



European Commission Against Racism and Intolerance

Second report on the Czech Republic

Adopted on 18 June 1999

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Foreword

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on the Czech Republic is dated 4 October 1996 (published in September 1997). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.

An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.

The contact visit to the Czech Republic took place on 7-9 April 1999. During this visit, the rapporteurs met with representatives of the various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Czech national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation and the Czech national liaison officer, whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.

ECRI would also like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.

The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 18 June 1999 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.

Executive summary

Over recent years, the Czech Republic has taken positive steps towards addressing issues related to racism and intolerance. The problem of racially-motivated violence is being tackled through adoption of several legislative and policy measures. Measures are also being taken to facilitate acquisition of citizenship for the Roma/Gypsy population. Positive developments have also taken place in improving legal protection against discrimination in employment, and in addressing the problem of inadequate education of Roma/Gypsy children. Moreover, there appears to be a growing acknowledgement of the problems of racism and discrimination in the Czech Republic, particularly towards Roma/Gypsies, as reflected in the establishment of bodies with competence in this field and the preparation of studies and research on the situation of this minority group.

Nevertheless, severe problems of racism and intolerance persist in the Czech Republic. Of especial concern is the continuation of racist violence, mainly – but not exclusively - directed towards members of the Roma/Gypsy population. The incidence of discrimination towards members of the Roma/Gypsy community in all fields of life, including the administration of justice and access to equal opportunities in areas such as education and employment is also of concern. The situation of non-citizens in the Czech Republic, given new patterns of migration, also calls for attention. The widespread lack of communication between, on the one side, the authorities and the majority population and, on the other, the members of the Roma/Gypsy community is another important issue of concern.

In the following report, ECRI recommends to the Czech authorities that further action be taken to combat racism and intolerance in a number of areas. These recommendations cover, inter alia, the need to ensure that anti-racist legislation is fully implemented by addressing persisting difficulties at various stages of the judicial process; the need to establish a comprehensive body of anti-discrimination legislation covering all fields of life and to implement it effectively; the need to take a range of steps to combat discrimination and racism against the Roma/Gypsy community, in particular in the fields of education and employment; and the need to raise the awareness in particular of the majority, but also of the minority, population of all aspects concerning racism and intolerance.

SECTION I: OVERVIEW OF THE SITUATIONInternational legal instruments

1. ECRI welcomes the ratification by the Czech Republic of the Framework Convention on the Protection of National Minorities, as suggested in its first report. Preparations for the signature of the European Charter for Regional or Minority Languages are underway and ECRI encourages the authorities to sign and ratify this instrument as soon as possible. ECRI furthermore understands that the ratification of the revised European Social Charter is currently being discussed in Parliament, and calls for a swift and successful conclusion of this process. ECRI also urges the Czech authorities to finalise as soon as possible the ongoing preparatory work for accepting Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, which provides for the possibility for individuals and groups of individuals to file petitions before the Committee for the Elimination of Racial Discrimination for alleged violations of the rights set forth in the Convention. Furthermore, ECRI encourages the Czech authorities to sign and ratify the European Convention on the Legal Status of Migrant Workers and the Convention on the Participation of Foreigners in Public life at Local Level.

B. Constitutional provisions and other basic provisions

2. Article 24 of the Bill of fundamental rights and freedoms, which forms part of the constitutional order, affirms that "the national or ethnic identity of any individual shall not be used to his/her detriment". Furthermore, the rights and freedoms guaranteed by the Bill apply equally "to all irrespective of sex, race, colour of skin, language, faith, religion, political and other opinion, national or social origin, belonging to a national or ethnic minority, property, birth or other status". Although this principle can also be found in other statutes, including the Civil Code and the Penal Code, little legislation has been adopted so far to implement these constitutional provisions.
3. According to Article 10 of the Constitution of the Czech Republic, international conventions on human rights and fundamental freedoms are directly applicable and take precedence over national legislation.

