

ECRI REPORT ON THE CZECH REPUBLIC

(sixth monitoring cycle)



Adopted on 1 October 2020

Published on 8 December 2020

European Commission
against Racism and Intolerance

ECRI
Commission européenne
contre le racisme et l'intolérance

COUNCIL OF EUROPE



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. It covers the situation up to 2 July 2020; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on the Czech Republic on 16 June 2015, progress has been made in a number of areas.

The Public Defender of Rights (Ombudsman) is the independent equal treatment and anti-discrimination body in the Czech Republic. Its mandate and competencies cover many of the aspects recommended by ECRI, including in its GPR No. 2. The Ombudsperson has continued vigorously to promote equality and combat racism.

In the field of inclusive education, ECRI encountered the promising practice of the Trmice primary school in Ústí nad Labem which has a mixed group of pupils and staff from Roma and non-Roma backgrounds. The school embraced the notion of inclusion and has made diversity the hallmark of its reputation, attracting dedicated teachers and gaining trust in the community and among parents.

The authorities are planning to carry out a full legislative gap analysis with regard to the areas in which registered same-sex couples are not yet afforded legal equality in order to prepare amendments to the relevant laws accordingly.

The authorities have taken various measures to combat hate crime, including training for law enforcement personnel and rolling out the extensive HateFree campaign. In the context of combating anti-Roma hatred, the site of the former Roma concentration camp in Lety is being converted into a documentation and education centre on the Roma genocide during the Second World War.

The Czech authorities have further refined their State Integration Programme through which they provide assistance to recognised refugees and beneficiaries of subsidiary protection in the form of personalised integration plans.

In order to promote the better integration and inclusion of Roma, the Council of the Government for Roma Community Affairs has started developing a new national Roma integration strategy for the period 2021 to 2030. The government's Agency for Social Inclusion has continued providing support to interested municipalities to improve the situation of socially excluded localities, which are often inhabited by a majority of Roma residents. The case of Janov in the municipality of Litvínov is an example of

constructive cooperation between the agency and the local authorities.

ECRI welcomes these positive developments in the Czech Republic. However, despite the progress achieved, some issues give rise to concern.

When it comes to allegations of discrimination in the private sector, the relevant private entities are not legally obliged to co-operate with or to provide evidence to the Public Defender of Rights. Furthermore, the office of the Public Defender of Rights cannot bring cases independently before the courts. Other gaps compared to ECRI's revised GPR No. 2 also remain.

The levels to which schools apply inclusive education and convey its underlying principles and values depend very much on the local school administration.

In order for transgender persons to officially change their names and gender, they have to undergo gender reassignment and sterilisation.

The authorities have neither carried out nor commissioned any research into discrimination of LGBTI persons in the country. Moreover, the Czech Republic still does not have a national LGBTI strategy or action plan to address in a comprehensive manner issues of discrimination and intolerance vis-à-vis LGBTI persons.

Racist and LGBTI-phobic hate speech gives rise to concern. Hateful comments, in particular against Muslims, asylum-seekers and Roma, are insufficiently condemned by high-level politicians.

The general situation of Roma in the areas of education, employment, housing and health is still very problematic. De-facto segregation still occurs in schools and in the housing sector. The authorities do not collect comprehensive equality data on the inclusion and integration of Roma. In the areas of education and housing, a strong emphasis is placed on the role of the municipalities and as a result the situation is marked by a wide range of different attitudes and practices towards Roma inclusion across the country.

In this report ECRI calls on the Czech authorities to take additional measures in a number of areas and makes a series of recommendations, including the following:

ECRI recommends that the authorities amend the relevant legislation in order to bring the mandate and competencies of the Public Defender fully in line with ECRI's GPR No. 2. They should, in particular, extend the areas of enquiry and of obtaining evidence to the private sector; and grant the Public Defender of Rights the right to initiate court cases.

The authorities should provide additional training for teachers on issues of inclusive education, human rights and tolerance, and work more closely with local school authorities and administrators to ensure that such training is rolled out evenly across the country.

ECRI strongly recommends, in conformity with the case law of the European Court of Human Rights and the relevant decision of the European Committee for Social Rights, that the provisions regulating gender recognition and gender reassignment procedures be amended to remove the requirement that persons seeking recognition in a gender other than that in which they were

originally registered should undergo sterilisation as a pre-condition to legal recognition.

ECRI recommends that the authorities together with relevant civil society organisations, including LGBTI groups, develop a national strategy to identify and address areas of intolerance and discrimination against LGBTI persons.*

ECRI recommends that the authorities roll-out further anti-hate campaigns for the general public. ECRI also recommends that the authorities strongly encourage all holders of public offices to abstain from using, and to condemn racist and LGBTI-phobic hate speech.

ECRI recommends that the authorities ensure that all forms of de-facto segregation affecting Roma children in schools are ended.*

ECRI recommends that the authorities scale up and improve their measures for Roma integration and inclusion by, inter alia, collecting comprehensive and gender-disaggregated Roma-specific data in the areas of education, employment, housing and health. The data collection should respect the principles of informed consent, self-identification, confidentiality and exclusive use for the promotion of Roma equality.

* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY IN ACCESS TO RIGHTS

A. Equality bodies

1. The Public Defender of Rights (Ombudsman) is the independent equal treatment and anti-discrimination body in the Czech Republic. The office was set up by an Act of Parliament in 1999 and was designated as the equality body by the Anti-Discrimination Act of 2009. The mandate and competencies of the Public Defender's office cover many of the aspects recommended by ECRI, including in its GPR No. 2. However, some areas are not covered and gaps remain.
2. In spite of ECRI's previous recommendation,¹ the Public Defender can only conduct enquiries into the activities of specific² authorities and other public institutions. With regard to alleged discrimination in the private sector, the Public Defender can only request a statement from the relevant private entities which are, however, not obliged to co-operate and respond to the request or to provide evidence.³ In addition, the office does not explicitly have any recourse to conciliation procedures, although in practice it has in some discrimination cases mediated between the parties concerned.
3. The Public Defender may issue a report summarising her/his findings, but the report does not have the force of an official decision. Furthermore, she/he cannot bring cases independently before the courts, not even as a representative of the victim, in spite of ECRI's previous recommendation.⁴ The Public Defender still⁵ has no explicit mandate to raise awareness about discrimination issues, although this has not stopped the office from doing so. ECRI also notes that its previous recommendation to amend the Law on the Public Defender of Rights with a view to prevent conflicts between the officeholder and her/his deputy⁶ has not been implemented.
4. ECRI recommends that the Czech authorities amend the relevant legislation in order to bring the mandate and competencies of the Public Defender fully in line with ECRI's GPR No. 2. They should, in particular, extend the areas of enquiry and of obtaining evidence to the private sector; and grant the Public Defender the right to initiate court cases. ECRI also reiterates its recommendation that the Law on the Public Defender of Rights is amended so as to prevent conflicts between the Public Defender and her/his deputy.

B. Inclusive Education

5. The Czech authorities informed ECRI about a number of initiatives to promote inclusive education. However, it appears that this concept is mainly understood as integrating children with disabilities into mainstream schooling. While this is an important area of work, ECRI refers to it in the specific context of racism and intolerance as outlined in its General Policy Recommendation (GPR) No. 10 on combating racism and racial discrimination in and through school education.
6. The integration of Roma children in education will be dealt with in section I.3 of this report. With regard to inclusive education though, ECRI would like to highlight the

¹ ECRI 2015: § 25.

² As specified in Section 1(2) of the Anti-Discrimination Act.

³ See ECRI 2015: § 22; and ECRI GPR No. 2: § 21.

⁴ ECRI 2015: §§ 22 and 25. See also ECRI GPR No. 2: §§ 10(b) and 14. – Certain exceptions apply with regard to the Constitutional Court.

⁵ See ECRI 2015: § 23 and GPR No. 2: § 13(e). – Cf. Law on the Public Defender of Rights, Section 21b, which mentions performing research, publishing reports and issuing recommendations on discrimination-related issues. However, awareness-raising is not explicitly mentioned (see ECRI GPR No. 2: § 13).

⁶ ECRI 2015: §§ 116-117.

promising practice of the Trmice primary school in Ústí nad Labem which has a mixed group of pupils and staff from Roma and non-Roma backgrounds. The school has successfully embraced the notion of inclusion for a number of years now and has deliberately made diversity the hallmark of its reputation, attracting dedicated teachers, gaining trust in the community and among parents, as well as having constructive dialogue with the relevant authorities.

