.

27. A new advisory body of the government, the Government Council for Equal Opportunities for Men and Women, was founded in November 2001. Its essential task is to prepare proposals for the resolution of a problem existing across their entire society – the creation and promotion of equal opportunities for men and women.

28. Another institution that is to contribute to the protection of rights of individuals is the Public Protector of Rights<sup>9</sup> (the “Protector”), which was established in December 2000. The Protector promotes protection of individuals from acts of the authorities and other institutions exercising state administration that are in conflict with the law or do not correspond to the principles of a democratic state of law and good administration, or from their inactivity. Thus, the Protector contributes to the protection of fundamental rights and freedoms. Although the powers of the Protector apply also in cases of discrimination committed by state administration authorities, the Protector may only deal with complaints against authorities listed in the Act on the Public Protector of Rights. Thus, the Protector does not deal with complaints against private entities or authorities to which its powers stipulated by the law do not apply. In practice, however, discrimination conduct of private entities is very common. According to the information provided by the Office of the Public Protector of Rights, the Protector did not receive, until the submission date of this Report, any complaint against discrimination.

#### Roma Advisors, Assistants and Co-ordinators

29. The office of Roma advisor and assistant was established at district offices under Government Resolution No. 686 dated October 29, 1997. Since January 1, 1999, there are Roma advisors at all 81 district offices of the Czech Republic. One half of those advisors are members of the Roma community. After four years of their work, it may be said that they have proved themselves, contributed to the resolution of many sensitive local problems and become important mediators in the relations between Roma communities and the majority society.

30. Government Resolution No. 781 of July 25, 2001 established the office of co-ordinator of Roma advisors at the higher-level territorial self-government entities. In the middle of 2002, there were Roma co-ordinators working at seven regional offices. Two regional offices

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<sup>9</sup> Established by Act No. 349/1999 Coll. on Public Protector of Rights, as amended.

established a post of advisor for national minorities and five regional offices were organising selection or considering the establishment of the post of co-ordinator of Roma advisors.

31. The reform of territorial self-government structure, which is currently under way, will also affect Roma advisors at the district offices and co-ordinators of Roma advisors working with the regional offices. One of the principal features of the reform is the dissolution of district offices and the transfer of their powers to newly established regional offices and municipalities with extended authority. Laws under which the activities of the district offices are to be discontinued were adopted in June 2002. This reform has the following effects with respect to the Roma minority:

- the regional office shall establish a post of co-ordinator for Roma affairs and shall manage and co-ordinate in its jurisdiction the implementation of the government policies as promoting integration of members of the Roma community into the society;
- municipalities with extended authority are not obligated to establish a post of advisor for Roma affairs, but are obligated to implement within their respective jurisdiction all tasks promoting the exercise of rights of members of the Roma community and the integration of members of the Roma community into the society.

#### Advisory Bodies at the Local Level

32. The Act on Municipalities and the Act on Regions enable the municipal and the regional assemblies to establish, as its initiative and controlling bodies, committees that are to submit to the assemblies their opinions and suggestions. Municipalities or regions that have in their territorial jurisdiction, according to the last census, at least 10% or, respectively, 5% of citizens claiming to have other than Czech nationality, are obligated to establish committees for national minorities, in which at least one half of their membership must be members of the national minorities. Due to the fact that only a fraction of members of the Roma community claimed during the last census to have the Roma nationality, this community may hardly meet the 10% limit required for the establishment of such committee at the municipality.

33. The Ministry of Interior initiated the establishment of local advisory bodies in the form of “Round Tables”, which should form a basis for more intensive communication, mutual knowledge and preparation of plans for the resolution of current local problems of coexistence between the majority and the Roma minority. A total of 93 cities were addressed by letters of recommendation promoting such initiative.

34. In co-operation with the Canadian Royal Mounted Police, the Ministry of Interior started implementing the project of “Police Work in the Area of Minorities and Community for Central Europe”. The project is carried out simultaneously in Hungary and Slovakia and will use the CAPRA model, whose basic idea is the community (common) resolution of problems – i.e., the police is not considered as an expert on maintaining public order and security, but is a part of a local team. This project shall be implemented in the Czech Republic as a method of resolution of problems of the Roma community.

#### Preparations of Legislation regarding Protection against Discrimination

35. The conclusions of the CERD Committee of August 2000 were reviewed by the government in February 2001. At the same time, the government ordered the vice premier and the chairman of the Legislative Council of the Government and the Government's Human Rights Commissioner to monitor how the laws relating to the protection from all forms of



racial discrimination are applied in justified cases and to submit to the government a report regarding possibilities to adopt measures facilitating the exercise of economic, social and cultural rights listed in Article 5 of the Convention by all groups of the population, and ensuring adequate satisfaction to any victims of racial discrimination.<sup>10</sup>

36. In accordance with the aforementioned tasks, a Report on Possible Measures to Eliminate Discrimination has been prepared.<sup>11</sup> In its first part, the Report describes the existing legislative and other measures that are to serve as protection against discrimination and provides a brief overview of institutions providing protection against discrimination. The second part of the Report includes a draft legislation regarding protection against discrimination. In its resolution<sup>12</sup> approving this Report, the government ordered the deputy prime minister and the chairman of the Legislative Council of the Government to prepare until December 31, 2002 a draft legislation regarding protection against discrimination, which should implement, *inter alia*, Directive No. 2000/43/EC, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive No. 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. Such legislation should include definitions of discrimination, define areas in which discrimination is prohibited (within the scope specified in Directive No. 2000/43/EC), define the legal framework within which it will be possible to implement positive steps, and determine the means by which victims of discrimination may seek protection and the body charged with protection against discrimination.

### **Article 3 Prohibition of Racial Segregation and Apartheid**

37. As referred to in the previous report, the Czech Republic is a state to party to the UN International Pact on the Prevention and Punishment of the Crime of Apartheid. Practices of apartheid and committing other crimes against humanity arising from racial discrimination during war is prohibited by the Criminal Code, which punishes such acts by three to ten years imprisonment. If such act causes sever injury to health or death, the perpetrator shall be punished by a prison sentence of eight to fifteen years or by an exceptional term<sup>13</sup>. Czech law, however, lacks any penal provisions prohibiting apartheid in the peacetime or provisions prohibiting racial segregation.

38. Although the Czech Republic has been systematically striving to prevent any racial segregation, some municipalities have adopted, within their separate competencies, certain measures whose consequences show some symptoms of segregation. In their attempts to resolve the housing situation of persons who are facing social problems and do not pay the rent and services provided in connection with apartment lease, the municipalities provide to such persons substitute housing, frequently in poorer quality, called “bare flats” or hostels. A number of those facilities are in poor technical condition, lacking sufficient infrastructure and separated from other populated areas. Such facilities host segregated groups of the population suffering from accumulated social problems, who are thus excluded from the society. An

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<sup>10</sup> Resolution of the Government of the Czech Republic No. 198 of February 26, 2001

<sup>11</sup> Resolution of the Government of the Czech Republic No. 170 of February 20, 2002

<sup>12</sup> Resolution No. 170 of February 20, 2002

<sup>13</sup> An exceptional prison term means both the imprisonment for more than fifteen and up to twenty five years, and life in prison.

alarming fact is the representation of Roma inhabitants in those facilities, which reaches in a number of cases more than 80%.

#### Article 4

### Legislative Measures against Proclamation of Racial Hatred and Violence against Racial and Ethnic Groups

#### Criminal offences that are in gross violation with civic coexistence?

39. As noted in previous reports, the Criminal Code includes a number of provisions relating to racial hatred and violence. Most of those provisions underwent some amendment in the period under review.

40. Due to attempts to belittle, deny or justify crimes committed under the Nazi regime and under the communist totalitarian regime, the amendment of the Criminal Code, which was issued under no. 405/2000 Coll., introduced a new criminal offence of publicly denying, questioning, approving or trying to justify the Nazi or communist genocide or other crimes against humanity committed by the Nazi or the communists. Anyone who commits such offence may be punished by imprisonment for the period of six months to three years. At the same time, the amendment also includes a new provision regarding hatred based on any “group” principle. Thus, anyone who publicly incites hatred to any nation, race, religion, class or other group of persons or to infringement on the rights and freedoms of members thereof shall be punished by imprisonment for up to two years. This amendment came into effect on December 1, 2000.

41. Yet another amendment of the Criminal Code was adopted in 2002 under No. 134/2002 Coll., which extends the grounds of violence against a group of citizens and against an individual, defamation of nation, race, ethnic group and conviction, and of incitement of hatred to a group of persons or to infringement on the rights and freedom, bodily harm and murder, so that those provisions provide protection against assault motivated by hatred to a certain ethnic group. The amendment also stipulates a tougher punishment of incitement of hatred to a group of persons or to infringement of their rights and freedoms if such offence is committed by mass media of communications, including public computer network, or by a perpetrator who is active in groups, organisations or associations proclaiming discrimination, violence and curtailing of ethnic, racial or religious freedom. Perpetrators of such crimes may be imprisoned for a period from six months of up to three years. This amendment came into effect on July 1, 2002.

#### Amendment to the Misdemeanours Act

42. Due to the fact that not every discriminatory conduct reaches the intensity of a criminal offence, the Act on Rights of Members of National Minorities has also amended Act No. 200/1990 Coll. on Misdemeanours, as amended. The grounds for a misdemeanour against civic coexistence were expanded by acts causing detriment due to discrimination. Thus, it is possible to impose, by administrative proceedings, a fine up to the amount of CZK 5,000 to anyone who “*causes detriment to another person due to the fact that such person is a member of a national minority, or due to his/her ethnic origin, colour, sex, sexual orientation, language, faith or religion, due to his/her political or other conviction, membership or activities in political parties or other associations, to his/her social origin, assets, family, health condition, marital or family status*”.

## Struggle against Extremism

43. The Minister of Interior has established a Standing Inter-ministerial Commission for the Struggle with Extremism, Racism and Xenophobia. Members of the Commission are representatives of the ministers of foreign affairs, justice, defence, labour and social affairs, culture, education, youth and physical education, of the Security Intelligence Service, of the Government's Human Rights Commissioner, of the Supreme State Attorney, the Police Presidium of the Czech Republic, Office of the Government of the Czech Republic, Office for Foreign Relations and Information, and other experts. The Commission serves as an advisory body of the Minister of Interior as regards the struggle against extremism, racism and xenophobia, and prepares and submits to the government, for such purpose, reports, information, recommendations and proposals of measures to be taken in this area.<sup>14</sup> Since 1998, the Minister of Interior has been preparing every year in co-operation with the minister of justice a Report on the Issue of Extremism in the Czech Republic<sup>15</sup>, which is reviewed and approved by the government and submitted thereafter for review to the Chamber of Deputies of the Czech Republic.