- *Citizenship law*

4. The problems concerning the discriminatory effects of the Czech citizenship law on the Roma/Gypsy population living on the territory of the Czech Republic were already addressed by ECRI in its first report. These problems arose from the conditions for citizenship that the Czech law imposed on those long-term residents who held Slovak nationality in the former Czechoslovakia. Due to historical reasons this is the case of most Roma/Gypsies, despite their long-term or even life-long residence in what is today the Czech Republic. Rather than allowing these residents automatically to acquire Czech citizenship, the 1993 Czech citizenship law required these residents to apply for citizenship and established certain requirements to this end: a clean criminal record for the previous five years, at least two years of permanent residence in the Czech Republic, and a certificate of exemption from Slovak citizenship. This procedure, in effect, prevented a large number of Roma/Gypsies from acquiring citizenship.

5. Following considerable international comment and criticism, the Czech authorities amended the 1993 citizenship law in April 1996, and other legislation concerning permanent residence in August 1996, so as to facilitate access to citizenship. The amendment to the citizenship law gave discretionary power to the Ministry of Interior to waive the clean criminal record requirement. Since the introduction of this amendment, the waiver has been applied in some 4,300 cases. The amendment to the legislation concerning permanent residence (Foreigners' Law) enabled non-citizen minors placed in orphanages in the Czech Republic – most of whom are Roma/Gypsies -- to obtain automatic entitlement to permanent residence, thus opening the way for citizenship applications.
6. While both these amendments have to some extent improved the situation, they are still insufficient in terms of their intended effects. For this reason, ECRI notes with interest further amendments to the citizenship law currently being debated in Parliament, which would further facilitate the procedure. It hopes for the swift adoption of these amendments, and stresses the paramount importance of ensuring the practical implementation of the amended law. In particular, given the difficulties that many Roma/Gypsies may encounter in producing proof of residence, ECRI stresses the need for flexible administrative instructions as concerns such proof. District administrations play a crucial role in accepting and processing applications for citizenship. In view of persistent allegations of discriminatory attitudes by local officials towards members of the Roma/Gypsy community, including misinformation and discouragement in pursuing applications, strict central government supervision over local offices is urgently required. Alongside ensuring satisfactory implementation of the law, ECRI also considers that, in the field of citizenship, it is incumbent on the authorities to improve communication with the members of the Roma/Gypsy community living in the Czech Republic. In particular, targeted and consistent efforts are necessary to raise the awareness of some members of the Roma/Gypsy community of the need to acquire citizenship of the Czech Republic and the necessary application procedures to follow.

C. Criminal law provisions

7. The Czech Criminal Code includes racist motivation as a specific aggravating circumstance which judges are required to take into account when deciding on the type and duration of the sentence imposed for a specific offence. In addition, the Criminal Code specifically penalises certain acts inspired by racism and intolerance. These include: Sections 196 ("violence against a group of inhabitants and against individuals on the basis of race, nationality, political conviction or religion"), 198 ("defamation of a race, nation or belief"), 198a ("incitement to national and racial hatred"), 260 ("sponsoring and promotion of movements which aim to suppress the rights and freedoms of citizens") and 261 ("public expression of sympathy for fascism or similar movement").
8. In 1995, following a considerable increase in racially motivated violence, affecting Roma/Gypsies particularly but also other visible minorities, the Criminal Code was amended. These amendments increased all sentences for crimes with racial motives and extended the range of evidence for such crimes as murder, battery, intimidation and damages to another person's property when there is possible racial motivation. In

addition to changes in the law, a number of other measures were introduced. ECRI suggested in its first report that the effects of these changes be evaluated and monitored. The present report addresses these issues in Section II¹.

D. Civil and administrative law provisions

9. In its first report, ECRI focussed mainly on the lack of adequate anti-discrimination provisions in the areas of employment and housing. It therefore suggested that such provisions be enacted, expressly allowing the possibility of civil action for racial discrimination. As will be mentioned below², since the publication of ECRI's first report, a positive development has occurred as concerns improved legal protection against discrimination in employment.

10. However, given that discrimination against Roma/Gypsies especially is reported to be pervasive in virtually all spheres of life, ECRI urges the authorities urgently to consider the establishment of a comprehensive anti-discrimination law which would cover all fields of life, *inter alia* education, employment, housing, access to public services and to public places³. The implementation of such a law could furthermore be facilitated through the establishment of an independent specialised body on issues of racism and racial discrimination, as suggested below⁴.