7. The authorities informed ECRI about the fact that some content related to human rights, tolerance and democracy is included in the curriculum. However, the details and the extent to which this is taught are up to each individual school to decide. Support for schools and teachers in this regard exists, such as specialised teaching materials or inclusive education training, but appears to be limited. Furthermore, schools are not specifically assessed as to their activities in this field and neither sanctions nor supervisory support exists for those schools that do not teach these topics adequately or even not at all. Intercultural training for teachers is available but is not rolled out in a comprehensive fashion. As a consequence, the levels to which education establishments apply inclusive education and convey its underlying principles and values depend very much on the local school administration.
8. ECRI recommends that the authorities provide additional training for teachers on issues of inclusive education, human rights and tolerance and work more closely with local school authorities and administrators to ensure that such training is rolled out evenly across the country. Furthermore, the authorities should identify existing good practices and work towards replicating them, also by making use of ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.
9. The Supreme Court confirmed an opinion of the Public Defender concerning the provision of the regulations of a Secondary Medical School in Prague which prohibited the wearing of a headdress. In this case, a Muslim girl of Somali origin was unable to study at the school and the Public Defender had concluded that the provision was indirectly discriminatory on the grounds of religion. The Supreme Court ruled that a prohibition covering religious headdress worn during theoretical courses at this school did not pursue any legitimate objective.⁷

C. Irregularly present migrants

10. There are no official figures or estimates of the total number of irregularly present migrants in the Czech Republic. According to the authorities, in 2018, 4 653 persons were identified as residing in the country without a permit of any form, but it is estimated that there is a considerably higher number about which the authorities have no information. Irregularly present migrants, while not having access to most social benefits, could be eligible, according to the authorities, for certain benefits applicable to "hardship situations".⁸ Moreover, although this group of persons cannot participate in the public health care insurance scheme, they have access to basic necessary health care. According to the authorities, hospitals, for example, would not register or pass on the immigration status of a patient. Similarly, the country's Integration Centres (see section III.1 for more details) do not report persons' lack of a residence permit, although many of the services offered, such as language classes or other training, are not officially available to this group.
11. With regard to schooling, the situation for irregularly present migrant children seems to depend on the individual school administration, also due to the fact that

⁷ Public Defender of Rights (Ombudsman) (9.3.2020), In two cases, the Supreme Court confirmed the Defender's previous legal opinion.

⁸ In case someone's economic and social situation would lead to serious medical harm, a special immediate assistance can be granted up to the personal existence minimum (e.g. CZK 2 490 for adults and CZK 1 970-2 270 for children per month).

schools are the responsibility of local authorities. The national authorities were not aware of any specific rules for such cases and did not have any statistical data on it either. They informed ECRI, however, that they are aware of at least one case in which a school enrolled a child without residence permit. ECRI strongly encourages the authorities to look into this matter and to disseminate for guidance ECRI's General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination to all relevant authorities, including at local level.

D. LGBTI equality

12. The Czech Republic introduced same-sex registered partnerships in 2006. This recognition has given same-sex couples equal rights in a number of important social and economic areas, such as tax status and inheritance. Nevertheless, certain legal inequalities continue to exist, namely in the areas of property rights (no possibility of joint property, only the legally more complicated form of co-ownership) and widower's pensions or allowances (not eligible). The authorities indicated to ECRI that they are planning to carry out a full legislative gap analysis with regard to those areas in which registered same-sex couples are not yet afforded legal equality in order to prepare amendments to the relevant laws accordingly. ECRI strongly encourages the authorities to do so. However, the authorities also pointed out that they are not willing to contemplate introducing same-sex marriage – which is a key demand of the Czech LGBTI community.
13. ECRI received complaints from transgender persons about disrespectful attitudes towards them in healthcare institutions. They criticised in particular what they consider to be an overly medicalised approach by health care staff to their situation. As a result, transgender persons often feel treated as sick persons due to their gender identity, instead of being fully accepted. ECRI strongly encourages the relevant health authorities to remind all health care workers to treat transgender persons, and LGBTI-persons more broadly, with the necessary dignity and respect for their gender identity, sexual orientation and sex characteristics. Furthermore, ECRI refers in this regard to the absence of official research in this area and to its priority recommendation below (see § 18).
14. In order for transgender persons to officially change their names and gender, they have to undergo gender reassignment and sterilisation. The Civil Code (2014) states in § 29 that “gender reassignment is accomplished by a surgical operation involving the termination of reproductive function and a genital reconstruction surgery”.⁹ The medical details of gender reassignment are regulated by the Act on Specific Health Services (373/2011), which in § 21(1) states that “the gender reassignment of transsexual patients will for the purposes of this law be understood as the carrying out of medical procedures, whose aim is to surgically alter gender and at the same time end the reproductive function of the patient”. In this context, ECRI reminds the authorities of the recent judgment of the European Court of Human Rights in the joined cases of *A. P., Garçon and Nicot v. France*, in which the Court held that the sterilisation requirement was in breach of the right to respect for private life (Article 8 ECHR).¹⁰ Furthermore, ECRI also recalls the decision of the European Committee of Social Rights regarding the complaint of *Transgender Europe and ILGA-Europe v. the Czech Republic* in which the Committee found the situation described above to be in breach of Article 11, § 1 of the European Social Charter (1961).¹¹

⁹ Civil Code (2014), § 29 of Act No. 89/2012 Coll., Civil Code – See also: European Committee of Social Rights, *Transgender Europe and ILGA-Europe v. the Czech Republic*, (Complaint No. 117/2015) (2018): §§ 18 and 45.

¹⁰ ECtHR, application nos. 79885/12, 52471/13 and 52596/13, Judgement (6.4.2017).

¹¹ European Committee of Social Rights 2018: § 89. - See also: Resolution of the Council of Europe Committee of Ministers CM/ResChS(2018)9.

15. ECRI strongly recommends, in conformity with the case law of the European Court of Human Rights and the relevant decision of the European Committee for Social Rights, that the provisions in the Civil Code (2014) and the Health Services Act (373/2011) regulating gender recognition and gender reassignment procedures should be amended to remove the requirement that persons seeking recognition in a gender other than that in which they were originally registered should undergo sterilisation as a pre-condition to legal recognition.
16. In this monitoring cycle, ECRI also covers the situation of intersex persons.¹² As concerns the situation of intersex children, ECRI was informed by the Czech authorities, that so-called “sex-normalising” surgery is not carried out on newly born intersex babies in the country. It is also noteworthy in this context that the Ombudsman’s office has looked into this issue recently and is planning to publish guidance and information brochures for parents soon.
17. The authorities informed ECRI that they have not carried out or commissioned any research into discrimination of LGBTI persons in the country. While some NGOs and academic researchers have looked into this issue, the government neither supported these activities nor was it involved in any other way. In this context, ECRI also notes that the Czech Republic still does not have a national LGBTI strategy or action plan to address in a comprehensive manner issues of discrimination and intolerance vis-à-vis LGBTI persons. In 2009, the government had established a working group on LGBT-related issues, made up of representatives from relevant ministries and NGOs.¹³ However, meetings were held irregularly and in recent years this working group has not been active at all. As a result, there is no longer a reliable coordinating mechanism to bring together the authorities and LGBTI organisations.
18. ECRI recommends, as a matter of priority, that the authorities together with relevant civil society organisations, including LGBTI groups, develop a national strategy to identify and address areas of intolerance and discrimination against LGBTI persons.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech¹⁴

19. The Czech Republic collects data on hate crime,¹⁵ including hate speech.¹⁶ The national bodies responsible for collecting such data are the police and the Ministry of Justice, both of which provide the data to the Prosecutor’s Office. Hate crimes are registered by the police using two forms, an incident form and a form on known perpetrators. Police officers note on the forms a bias motivation, if any. The data gathered by the police are processed on the basis of the Statistical Crime Recording System of the Police (Evidenčně statistický systém kriminality Policejního prezidia, ESKK), which allows the disaggregation of crime data according to the protected characteristics. The data are published annually in the Report on Extremism, prepared by the Security Police Department of the Ministry

¹² Persons born with chromosomal, hormonal or anatomical characteristics which do not match strict medical definitions of male or female. (EU FRA 2015: 2.)

¹³ Committee for Sexual Minorities in the Government Council for Human Rights (see: ECRI 2015: § 130).

¹⁴ According to ECRI’s GPR No. 15 on combating Hate Speech, “hate speech” shall mean the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of “race”, colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.