44. As of April 1, 2002, the department of terrorism of the Unit for Detection of Organised Crime of the Police Presidium of the Czech Republic was closed down and replaced by a section of terrorism and extremism, consisting of two separate departments - the terrorism and the extremism department. The department of extremism will deal with the struggle against organised statewide extremist crime with effects and contacts abroad. Extremist crime, detection of its perpetrators and of perpetrators of crimes committed in connection with extremism, racial intolerance and xenophobia will be further dealt with by the extremist crime team of the Criminal Police and Investigation Service of the Police Presidium of the Czech Republic and by police specialists on the regional and district levels.

45. The Minister of Interior appointed on September 4, 2001 a commissioner of the Minister of Interior for matters relating to protection of national minorities against manifestations of racial intolerance, who is a member of the extremist crime detection team of the Criminal Police and Investigation Service. Based on such authority, the commissioner may review the protection of national minorities against manifestations of racial intolerance and the related problems with all top officials of the Ministry of Interior, the Police of the Czech Republic, of all budgetary and contributory organisations established by the Ministry of Interior, of the Police Academy of the Czech Republic, with government and non-governmental organisations, representatives of national minorities and individuals. In this respect, the commissioner shall pay special attention to personal and educational consulting in connection with hiring new members of the police from among candidates coming from national minorities.

46. The meeting of ministers of the Visegrad Four and Austria held in October 2001 established under the auspices of the Czech Republic a work team for struggle against extremism. The first work meeting of the team took place in February 2002. The participants have unanimously agreed on the necessity to intensify the exchange of information regarding extremism. The work team also recommended initiating within the scope of the existing regional co-operation regular work meetings of neighbouring police units of the states. The

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<sup>14</sup> The commission was established by Government Resolution No. 903 of September 12, 2001.

<sup>15</sup> The report may be found on the web pages of the Ministry of Interior in the Czech version (<http://www.mvcr.cz/>) and in the English version (<http://www.mvcr.cz/english.html>).

most important result of this meeting was definitely the agreement on determination of national contract centres at the police or competent ministry level, which will serve for necessary direct communication of experts on extremism.

47. The government adopted in 2000 and 2001 several resolutions, charging competent bodies with a number of tasks with the aim of increasing the effectiveness of the struggle against extremism. Based on these resolutions, those bodies have prepared, *inter alia*, methods to be applied by competent bodies in the collection and analysis of information necessary for the dissolution of civic associations or for filing a petition to suspend the activities or dissolution of political parties or political movements, and methods to be applied by the Police of the Czech Republic against dissemination of compact discs with racial and xenophobe topics. Furthermore, the Minister of Interior was ordered to adopt on an ongoing basis measures to apply effective procedures against white-collar crime, misdemeanours committed in the business sphere or in connection with the activities of extremist groups and groups with racist focus, as well as measures to prevent organisation of profit-generating activities of extremist groups and groups with racist focus, like the sale of the aforementioned compact discs or symbols.

48. Last March, the government approved the Concept of Educational Activities in the Sphere of Struggle against Extremism, which was prepared by the Ministry of Education, Youth and Physical Education. The concept concerns all aspects of education, emphasising namely the necessity of intensifying and developing continuing education of teachers, preparing information materials for teachers and sufficiently expressive texts for pupils, and of systematic preparation of teachers in topics connected with education toward tolerance and against racism, xenophobia and extremism. The ministry of education shall pay more attention to education in secondary vocational training centres and in vocational training centres (as regards education to responsible citizenship, coexistence of various groups, compliance with the law, etc.). The implementation of the Concept should focus namely on the following specific matters:

- inclusion of the topics of “*Education of a Democratic Citizen*” and “*Inter-cultural Education*” with an emphasis on education toward tolerance and against racism and extremism in the structure of framework educational programs in all types of education (primary, special, secondary);
- publications of textbooks for teachers of civic guidance and fundamentals of social sciences (*New Citizenship Horizons*), publication of information manuals for teachers (like *What It Means to Be an Extremist*, *Extremism on the Web*);
- continuing education of teachers (like organising courses on new legislation relating to extremism for employees of the Czech School Inspection, experience-based training programs of tutors-teachers focused on practical tolerance, human rights, legal literacy and extremism, special training of teachers and instructors of primary, special and secondary schools (particularly of secondary vocational training centres and vocational training centres) in communication techniques with an emphasis on prevention of conflicts, inclusion of problems of extremism in syllabi of teaching specialities at faculties of pedagogy within the framework of long-term development plans of the universities).

49. The Ministry of Labour and Social Affairs prepared a Concept of Social Work in the Area of Prevention and Elimination of Extremism, which was approved by Government Resolution No. 169 of February 20, 2002. The Concept emphasises namely prevention, particularly work with children and youth coming from groups in which the acceptance of the offer of extremist movements represents mainly a potential solution of their situation. This means identifying

situations in which there exists a risk of the occurrence of manifestations of extremism, providing support to changes of attitudes and ways of life leading to manifestations of extremism, and work with potentially dangerous individuals or with perpetrators of extremism-related crime.

50. The ministry of justice has prepared a Concept of Mediation and Probation Activities within the Scope of Struggle against Extremism. Based on Act No. 257/2000 Coll. on Probation and Mediation Service, a new justice service has been established, whose centres provide mediation and probation in criminal matters throughout the Czech Republic. Such probationary and mediation service is important with respect to the suppression of crime motivated by racism and xenophobia or crime committed by extremist groups. The probationary and mediation service pays special attention to minor defendants and defendants who are close to the age of adolescence, because the major part of members and supporters of extremist come from those age groups. The probationary and mediation service will offer to its clients, within the scope of probation supervision, specific probationary programs and will monitor, during standard supervision of the conduct of convicts released on probation, how these persons comply with the restrictions and duties imposed upon them. As regards perpetrator – in this case of crime motivated by extremism – it is particularly necessary to suppress the rooted prejudice of those people and their aggressiveness, which is frequently connected with inferiority complex, expanding at the same time their social horizon, supporting their healthy self-conscience, and arising in them respect for different opinions, attitudes and interests of others.

### The Extremist Stage

51. The right extremist stage uses namely the platform of civic associations and has been carrying on its attempts to enter the political scene, which is indicated by an evident attempt to transform the relevant entities into political parties. Due to that, nearly all significant right extremist organisations held meeting to discuss methods and forms of involvement in the political life in the Czech Republic.<sup>16</sup> A petition was filed in this respect for the registration of two political subjects – the National Party and the National Unification. The registration of the National Party was repeatedly refused by the Ministry of Interior. The National Unification Party was registered in April 2002, because the activities declared in its statute were not in conflict with the Act on Assembly in Political Parties and Political Movements.

52. The Ministry of Interior registered in November 2001 the change of the name of the Patriotic Republican Party (founded in 1996) to its current name The Right Alternative. In May 2001, the Ministry of Interior refused to register an amendment of the statute of the Patriotic Republican Party (currently The Right Alternative). This decision of the Ministry of Interior was upheld by a ruling of the Supreme Court issued on April 16, 2002. In this matter, the Supreme Court identified itself only with a part of the statement of reasons of the above decision, regarding the breach of Section 2(3) of Act on Political Parties, which stipulates that a citizen older than 18 years of age may be a member of a party or a movement. On the other hand, the Supreme Court did not uphold the arguments set forth in the statement of reasons of the contested decision, relating to the change of the name of the Patriotic Republican Party to the National Social Block and the change of the acronym to NSB.

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<sup>16</sup> Right extremist parties failed in the elections to the Chamber of Deputies of the Parliament of the Czech Republic held in June 2002. Miroslav Sládek's Republicans got 46,325 votes (0.97%) and the National Democratic Party got 5,532 votes (0.11%).

53. In several cases, the Ministry of Interior applied the procedure specified in Act No. 83/1990 Coll. on Association of Citizens, which allows dissolving an association whose aims include denying rights to citizens due to their national origin, sex, race, origin, political or other conviction, religious faith and social status, incitement of hatred and intolerance for above reasons and support of violence.

54. Based on the Act on Association of Citizens, the civic association Republic Youth (RY) was called on July 27, 2001, to refrain from activities that are in conflict with this act. This procedure was applied on the basis of information included in the "RY's Program", published by the Republican Youth on its web pages. Two clauses of this program were assessed as discriminatory and conflicting with the principle under which civic association may not carry out activities reserved for political parties and political movements. Although the Republic Youth declared in its statement dated October 29, 2001 that it had abandoned such prohibited activities by way of an amendment of the "RY Program", no such change of the program was made until January 31, 2002. Therefore, the Ministry of Interior decided on February 5, 2002, on the dissolution of the Republican Youth, which filed an appeal against such decision with the Supreme Court of the Czech Republic. The decision is still pending.

55. On March 31, 2000, the Ministry of Interior decided to dissolve the National Alliance after its leader was detained and accused of support and promotion of movements directed at the suppression of rights and freedoms of citizens. The National Alliance appealed this decision with the Supreme Court, but before the Supreme Court could review the procedure of the Ministry of Interior, the National Alliance dissolved itself as of April 15, 2001.

56. It is necessary to mention in connection with the extremist stage the concerts of skinhead music bands, the sale of CDs with records of such music bands (particularly on marketplaces in border regions with the Federal Republic of Germany and Austria), issuing and distribution of publications, magazines and other materials promoting Nazism, anti-Semitism and racism (like the organisation "Knights of the Sun Circle", presenting itself through its own publishing house Goebbels, or the organisation called Ahnenerbe, which proclaims as one of its principal aims "public enlightenment" activities).

57. Several concerts of skinhead music bands with international participation were held in 2001. After the first concerts of those bands, which took place with a considerable international participation, the Police of the Czech Republic was criticised for not preventing the escalation of such negative activities in the Czech Republic. As a result, the Police of the Czech Republic applied tougher methods against such events, which were reflected namely in rigorous interventions and subsequent charges with support and promotion of movements directed at the suppression of rights and freedoms of man. At the same time, the Police of the Czech Republic has been continuously involved since 1998 in the detection and prosecution of criminal activities perpetrated through printed matter, symbols and substitute signs.

58. Official crime statistics indicate that there were 364 criminal offences with extremist subtext registered in the Czech Republic. The number of those crimes rose in 2001 to 452, i.e., by 88 offences in comparison with the year 2000 (24.2%). 506 persons were prosecuted for criminal offences with extremist subtext, most of them (269 persons, i.e. 52.8%) for support and promotion of movements directed at the suppression of rights and freedoms of man, for defamation of nation, race and conviction (86 persons, i.e., 17%), and for violence against a group of citizens and individuals (59 persons, i.e., 11.7%). 19 persons (3.8%) were prosecuted for willful bodily harm. Perpetrators of 89.8% of those offences (406 cases) were

detected. Criminal offences with racist or other extremist subtext reached 0.1% of the total of 358,577 criminal offences registered in the Czech Republic in 2001 (0.09% in 2000, 0.07% in 1999, 0.03% in 1998, 0.04% in 1997 and 0.03% in 1996).

59. Beside the right extremist stage, there are also left extremists in the Czech Republic, in whose case, however, no behaviour with elements of racial intolerance was registered.