E. Administration of justice

- Legal aid

11. In its first report, ECRI made a specific proposal about provision by the State of free legal aid for victims of discrimination without means. Since there has been no progress in this field, ECRI reiterates that the authorities should examine the question of providing such assistance, especially in consideration of the fact that most victims of discrimination belong to the poorest segments of society.

F. Special Government initiatives to promote tolerance and equality

- Specialised bodies and other institutions

12. The Czech authorities have in recent years established a number of governmental bodies with advisory functions on matters relevant to combating racism and intolerance. ECRI had already noted, in its first report, the consultative role played by the Council of Nationalities on legislation and policies concerning minorities in the Czech Republic. Since the publication of ECRI's first report, however, the Interministerial Commission for Romany Affairs was established. The terms of reference of this Commission, which

¹ See section K

² See paragraph 43

³ See section L

⁴ See paragraph 13

comprises government and Roma/Gypsy representatives, include advice on and evaluation of government policies and measures concerning Roma/Gypsies, collection of information on the situation and development of the Roma/Gypsy community and allocation of government subsidies to projects designed for the Roma/Gypsy community. A Council for Human Rights, including a section for combating racism and intolerance, was also set up in 1998. All the above-mentioned bodies come under the Government Commissioner for Human Rights, whose Office was also established in 1998. ECRI considers that, despite the lack of executive powers and financial independence, these bodies can make a valuable contribution to improving the situation as concerns racism and discrimination in the Czech Republic. For this reason, it encourages the authorities to address the difficulties encountered in the functioning of such bodies, including provision of adequate resources and staff and improved representation of the Roma/Gypsy communities (notably in the Interministerial Commission for Romany Affairs).

13. ECRI is aware that a draft bill on the establishment of an Ombudsman for human rights is currently being discussed in Parliament. However, it has no information on the details of this bill. In its General Policy Recommendation N°2 on specialised bodies to combat racism, intolerance, antisemitism and xenophobia at national level, ECRI recommends to the governments of member States of the Council of Europe the establishment of independent bodies in this field and provides guidelines to this end. ECRI therefore draws the attention of the Czech authorities to the principles set out in this recommendation and considers that the new Ombudsman should have full competence and authority to permit an effective and durable improvement of the situation as concerns racism and discrimination in the country. To this end, the Ombudsman could, for example, provide legal aid and assistance to victims; have recourse to courts and other judicial authorities; hear and consider certain types of cases and seek settlements through amicable conciliation or through binding and enforceable decisions. In addition, given the urgent need to raise the awareness of the general public and members of professional and minority groups concerning all aspects of discrimination⁵, the Ombudsman could play a central role in this respect, in conjunction with the Council and Government Commissioner for Human Rights, as well as the Interministerial Commission for Romany Affairs.

G. Reception and status of non-citizens

14. An influx of refugees to the Czech Republic started after 1990 and a legal and institutional framework is now in place. Applications for refugee status have increased over recent years and so has the number of migrants, including migrant workers (both legal and illegal) to the Czech Republic. With regard to recognised refugees, a government sponsored integration programme endeavours to work with local authorities in providing housing for such persons. The scheme aims to assist refugees to achieve self-sufficiency as quickly as possible, thereby promoting tolerance of refugees. Recognised refugees are entitled to the same level of social assistance as Czech nationals, and are able to study, receive a work permit and find employment. Some concern has been expressed about the denial of employment and housing to recognised refugees in integration programmes on grounds of their ethnicity. It is also reported that

⁵ See section M

some local government employees display a lack of knowledge or even unwillingness to assist the “foreigners”. ECRI therefore urges the authorities to ensure a more rigorous supervision of the application of measures aimed at facilitating integration of refugees, particularly at the local level. Training of officials who deal with refugees, asylum applicants and other such vulnerable groups should expressly include awareness programmes about other cultures and human rights education. In addition, given reports of intolerant statements on the side of some public figures circulated via the media, ECRI stresses that such statements contribute to creating a climate of tension which can ultimately encourage the development of intolerant behaviour and ideas.