¹⁵ In the present report, hate crime should be understood as any criminal offence motivated by hate or prejudice on grounds such as “race”, colour, language, religion, citizenship, national or ethnic origin, sexual orientation or gender identity, whether real or presumed. For further information about the notion of hate crime, see <http://hatecrime.osce.org/what-hate-crime>.

¹⁶ OSCE-ODIHR 2017. ODIHR observes that the Czech Republic has not reported cases on hate crimes separately from cases of hate speech and/or discrimination, this latter not entailing criminal responsibility.

of Interior. ECRI notes that the systems of collecting data employed by these different authorities are still not compatible. While the police-gathered information is recorded according to when a crime has been committed, the information provided by the Ministry of Justice is registered according to the timeframe of criminal proceedings. The authorities acknowledge this problem and informed ECRI about a task force of experts from relevant ministries, the police, the Supreme Prosecutor General's office and other entities, which is currently working on a unified hate crime database scheduled to become operational in 2020. ECRI welcomes these efforts and strongly encourages the Czech authorities to finalise this work.

20. In 2017, the police recorded over 50 incidents of punishable hate speech, of which 20 were threats of violence (there were 17 such threats in both 2016 and 2015, and 12 in 2014), 21 were registered as defamation of a nation, race, ethnic or other group (17 in 2016, 16 in 2015 and 27 in 2014) and 15 were classified as instigation of hatred towards a group of people or suppression of their rights and freedoms (9 in 2016, 13 in 2015 and 18 in 2014).¹⁷ Across all three categories the numbers rose in 2018, with 29, 36 and 25 cases respectively.¹⁸ Such a rapid rise to a total of 90 incidents, compared to 43 in 2016, is alarming.
21. In addition, it should be noted that those forms of hate speech that are not criminalised are not recorded by the authorities at all. On occasion, civil society organisations try to assess the situation with regard to non-criminalised hate speech but lack the capacity to do this on a comprehensive and continuous basis.
22. ECRI recommends that the authorities support and cooperate with civil society organisations in order to actively monitor and report criminal as well as non-criminal forms of racist and anti-LGBTI hate speech.
23. The groups most affected by racist hate speech in the Czech Republic are Muslims and Roma. ECRI was informed by many of its civil society interlocutors that since its last report a trend has emerged which saw Roma, previously the group most affected by hate speech, being replaced with Muslims and migrants as the new primary targets for public expressions of racism. This hatred has not developed suddenly but has built up on previously existing prejudices. A Eurobarometer study carried out in 2015, already found that the strongest negative sentiment towards having a Muslim as a colleague was present in the Czech Republic, where only 27% of the respondents at the time would have felt comfortable or at least indifferent.¹⁹ In this context, it needs to be said that the estimates for Muslims residing in the Czech Republic are rather low. The 2011 census registered 0.03% of the population as Muslim and even higher estimates only go to 0.2%. It should also be noted that while anti-immigrant sentiments are strong, these are very group specific. Immigrants from majority Muslim countries are frequently the object of hate speech. On the other hand, immigrants from Ukraine or Vietnam (who together with Slovaks constitute the three largest immigrant groups in the Czech Republic) do not experience hatred or hate speech at such elevated levels. The latter three groups are generally treated with a large degree of tolerance.
24. Hatred against Muslims and certain groups of immigrants has become increasingly a feature of mainstream politics in the Czech Republic over the past five years.²⁰ What has previously been an issue of the radical political fringes has moved into the normal spectrum of political discourse. The reasons for this trend are, inter alia, linked to the perceptions amongst many Czechs of Muslims, and of Islam in

¹⁷ Report on Extremism in the Czech Republic in 2017: 25. – According to the Ministry of Interior, the term “extremism” and “hate crimes” are not identical but complementary (Report on Extremism in the Czech Republic in 2017: 6).

¹⁸ See: <https://www.mvcr.cz/mvcren/article/documents-on-the-fight-against-extremism.aspx>.

¹⁹ See also: European Commission 2019a: Special Eurobarometer 493.

²⁰ European Islamophobia report 2018: 236.

general, that have been influenced by Islamist terror attacks and the 2015 migration crisis. In spite of the fact that the Czech Republic was not affected by either, low levels of acceptance towards Muslims and migrants/refugees are widespread. While previous groups of Muslim immigrants, for example those from socialist Arab states in the 1970-80s as well as refugees from Bosnia and Herzegovina in the 1990s were largely secular, and did not meet with considerable intolerance, religious Muslims (in the Czech Republic frequently considered to be Arabs) are increasingly the object of hate speech. This recent trend provided an electoral platform for extremist parties like the Freedom and Direct Democracy Party (SPD), which links the issue of immigration to an alleged Islamisation and follows a typical populist strategy of trumping an already strong anti-immigration stance of the country's government with even harsher rhetoric, including hate speech.

25. The SPD's expressions of anti-Muslim hatred include for example a Facebook post made in January in 2019 by one of the party's MPs comparing Muslim migrants to invasive species of plants and animals that ought to be banned from entering the European Union.²¹ In 2018, a district vice-chairperson of the SPD compared Muslims to locusts and accused them of destroying everything around them wherever they are.²² The party also announced initiatives to ban Islam as a "non-religion".²³ The SPD often employs the image of Muslims as terrorists. However, in 2018 in a bizarre twist of events, a radicalised 72-year old SPD-supporter on two occasions endangered the safety of trains by felling trees to block railway lines. He then circulated fake leaflets in which the perpetrator pretended to be a jihadist.²⁴ The man was subsequently sentenced to a prison term as the first perpetrator of a terrorist attack in the Czech Republic.²⁵
26. There is a growing trend towards xenophobic populism in the Czech Republic, while the traditional right-wing extremists and openly violent neo-Nazi groups are currently less visible – which does not mean they no longer exist. Xenophobic populists have shown to be more effective in polarising society and can often set the tone for the overall political debate on certain topics. There are several instances of such groups using hate speech for this purpose, particularly during the run-up to the general elections in October 2017. For example, the umbrella-network Bloc Against Islamisation produced a video clip showing migrants wearing burkas and hijabs attacking an elderly Czech person and dashing into a building with a sign saying, 'welfare benefits', leaving her lying helpless on the pavement. The staged election clip then tells Czech voters "you can choose whether to give money to our children and seniors or to Muslims and Africans".²⁶ The impact of such rhetoric can be particularly dangerous when mainstream politicians do not clearly condemn and distance themselves from it, either because they hold similar views or due to fear of losing votes.
27. Hatred against Muslims can now be observed also in the centre of the political spectrum.²⁷ It is this pervasiveness of hatred which is so dangerous, because it goes far beyond the traditional supporters of extremist groups but instead can now open up much broader segments of the population for such views. The fact that the debate about Muslims and Islam has been largely intertwined with the debate about migration amplifies this effect. In this context, ECRI notes that the Czech

²¹ Radio.cz / Ian Willoughby (17.8.2019).

²² European Islamophobia report 2018: 41.

²³ European Islamophobia report 2018: 236.

²⁴ European Islamophobia report 2018: 241.

²⁵ According to the authorities, there was at least one case previously in the Czech Republic of a person being sentenced for support and propagation of terrorism.

²⁶ Deutsche Welle/ Qantara.de (18.10.2017).

²⁷ Europeanism Islamophobia report 2018: 240.

government took a very strong stance against accepting any asylum-seekers under the EU relocation decisions²⁸ (eventually the country accepted a very small number). It is of particular concern to ECRI that the authorities at the highest political level have often failed to condemn anti-immigration and anti-Muslim statements.