## **Article 5 Rights Specifically Guaranteed by the Convention**

### **A. Right to Equal Treatment before the Courts**

60. No principal changes occurred in this sphere within the period under review. The right to judicial protection is guaranteed under Article 36 of the Charter, under which everybody may assert his right with an independent and impartial court by a predetermined procedure. This means that such right is guaranteed to anyone, irrespective whether he/she is or is not a citizen of the Czech Republic. Unless stipulated otherwise by the law, anybody who claims that his or her rights have been curtailed by a decision of a public administration organ may turn to a court for a review of the legality of such decision. However, review of decisions affecting the fundamental rights and freedoms listed in the Charter may not be excluded from the jurisdiction of courts.

61. The amendment of the Penal Code (Act No. 265/2001 Coll.), which was adopted in 2001, brought a more detailed regulation of the participation of an interpreter in the criminal proceedings. Pursuant to Section 28(1), an interpreter shall be invited in cases when it is necessary to interpret the content of a deed, testimony or other procedural act, or when the defendant declares that he is not proficient in the Czech language. If the defendant does not state the language in which he is proficient or states a language or dialect which is different from the language spoken by his nationality or the official language of the state whose citizenship he holds, and no person is registered in the register of interpreters for such language or dialect, the body active in criminal proceedings shall appoint an interpreter for the language used by the defendant's nationality or for the official language of the state whose citizenship he holds. In the case of a person without citizenship, such state shall be the state where such person lives permanently or the state of his origin.

62. Section 28 of the Penal Code also provides a list of written documents that must be submitted to the defendant, i.e., a decision to start criminal prosecution, the decision on custody, the charges, proposed sentence, judgement, penal order, decision on appeal and on suspension of criminal prosecution. In the case of a decision applying to more than one defendant, only the part applying to the respective defendant shall be translated, provided that such part may be separated from other verdicts in the ruling and their respective rationale. If the commencement of a time limit is connected with the service of a ruling that must be translated in writing, such ruling shall be deemed served only upon the service of such written translation.

### **B. Right to Personal Freedom and Security and to Protection against Violence and Bodily Harm**

63. A Work Team of the Council of the Government of the Czech Republic for the Affairs of the Roma Community was established with a focus on matters relating to the interior and the

Police of the Czech Republic. This work team, which is presided over by the 1<sup>st</sup> Deputy Minister of Interior, deals with both urgent matters and overall policy relating to the integration and other problems of the Roma Community, including close field contacts.<sup>17</sup> Four meetings of the work team were held in 2001, where the team discussed matters relating to security of the Roma, racially motivated crime and status of Roma co-ordinators at higher-level political sub-divisions. The team further reviewed the problem of usury in the Roma community, discrimination of the Roma at the restaurants and similar facilities and by recruiting the Roma to the Police of the Czech Republic. At the same time, the team discussed the possibility of co-operation with the U.K. Commission for Racial Equality. This team provides an adequate platform for the solution of individual complaints against errors committed by the Police of the Czech in the investigation of crimes whose victim or perpetrator is a Roma.

64. In 2001, the courts of the Czech Republic handed down final sentences to a total of 150 persons for criminal offences motivated by racial intolerance. A total of 19 persons were sentenced to terms without suspension, 115 persons received suspended sentence, 14 persons were sentenced to public works and 7 persons were sentenced to fines as the principal or secondary sentence. The above sentences represent 0.25 % of the total number of 60,180 persons who were handed down a final sentence. The total number of persons sentenced for offences motivated by racial intolerance in 1999 reached 166, i.e., 0.26% of the total number of 62,594 sentenced persons, and in 2000 148 persons, i.e., 0.24% of the total number of 63,211 sentenced persons.

65. The most frequent victims of crime motivated by racial intolerance are members of the Roma community. While no murder or attempted murder motivated by racial intolerance was committed in 2000, one such attempted murder and murder were committed in 2001. The victims were in both cases members of the Roma minority.

66. Three Roma were assaulted in June 2001 at Ostrava-Poruba by a group of assailants with a knife and gas pistol. One of the victims suffered serious, life-threatening injury. The investigator started criminal investigation of attempted bodily injury and riot and the perpetrators were subsequently charged with these offences. The qualification of the offence was then changed, with respect to one defendant, to attempted murder. All defendants were taken into custody.

67. The second case was an assault on a member of the Roma community, which occurred in July 2001 at Svitavy. The victim later died from his injuries. The perpetrator, a 23-year old V. P. was charged with the crime on July 21, 2001 and was taken into custody on July 22, 2001. The investigator of the Regional Investigation Office in Hradec Králove finished the investigation on December 19, 2001, by a motion to press charges. On March 29, 2002, V. P. was sentenced to 13 years in prison. The judgement is not final because the legal counsel of the defendant filed an appeal.

68. Other two cases of crime motivated by racial intolerance that were registered in 2001 were committed by officers of the Police of the Czech Republic. One officer was charged with support and promotion of movements directed at the suppression of rights and freedoms of citizens and riot (by shouting "Sieg Heil" at a bar and a bodily assault on a person in front of the bar with fellow perpetrators). The second case involved a bodily assault on a member of

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<sup>17</sup> The work group shall have 16 standing members (including the chairman and deputy chairman) and 3 standing guests.



the Roma community by officers of the Police of the Czech Republic. Five policemen were charged with misuse of powers of a public official and four of them were further charged with violence against a group of citizens and against an individual. In both cases, the trial is still pending.

69. Neither the Military Police nor the military intelligence services found any traces of the existence or activities of extremist groups within the ranks of the Army of the Czech Republic. Unique offences motivated by racial intolerance were, however, registered. The conduct of the defendants in all those cases was qualified as suspected support and promotion of movements directed at suppression of rights and freedoms of citizens (in one case in concurrence with defamation of nation, race and conviction?). Those illegal acts were committed in one case by proclaiming fascist and racist slogans and public use of the Nazi greeting, in two cases by showing video cassettes and reproduction of tapes with racist and Nazi texts in the military barracks, and in one case by a bodily assault on a darker-skinned soldier and death threats and racist insults addressed to him. The Military Police found among the possessions of two defendants materials promoting Nazism and racism. A total of five basic military service soldiers were suspected of racially motivated offences (one soldier committed a similar crime twice).

70. Criminal activities motivated by racial intolerance overlap to a considerable extent with criminal activities with extremist subtext. In this respect, however, the term “extremism” is understood within the meaning ascribed to it by the political science rather than within its legal dimension. Therefore, extremist crime includes, apart from crime motivated by racial intolerance, also criminal offences committed by demonstrators with extreme political orientation (both right and left).

### **C. Political Rights**

71. The Charter guarantees political rights to everyone without exception. The right to take part in the management of public affairs, either directly or through free elections of representatives, is guaranteed to the citizens irrespective of their sex, race, skin colour, language, faith and religion, political or other conviction, ethnic origin or social background, membership in a national or ethnic minority, property, family or other status.

72. A new legislation regarding election to municipal assemblies – Act No. 491/2001 Coll. – was adopted in 2001. This act grants the right to vote and stand for election to municipal assemblies also to foreigners who are registered for permanent residence in the relevant municipality, provided that such right is granted to any such foreigner by an international treaty to which the Czech Republic is a party and which has been promulgated in the Collection of Laws. Such treaty is undoubtedly the Convention of the Council of Europe on the Participation of Foreigners in Public Life at the Local Level (ETS 144), which has not been ratified yet by the Czech Republic. After admission of the Czech Republic in the European Union, only citizens of EU member states will have the right to vote and stand for election.

## **D. Other Civil Rights**

### **Right to Freedom of Movement Right to Leave Any Country, Including One's Own**

73. The right to freedom of movement and stay as one of the fundamental human rights is guaranteed in Article 14 of the Charter. Detailed information is included in the Initial Report.

74. The 3<sup>rd</sup> and the 4<sup>th</sup> Report referred to the migration of members of the Roma Community to Canada and the member states of the European Union, namely to Great Britain, where they applied for asylum. The problem of Roma migration remained unresolved during the period under review and was further aggravated by the introduction of a controversial measure with the aim of preventing them Roma from applying for asylum in Great Britain.

75. Due to the large number of asylum applicants from the Czech Republic, Great Britain introduced in mid-July 2001 the “pre-entry” checks during check-in of passengers departing from Prague-Ruzyně Airport.<sup>18</sup> This measure meant, as a consequence, a *de facto* exclusion from transportation by the carrier of those passengers in respect of whom the British consular employees came to the conclusion that they might apply for asylum after the arrival in Great Britain. Due to the structure of asylum applicants coming from the Czech Republic, this measure affected mostly Czech citizens of Roma ethnic origin. The checks caused criticism as regards curtailing the right to leave the state whose citizen the relevant person is (the right to leave any country, including one's own), and the possible participation of the Czech Republic in discriminatory activities taking place within its territory.

76. The situation was discussed at the meetings of advisory bodies of the government – the Council of the Government of the Czech Republic for the Affairs of the Roma Community and the Council of the Government of the Czech Republic for Human Rights, which adopted resolutions asking the government to strive to limit this measure, during its negotiations with the British party, to the shortest possible time. However, the measure, whose application has been repeatedly suspended and renewed by the British party since July 2001, is still in force as of the submission date of this report.

### **Right to Citizenship**

77. No changes were adopted during the period under review.

### **Right to Marriage and Choice of Spouse**

78. A draft bill on partnership of persons of the same sex, which was submitted to the Chamber of Deputies in 2001, would have satisfied the long-term efforts of the gay and lesbian minority, striving for adoption of an act that would legally define the cohabitation of persons of the same sex. The bill was returned by the Chamber of Deputies for finalising. It is evident, however, that the bill was not returned due to disapproval with its wording, but rather due to principal resistance from the part of certain deputies regarding the aim of the act, i.e.,

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<sup>18</sup> By its resolution no. 131 of February 7, 2001, the government approved the measure imposed by Great Britain by consenting to exchange of interpretation notes regarding Article 36 of the Consular Treaty between the Czechoslovak Socialist Republic and the United Kingdom of Great Britain and Northern Ireland No. 135/1976 Coll.

legalisation of relationship of same sex couples and guaranteeing social recognition of this form of cohabitation. The bill permitted the registration of such partnership only if at least one of the persons who intend to conclude such partnership is a Czech citizen or a permanent resident of the Czech Republic.

### **Right to Own Property**

79. Article 11 of the Charter guarantees to everyone the right to own property and the right to inherit. Furthermore, Article 11 expressly stipulates that the ownership right of all owners has the same statutory content and enjoys the same protection. No material changes occurred during the period under review as regards legal regulation applying to the protection of rights to own property from discrimination.

80. Act No. 212/2000 Coll. on Mitigation of Certain Property Injustice Caused by Holocaust allowed rectification of some property injustice caused by holocaust. Under Government Decree No. 335/2001 Coll., which came into effect on November 1, 2001, some lands and buildings were transferred to Jewish Communities in the Czech Republic. The symbolic value of the attempt to mitigate holocaust consequences exceeds the value of the property that has been transferred to Jewish Communities.