H. Monitoring the situation

15. While acknowledging the fact that the collection of data on ethnic origin is prohibited in the Czech Republic out of concern for data protection and privacy, ECRI is concerned that the lack of reliable information about the situation of the various minority groups living in the country makes evaluation of the extent and causes of possible discrimination against them, or the effect of actions intended to combat such discrimination, difficult. ECRI recommends that the Czech authorities consider ways of monitoring the situation in this respect, with due attention to the need for protection of data and of privacy. For example, carefully-prepared studies which respect the anonymity and dignity of persons involved may allow the situation in some areas of life to be evaluated.

I. Conduct of certain key institutions

- Law enforcement officials

16. Policing in the Czech Republic is the responsibility of the Czech National Police, which is under the Ministry of the Interior and municipal police forces, established under the authority of local administrations. Although there appears to be overlap in function, broadly, the Czech National Police is responsible for dealing with serious crime, the municipal police with public order and minor criminal offences. ECRI is concerned at evidence of differential treatment of members of minority groups, especially Roma/Gypsies, on the part of some Czech national and municipal law enforcement officials. Non governmental organisations receive complaints about harassment and excessive use of force, deliberate prolonging of investigations, wrongful arrests and ill-treatment of detainees belonging to this category of people. In addition, there are reports that police are in some cases reluctant to issue administrative documents needed by individuals. Furthermore, as will be mentioned below⁶, the reaction of some law enforcement officials to cases involving racially-motivated crime is inadequate. More generally, it is claimed that racist attitudes are widespread among the police, some of whom sympathise with right-wing extremist groups.
17. Despite these reports of misbehaviour, measures to counter such actions seem to be inadequate. The police itself conducts investigations into misconduct by its officers and appears reluctant to acknowledge any incidence of racist behaviour on its part. In

⁶ See paragraph 30

addition, a serious lack of transparency is reported, as complainants and the public seldom find out about the results of investigations or the disciplinary measures taken in specific cases.

18. ECRI is aware that the Czech Government aims to improve the response of the authorities to complaints of racism on the part of the national police. However, ECRI considers that, as a first step, it should be made clear publicly and at a high level that incidents of police ill-treatment of members of minority groups will be impartially investigated and those found responsible punished. The authorities could also consider the establishment of an independent mechanism to investigate all allegations of police ill-treatment of members of minority groups. Methods could also be developed to encourage victims to come forward with complaints, since they often – with some justification - lack confidence in the possibility of redress and fear further reprisals. As regards the local police, ECRI recognises the reasons why certain law enforcement functions have been delegated to local level without, apparently, formal accountability to the national authorities. It draws attention, however, to the risks incurred by such a degree of delegation, with respect, particularly, to the compatibility of local actions with national priorities. ECRI suggests that the Czech Government should review whether further action is called for in order to reconcile the principle of local autonomy in law enforcement with the need to observe national priorities in the field covered by this report. The possibility of appointing members of the Roma/Gypsy community as advisers or liaison officers to the police at the local level should also be explored.
19. Current government efforts to increase recruitment of national police officers from among members of minority groups should be strengthened and accompanied, as necessary, by assistance to members of such groups to enable them to fulfil the entry requirements for employment. Increased recruitment of members of minority groups in the municipal police should especially be undertaken, in view of their responsibility for dealing with public order and minor criminal offences. ECRI also encourages the strengthening of confidence-building initiatives to improve relations between the police and the Roma/Gypsy community.
20. The government has launched various initiatives in police training, as is noted in ECRI's first report, including training courses, lectures, seminars and instructions on how to deal with racially-motivated crime. At the same time, there appears to be a continuing need for improved recording and reporting of racially motivated violence or other incidents, as well as improved investigation and action by police⁷. In addition, ECRI considers that more training initiatives are vital at all levels of the police force, and as part of in-service training as well as initial training. Such courses should focus on the traditional minority groups living in the Czech Republic and vulnerable to abuses, but should also cover the situation of non-citizens such as refugees, asylum seekers and immigrants.