28. Although the main focus of racist hate speech has shifted from hatred against Roma people towards anti-Muslim and anti-immigrant rhetoric, public expressions of anti-Gypsyism are nevertheless still occurring frequently. This is still visible both in the political discourse as well as on social media. ECRI also notes that anti-Roma hate speech is in no way limited to radical political groups, such as the SPD or the National Democracy Party (ND) – although some of their members are at the origins of the most vile examples, such as the former SPD party secretary commenting in October 2017 that Roma, Jews and homosexual persons should be killed.²⁹ He was subsequently convicted by a district court in Prague for these remarks and given a one-year suspended prison sentence and a fine of CZK 70 000 (€ 2 700).³⁰ SPD functionaries have also been engaged in denying or trivialising the genocide against Roma during the Second World War.³¹
29. Negative stereotyping of Roma also occurs at the highest political level, as was shown in October 2018 when the President publicly stated, in the context of a comment on work-duty during the communist era, that slapping Roma who were not working was a “very humane method”.³² Several critics pointed out that such comments are perpetuating old stereotypes of Roma as workshy parasites.³³ In response to his comments many Roma posted photographs of themselves working on social media, asking the President to apologize. He declined, arguing that those images were only reflecting the 10% of Roma who actually work.³⁴ ECRI is deeply concerned about this expression of anti-Gypsyism at the country’s highest political level.
30. ECRI was informed by representatives of the Jewish community that antisemitic hate speech still occurs, but that the Czech Republic does not experience strong or widespread sentiments of support for antisemitism. In the vast majority of cases the incidents can be found online. A technical and linguistic analysis that was carried out seems to indicate that many antisemitic online posts originated from abroad. Nevertheless, this should not distract from the fact that antisemitic expressions also occur locally, in particular in the context of Holocaust denial or distortion. The Supreme Court upheld the verdict of a district court in Jihlava, which in March 2017 sentenced the leader of the ND to a conditional year in prison for incitement to hatred in his antisemitic blogs. In a separate case, he was sentenced by a Prague district court to a conditional two-year prison term for incitement to hatred, libel and genocide denial.³⁵
31. Hate speech on account of sexual orientation or gender identity also constitutes a recurrent phenomenon. According to the data reported by the Czech Republic to the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in 2017 for example six hate crime incidents were motivated by hatred based on those grounds. For 2018, no cases have been reported in this category, but 120 cases

²⁸ Court of Justice of the European Union (2.4.2020); see also: Prague Business Journal (28.8.2018).

²⁹ Romea.cz (17.12.2018).

³⁰ Romea.cz (11.4.2019).

³¹ See for example: Romea.Cz (14.3.2019). - In 2015, the Constitutional Court ruled that racist hate speech by a member of Parliament does not enjoy immunity if it is at the same time made public.

³² ERRC 2018.

³³ ENAR 2019, Dimensions of Antigypsyism in Europe: 20.

³⁴ Reuters (7.10.2018).

³⁵ U.S. Department of State 2019: 16.

with an unspecified bias motivation. Civil society groups met by ECRI pointed out that there is a widespread lack of trust within the LGBTI community when it comes to reporting hate crimes to the police. In this context, ECRI also notes that the grounds of sexual orientation, gender identity and sex characteristics are still not covered in the list of bias motivations in Sections 355 (defamation) and 356 (incitement to hatred) of the Criminal Code.³⁶ In its previous report, ECRI recommended that the authorities revise the Criminal Code to explicitly mention these grounds (see also section II.B below).³⁷ Furthermore, as is also the case with many other vulnerable groups, the absence of specialised liaison officers within the police constitutes a missed opportunity to build trust and tackle underreporting (see also §§ 37-38 below).

32. ECRI recommends that the authorities amend the Criminal Code in order to include sexual orientation, gender identity and sex characteristics expressly in the list of enumerated grounds in Sections 355 and 356.
33. Most observers agree that the strongest medium for spreading racist hatred is currently the Internet. This is done both through insulting and threatening comments against individuals or groups as well as through spreading “fake news” to bring the targeted group into disrepute. Online hate speech takes place particularly in discussions and posts on social media, involving those who had not traditionally been associated with extremist movements. This use of online platforms was salient in the context of anti-immigration campaigns in 2015. For example, a series of hateful comments were posted on social networks in response to the publication in Teplice Daily of a class photo of first graders. The picture in question showed Czech, Roma, Vietnamese and Arab children. The comments reportedly included “A class of terrorists – a hand grenade would come handy” and “just shoot them all”.³⁸

Measures taken by the authorities

34. In the years 2015 to 2018, a total number of 386 persons was prosecuted for hate speech offences. In the same period, 249 persons were convicted for such acts. According to the authorities, the main obstacles for prosecuting and achieving a conviction include the limited awareness among police officers about the concept of hate crime and a general lack of experience with gathering and assessing evidence in such cases. In this context, the need to act swiftly especially in case of online hate speech is often insufficiently considered. For example, the State Prosecutor's Office in České Budějovice halted the prosecution of Martin Konvička for incitement of hatred against Muslims due to a failure of the law enforcement authorities to secure timely evidence from the social network where Konvička had allegedly posted statements calling for the creation of concentration camps for Muslims.³⁹
35. In order to address the above-mentioned problems, the authorities organised training activities for law enforcement officials on hate crime issues. ECRI particularly welcomes the fact that these activities were also carried out in cooperation with relevant partners such as OSCE/ODIHR and civil society. Several initiatives were taken, for example by the Office of the Government of the Czech Republic, in 2016 and 2017, which included the training of 257 police officers and spokespersons, and the production of guiding documents for the police on the identification of and response to hate crimes and on support to be given to victims of such crimes. The training was provided by the NGO In Iustitia, which is

³⁶ See also: ECRI 2015: §§ 122-123.

³⁷ ECRI 2015: § 123.

³⁸ Radio Prague International, Czech Radio (13.11.2017). – ECRI was informed by the authorities that some perpetrators have been sentenced for their comments, but no further details were provided.

³⁹ Romea.cz (15.8.2016).

specialised in combating hate crime and hate speech.⁴⁰ Furthermore, in December 2018, an OSCE/ODIHR awareness-raising seminar was held in Prague for a wide range of experts, including 40 staff members from the Prosecutor's Office, the police, the General Inspection of Security Forces, the Ministry of Interior and the Ministry of Justice, as well as civil society organisations. The aim was to adopt comprehensive measures against hate crime – including by strengthening data collection, investigation and prosecution, and supporting victims.⁴¹ Similar activities are also scheduled to take place in 2020, including further hate crime training provided by ODIHR.

36. In addition, the authorities also set up an Inter-Ministerial Working Group to combat hate crime which cooperates with ODIHR, FRA and In Iustitia in particular on developing ways to improve work on hate motivation. In Iustitia has already provided lectures on hate crime to the Prague police and according to the authorities there have been suggestions to roll out this activity across the country. ECRI strongly supports this idea and encourages the Czech authorities to implement it. In order to increase coordination between different parts of the police forces, the authorities created an intra-police “alert system”. The police also analysed, in 2017, the functioning of a previously existing internet hotline to report hate crimes and proposed technical changes to increase its accessibility and more generally its effectiveness.⁴² According to the authorities, the hotline will be reinstated in 2020. ECRI welcomes this and would like to be informed when the hotline is operational again.
37. ECRI notes that there are currently no hate crime specific community liaison officers working in the police, who could reach out to the different vulnerable groups. In many countries, the existence of such officers has helped to build trust in the police amongst members of vulnerable groups and has thus tackled, at least partially, the problem of underreporting of hate crime incidents. It is also regrettable that there is no comprehensive diversity policy for the police with the aim of attracting more officers from minority groups.⁴³ The authorities provided information about members of the Roma community working for the police as crime prevention facilitators, but ECRI notes that their role is to prevent crimes being committed by Roma and not those committed *against* them.
38. ECRI recommends that the authorities intensify the efforts of the law enforcement agencies to combat racist and LGBTI-phobic hate speech, in particular by (i) reinstating the hate crime hotline; (ii) employing hate crime specific police community liaison officers to reach out to vulnerable groups; (iii) developing and implementing a diversity policy for the police in order to recruit more officers from minority backgrounds; and (iv) continuing and scaling-up the hate crime training for police officers, prosecutors and other law enforcement officials.
39. In the context of combating hatred and hate speech against Roma, ECRI welcomes the ongoing project to establish a Roma genocide memorial in the former Roma concentration camp in Lety. This also implements ECRI's recommendation made in its previous report on this matter.⁴⁴ In 2017, the Czech government reached a buyout agreement with the firm that owned a pig farm next to the site.⁴⁵ The former camp is projected to become the first documentation and educational centre in the Czech Republic with a permanent exhibition on the Roma genocide during the

⁴⁰ Public Defender of Rights Summary Report on Protection against Discrimination 2017.

⁴¹ OSCE/ODIHR (11.12.2018).

⁴² Public Defender of Rights 2017.

⁴³ See also UN CERD 2019: § 14.c.

⁴⁴ ECRI 2015: § 120.

⁴⁵ Romea.cz (19.1.2018).

Second World War.⁴⁶ The building of the memorial will be financed by the Norway Grants with an estimated investment of EUR 1.5 million (around CZK 40 million). The financing also covers the operation of the memorial until 2024, after which the cost will be paid by the Czech Ministry of Culture.