### **Right to Freedom of Thought, Conscience and Religion**

81. A new Act No. 3/2002 Coll. on Freedom of Religion and Status of Churches and Religious Societies (the “Churches Act”) was adopted at the beginning on 2002. Under this act, it is necessary to document for the purpose of registration (i.e., acquiring legal personality) of a church that there are 300 citizens who are members of such church, which represents a significant reduction as compared to previously required 10,000 members. Such reduction of the “registration limit” will allow registration of world religions (like Buddhists or Muslims) or religions that are significant abroad but have a small number of members in the Czech Republic (like the Anglicans). At the same time, the Churches Act divides churches and religious societies into those “simply” registered, and churches that are registered and authorised to exercise special rights. These special rights include namely teaching religion at state schools, practising activities of chaplains in the armed forces or in facilities hosting persons deprived of personal freedom or with restricted personal freedom, and performing church marriage rites. The prerequisites for granting the authorisation to exercise principal rights falling within the special rights category include, in addition to the length of registration and fulfilment of statutory duties, also collection of such number of signatures of Czech citizens or foreigners with permanent residence permit who claim to be members of the church that represents 0.01% of the population of the Czech Republic as at the last census.

### **Right to Freedom of Opinion**

#### **Right to Freedom of Peaceful Assembly and Association**

82. No changes have occurred in assembly law since the submission of the previous report. The government bill on clubs, which aimed at the removal of the existing conflict with the Charter, was rejected by the Chamber of Deputies in May 2000. The range of persons referred to in the bill fully complied with the principles of legally residing foreigners, because it also applied to foreigners with long-term visa or permanent residence permit.

83. As a response to excesses that occurred at rallies held on various occasions, including the session of the International Monetary Fund and the World Bank held in 2000, the Ministry of Interior prepared a draft amendment of the law regulating the right of assembly. This amendment includes certain disputable provisions, like dividing the right of assembly to the active and passive right, where the persons authorised to convene an assembly (i.e., holders of the active right) would only be persons registered as permanent residents in the Czech Republic or having a permanent residence permit. Thus, assemblies could not be convened by persons with temporary residence in the Czech Republic on the basis of a long-term visa. The amendment stipulates a new duty of the participants of an assembly not to cover their faces in a manner obstructing or preventing their identification in the case of an intervention of the Police of the Czech Republic against the assembly. At the same time, however, the bill does not resolve cases in which covering one's face is a part of cultural, namely religious usage.

## **E. Economic, Social and Cultural Rights**

### **1. Right to Work**

84. As noted in previous reports, the general right to work is stipulated in Article 26 of the Charter, which guarantees the right of every person to acquire means of his or her livelihood by work, the right to free choice of profession and training for such profession, and the right to engage in business or other economic activity.

85. There exists a number of labour laws regulating employment or service relationships. The most important of these laws is Act No. 65/1965 Coll., the Labour Code, as amended. Section 1(3) of its amendment – Act No. 155/2000 Coll. – stipulates the duty of employers to ensure equal treatment of all employees as regards their working conditions, including pay and other considerations in cash or in kind for their work, vocational training and career development opportunities. Section 1(4) prohibits any discrimination against employees in labour law relations on grounds of race, colour, sex, sexual orientation, language, faith and religion, political or other conviction, membership or activity in political parties or political movements, trade union organisations and other associations. This section further prohibits discrimination on grounds of nationality, ethnic origin or social background, property, family, health condition, age, marital and family status or family obligations. The Labour Code also expressly prohibits indirect discrimination, i.e., such conduct by employers whose consequences are discriminatory. Nevertheless, neither the Labour Code nor any other laws define direct and indirect discrimination, harassment<sup>19</sup>, or abetting in discrimination on grounds of race or membership in an ethnic group.

86. Section 1(3) of Act No. 1/1991 Coll. on Employment, as amended, defines the right to employment as the right of citizens who are willing and able to work and genuinely seek a job to assistance in finding employment, to retraining and financial support when unemployed. In this respect, the amendment of the Employment Act No. 167/1999 Coll. expressly prohibited discrimination on grounds of race, colour, sex, sexual orientation, language, faith and religion, political or other conviction, membership or activity in political parties and movements, trade union organisations and other associations, nationality, ethnic origin or social background, property, family, health condition, age, family, marital and family status or family obligations, except in cases stipulated by the law or where there is a factual ground consisting in

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<sup>19</sup> Section 7(2) of the Labor Code includes only a general prohibition of demeaning human dignity of a party to a labor law relationships and defines then grounds of sexual harassment.

preconditions, requirements and nature of the employment which the citizen is to perform and which is necessary for performance of such employment.

87. Neither the Employment Act nor the Labour Code set forth detailed conditions regarding the applicability of factual grounds consisting in preconditions, requirements and nature of the employment on whose basis the differentiation of employees due to race or ethnic origin would not be discriminatory. The Employment Act also does not include any special provision granting to a victim of discrimination in access to employment based on his or her race the right to seek before the courts the prohibition of such conduct, removal of its consequences and adequate satisfaction or cash compensation for non-property harm. The Labour Code includes such provision, but only in relation to equal treatment of men and women.

88. The amendment of the Labour Code has also brought about a change in protection against discrimination in service relationships of officers of the Police of the Czech Republic and employees of the Security Intelligence Service. The provisions of the Labour Code regarding protection against discrimination shall apply accordingly with respect to these service relationships, while the applicable provisions of the Employment Act on hiring shall apply to the protection against discrimination in the establishment of service relationships. Act No. 186/1992 Coll. on Service Relationships of the Officers of the Police of the Czech Republic, as amended, does not include anti-discriminatory provisions but refers to the provisions of the aforementioned laws.

89. The amendment of Act No. 221/1999 Coll. on Professional Soldiers, as amended, which came into effect as of January 1, 2001, also contains an anti-discriminatory clause, prohibiting any discrimination on grounds of race, colour, sex, sexual orientation, language, faith and religion, ethnic origin or social background, property, family, marital and family status or family obligations. At the same time, any conduct of service bodies that involves indirect discrimination, i.e., whose consequences are discriminatory, is also prohibited. Unlike the Labour Code, this act does not grant professional soldiers the right to seek damages, including cash satisfaction. The Parliament of the Czech Republic approved in 2002 another amendment to this act, prohibiting discrimination on grounds of nationality, pregnancy or motherhood or when the female soldier breastfeeds. Abetting to discrimination has also been outlawed. Demeaning of dignity newly includes all forms of harassment demeaning the soldier's dignity or creating an intimidating, hostile, disparaging or offensive atmosphere.

90. The act on service relationship of members of security forces, which is currently under preparation, includes express anti-discriminatory provisions, which set forth a number of grounds on which the refusal to conclude a service relationship with a citizen would be considered as discrimination. Exceptions are permitted solely by such act or by special laws. The draft further stipulates that the security corps is obligated to ensure equal treatment of all members as regards the conditions of the service, namely professional training, service promotion and remuneration and, apart from direct discrimination, also prohibits indirect discrimination, i.e., any conduct that does not involve direct discrimination but whose consequences are discriminatory. Abetting to discrimination is also considered as discriminatory.

## Employment of persons encountering difficulties in their placement on the labour market

91. A Commission for Employment of Persons Encountering Difficulties in Finding Job on the Job Market was established at the Ministry of Labour and Social Affairs by Minister's Order No. 11/2001 with a special focus on the Roma community. For instance, the Commission submits suggestions for resolution of employment of specific groups, assesses the implementation of the adopted measures, arranges for the dissemination of information regarding implemented programs and consults essential matters regarding the use of adequate tools of active employment policy and financial funds in the social sphere, education and employment. When resolving the problem of high unemployment rate among the Roma, the Commission uses an ethnically neutral definition of “persons encountering difficulties in their placement on the labour market”. The activities of the Commission are focused namely on:

- broad integrated programs for persons encountering difficulties in their placement on the labour market, including Roma job seekers, namely programs of the type of “Chance” (for adults) or “Bridge” (for youth). These programs are designated particularly for job seekers with primary education or low-level skills, or for those who did not complete their secondary studies or whose vocational or study branch is no longer in demand on the labour market;
- local-level co-operation between representatives of the Roma communities and local authorities in overcoming information and communication barriers and creating condition for further co-operation;
- co-operation with the Ministry of Agriculture, Ministry of Environment (State Environmental Fund), Ministry of Transportation (Czech Railways), Ministry of Defence (Military Accommodation Administration) and other ministries in ensuring participation of the Roma companies and companies supporting the Roma in public contracts,
- co-operation with self-government authorities in acquiring environmental contracts, like construction of wastewater treatment plants, or of gas and water distribution networks with the participation of Roma companies and companies supporting the Roma for the purpose of finding employment namely for unskilled Roma job seekers,
- co-operation with regional employment offices in the placement of Roma job seekers in public works projects for municipalities and cities,
- co-operation with social departments of local self-government in the resolution of employment problems of the Roma community,
- striving to include projects concerning employment and employability of the Roma in the European Programs – Leonardo da Vinci, Equal, Phare 2000 and SOP.

92. The basic policy document of the state employment policy is the National Employment Plan<sup>20</sup>. The question of equal opportunities for all was included in the separate fourth pillar of the National Employment Plan, which consists of four basic objectives: to enhance legal and institutional tools and mechanisms for the elimination of manifestations of discrimination on the labour market, to create grounds that would allow application of extraordinary temporary measures in favour of those groups of persons whose access to employment is significantly problematic, to monitor the progress in the assertion of the right to employment of groups of persons threatened by discrimination, and to contribute to the elimination of unjustified differences in remuneration of men and women.

93. Measures adopted under the National Employment Plan increase the possibilities of finding jobs for job seekers encountering difficulties in their placement on the labour market and mitigate discrimination impacts in the society. These measures include, for instance, recommendations for parties organising public tenders to give priority in their assessment of

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<sup>20</sup> Resolution of the Government of the Czech Republic No. 418 of May 5, 1999

bids and the comparable compliance with other terms to entities employing the highest portion of job seekers registered with employment office, namely those encountering difficulties in their placement on the labour market, taking steps to increase employment of job seekers who have been unemployed for a long time, with an emphasis on the Roma community, enhancing legal and institutional tools and mechanisms to eliminate manifestations of discrimination on the labour market. The National Employment Plan is updated every year in the form of action plans. One of the tasks of the National Action Plan of Employment for the year 2001 was *to identify groups threatened by discrimination in selected districts and to prepare methods for such purpose, including methods of personal self-identification with such groups*. An employment services team was established for the fulfilment of this task, consisting of employees of consulting and job search departments and of retraining departments of employment offices in České Budějovice, Ústí nad Labem, Louny and Opava. The aim of the work carried out by the team is to identify groups of persons who are the most exposed to discrimination on the labour market, to prepare self-identification methods and to include those methods in the system of work with clients at the employment offices, to prepare for selected groups consulting and retraining programs in co-ordination with the other tools of active employment policy, with the aim of not only increasing employment, but also finding jobs. Results of the work of this team are to be reviewed and put to practice until the end of 2002 as an integral part of the activities of every employment office.