- ***Local authorities***

⁷ See paragraph 30

21. While local authorities in some districts in the Czech Republic are at the origin of several positive initiatives as regards the situation of minority groups, and particularly the Roma/Gypsy community, in some others they are also responsible for discriminatory practices of concern to ECRI. In response to complaints from neighbours, for example, one municipality has planned to construct a wall to restrict access to the main road for a “problematic” Roma/Gypsy community. Furthermore, some elected local officials publicly express anti-Roma/Gypsy attitudes.
22. ECRI stresses that any form of discrimination practised by local authorities should not be tolerated by the national authorities. In this respect, it is particularly important to ensure that national policies and legislation against discrimination are fully applied at the local level.
23. Officials working in district administrations are also reported, in some cases, to treat differently members of minority groups. There are reports of local officials demonstrating discriminatory attitudes in the application of the citizenship law⁸ and in their contacts with refugees⁹. ECRI therefore reiterates the need for stricter central government supervision in this respect. ECRI welcomes the establishment, in most district governments, of social curators for national minorities in order to provide counselling and assistance in improving contacts of members of minority communities with local administrative offices. ECRI encourages the Czech authorities to monitor and improve the effectiveness of this initiative, noting, in this respect, that most of these posts have been filled by non-Roma/Gypsies.
24. ECRI stresses that local authorities play a pivotal role as concerns one of the most urgent priorities to improve the situation of racism and intolerance in the Czech Republic: the building of good community relations, mutual knowledge and understanding between the different segments of the population at the local level. It therefore urges the Czech Government to stimulate local authorities, through different types of incentives, to give priority to initiatives and strategies aimed at promoting the establishment of such relations at the local level.

J. Media

25. Although, during 1998, more and better information appears to have been available in the mainstream press on Roma/Gypsy issues, the Czech media still tend to perpetuate racism and discrimination, rather than to encourage tolerance and acceptance of minorities. The portrayal of the Roma/Gypsies by the media is particularly harmful, promoting negative stereotypes of Roma/Gypsies as well as highlighting behaviour which is different and “problematic” for Czechs. The media generally pays insufficient attention to the problems and discrimination suffered by Roma/Gypsies, immigrants or refugees.
26. In its first report, ECRI suggested that codes of self-regulation might prove useful in ensuring a more correct reporting of information concerning members of minority

⁸ See paragraph 6

⁹ See paragraph 14

groups. Since there do not appear to have been any initiatives taken among media professionals in this respect, ECRI reiterates its call for the adoption of self-regulatory measures by the media profession and urges the authorities to remain vigilant in identifying cases where the media transgresses the law.

SECTION II : ISSUES OF PARTICULAR CONCERN

27. In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of the Czech Republic, ECRI would like to draw attention to the problems of racially motivated violence, particularly against Roma/Gypsies, as well as to discrimination against members of this group in the key fields of access to services and employment. The need for awareness-raising measures is also addressed in this section.

K. Racially motivated violence

28. Racially motivated violence is one of the most pressing and dangerous expressions of racism and intolerance threatening particularly Roma/Gypsies but also other members of minority groups in the Czech Republic. Following a marked increase in violent racist offences in the early-1990s, official statistics show that in recent years the number of prosecutions and convictions for most racially motivated crimes involving acts of violence has dropped. However, members of minority groups living in the Czech Republic, notably Roma/Gypsies, consider that, despite some improvements, the situation as regards racially motivated violence still constitutes a major problem. Regrettably, many Roma/Gypsies still feel insecure in everyday life circumstances. In addition, the number of reported cases is deemed vastly to underestimate the scope of the problem as attacks often go unreported due to fear of reprisals or lack of confidence in the response of the criminal justice system.
29. Most attacks are carried out by skinheads - or sympathisers of such group - who are reported to be well organised and publicly promote fascist and racist ideas, at mass rallies and also in publications. Such open propaganda is supplemented by secret prints, called « fanzines » that spread hatred against Roma/Gypsies, Jews and other minorities. Despite criminal code sections being directed primarily against racist speech and propaganda¹⁰ the state or local authorities rarely prosecute such groups. Although the authorities appear to be aware of the seriousness of the problem and are taking some steps to address it¹¹, further efforts are still necessary to counter the skinhead movement. These should include a more effective implementation of the existing legislation, especially the provisions concerning incitement to racial hatred and support to racist movements. At the local level, a multi-agency approach to the problem of racist violence on the part of extremist groups could also prove effective. This would imply close co-operation between such instances as the police, local authority housing,

¹⁰ See paragraph 7

¹¹ An Interministerial Consulting Group on Action against Extremism and Racial Crime was created in 1998, comprising representatives of the Attorney General, Police Presidium, Investigating Authority and the Security and Information Service.

education and social services departments, the prosecuting authorities and voluntary organisations as well as the establishment of local multi-agency panels sharing information among members, monitoring the incidence of racial attacks and developing co-ordinated policies.