40. In its previous report (§ 35), ECRI also strongly recommended that the authorities take steps to ensure that the term “inadaptable” to refer to vulnerable groups, especially Roma, is not used in any official capacity. According to the Czech authorities, this term is now no longer used by state employees in the performance of their duties.
41. It was indicated to ECRI that in order to prevent antisemitism, and in particular Holocaust denial, more effectively the Parliament of the Czech Republic, in early 2019, adopted the IHRA working definition of antisemitism. ECRI was informed that the Czech authorities are very supportive of efforts to combat antisemitism, also in cooperation with the Jewish community, and commends this. However, the Ministry of Education has not yet designed its comprehensive sector-specific measures in this thematic field – although individual activities, such as Holocaust remembrance and education, are already carried out for example in schools. Given the importance of the education sector for preventing and countering antisemitism, ECRI strongly urges the authorities to ensure that effective measures are designed and implemented, also in conjunction with combating other forms of racism, by the relevant Ministry.
42. The Czech authorities informed ECRI about various campaigns they conducted to promote tolerance (see also section II.B below). One example is the Media Workshop project implemented in schools in 2017. In an interactive multimedia environment, pupils could produce work on otherness, prejudices and stereotypes. The target groups of this activity included Roma, Muslims, immigrants as well as LGBTI persons and other vulnerable groups. Guidance and an instructional video were available for teachers. The campaign had a budget of nearly CZK 40 million (€ 1.5 million) and although it has officially ended some activities have continued. A new follow-up campaign is apparently under preparation.
43. ECRI has not received any information about events organised by the Czech authorities as part of the UN-initiated International Decade for People of African descent. When trying to prevent anti-Black racism more effectively, this international campaign can be a useful tool for cultural awareness-raising and for the prevention of racist hatred and hate speech.⁴⁷
44. ECRI recommends that the authorities roll-out further anti-hate campaigns for the general public also by making use of related initiatives such as the International Decade for People of African descent. To guide their efforts, the authorities should draw inspiration from ECRI’s General Policy Recommendation No. 15 on combating hate speech.

⁴⁶ U.S. Embassy in the Czech Republic (14.5.2018).

⁴⁷ See also CERD 2019: § 33.

45. High-level politicians and government representatives have a particular responsibility when it comes to preventing and countering hate speech. Not only should they abstain from using such rhetoric themselves, but they should also firmly condemn it.⁴⁸ While there are examples of condemnation of racist and/or anti-LGBTI hate speech by some politicians, these are few and far between. ECRI strongly urges the authorities to facilitate a political culture in which controversial topics can be discussed in the public sphere in ways that do not encroach on the human dignity. A firm stance against hate speech is urgently required, in particular from those occupying high public offices.
46. ECRI recommends that the authorities strongly encourage all holders of public offices to abstain from using, and to condemn racist and LGBTI-phobic hate speech.

B. Hate-motivated violence

47. According to the Czech authorities, the number of incidents of racially motivated violence has been relatively low, in spite of increasing hate speech and hostility towards certain vulnerable groups. The Ministry of Interior database recorded 10 cases per year in 2015, 2016 and 2017, and four cases in 2018. The majority, 25 incidents over these years, involved racially motivated bodily harm, there were eight cases of racially motivated damage to property and one case of racially motivated extortion. No racist murders were recorded. The numbers have decreased compared to 2013 and 2014 (22 and 12 cases respectively).
48. Examples of racist violence include an attack by three men, who were apparently involved in a right-wing extremist group, on a group of Indian nationals in the town of Písek at the end of July 2018. One of the victims ended up in hospital with injuries.⁴⁹ In April 2019, a man and a woman, brutally attacked several Roma children in Lipník nad Bečvou. A 14-year-old boy ended up in hospital with a bruised back and concussion and a 12-year-old girl displayed a bruised spine and dislocated nose. A second girl was injured as well.⁵⁰ In 2017, a person of African descent was assaulted and beaten on the tram in Prague by three football hooligans.⁵¹

Measures taken by the authorities

49. Between 2015 and 2018, a total of 51 persons were prosecuted for racist violence (in some cases for acts that had been committed before this period) and there were 37 convictions. However, ECRI notes that no data is collected on cases of anti-LGBTI motivated violence and any judicial follow-up and outcomes of such cases. Sexual orientation, gender identity and sex characteristics are still not included as grounds in Section 352 of the Criminal Code (violence against a group of persons or an individual), as recommended by ECRI in its previous report.⁵²
50. ECRI reiterates its recommendation that the authorities amend the Criminal Code to include sexual orientation and gender identity, as well as sex characteristics, in the list of grounds contained in Section 352.
51. ECRI notes that since its last monitoring cycle, the Czech police has taken a firm stance on preventing anti-Roma protests from extremist groups in or near locations with a high number of Roma residents. In previous years, such protests had regularly descended into large-scale violence against members of the Roma community. ECRI welcomes this approach and has also been informed by local

⁴⁸ See also CERD 2019: § 12.a.

⁴⁹ Romea.cz (6.9.2018).

⁵⁰ Romea.cz (4.4.2019).

⁵¹ Romea.cz (11.11.2018).

⁵² ECRI 2015: § 123.

Roma civil society representatives, for example in Janov (Litvínov) that the strong law enforcement measures have had the desired effect.

52. The authorities' awareness-raising initiatives to prevent and combat racist and anti-LGBTI violence are largely identical to those to prevent hate speech. Most initiatives cover hatred in general. A government campaign targeting racism and hate-motivated violence, launched in 2014, was aimed primarily at improving awareness of racist violence and promoting Czech society's tolerance of minorities. As part of the HateFree campaign, which could be considered as a promising practice, hundreds of articles, interviews and real-life stories about the situation of members of various minorities were published, together with positive examples of coexistence from the Czech Republic and abroad. The campaign included the HateFree Culture Facebook page with a moderated debate on social diversity and tolerance, as well as radio, television and photo initiatives. As a result, more than 280 public places across the country designated themselves as HateFree Zones and more than 100 festivals supported the campaign. In addition, a variety of lectures, debates and workshops were held and a specific focus was placed on the promotion and sharing of good practices in social inclusion. The School Mediation component of the campaign aimed at addressing conflicts arising in a school environment by facilitating a dialogue for mutual tolerance. A pilot set of 10 schools was involved in this activity with 20 school mediators and 81 peer mediators. While the initial campaign ended in 2017, ECRI is pleased to note that a follow-up campaign with new funding and a stronger focus on activities in the regions is scheduled to start in 2020. ECRI strongly encourages the authorities to replicate and intensify such activities and refers in this context to the recommendation already made in § 44 above. ECRI would also like to be informed by the authorities about any follow-up in this regard.

III. INTEGRATION AND INCLUSION

A. Migrants (including refugees and beneficiaries of subsidiary protection)

Data and policies

53. According to the authorities, in 2018 around 567 000 foreign nationals lived in the country, with an overall population of 10 653 000. This constitutes an increase of approximately 100 000 persons compared to 2015. The largest groups are Ukrainians (140 000), followed by Slovaks, Vietnamese, Russians and Poles.
54. There are programmes to facilitate the legal access of foreign workers to employment in the Czech Republic. These are intended for the recruitment of workers in specific sectors that experience labour shortages during periods of economic growth. Measures include faster processing of applications for visa and work permits. Special agreements and quotas for workers exist with certain countries such as Ukraine, Serbia, India, Mongolia and the Philippines. Since 2017, almost 40 000 foreigners have participated in these programmes.
55. According to UNHCR, as of 31 December 2018, the Czech Republic hosted 928 refugees, 1 258 holders of subsidiary protection and 1 925 asylum seekers. In 2018, a total of 1 702 (1 361 new, 341 repeat) applications for international protection were lodged.
56. Czech integration policy is based on the 2016 *Policy for the Integration of Foreign Nationals in the Czech Republic*. An action plan which is updated and approved by the government annually is connected to this policy. In addition, the State Integration Programme (SIP) provides assistance specifically to recognised refugees and beneficiaries of subsidiary protection in the form of personalised integration plans reflecting individual skills and needs.⁵³ In 2019, CZK 250 million

⁵³ European Migration Network 2019: 2.

(€ 9.1 million) in total was spent on measures to facilitate the integration of foreigners.