94. Through the PHARE Program, it was possible to include a block called “Social Inclusion and Equality of Opportunities” in two projects of the National Program PHARE 2000<sup>21</sup>. Measures contained in those projects are focused on the integration of specific groups of population and on the increase of employment of persons threatened by social exclusion, on integration approach and partnership co-operation in the support of social inclusion. The projects also include consulting and motivation programs leading to independent gainful activities and development of social services.

95. The Ministry of Labour and Social Affairs has also submitted within the scope of the National Program PHARE 2002 a project relating to the implementation of the EQUAL Initiative in the Czech Republic. This initiative, which is a part of the employment policy of the European Union, strives to ensure equal access of disadvantaged groups of persons to employment and to suppress various forms of discrimination and inequality on the labour market. The nine priorities of this program include, for instance, overcoming racism and xenophobia, creation of equal opportunities for women and men and assistance to asylum applicants. The Czech Republic acceded to EQUAL in 2001.

96. The Research Institute of Labour and Social Affairs carried out in 2001 a survey focused on employment of foreigners<sup>22</sup>, which indicates that, apart from the Slovaks, the most numerous groups on the legal labour market are the Ukrainians, followed by the Vietnamese and the Polish. The net monthly income of legally employed foreigners is slightly (but not much less) than the average income in the Czech Republic. The survey of illegal employment

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<sup>21</sup> Specifically Project CZ00-10-02 – Investment in the Target Region NUTS II Northwest/Human Resources Development Fund, and Project CZ00-10-03 – Investment in Target Region NUTS II Ostrava Region/Human Resources Development Fund in 2001

<sup>22</sup> The data specified in this part are based on the survey “Employment of Foreigners in the Czech Republic”, which was carried out in 2001 by the Research Institute of Labor and Social Affairs within the framework of the project named “Position of Foreigners on the Labor Market with a View of their Skills as Compared with Czech Citizens”.

of foreigners<sup>23</sup> indicates that illegal employment of foreigners and various forms of circumventing laws regulating employment of foreigners is spread in the Czech Republic to a similar extent as in other European countries. The survey has also confirmed frequent breach of laws with respect to employment of foreigners, for instance by formal payment of only a part of their wages, overtime and non-compliance with limitation of work on days of rest and night work.

97. In its efforts to create an active immigration policy, the Ministry of Labour and Social Affairs prepared principles and procedure of implementation of a pilot project of Active Selection of Skilled Foreign Workers, which was approved by Government Resolution No. 975 of September 26, 2001. A detailed draft of this pilot project has been prepared on the basis of those principles.

## **2. Right to Form and Join Trade Unions**

98. No changed occurred in the period under review.

## **3. Right to Housing**

99. No changes occurred in the housing legislation concerning protection against discrimination. Housing laws still lack non-discrimination provisions, even the declaratory ones. Prohibition of discrimination is not stipulated even in the laws and regulations applying to the allocation, renting, privatisation or sale of municipal apartments.<sup>24</sup>

100. Elimination of discrimination in housing also includes the question of rent. The amount of apartment rent is currently regulated by Price Assessment of the Ministry of Finance No. 01/2002 of November 28, 2001, issuing a price list of goods with regulated prices, which further permits non-specific blanket regulation of rent. One of the prerequisites for the elimination of discrimination in access to housing is to do away with the current regulation of rent, which has not occurred until now.

101. As noted above, the housing problems of the Roma have been escalating. The state has only limited means to influence such situation, because this problem falls within the competencies of self-government authorities. Due to unpaid rent and charges for services provided in connection with the lease, the Roma are more and more frequently evicted from their apartments and allocated substitute housing. Many of those substitute housing facilities are in poor technical condition, with insufficient infrastructure, isolated from other populated areas.<sup>25</sup> This leads to residential segregation of a group of population with cumulative social problems. However, eviction due to failure to fulfil the obligations connected with rental housing could be often prevented by the improvement of social work with those families.

102. Indirect discrimination may occur in the allocation of municipal flats. Municipalities and cities, beings the owners, may determine their own conditions. Thus, a formally neutral system of allocation of municipal flats or frequently groundless requirements imposed upon

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<sup>23</sup> Illegal Employment of Foreigners as an Obstacle of Their Desirable Integration on the Labor Market, Research Institute of Labor and Social Affairs, December 2001.

<sup>24</sup> Act No. 40/1964 Coll., the Civil Code, Act No. 72/1994 Coll. on Ownership of Flats, Decree of the Ministry of Finance No. 85/1997 Coll. on Rent of Flats Acquired through Cooperative Housing Construction, Act No. 128/2000 Coll. on Municipalities.

<sup>25</sup> The extremely poor housing and service standard is strikingly inadequate to the amounts that have to be paid by the tenants and which are approximately CZK 1500 to 3000 per month for one room.



applicants for municipal flats may have an inadequate impact namely on the Roma minority. Such conditions include the submission of excerpts from criminal register, which is, moreover, in conflict with Act No. 101/2000 Coll. on Personal Data Protection, which considers personal information about criminal activities as sensitive information. Another disputable condition for filing an application for lease of a municipal apartment is the permanent residence in the municipality; moreover, some municipalities request that the applicants are registered as residents in the municipality for a certain period of time<sup>26</sup>. This condition affects all applicants for lease of apartments owned by such municipality, but much more frequently the Roma, many of who are registered for residence in other municipalities in the Czech Republic than the municipalities where they actually live (and potentially apply for lease of an apartment). The role of municipalities is defined by Act No. 128/2000 Coll. on Municipalities; municipalities which exceed, by their criteria, the limits stipulated by this act, actually discriminate against certain groups of population.

103. In 2001, the Ministry for Local Development assigned to Socioklub (the Association for Support of Development of the Theory and Practice of Social Policy) a project named Research of the Problem of Bare Housing in Relation to the Roma Minority. The subsidy for this project reached CZK 500,000. Based on the report on the results of the survey, the Ministry issued a publication designated to interested public, which provides general information regarding territorial segregation processes in the housing sphere and instructions and recommendations to be applied in practice or in the education of social workers, officials of non-state entities, members of municipal assemblies and others.<sup>27</sup>

104. The ministry also established co-operation with the Association of Civic Counselling Centres in the form of provision of a financial subsidy for the activities of those centres and by organising counselling days for workers of the counselling centres who deal with rental housing problems. Those counsellors then use such knowledge in their work with clients who ask them for assistance in the resolution of housing-related problems.

105. The Ministry for Local Development prepared a Subsidised Housing Program. The subsidised housing should include provision of social services. The objective of this program is to expand the offer of rental housing for persons who are disadvantaged in their access to housing not only due to their income but also for other reasons, resulting in specific housing needs. Subsidies provided by this program should be given to a municipality or union of municipalities, which must remain the sole owner of the subsidised apartments.

### Community housing

106. In September 1999, the government expressed its support to the project<sup>28</sup> of the Coexistence Village at Ostrava - Muglinov, and set aside CZK 16,500,000 from the state budget for its implementation. The project presumes the construction of 30 housing units, half of which will be occupied by Roma families. The construction of those 30 housing units was completed last June.

107. In April 2000, the government approved a program of community housing development of the Roma citizens in Brno and agreed to provide state subsidy for the implementation of

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<sup>26</sup> E.g., five years in Chomutov and Teplice, three years in Prague 3, Prague 5 and Pardubice.

<sup>27</sup> The report on results of the survey is available at the web pages of the Council of the Government for the Affairs of the Roma Community (<http://www.vlada.cz/1250/vrk/vrk.htm>).

<sup>28</sup> Resolution of the Government of the Czech Republic No. 978 of September 22, 1999

this project in the form of a subsidy to be provided to the City of Brno in the amount of CZK 32,500,000 and of a state guarantee for a loan to be provided by the Development Bank of the Council of Europe in the amount of CZK 32,500,000.<sup>29</sup> The project is comprised of the renovation of two rental apartment buildings in Brno, which are occupied mostly by the Roma. After the renovation, there will be 110 apartments, which will provide to socially handicapped Roma families modest but dignified housing. The renovation costs were initially calculated at approx. CZK 65,000,000 and the project (or the renovation phase) was to be completed in 2001. Shortly after the start of the construction works in 2000, it appeared, however, that the technical condition of the buildings was much worse than the condition shown in the initial study. Following the completion of the project documents, the costs were estimated at approx. CZK 142,000,000.

108. Although the housing development project has not been completed yet, it may be said that its implementation generally confirms the expected impact. The occupants of such housing who have decided to participate under pre-determined conditions in the project have already worked their overdue rent and payment schedules have been prepared as regards overdue water, sewage and electricity charges and other payments connected with the use of the apartment. This has established the basic prerequisite necessary to stop the social exclusion process, which is frequently triggered by the indebtedness of socially handicapped (particularly Roma) families.

109. Some experts note that the community housing is a *de facto* concentrated and segregated housing for the Roma community and that the construction of such type of housing may appear as a tool of territorial ethnic segregation. Although it will be necessary to carefully consider this aspect in the case of each new community project, it is a fact that, before the start of the Brno project, there had already existed a territorially segregated Roma enclave. Therefore, the dominant feature is the integrating dimension, represented by stopping the process of social exclusion and by the integration of this community into broader life of the majority society at that location.

#### **4. Right to Protection of Health, Medical Care, Social Security and Social Services**

110. The Council of the Government of the Czech Republic for the Affairs of the Roma Community has been implementing since 2000 a field program of social work in excluded Roma communities with the participation of newly trained Roma streetworkers. These streetworkers work in the most threatened Roma communities, where they analyse the social situation of Roma families and try to contribute, with adequate means and with the use of social work methods, to the elimination of undesirable factors hindering the integration of these families in the society. Streetworker posts were established in 2000 at the district offices in 16 locations. In 2001, there were already 54 Roma streetworkers working in 35 locations. Unlike the previous year and as a result of the self-government reform, the posts of streetworkers were newly established mostly at the municipalities.

#### **5. Right to Education and Training**

111. The Charter guarantees the right to education to everyone, i.e., irrespective of his citizenship, but guarantees the right to free education at primary and secondary schools, and depending on the ability and potential, also at the universities, only to Czech citizens. In

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<sup>29</sup> Resolution of the Government of the Czech Republic č. 387 of April 19, 2000

accordance with the Convention on the Rights of the Child, primary education is provided in the Czech Republic to all children irrespective of their citizenship or residence status.

112. The basic law regulating the right to education is the Act No. 29/1984 Coll. on the System of Primary, Secondary and Higher Vocational Schools (the School Act), as amended. No provision of this act expressly prohibits direct or indirect discrimination or stipulates any protection against it. The School Act only declares that the primary and secondary schools educate their pupils in accordance with the principles of humanity and democracy and form their intellectual and moral development.