30. As noted above, the Czech Republic disposes of an adequate legal battery to combat racist violence. However, despite welcome efforts, the implementation of the relevant legal provisions is still unsatisfactory. Problems arise at different levels of the judicial process. Firstly, police and investigators appear often to misclassify racially motivated crimes and do not follow through investigations. ECRI welcomes the initiatives which have been taken in this field, including the detailing of specifically-trained officers in the different police units to concentrate on action against racial violence. However, it is not clear that these officers uniformly play an active role in following up cases involving racial violence. ECRI therefore urges the authorities to monitor more closely and to improve the effectiveness of this initiative. Secondly, problems arise at the level of prosecutors. These often seem to have difficulties gathering and organising the evidence necessary to prove such motivation, partly due to the unwillingness of witnesses to testify. A certain reluctance has also been noted in some cases to prosecute this type of crime. ECRI therefore calls for the strengthening of the efforts already undertaken to ensure that prosecutors pay special attention to crimes which may involve racial motive and ensure a speedy and effective legal process in such cases. Thirdly, the interpretation of "racial motivation" rendered by some judges is a very restrictive one. In this respect, ECRI had already noted in its first report that sentencing in cases of racist crimes showed some inconsistency. ECRI encourages the authorities to provide judges with all the necessary training for an effective application of the relevant legal provisions and to evaluate the impact of such training on the decisions rendered in these cases. All the above-mentioned difficulties are compounded by prejudices and stereotypes held by individuals. The result is that perpetrators of racially motivated crime often escape being brought before the courts, and even when they are found guilty of such crimes, punishment is relatively light.
31. Comprehensive efforts are needed to cope with this persisting problem. Not only must criminal enforcement be intensified and the problems identified at each institutional level addressed, but these efforts should be combined with a broader approach. As is the case in many other countries, in the Czech Republic, these crimes are linked with problems of disaffected youth, unemployment and widespread stereotypes and prejudices about the Roma/Gypsies and members of other minority groups.

L. Discrimination against Roma/Gypsies in education, access to services and employment

32. The disadvantage and effective discrimination faced by members of the Roma/Gypsy community in the field of education in the Czech Republic is of particularly serious concern to ECRI, given the decisive consequences that it entails in terms of equal participation of this category of people in society.
33. The Czech law on schools provides for a system of special schools, parallel to the nine-year elementary school system, which cater for pupils who have mental deficiencies such that they cannot successfully be educated in elementary schools. Although

estimates on the number of Roma/Gypsy children attending such schools vary, it is accepted that they are vastly overrepresented. Despite compulsory pre-school attitudinal tests, channelling of Roma/Gypsy children to special schools is reported to be often quasi-automatic. Roma/Gypsy parents often favour this solution, partly to avoid abuse from non-Roma/Gypsy children in regular schools and isolation of the child from other neighbourhood Roma/Gypsy children, and partly due to a relatively lesser interest in education. Most Roma/Gypsy children are consequently relegated to educational facilities designed for other purposes, offering little opportunity for skills training or educational preparation and therefore very limited opportunity for further study or employment. In its general policy recommendation N° 3 on combating racism and discrimination against Roma/Gypsies, ECRI recommends that member States “vigorously combat all forms of school segregation towards Roma/Gypsy children”. ECRI therefore considers that the practice of channelling Roma/Gypsy children into special schools for the mentally-retarded should be fully examined, to ensure that any testing used is fair and that the true abilities of each child are properly evaluated. As will be mentioned below¹², ECRI also considers that it is fundamental that Roma/Gypsy parents are made aware of the need for their children to attend regular education.