Language and integration courses

57. The Centres for the Integration of Foreigners organise language courses designed to help foreign nationals to acquire Czech language skills and to prepare for the exams needed to obtain a permanent residence permit or Czech citizenship. According to the authorities, between 2008 and 2019 over 67 000 foreign nationals have passed the language exam.
58. The beneficiaries of international protection, including children, can attend 400 hours of free Czech language classes. ECRI was informed by the authorities and civil society organisations that the capacity of the language courses offered to beneficiaries of international protection is generally sufficient; the same is the case for other foreigners except for in Prague, where only 50% of the demand for adult classes can be met. While the municipality and NGOs are also providing language courses there, the overall supply in Prague is still insufficient. Furthermore, the predictability of funding for these training courses is at times problematic which hinders better planning for improved capacity. Given the particular importance of language learning as a basis for integration and inclusion, such shortcomings can have a negative impact in various other fields, such as education, employment, housing or health. Remedying the situation is therefore urgently required.
59. ECRI recommends that the Czech authorities ensure that the language learning needs of foreigners who are not beneficiaries of international protection are also fully met throughout the country.
60. Regarding integration courses, the general adaptation course “Welcome to the Czech Republic” is designed to help all newcomers with orientation in Czech society, familiarise them with their rights and responsibilities and provide them with basic information and contacts. The courses are offered in Czech with translation into seven other languages and the course lasts eight hours. At present, participation in the course is voluntary, but from January 2021 onwards a shorter four-hour version will become compulsory. Other courses are offered by the regional integration centres and tackle more concrete topics and situations in daily life (e.g. socio-cultural orientation, job seeking, housing, primary education for children, fiscal system). Some courses also prepare participants for exams to obtain Czech citizenship. Beneficiaries of international protection are also offered an additional introductory 8-hour course about the Czech state and society as part of the State Integration Programme.
61. The State Integration Programme (SIP) offers the same benefits to both refugees and subsidiary protection holders. Since 2017, the SIP’s personalised integration plans are developed by the Refugee Facilities Administration (RFA) as the general provider of integration services and are approved by the Department for Asylum and Migration Policy of the Ministry of the Interior. The SIP focuses on language acquisition, employment, housing, education and social assistance. In 2018, under the programme, 74 new personalised integration plans were created for individuals as well as families, and 105 plans from the year 2017 were updated. The RFA also runs an information portal on the SIP as well as the network of contact points for beneficiaries of international protection. Furthermore, it operates the decentralised integration facilities across the country.
62. ECRI was informed that the quality of the above-mentioned personalised integration plans has improved even further in recent years. However, it was also informed about criticism pointing to the strong emphasis on material/financial support, instead of building beneficiaries’ capacities to become self-sufficient. In addition, it appears that the standards of social workers involved differ substantially across the country. ECRI also notes that the system is currently geared towards dealing with a relatively small number of cases. ECRI encourages the authorities

to avoid creating dependency through the individual integration plans, harmonising social workers' standards across the country and consider ways of scaling-up the capacity of its SIP as a preparedness measure for potential increased demand in the future.

Education

63. The children of third-country nationals, including beneficiaries of or applicants for international protection, have *access to pre-, primary- and secondary- school* under the same conditions as Czech nationals and nationals of EU countries. However, according to the authorities, data on the educational attainment of migrant children, the share of early leavers from education and training, and young migrants not in employment, education or training is not available. Obviously, it is difficult to evaluate the effects of existing policies and measures without such data.
64. ECRI recommends that the Czech authorities systematically collect data on the educational outcomes, including drop-out rates, of migrant children.
65. Pre-school education offers *language courses for foreign children* supported by the Ministry of Education, Youth and Sports. Foreign pupils have the right to free language courses to obtain sufficient proficiency in the Czech language in order to participate in primary education. It is calculated by the authorities that 70 hours of Czech language tuition for non-native speaking children would be sufficient. However, there have been no follow-up studies to verify if this is indeed the case. ECRI considers that there is a need to take the different backgrounds of the children into consideration as well in order to assess whether some of them require additional language tuition. In addition, ECRI was informed that headmasters in schools are often not fully aware of this entitlement and therefore do not always offer the necessary Czech language tuition to pupils. Furthermore, the Public Defender also pointed out that the language education of foreigners with a different mother tongue lacks reliable funding. The administrative regions are tasked, pursuant to Section 20 of the Schools Act, to provide for the language education of students with a mother tongue different from Czech, but they lack current data on the number of students who need such education. The only data available concern the number of foreigners present, not their language needs. ECRI strongly encourages the authorities to evaluate the effectiveness of the standard duration of Czech language tuition for non-native speaking children in schools, ensure that information about this entitlement is circulated to all headmasters and gather the relevant data on needs for Czech language tuition to facilitate improved planning so that the needs can be met.
66. The Public Defender also raised concern about access to *additional language support directly in classes* for pupils with a mother tongue different to Czech and found the system of this type of support insufficient. It seems that problems stemmed from the complicated procedure for accessing this type of assistance, because a recommendation from the pedagogical-psychological counselling centre is required. Since the 2016 amendment to the Schools Act, which established inclusiveness as a key principle, the counselling centres started refusing to examine these students, arguing that they would have to face other additional disadvantages to the language barrier to be eligible. The Public Defender considered such a procedure to be in violation of the principle of equal access to education and urged the Ministry of Education, Youth and Sports to adopt remedial measures. The Ministry finally confirmed that insufficient proficiency in the language of instruction constitutes a special educational need and that students with a mother tongue different to Czech are entitled to appropriate support. It is working on a clear uniform methodology for the school counselling centres to ensure they apply the correct procedure in this regard. ECRI encourages the authorities to finalise this work and would like to be informed about the outcome.

Employment

67. The unemployment rate among foreigners residing legally in the Czech Republic is very low. According to the authorities, it is 0.5% of the potential working population, with a slightly higher percentage for foreign women. These figures should also be seen in the light of a prosperous economy experiencing labour shortages, as well as the fact that a high number of foreigners arrive in the Czech Republic as part of labour recruitment programmes. Nevertheless, the authorities do not collect data specifically on the labour market participation rate of recognised refugees and beneficiaries of subsidiary protection following their participation in the State Integration Programme. Such data would be useful in order to evaluate the integration measures for these groups and to identify possible problems related to their particular socio-economic background situation, such as having arrived from conflict-affected countries. In this regard, ECRI was made aware of unofficial NGO estimates indicating that only some 50% of refugees and beneficiaries of subsidiary protection are in employment after one year of integration activities, while 25% find it difficult and the remaining 25% near-impossible to find employment.
68. Unemployed foreigners, including refugees and beneficiaries of subsidiary protection, can benefit from the active pro-employment policy measures that also exist for the general population. They can attend further language courses, re-qualification training or employment counselling. The government also utilises EU funding to help non-profit organisations that support foreigners' integration in the labour market.⁵⁴ In 2017, a facilitated procedure for authorising intercompany movement of foreign workers was introduced.
69. ECRI received information that some foreigners arriving in the Czech Republic as part of labour recruitment programmes often face difficulties because they stay in large industrial parks where the number of migrants is very high. In such places, they can have difficulties accessing various services such as health care, housing or preparatory courses for children to help them integrate into primary school. In response to the deteriorating situation in some industrial parks, the government has adopted a policy entitled "Measures to address the security and public order in industrial parks and their surroundings in connection with the increased employment of foreign nationals". ECRI has no information as to the implementation and effectiveness of the above-mentioned measure and encourages the authorities to evaluate its impact and whether it improves the situation for labour migrants and their access to services. ECRI also encourages the authorities, if necessary, to intensify their measures in this respect, while ensuring that "security and public order" is not exclusively seen from a policing but also from an integration perspective.

Health care

70. The authorities have informed ECRI that foreigners with permanent residence or employment in the Czech Republic, EU citizens and refugees as well as beneficiaries of subsidiary protection are covered by the public health insurance system in the same manner as Czech nationals. Those applying for international protection are entitled to free health care for the duration of the application proceedings.
71. Other foreign nationals, even though they reside legally in the country, do not have access to the public health insurance system. The Public Defender informed ECRI that tens of thousands of foreigners from non-EU countries who are staying in the Czech Republic on a long-term basis, but do not meet the conditions for joining the public health insurance system (such as self-employed persons or family members of Czech citizens), have to take out private health insurance cover. However,

⁵⁴ Public Defender of Rights 2019: 11.

insurance companies are under no legal obligation to offer an insurance policy. As a result, many foreigners with pre-existing conditions, including new born babies with health problems or elderly people, cannot access health insurance cover.