113. The School Act allows graduates of special schools and schools for mentally handicapped children to obtain education after passing courses organised at the primary or secondary schools. Without passing such courses, there would be a danger that the right for free selection of profession and preparation for such profession would be guaranteed only formally.

114. The amendment of the School Act promulgated as Act No. 19/2000 Coll. made it possible to enrol in secondary school not only pupils who have successfully graduated from the primary school but all pupils who have completed the compulsory school attendance and have met, during the enrolment tests, all conditions for enrolment by demonstrating appropriate abilities, knowledge, interest and health condition required in the selected branch of study. This amendment has allowed enrolment of pupils who have successfully completed a special school, thus overcoming a totally inadequate situation in which the special school graduates could not apply, by the law, for enrolment in secondary schools, which breached their right to free selection of profession and preparation for it, as guaranteed by the Charter.

115. The government prepared a new draft of the School Act, which expressly stipulated that the education is based, *inter alia*, on the principle of mutual respect, tolerance of opinion of other, solidarity and defence against manifestations of discrimination and intolerance. The draft also introduced a new term “special educational needs of children”, which included socially handicapped children and was reflected in a number of provisions guaranteeing specific approach to such pupils, thus granting to them satisfaction of their specific educational needs. The draft also set forth measures that are currently regulated only by decisions of the Minister of Education, Youth and Physical Education, on experimental testing of the forms and contents of upbringing and education, issued pursuant to Section 58(a) of the School Act, and by methodical guidance. Thus, preparatory classes at primary schools and posts of teacher assistants would be established directly by the law. The Chamber of Deputies returned the draft to the government for completion, but then rejected it.

116. Act No. 111/1998 Coll. on Universities (the Act on Universities), as amended, declares democratic approaches relating to access to university education, obtaining adequate professions skills and preparation for research work and other professional activities, under which nobody may be discriminated due to his colour, sex, religion, national or social origin or membership in an ethnic group. At the same time, the Act on Universities does not contain express prohibition of direct or indirect discrimination in relation to university studies.

117. Since 2000, there has existed the Program of Support of Roma Secondary School Students, whose aim is to enable a growing number of Roma students, including the socially handicapped ones, to get secondary and university education. The program provides financial subsidies to Roma secondary school students (like payment of tutoring fees at private schools,

travelling expenses, meals, school aids), which will allow them to continue or start their studies, which they would otherwise have to give up due to social reasons. The program has marked a significant success and its expansion has been proposed every year.<sup>30</sup> In this respect, the government has ordered the Minister of Labour and Social Affairs to unify the practical application of the Program of Support of Roma Secondary School Students to avoid setting off such support payment with the total income of the parents of those pupils when assessing their social needs under Act No. 463/1991 Coll. on Social Needs, as amended, and the provision of social security payments to cover the costs paid out of the program funds<sup>31</sup>, as there occurred certain cases when such support was included in the total income of the parents of those pupils during the assessment of their social needs.

118. As regards the Program of Education in National Minority Languages and the Multicultural Education, the Ministry of Education, Youth and Physical Education provided support in 2002 to 16 educational projects submitted by civic associations.

### Special schools

119. A persistent and permanently criticised problem is the transfer of Roma children into special schools. Thus, part of the children of the Roma minority complete their primary school attendance at special schools. Every child can be placed (and could be placed in the past) in a special school based on a check of his/her mental level performed by a psychological and pedagogic counselling centre, and only with written consent of a parent or legal guardian of the child. Thus, the grounds for transfer of a Roma minority child from the primary to special school do not lie in his/her Roma nationality, but the language handicap showing at his enrolment in the primary school and representing a serious obstacle as regards future education. Beside the language barrier, there is also the different dynamism of personal development, different hierarchy of values and social and cultural feelings of Roma families. An important role is played by the fact that the special school environment is familiar for the generation of parents, many of whom thus direct the child automatically to an identical educational environment through which they also passed.

120. The primary step towards the elimination of negative impacts affecting namely the Roma community children due to their social and cultural differences has been the change in the diagnostic method used to test the overall ability of the child and its structure. The Ministry of Education, Youth and Physical Education has analysed all tests used to diagnose children placed into special schools, and prepared a Czech version of WISC-III-UK, a test of the overall ability and its structure, which is most frequently used in the whole world. This test was adjusted to the Czech language and cultural environment and was standardised using a sample of 1,457 respondents, stratified (according to the information published in the Statistical Yearbook of the Czech Republic) by geographic regions, nationality, settlement type, school type, sex and age group. As regards nationality, 93.7% respondents were Czechs, 6.2% Roma and 0.1% others. The application of the WISC-III-UK test should improve diagnostic methods of children, including those coming from another cultural and social environment, i.e., the Roma children. The use of the selected test and its methodological manual by psychological and pedagogic counselling centres, which only propose placement or transfer of the child to a special school, is not mandatory but is only recommended by the ministry. This means that the placement or transfer depends on the approach of the

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<sup>30</sup> While a total of 900 applications were approved in 2000, this number grew in 2001 to 1531 approved applications.

<sup>31</sup> Section II/2/d) of Government Resolution No. 1145 of November 7, 2001.

counselling centre to this problem. The Psychological and Pedagogic Counselling Institute and the Pedagogic Centre of the Ministry of Education, Youth and Physical Education have been organising training for psychologists in the work with this test and in the specific features of psychological diagnosing of Roma origin. It is important for psychologists to be able to assess the level of educability of the child having in mind the specific different environment from which the child comes. The intelligence test is only one of the tools and methods to identify the overall level and structure of abilities. Due to potential errors in the diagnostic conclusion, the quality of the intelligence test is only of a secondary importance.

121. Placement of a child in a special school is not final. Like a procedure for placement of the child in such school, there is also a procedure for his transfer back. The consent of the parent or legal guardian is necessary even in this case, and if the parent or guardian disagrees with such transfer, it is not possible to transfer the child from the special to an "ordinary" school. Transfer of successful pupils of special schools is carried out in accordance with the Decree of the Ministry of Education, Youth and Physical Education No. 127/1997 Coll. on Special Schools and Special Kindergartens. Following a review with parents, the special school principal is obligated to suggest transfer of the child to the primary school whenever the study results of the child provide a prerequisite that the child may be educated at the primary school. Every special school principal is obligated to inform the parents of his pupils on the possibilities and conditions of transfer of a pupil to the primary school. Also the parents have the right to initiate the transfer of their child by applying for diagnostic review and for permission to pass appropriate equalising exams. In the case of transfer, it is necessary to take into account namely the interests of the child and to proceed in co-ordination between the special and the primary school and the pedagogic and psychological counselling centre, which may prepare for the child an individual study plan if necessary.

122. The Ministry of Education, Youth and Physical Education has issued a number of instructions that are to enable special school pupils to acquire primary education. In 1996, the Ministry issued an instruction<sup>32</sup> regarding completion of primary school education by special school graduates. According to this instruction, pupils who have finished their compulsory school attendance in less than the ninth grade of a special or a primary school may complete their education. This shall allow, for instance, to pupils of practical school to be transferred to a vocational training centre. The Ministry further issued a guidance<sup>33</sup> to ensure transfer of good achievers at special schools to primary schools.

123. Closing down special schools is not sufficient to rectify the current situation. Such legislation, although desirable, may not guarantee by itself a principal change of the prospects of those children regarding adequate education. These children need targeted assistance to overcome their social and cultural handicap. One form of such targeted assistance is the opening of preparatory classes for children from disadvantaged social and cultural environment (the "preparatory classes") and the use of tutors – teacher assistants (formerly "Roma pedagogic assistants"). The Ministry of Education, Youth and Physical Education issued in 2000 a guidance<sup>34</sup> regarding the opening of preparatory classes for children with social handicap and the establishment of the post of tutor – teacher assistant. This guidance allows opening preparatory classes for children with social handicap, i.e., for children coming from families with low social and economic status, children threatened by pathological social phenomena, or from families who have been granted or are seeking asylum. The meaning of

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<sup>32</sup> Ref. No. 17 908/95-24, as amended by Ref No. 28 605/96-22

<sup>33</sup> Ref. No. 28 498/99-24

<sup>34</sup> Ref. No. 25 484/2000-22

the preparatory classes is to prepare children from different social and cultural background for school education. It is possible to establish at schools and school facilities where there is a larger number of those children the post of tutor – teacher assistant, who will assist the pupils with adaptation in accordance with the teacher's instructions and facilitate communication between the pedagogue and the pupils, their parents or the entire community. Candidates for these posts are selected from among persons who know the environment from which the most of the pupils come. Particularly in classes with Roma pupils, the assistants usually come from the same language, social and cultural environment. Many assistants share their experience with the other pedagogues at the school.

124. Although the number of preparatory classes and tutors has been continuously growing<sup>35</sup>, objective needs are evidently much higher. There are still many places and even entire districts that have not opened any preparatory classes or established tutor posts due to lack of interest of the management or founders of the schools. Moreover, the post of the tutor-teacher assistant should be established not only in zero or first grades but also in higher primary school grades. At the same time, it appears as useful to establish such post in other school levels, namely at vocational training centres, and also in institutional and protective education facilities.

125. To ensure more effective prevention of manifestations of racism, xenophobia and intolerance, the Ministry of Education, Youth and Physical Education issued a guidance<sup>36</sup> regarding education against manifestation of racism, xenophobia and intolerance, by which it charged school principals and pedagogues with a number of duties, including the development of desirable attitudes towards people having other nationality, ethnic origin or religious belief, not ignoring any manifestation or sign of intolerance, xenophobia or racism and immediate taking appropriate and specific pedagogic measures.

126. Matters relating to the education against racism, intolerance and extremism are included in various topics that are dealt with by individual educational programs, mostly in civic guidance (like Man and Human Rights, Education to Democracy, Fundamentals of Psychology, Fundamentals of Sociology, Fundamentals of Political Science, Problems of the Planet, etc.). As to vocational education, educational topics eliminating the impact of racism and extremism are included in general subjects and in some educational programs also in special subjects.

127. The National Institute of Vocational Education prepared two projects of programs of continuous education to pedagogues, which are now ready for accreditation. They are the Media Education in Secondary Vocational Schools and Multicultural Education in Secondary Vocational Schools. Another program under the name Educational Activities Directed against Youth Extremism in Vocational Education has been currently submitted for comments.

128. The Ministry of Education, Youth and Physical Education has elaborated three strategic materials:

- Strategy for Improvement of Education of Roma Children, focusing on the support of education of Roma pupils with the aim of improving their job opportunities, and on the

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<sup>35</sup> 230 assistants-tutors were working at schools as of December 31, 2001, which represents certain growth in comparison with the year 2000, when there were 197 of those assistants. While there were 110 preparatory classes with 1364 children established in the school year 2000/01, there were 109 preparatory classes with 1467 in the school year 2001/02.