34. In the above-mentioned general policy recommendation, ECRI also recommends that governments «ensure the effective enjoyment of equal access to education». However, in the Czech Republic, most Roma/Gypsy children do not attend kindergarten education. This could contribute to explaining the poor results obtained by these children in the pre-school attitudinal tests and their consequent assignment to special schools. Again, ECRI urges the Czech authorities to take appropriate measures, such as information and incentive campaigns for Roma/Gypsy parents, to improve the attendance of Roma/Gypsy children at kindergarten level. At pre-school level, the authorities have begun to put in place initiatives to improve access to regular education for Roma/Gypsy children. These include the establishment, in districts with a high concentration of Roma/Gypsies, of so-called "zero grades", a year-long programme to prepare disadvantaged youth for their first year in school. While only a small part of Roma/Gypsy children attend these classes, an important percentage of children who attend "zero grade" training are reported to enter and remain in mainstream schools. ECRI urges the Czech authorities to strengthen and expand this initiative, notably through provision of adequate resources to the programme – currently funded only by local authorities - and information campaigns for the Roma/Gypsy community.
35. Participation of members of the Roma/Gypsy community in education beyond the primary school level is extremely rare. ECRI feels that urgent measures are called for to increase the participation of Roma/Gypsy children in education at the secondary and higher level. In particular, the role played by stereotypes and prejudices among teaching staff, which may lead to low expectations for Roma/Gypsy children, should be investigated, and measures taken to train teachers in this respect. Such training should not only provide information on the particular needs and expectations of Roma/Gypsies, but also the ability to use this knowledge effectively. Targetted training of Roma/Gypsies for teaching posts and recruitment of teaching staff from the Roma/Gypsy community might also play a role in improving the situation. In this respect, ECRI notes the hiring of

¹² See paragraph 48

Roma/Gypsy assistant teachers in primary and special schools and urges the authorities to undertake all possible efforts to strengthen and expand this initiative.

36. Alongside efforts to enhance and develop the potential of Roma/Gypsy children, ECRI feels that steps should also be taken to counter prejudices among children from the majority culture and their parents. In this respect, ECRI stresses the need for further efforts towards educating the young majority and minority generations in tolerance. Furthermore, in its General Policy Recommendation n°3, ECRI recommends that governments “introduce into the curricula of all schools information on the history and culture of Roma/Gypsies”. Such information about the Roma/Gypsy community living in the Czech Republic and its history is not commonly available in schools at the present time.
37. In general, ECRI considers that there is a need for closer involvement of members of the Roma/Gypsy community in matters concerning education. This would enhance the possibilities of success of any initiative aimed at improving the situation of members of this community. As a start, the authorities should ensure that Roma/Gypsy parents are kept fully informed of measures taken and are encouraged to participate in educational decisions affecting their children.
38. Parallel to policy measures, ECRI furthermore stresses the role of an effective legislative framework in combating discrimination in education, as recommended to governments in its general policy recommendation. ECRI therefore stresses the need for the establishment of anti-discrimination provisions covering the field of education. Once enacted, it should be ensured that such legislation is made widely-known, particularly at the local level, and that its implementation is closely monitored.
39. Moreover, given the continuing discrimination of Roma/Gypsies in other key areas of public life as well, notably access to public places, housing and access to other social services, ECRI stresses that similar anti-discrimination legislation should also cover these fields¹³.
40. ECRI is particularly concerned, in this respect, at evidence of ghettoization of the Roma/Gypsy community. Roma/Gypsies are reported to be the least preferred neighbours compared to all nationalities and ethnic groups. This is reflected not only in the private housing market but also in the assignment of council flats. As a result, there are large concentrations of Roma/Gypsies on the outskirts of cities, where these people often live in poor hygienic conditions, far from work and educational opportunities and where they are essentially separate from the rest of society. ECRI considers that municipal authorities should endeavour to encourage Roma/Gypsy participation and decision-making in the local community, particularly concerning housing. Separation of majority and minority communities should be avoided and discouraged as far as possible. At the same time, efforts should be undertaken to persuade the local majority communities of the necessity to devote resources to finding an adequate housing solution for members of minority groups.