72. ECRI strongly recommends that the authorities ensure access to adequate health care cover for those categories of foreigners residing legally in the Czech Republic who so far are not covered by the public health care system. This could be achieved by establishing a legal obligation for private health care insurance providers to offer basic coverage at an affordable price also to persons with pre-existing medical conditions, or through the inclusion of these groups into the public health care system.

Acquisition of legal status & family reunification

73. According to data provided by the authorities, the number of foreigners with a *permanent residence permit* in the Czech Republic has increased from 260 000 in 2015 to 290 000 in 2018. Permanent residence can be obtained after having resided legally in the country for five years (during which a long-term residence permit can be obtained) and having passed a Czech language test at A.1 level.⁵⁵ Holders of permanent residence permits have the same access to all social rights and benefits as Czech citizens and EU-nationals. Refugees and beneficiaries of subsidiary protection also have access to those social rights and benefits irrespective of their duration of residence.
74. The requirements for *naturalisation* include five years of residence (three for EU citizens), no criminal record, demonstrated knowledge of the Czech society and language (B.1 level), sufficient income without relying on the Czech social welfare system, not being a threat to national security and, since 2014, evidence of integration into Czech society (such as family and social ties in the Czech Republic, membership in local associations or clubs, participation in civic activities). The naturalisation procedure takes 180 days. Since 2014, holding dual citizenship is permitted. In the period from 2015 to 2018, between 0.5% and 1.0% of residing foreigners acquired Czech citizenship each year, coming to a total of around 15 000 in four years. According to the authorities, around 83% of applications for Czech citizenship are successful. For stateless persons the five-year residency requirement can be waived. Furthermore, if a child is born in the Czech Republic to stateless parents of whom one has at least a 90-day residence permit, the child can become a Czech citizen. In this context, the UN CERD expressed concern about the lack of safeguards to prevent statelessness of children who are born from stateless parents or out of wedlock by a foreign mother. It recommends that the authorities facilitate access to citizenship without discrimination for all children born to stateless parents, regardless of their status of residence, and for children born out of wedlock to a Czech father and a foreign mother.⁵⁶ ECRI encourages the authorities to implement this recommendation.
75. To apply for *family reunification* a foreign national must either have a long-term residence permit or, if they do not qualify, a long-term visa. Family reunification can be requested with one's spouse, same-sex partner or child. An under-aged beneficiary of international protection can request reunification with his/her parent. The holders of certain employment permits can also obtain residence permits for their family members. Some special conditions apply such as the length of prior residence ranging from 6 to 15 months or the minimum age for spouses.

⁵⁵ A.1 is the entry level of the Common European Framework of Reference for Languages.

⁵⁶ UN CERD 2019: §§ 27-28.

B. Roma

Overview

76. The number of Roma living in the Czech Republic is estimated to be above 200 000, making up some 2-3% of the total population.⁵⁷ The country has a National Roma Integration Strategy (NRIS) 2014-2020. The Council of the Government for Roma Community Affairs, which also includes Roma representatives, is working on a new strategy for the period 2021-2030. The existing NRIS has identified some of the key problems and prioritises education, employment, housing and health. However, the situation of many Roma is still characterised by a vicious circle of under-education, leading to limited opportunities in the labour market, and frequent de-facto residential segregation, which also has a negative impact on access to health care and other social services. The inter-related problems of poverty, indebtedness and dependency on social welfare benefits have not been addressed so far.⁵⁸
77. During its visit to the socially excluded locality of Janov (Litvínov municipality), where an estimated 85% of the residents are Roma, ECRI also learned about an ongoing differentiation among Roma, between those who manage to advance economically and socially, and in the process move out of the excluded areas, and the majority which remains behind. While the first group often severs its ties with the latter and adopts a different self-perception to the traditional Roma one; the second, much larger group becomes identified even more with social deprivation which they also share with the non-Roma residents of the neighbourhood. This solidifying social segregation is of serious concern, as is the resulting lack of role models due to successful Roma often no longer identifying as members of the Roma community.

Education

78. The authorities do not collect comprehensive data in the education sector on the enrolment, attendance and attainments of Roma children. For the school year 2018/19, the Ministry of Education estimated that 85% of Roma children in primary schools are educated in line with the standard educational programme. One Roma NGO informed ECRI that according to estimates, around 42% of Roma pupils finish their school education in special vocational schools (Speciální škola, previously called Zvláštní škola), rather than completing the full elementary education.
79. Roma children are still disproportionately more often classified as “disabled” than non-Roma children.⁵⁹ The 2016 EU-MIDIS II survey found that 16% of Roma children aged 6-15 who were in education attended special needs schools.⁶⁰ Roma children make up nearly 30% of all students educated in programmes for children with mild intellectual or psychosocial disabilities, compared with a 3.6% Roma share in regular elementary schools.⁶¹ This situation raises concerns, also in the light of already existing obligations to provide support measures in mainstream schools for pupils’ special educational needs before a separate special education can be considered.⁶²

⁵⁷ Cf. Council of Europe, Estimates on Roma population in European countries.

⁵⁸ European Commission 2019b: 7.

⁵⁹ See also: European Court of Human Rights (May 2020), Fact sheet – Roma and Travellers. In this context, more information on the execution of the ECtHR judgement in the case D.H. and others v. Czech Republic can be found at: [https://hudoc.exec.coe.int/ENG#{"EXECIdentifier":\["004-31"\]}](https://hudoc.exec.coe.int/ENG#{).

⁶⁰ EU FRA 2016: 28.

⁶¹ European Commission 2019b: 52.

⁶² European Commission 2019b: 52. See also: Council of Europe, Commissioner for Human Rights (19.12.2018); and Validity (11.6.2019).

80. ECRI recommends that the authorities significantly reduce the number of Roma children enrolled in special education.
81. A large number of Roma children are concentrated in certain primary schools.⁶³ Around 20% of Roma pupils attend 70 primary schools where Roma make up more than 50% of students. In 13 such schools with approximately 3 000 Roma children, the proportion of Roma pupils is above 90%. ECRI was also informed by the Ombudsman about a pending court case against a primary school in Ostrava (Šalounova street), which allocated one building to Roma children and one to non-Roma children. In 2018, the Ombudsman issued a recommendation on combating the segregation of Roma children in separate schools and classes.⁶⁴
82. An example of a Roma-only primary school can be found in Předlice (Ústí nad Labem municipality), a socially excluded locality. During a visit to the school, ECRI observed that its management strives to provide the best possible education for its pupils, including through various extra-curricular activities, and that the municipality supports the school through financial compensation for a lower minimum class-size (10 instead of 17 children) and prior to the 2016 change of the Education Law also with subsidies for teaching assistants. It also emerged during the visit to the school that additional training for teaching assistants and an increased flexibility in how and where to deploy them would be of great help. Although the school was never intended to be a Roma-only establishment, it became one due to its location and the fact that non-Roma parents send their children to other schools. As a result, it has also proven to be increasingly difficult to attract teachers to the school. Here, as well as in other similar locations, redesigning school districts and mixing pupils including by providing free transport options, could be one way of overcoming the de-facto segregation in schools. The Czech authorities are aware of the problem and informed ECRI of their strong intention to address the issue. However, ECRI also notes that the overall situation in this respect remains unsatisfactory.
83. ECRI recommends, as a matter of priority, that the authorities ensure that all forms of de-facto segregation affecting Roma children in schools are ended. The authorities should in particular draw inspiration from the recommendation on inclusive education of Roma and non-Roma children published by the Public Defender of Rights and from ECRI's General Policy Recommendation No. 13 on combating anti-gypsyism and discrimination against Roma.
84. In follow-up to a previous ECRI priority recommendation, a compulsory and free of charge final year of preschool education for all 5-year old children was introduced in 2017. It aims at enrolling disadvantaged children in preschools in preparation for primary school.⁶⁵ This is intended to benefit especially, but not only, Roma children. According to some estimates, around 3% of children are not yet enrolled in the new obligatory preschool year. The Ombudsman and the authorities agree on the need for an evaluation of the measure after a few years and ECRI strongly encourages this. According to Roma NGOs, in some cases, such as in Brno, the registration for kindergartens is done through an online system. Parents can only submit paper applications once a year within a two-day period. Missing this timeslot, even due to health reasons or family emergencies, results in a refusal or an offer of a place located at a considerable distance, which can pose insurmountable challenges for families from socially excluded localities.

⁶³ See also: European Court of Human Rights (May 2020).

⁶⁴ Recommendation of the Public Defender of Rights on inclusive education of Roma and non-Roma children 2018. – See also: Romea.cz (16.12.2018).