<sup>36</sup> Ref. no. 14 423/99-22

support of the development of the Roma culture and traditions. The strategy pays attention cultural identities of the Roma children, establishment of posts of Roma assistants, forming of a support system for the pupils in their transition from the special school programs to primary schools, improvement of programs of completion of primary education, vocational counselling, provision of support to pupils and student of secondary and tertiary education, dissemination of information about the Roma, education toward tolerance and training of pedagogues.

- The Integration Policy Plan deals with partial areas of education of foreigners, namely learning Czech language as a second language, training of teachers in topics relating to integration of foreigners and multicultural education of the school population, and with support to the creation of programs, textbooks and teaching aids. A work team has also been formed at the Ministry of Education, Youth and Physical Education to deal with the problems of education of foreigners in the Czech Republic. In connection with this plan, the Ministry of Education declared a program of support of activities aiming at the integration of foreigners in the Czech Republic.

- The Strategy of Education to Human Rights and Tolerance deals with the problems of national minorities living in the Czech Republic. Newly conceived framework educational programs to be applied in every type of education will include multicultural education, which will be reflected in all subject with an emphasis on practical application, i.e., on the education to tolerance and pluralism to be applied in daily life. The principal aim is to create and tolerant and multicultural environment at schools and school facilities and to provide support to ethnic equality.

## **6. Right to Equal Participation in Cultural Activities**

129. Article 34(2) of the Charter stipulates that the right of access to the cultural wealth is guaranteed under conditions set by law. This means that the Charter does not specifically state to whom such right is guaranteed and refers to the law.

130. Rights of members of national minorities are regulated in detail in the new Act on Rights of Members of National Minorities, which guarantees the right of members of national minorities to the preservation, development and respect of their language, culture and traditions, and prescribes at the same time to the state the duty to create conditions for the preservation and development of the culture, traditions and languages of members of national minorities who have been living traditionally and for a long time in the Czech Republic.

131. Act No. 257/2001 Coll. on Libraries and Terms of Provision of Public Librarian and Information Services (the Library Act) stipulates that libraries provide public librarian and information services in the manner ensuring equal access to everybody without exception.

132. As regards religious belief and status of churches and religious societies, the most important legislation in this area is, apart from Article 15 and 16 of the Charter (which guarantees freedom of religion) the newly adopted Act on Churches, which regulates the status of churches and religious societies.

133. The Act on Churches does not permit the establishment and activities of such churches and religious societies whose activities are in conflict with the law and whose teachings or activities threaten the rights, freedoms and equality of citizens and their associations,

including other churches and religious societies, endanger democratic principles of the state or deny or restrict personal, political or other rights of individuals due to their nationality, sex, race, origin, political or other conviction, religious belief or social status, or which instigate hatred and intolerance due to such reasons or support violence or breach of law.

134. As regards regional and ethnic culture, the Ministry of Culture declares every year, in relation to allocation of grants, a tender for support of cultural activities of members of national minorities in the Czech Republic. Such tender is designated to support various cultural activities, including multiethnic events aiming at the elimination of negative manifestations of extremism, racial and national intolerance and xenophobia.

135. In 2001, the Ministry of Culture started announcing a grant program of support of integration of foreigners living in the Czech Republic. This program is focused on cultural and religious activities of foreigners who have been living for a long time in the Czech Republic, on presentation of these activities to the majority society and on the creation of a real picture in the media of the relations between communities with different culture and religions living in the Czech Republic. This grant program also aims at the dissemination of information among the general public regarding migration, education to intercultural communication, understanding of different nature of other culture and making people realise that the culture of each community living on our territory means an enrichment of the entire civic community.

136. As regards professional musical performance, the Ministry of Culture provides support to ethnic musical shows or music shows featuring production of various ethnic groups. At the same time, the ministry supports dancing and pantomime festivals, featuring ethnic art as their natural part or presenting artistic performance of various ethnic groups. Support in the field of literature and libraries is provided to original Czech literary production and literary works of national minorities on the basis of a program of subsidies focused on the support of publication of Czech and translated literary works.

137. The Ministry of Culture established in 1997 an advisory body of the deputy minister for culture of national minorities. The body has nine members, six of whom are representatives of national minorities (Hungarian, German, Polish, Roma, Slovak and Ukrainian). Its task is to monitor and assess needs of cultural activities. At the same time, the body makes annual assessment and evaluation of projects registered in the tender for support of cultural activities of the national minorities.

## **7. Right of Access to Any Place or Service Intended for Use by the General Public**

138. In 2000, the Czech Trade Inspection received twelve complaints regarding racial discrimination, one of which was deemed justified. The number of complaints filed with the Czech Trade Inspection increased in 2001 by three, i.e., to 15 petitions, two out of which were confirmed as justified. Due to the fact that the most frequent victims of racial discrimination come from the Roma minority, the Czech Trade Inspection employs two female Roma, with whose participation (or with the participation of other Roma activities), the Czech Trade Inspection performed 639 checks, which also monitored manifestations of racial discrimination.

139. As regards discrimination in access to restaurants and other similar establishments, it is impossible to ignore the question of “clubs”. There is a widespread assumption that it is



permitted to reserve restaurant services to a limited group of consumers if the operator “establishes a club” in his restaurant, with access permitted only to consumers to whom he has issued, at his own discretion, a “club card”. The Czech trades licensing legislation does not recognise any “establishment of a club” and it is inadmissible that an entrepreneur excludes from his side the application of business legislation. Such approach is not supported by the law and constitutes consumer discrimination under Act No. 634/1992 Coll. on Consumer Protection, as amended.

## **Article 6**

### **Protection against All Manifestations of Racial Discrimination**

140. Pursuant to Article 90 of the Constitution of the Czech Republic, rights are protected primarily by the courts. Article 4 of the Constitution expressly stipulates that fundamental rights and freedoms are protected by the judiciary power. Detailed information regarding judiciary protection was provided in the Initial Report.

141. A number of laws include provisions prohibiting any acts that may lead to discrimination or may have a discriminatory nature. Most of those provisions are only declaratory and the victims of discrimination enjoy a very low level of protection.

142. A change in the position of victims of discrimination in civil litigation was brought about by the adoption of the amendment to Act No. 30/2000 Coll., the Civil Procedure Code, i.e., the transfer of burden of proof. Thus, a victim of discrimination is no longer required to provide at the trial a proof of his/her being discriminated. On the contrary, the discriminating person must prove that he did not commit such act. Such procedural advantage was granted, however, only to victims of discrimination on the grounds of sex. The amended and restated version of the Civil Code, promulgated under No. 151/2002 Coll., which amends certain laws in connection with the adoption of the Administrative Procedure Code, expanded the number of discrimination grounds (racial or ethnic origin, religion, faith, creed, health handicap, age or sexual orientation) and, in the case of discrimination on the grounds of racial or ethnic origin, also the areas (provision of health and social care, access to education and vocational training, access to public contracts, membership in employee or employer organisations, in membership in professional or special-purpose association and during the sale of goods or provision of services). In those cases, the burden of proof was transferred from the victim to the discriminator.

143. The only legislation that grants to the victim of discrimination the right to satisfaction is the Labour Code, which grants to the employee the right to seek that the person who has committed a discriminatory act refrains from such conduct and removes the consequences thereof, and the right to ask adequate satisfaction. This right is granted, however, only to victims of discrimination on the grounds of sex and only in labour law relationships. Victims of discrimination may seek protection under the Civil Code, which contains general provisions regulating the protection of personality.

144. The victim of discrimination is not a party to administrative proceedings to misdemeanour proceedings, which are a special type of administrative proceedings. Administrative proceedings are used by supervisory or inspection bodies to prosecute violations of various duties. Administrative delicts represented by discrimination may be investigated namely in connection with the activities of the Czech Trade Inspection or with

the supervisory activities performed by employment offices. Such delicts are penalised by fines and no compensation of non-property detriment caused to the victim of discrimination is permissible. Under the Misdemeanours Act, a person who has committed an act of discrimination may be fined, under an administrative process, for a misdemeanour against civic coexistence. The discrimination victim may be a party to these proceedings only at the time when they deal with the compensation for property damage caused by such misdemeanour. However, discriminatory conduct rarely causes property damage, but mostly non-property detriment.

145. Act No. 150/2002 Coll., the Administrative Procedure Code, which was adopted in March 2002, regulates administrative justice. Administrative courts provide protection of public subjective rights of individuals and legal entities. Anyone who claims that his rights have been curtailed either directly or as a result of breach of his rights in previous process by a decision of an administrative body, which constitutes, changes, cancels or determines in a binding manner his rights or duties, may file an action for cancellation of such decision. An action may be brought before the administrative court also by anyone claiming that his rights were curtailed by an illegal intervention, instruction or coercion by an administrative body (like the police), which does not constitute a decision and which was aimed directly against him or as a consequence of which a direct intervention was carried out against him, provided that such intervention or its consequences still exist or there is a threat of its repetition.

146. Under the Administrative Procedure Code, the party seeking judiciary protection against discrimination perpetrated by an administrative authority on the grounds of sex, national, social or racial origin, membership in a national or ethnic minority, colour, language, religion, faith, creed, political or other conviction, health handicap, age, property, family or other status, or sexual orientation, may be also represented by a legal entity established by a special law<sup>37</sup>, whose activities, as defined by its articles of association, also include protection against such discrimination.

147. A similar provision exists in the Civil Procedure Code, according to which a legal entity founded by a special law<sup>37</sup>, whose activities, as defined by its articles of association, also include protection against discrimination, may represent a party seeking court protection against discrimination on the grounds of sex, racial or ethnic origin, religion, faith, creed, health handicap, age or sexual orientation.

148. The act on protection against discrimination, which is currently being prepared, should guarantee legal means of protection against discrimination, and should establish the Office for Protection against Discrimination, which would investigate complaints against discrimination and issue non-binding recommendations, including not only compensation for damage but also satisfaction in the case of non-property detriment.

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<sup>37</sup> Act No. 83/1990 Coll. on Assembly of Citizens, as amended

## Article 7

### Measures Taken by the State in the Area of Education against Racial Discrimination

#### Human Rights Education at Universities

149. The Ministry of Education, Youth and Physical Education has prepared its own concept named “Strategy of the Ministry of Education, Youth and Physical Education as Regards Education to Human Rights and Tolerance with an Emphasis on Practical Application”. This document sets out ten key strategic areas to create tolerant and multicultural environment at schools and school facilities, to enhance legal literacy and to support racial and ethnic equality. Activities of the ministry relating to the implementation of this strategy focused namely on the curricula, continuous education of teachers, provision of special publications and information materials to schools, etc. At the same time, the ministry founded a Section of Education towards Democratic Citizenship at the Faculty of Arts of the Charles University in Prague, and established posts of multicultural education co-ordinators at pedagogic centres. Despite that, the practical experience indicates that it is necessary to further improve the inclusion of education to human rights to the programs of all levels of schools.<sup>38</sup>

#### Education of Public Officials

150. The government approved in October 2001 the Rules Determining the Method of Preparation of Employees of Administrative Authorities and the Office of the Government.<sup>39</sup> The Rules consist of blocks and modules, which include matters relating to human rights education. The preparatory phase of the system (pilot testing of each project) is currently under way so that the system may be ready for implementation since July 1, 2003.