¹³ See paragraph 10

41. As concerns employment, it is again the Roma/Gypsy community which is particularly disadvantaged and discriminated against. Lack of adequate education and professional qualifications are compounded by widespread discrimination on the part of employers. As a result, the vast majority of Roma/Gypsies in the Czech Republic are reported to be unemployed.
42. The central government has introduced some initiatives to improve the situation, including the provision of financial contributions to employers who hire persons identified as not easily employable. However, important efforts aimed at producing long-term positive effects on the employment situation of members of disadvantaged minority groups are still necessary in this area. In particular, this category of people should be motivated to participate in training courses and these courses should be made as widely available as possible. Special attention could also be devoted to Roma/Gypsy initiatives, including support for Roma/Gypsy entrepreneurs.
43. Again, an adequate legislative framework prohibiting discrimination in the field of employment is also of particular importance. As mentioned above¹⁴, the Czech authorities have taken some positive steps in this respect. In September 1998, the Parliament voted in favour of the incorporation of a provision prohibiting discrimination in the normative body of the law on employment. The Czech authorities have stated that this amendment will come into effect in mid 1999. ECRI urges all relevant authorities – including judges - to ensure a satisfactory implementation of this new provision.

M. Awareness-raising

44. ECRI considers that there is an urgent need to raise the awareness both of the majority and of the minority population of all aspects related to racism and racial discrimination in the Czech Republic.
45. There is agreement that the general public is increasingly aware of the existence of these phenomena, and that it is therefore more difficult to deny or ignore that racism and discrimination are present in the country. The media and public debate reflect, to a certain extent, this incipient progress. However, especially as concerns Roma/Gypsies, there appears to be still a very widespread perception that most victims of racism and discrimination are "outsiders" and do not really belong to Czech society. This perception contributes to rendering manifestations of racism and discrimination less unacceptable in the eyes of the majority population. ECRI feels that the authorities should undertake all possible efforts to educate the general public to accept that Roma/Gypsy people form an integral part of the Czech society and that – given the current situation of serious disadvantage of Roma/Gypsies in all fields of life – time and resources must be devoted to giving this part of Czech society the same opportunities as the rest of the population.
46. In order to encourage support from the general public to this approach, it is necessary to improve information to the general public about the Roma/Gypsy people so as to

¹⁴ See paragraph 9

preempt the social reproduction of negative stereotypes and myths. This should be done, on the one side, through education, ensuring that the desirability and benefits of tolerance and respect for difference is taught to the young generations and that this is done in a professional way. On the other side, special attention should be devoted to maximising the opportunities of contact between majority and minority populations. Current patterns of separation in vital sectors as education and housing run counter to the promotion of mutual knowledge and understanding and should therefore be avoided as much as possible.

47. It would, however, be impossible to achieve these goals without raising, at the same time, the awareness of the Roma/Gypsy people themselves of the need to participate more actively in society. In ECRI's opinion, the authorities should undertake all possible efforts, for instance, to make Roma/Gypsies more aware of the need to acquire citizenship of the Czech Republic. Roma/Gypsy parents should also be motivated to make sure that their children receive regular and not special education, notably that designed for pupils who have mental deficiencies.
48. Parallel to efforts to motivate members of minority groups to equal participation in society, communication between institutions and this category of people should be improved. In this respect, it is particularly important that members of minority groups are constantly involved in the setting up of initiatives and measures targeting, or involving, these groups. Experience, also at the Czech level, shows that this greatly increases the chances of success of such measures. While the governmental bodies mentioned above aim at providing this forum¹⁵, formal structures providing a common space for collaboration are often lacking at the local level. In addition, it is equally important that an adequate flow of information on existing initiatives aimed at improving the situation of members of minority groups in different fields (zero grade courses, training programmes for employment etc.) reach the different actors involved. This information should also extend to the rights guaranteed to members of minority groups. Once an anti-discrimination provision concerning employment is enacted, for instance, Roma/Gypsies, immigrants and refugees should be made thoroughly aware of their rights and encouraged and supported in bringing cases concerning unlawful discrimination in this area.
49. Implementation of the law is also a powerful educational tool. All aspects related to implementation of the law – in particular, training targeted to professional groups (civil servants, legal community, etc.) -- as highlighted throughout this report, are therefore paramount also in an awareness-raising perspective.
50. ECRI finally stresses the role that the Ombudsman could play in accomplishing the demanding tasks highlighted above. It is therefore hoped that adequate powers and resources will be assigned to the Ombudsman and that this institution will be adequately represented at the local level throughout the country. ECRI also encourages the authorities to devote adequate resources to ensure the success of the anti-racist campaign, which is to be undertaken under the co-ordination of the Council for Human Rights.

¹⁵ See paragraph 12

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