#### Education of the Police of the Czech Republic

151. The Ministry of Interior carries out activities directed against discrimination of members of national and racial minorities by the Police of the Czech Republic. An international seminar about the role of the police in the struggle against racism and xenophobia was held in October 1999. The Ministry of Interior organised in the years 2000 – 2001 in co-operation with Great Britain a total of 7 seminars on Police Work in the Area of Protection of National Minorities. A three-day workshop led by British tutors is designated for Czech police officers, police school pedagogues and members of ethnic minorities with the aim of sharing British experience from work in multiethnic society, assessing the importance of such experience for the situation in the Czech Republic and seeking ways to mutual understanding and elimination of prejudice. Those seminars were evaluated by the British Foreign Office as the most successful project carried out in 2001 in central and eastern Europe.

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<sup>38</sup> Another step toward the increase of the current level should be represented by gradual implementation of the Long-term Development Plan of Education and Education System in the Czech Republic, which was prepared by the Ministry of Education, Youth and Physical Education in January 2002 and was submitted to the government in April 2002 (Government Resolution No. 393 of April 17, 2002).

<sup>39</sup> Government Resolution No. 1028 of October 10, 2001 on Rules Determining the Method of Preparation of Employees of Administration Authorities and the Office of the Government.

152. In co-operation with the British Home Office, the Ministry of Interior of the Czech Republic started implementing the project named “National Strategy for Police Work in Relation to Minorities”, whose aim is to create a national working strategy of the Police of the Czech Republic as regards national minorities with the purpose of improving partnership relations between the police on the one side and national and ethnic minorities on the other side.

153. The Secondary Police School of the Ministry of Interior in Prague opened in 2000 the Vocational Information and Documentation Centre for Human Rights Education. The same school has been implementing the so-called Anti-racist Program. Education in aspects of elimination of racial discrimination is carried out on several levels:

- training and continuous education of teachers (Police Work Ethic, Contemporary Racism and Extremism and Their Manifestations);
- lectures for trainees attending the Basic Professional Training /new policemen/ (40 lessons);
- lectures for students of the Secondary Vocational Schools (40 lessons);
- collection and creation of study materials (creation of textbooks - Police and Human Rights, Police and Social Radicalism and Extremism, Human Rights Education and preparation of the textbook “Police Work in Multicultural Society”, which will be published in 2002);
- internal by-laws (Principles of Acting and Conduct of Officers and Employees of the School);
- projects of students of the Secondary Vocational School (contests of drawings, literary works and participation in various events, like the Week of Africa, One World, etc.);
- participation in international projects (co-operation with police schools abroad on anti-discrimination programs of police training, participation in the training model for teachers of police schools with the PHARE project);
- a project of establishment of a vocational centre for human rights education at the Secondary Police School of the Ministry of Interior in Prague;
- co-operation with non-governmental organisations involved in human rights protection (the Czech Helsinki Committee, International Helsinki Federation, Transparency International, Amnesty International).

154. The Department of Education and Administration of Police Schools of the Ministry of Interior of the Czech Republic has been co-operating with Amnesty International (a non-governmental international organisation striving to eliminate the most striking manifestations of human rights violations) on the project of Human Rights Education for the Police and the Prison Service of the Czech Republic. Within the scope of human rights education, the project emphasises the role of the Police of the Czech Republic in the protection of national minorities and assertion of rights of minorities to equal treatment.

155. The problems of racism, xenophobia and the related discrimination are included in the curricula of police schools of all levels starting with the basic vocational training up to university education in such manner that the graduates are equipped, after joining practical life, not only with sufficient theoretical knowledge but also by clear attitudes in this area, characterised by resistance against racist, national and other prejudice. These topics are taught namely within the scope of such subjects as law, police deontology and applied. As regards relations between various subjects, these topics are taught across the entire range of special subjects according to the type of the police service, and are included to a higher extent to

general subjects of study in accordance with the study type. Those topics are also included in final exams and bachelor theses.

156. The Secondary Police School of the Ministry of Interior in Brno has been organising since 2000 one-month training courses “Preparation of Citizens Coming from National Minorities for Work as Officers of the Police of the Czech Republic”. Thus, the Ministry of Interior provides to Roma candidates for police officers assistance in the fulfilment of the necessary prerequisites. Beside that, there exists a five-month preparatory course for officers from national minorities who have not completed secondary education. This training is designated to develop previously acquired knowledge of the students and serves as a preparatory course for a two-year graduate course ended by a final exam at the secondary school level.

157. The Ministry of Interior prepared in 2001 a concept of education in the area of struggle against extremism, which is a part of the Project of Educational Activities and Discussion Platform of Police Officers in the Struggle against Extremism and which will provide to the police officers basic and special knowledge regarding this phenomenon and methods of struggle against it.

### Campaign against Racism

158. The first campaign against racism organised by the government took place from December 1999 until the end of June 2000. It was organised with a view of the fact that the relation of Czech public toward the Roma minority is the most problematic. At the same time, the government knowingly strived to ensure that the campaign would not be understood as monothematic and would include the whole range of problems of other minorities, foreigners and refugees, with a marginal focus on problems of other than ethnic groups, which also suffer from intolerance. Emphasis was put on more general dimension of the problems of interethnic relations. The campaign focused on “everyday” manifestations of racism and intolerance and on the majority population, not on open supporters of racism.

159. The campaign was divided into three blocks. The first block (with a focus on dissemination of information and media) included organisation of press conferences, provision of information to the media and of professional and financial support to simultaneously organised projects (like the World Roma Festival Khamoro), two public opinion polls and creation of web pages. The aim of the information block was to attract attention to objective problems and to seek ways to overcome them.

160. The second block used advertising media. The basic characteristic of the mottos of the campaign, which focused on adults, was to invite people to think about the criteria by which they evaluate people. Ads were placed as part of this public education campaign on public television and radio stations and in the press, and the national TV and radio stations broadcasted a number of spots. The campaign also used billboards.

161. The third block included educational activities, which were divided into two types according to the target groups. The first type of activities was represented by training of primary school teachers in selected locations. The second type of these activities focused on interaction between a team of trained young people and students of secondary schools and vocational training centres (the Tolerance Ride). Training of primary school teachers was organised in the form of seminars with the distribution of public education materials. The

seminars were focused namely on information about the Roma and their customs and traditions, whose knowledge is a key factor for the communication with Roma children and their families.

162. The Tolerance Ride was a unique project in which professionally trained teams of young people of various nationalities visited secondary schools throughout the Czech Republic, discussed with their students about racism and xenophobia and played with them games focused on the elimination of frequent prejudice. The general idea of the Tolerance Ride was based on a well-tested argument that young adults, whose authority is based on more experience and generation proximity, may have a much more effective influence the adolescents. According to the basic rule of the discussion, it was possible to express any opinion and contest opinions that are otherwise banned or tolerated without providing any material argument.

163. The second campaign against racism took place in 2001. Although the government set aside for this campaign CZK 9,200,000, only an amount of CZK 2,000,000 was drawn due to procedural problems connected with the tender. The campaign further developed the existing projects.

164. The first project was represented by the extension of an anti-racist campaign (“Be Kind to Your Local Nazi”), carried out within the framework of the project “Variants” funded by the European Union (PHARE 1999). The aim of this unorthodox campaign was to ridicule right extremist movements, namely in the eyes of young people. At the same time, an adjustment was made to the contents of the web pages, which include basic information on racism and racially motivated attacks, important documents relating to violations of human rights, a chat, a survey and a space for expression opinion on the campaign.

165. The other part of the campaign further developed the Coexistence Project, implemented by the partner organisation, League of Ethnic Minorities in the Czech Republic. The basic motto was a picture of members of ethnic minorities with the slogan “We live here with you”. This second campaign was less controversial, and brought a substantially weaker response of the public.

166. The third campaign against racism (Tolerance Project III) will be carried out in 2002. The campaign will be divided into four parts. The first part will be called Minorities into Libraries: Information and Media Campaign on Regional and Local Level. Its aim is to acquire books on multicultural topics and minorities, particularly on the status of the Roma minorities for district libraries. A part of the campaign will be the distribution of flyers (paid ads) informing about the status of minorities, refugees and disadvantaged groups. The resulting expansion of the offer of public libraries may become an unpretentious but the most persistent result of the entire government campaign against racism, which may prove as the most tangible one in the long run.

167. The second part of the campaign, which is called Media Presentation of Roma Street Work, is to provide media support of the program of the Council of the Government of the Czech Republic for the Affairs of the Roma Community. The field social work in socially excluded Roma communities is one of the most effective programs implemented within the scope of support of integration projects of the Roma community. This part of the campaign will inform the public about these activities through presentation in local media and

discussions with students of secondary and higher vocational schools and universities, connected with seminars focusing on their systematic vocational training.

168. The third part of the campaign will consist of the Multimedia Centre and a set of seminars accompanying an anti-racist festival that will be organised by the public benefit society Člověk v tísni (Man under Duress), associated with the Czech Television. Part of the festival will be a presentation including a multimedia exhibition on victims of racial violence, a space for discussions and seminars led by representatives of state authorities, of the Police of the Czech Republic, public media and religious and academic communities, projection of photographs and video documents on victims of racial violence. The festival is planned in connection with (and as a feedback to) the successful campaign „Be kind to your local Nazi“, but adds to the target group young people up to 35 years of age, i.e., a group that does not hold strong opinions and is willing to accept “extreme tolerance”, often including the tolerance to skinheads.

169. The fourth part, i.e., the Educational Campaign at Secondary Schools will include interactive elements and will further develop the successful “Tolerance Ride”, which was a part of the first antiracist campaign (the Tolerance Project), implemented in the years 1999-2000. Secondary school students, particularly students of vocational training centres, represent a target group that may be very easily influenced and whose opinion may be significantly changed by direct impact. At the same time, they represent the principal target group for nationalist, xenophobe and even racist subculture. Like in the case of the “Tolerance Ride”, this part of the campaign will not have a form of lectures, but of discussions and interactive games, which will enable the adolescents to express their own opinion. Even in this case, the tutors are to be young people whose age is close to the age of the addressed group (20-30 years), i.e., mainly university students. This is a well-tested approach breaking the group identification pattern („we" versus „they“); the tutor teams will be mixed and will consist of representatives of the majority society, the Roma and other national minorities and of foreign students from Asia and Africa. A significant change will be represented by refugee and immigration topics, due to which the tutor teams will include status refugees or legal immigrants.

### **Conclusion**

170. Like in the case of all other reports submitted to UN controlling bodies, a Czech and an English version of this Report will be published after its approval by the Government of the Czech Republic, on web pages of the Office of the Czech Republic Government.