⁶⁵ ECRI 2018: 5.

Employment

85. The Labour Office does not collect data on the ethnicity of jobseekers and there is thus no accurate information on the number of Roma seeking employment. According to the 2016 EU-MIDIS II survey, 58% of the Roma population had incomes below the poverty threshold⁶⁶ and the share of 16 to 24-year-old Roma not in work, education or training was six times higher than that of the same age group in the general population.⁶⁷
86. There are no special employment programmes for Roma, but they can benefit from general pro-employment measures designed to help those disadvantaged in the labour market. The Labour Office draws up an individual action plan with registered jobseekers. These plans can contain measures such as work for municipalities, state institutions or charities for those who have been unemployed for longer than two years, the low-skilled and the socially excluded. Other employers may be eligible for time-limited subsidies of wages when recruiting these persons. However, ECRI has received complaints that Roma are frequently employed by businesses only for the duration of the wage subsidies, essentially using them as cheap labour without providing an opportunity for long-term employment.
87. The general pro-employment measures, while partly also geared towards low-skilled persons, do not always take the very low formal education outcomes of many Roma fully into account. Neither do they address the rampant discrimination of Roma when applying for work.⁶⁸ Both factors can seriously impede access to the labour market and constitute structural problems for the Roma community that need to be better addressed by the authorities. In this context, the UN CERD recommended the development of targeted measures to promote the access of Roma to formal employment, with a particular attention to intersectionality concerns.⁶⁹ ECRI strongly encourages the authorities to implement this recommendation.

Housing

88. The authorities do not collect data on access to housing for Roma.⁷⁰ There are also no specific Roma policies or programmes. Instead, governmental housing support generally targets people in need and includes subsidies for municipalities to construct, buy or renovate accommodation. There is also no social housing law and initiatives in this area are left to each local authority. The resulting patch-work approach is further complicated for Roma by what the Public Defender and many NGOs describe as discrimination by various municipalities against people deemed responsible for so-called *undesirable social phenomena* (including families with a high number of children, residents found guilty of having committed three misdemeanours or persons receiving social welfare benefits). This approach is not exclusively directed against Roma, but also for example against substance abusers or long-term unemployed persons. However, Roma are particularly affected by it. The problem is also aggravated for them because they have faced difficulties in the commercial rental market for a long time already due to widespread and persistent prejudice and discrimination against Roma.⁷¹ While ECRI is aware that not all municipalities apply measures such as the ones described above, it emphasises that where such criteria are used, they do not reflect objective needs and vulnerabilities in relation to housing, but a

⁶⁶ EU FRA 2016: 14.

⁶⁷ EU FRA 2016: 21.

⁶⁸ European Commission 2019b: 11.

⁶⁹ UN CERD 2019: § 16.d.

⁷⁰ For useful information see for example: EU FRA 2016: 33-35.

⁷¹ See for example Report of the Public Defender of Rights of 10 August 2014.

discriminatory attitude towards certain groups with a particularly negative impact on Roma.

89. In this context, ECRI is also concerned about the implications of the so-called “benefit-free zones” (OOPs) that some local authorities applied in recent years, following legal provisions adopted in 2017 enabling municipalities to designate areas as ineligible for certain forms of housing support.⁷² Again, this measure particularly affects Roma, who are disproportionately often dependent on housing benefits. In a verdict of May 2020, the Supreme Administrative Court (NSS) overturned a decision of the Regional Court in Ústí nad Labem in a 2018 case about the eviction of a Roma family from a residential hotel in Ústí nad Labem that closed down after the city announced it was implementing “benefit-free zones”. The NSS held that the refusal of the Regional Court to hear the case was unlawful and that the measure announcing the “benefit-free zone” could have harmed the right to housing of the complainants.⁷³ The UN CERD recommended stopping municipalities from instituting “benefit-free zones” altogether.⁷⁴ ECRI strongly encourages the authorities to implement this recommendation and reminds them more broadly of their obligation to protect all citizens from discrimination (see also preceding paragraph) and to ensure that Roma, or other persons, are not being evicted from their homes without the guarantees that international texts provide for in this connection. In particular, they should be notified of the planned eviction well in advance and benefit from appropriate legal protection, and they should not be evicted without the possibility of being rehoused in decent accommodation.
90. ECRI has also become aware of a problem in the Chánov housing estate in the town of Most. Chánov is an excluded and segregated location made up of several tenement houses now inhabited exclusively by Roma. The government’s Agency for Social Inclusion recommends the gradual “evacuation” of the housing estate while taking care of the needs of its inhabitants, who should be provided with a long-term lease in standard-quality flats in non-segregated localities. However, the local authorities are contemplating to build container housing for the inhabitants to move them out of the decrepit tenements. The Public Defender and NGOs are worried that this would increase social exclusion and could further reduce the living standard of the inhabitants as containers are not suitable for long-term habitation, in particular being difficult to heat properly and susceptible to dampness. ECRI is also concerned that such a measure would further entrench the de-facto residential segregation of Roma in Most. The implementation of this plan would also stand in stark contrast to the positive efforts ECRI has observed in Janov (Litvínov) where the local authorities work closely with the Agency for Social Inclusion and local NGOs to provide a wide array of good quality social services (such as health education classes, a kindergarten, youth activities and educational support). While these activities cannot fully change the socially excluded character of Janov, they can alleviate some of the resulting problems and improve the quality of life for local residents. Municipalities have a large degree of autonomy in how to deal with the problems affecting Roma-majority neighbourhoods, but it appears that constructive solutions can be found if the expertise of the governmental Agency for Social Inclusion is utilised by local authorities.

Health care

91. The authorities do not collect official data on health care access or outcomes for Roma. Various NGOs report that access to adequate health care is problematic for many Roma. De-facto residential segregation is one of the reasons as specialist health professionals, such as dentists or psychiatrists, are scarce or non-existent

⁷² ERRC 2019: 5-6.

⁷³ Romea.cz (21.5.2020).

⁷⁴ UN CERD 2019: § 16.b.

in socially excluded localities.⁷⁵ In order to address this problem, the government launched a project entitled “Effective Promotion of the Health of Persons at Risk of Poverty and Social Exclusion”, intended to improve health outcomes by means of consultations and awareness-raising events. Special consulting rooms are established in socially excluded localities, where “Health Days” are regularly held. In addition, regional health care mediators visit socially excluded localities. However, the effects of these measures do not appear to be sufficient yet. ECRI encourages the authorities to scale up these activities.

92. The UN CERD expressed concern about a lower percentage of Roma covered by the public health insurance scheme.⁷⁶ In the period 2011-2016, the percentage of Roma who had health insurance in the Czech Republic dropped from 92% to 79%.⁷⁷ Roma also still face discrimination when trying to access health care. There have been several reports of general practitioners refusing to accept Roma as patients.⁷⁸ ECRI strongly encourages the authorities to remind all medical practitioners that racial discrimination is a violation of medical ethics and unlawful, and to enforce the relevant rules accordingly.
93. The UN CERD also expressed concern that no effective mechanism for the victims of forced sterilisation in the past has been established yet and that the authorities had previously indicated that they still considered court action as the only way of redress for victims, including for obtaining compensation. The CERD also underlined that the three-year statute of limitations for claims of compensation in cases of forced sterilisation of Roma women may hinder their access to justice.⁷⁹ ECRI notes that the Parliamentary Commission on Family, Equal Opportunities and National Minorities has called on the Health Ministry to ensure that persons who have been sterilised against their will finally receive compensation. It appears that the necessary bill is under preparation. ECRI welcomes this and strongly encourages the authorities to implement the UN CERD recommendations in this respect and to ensure that compensation is made available to all victims of forced sterilisation. ECRI requests to be kept up-dated by the authorities on the relevant developments.

General comments

94. As mentioned above, the Czech authorities do not collect comprehensive equality data on the inclusion and integration of Roma in the areas of education, employment, housing and health. The absence of such data makes an in-depth evaluation of the effectiveness of existing measures very difficult. In this context, ECRI notes that the authorities are currently looking at how to collect ethnicity-specific equality data but have not yet taken a decision.
95. With regard to the implementation of the Roma inclusion strategy, a strong emphasis is placed on the role of municipalities, especially in the education and housing sectors. As a result, the wide range of attitudes and practices among local authorities vis-à-vis Roma inclusion significantly impacts on the implementation of the strategy. The necessary provision of support and capacity building for municipalities, drawing on the experience and expertise of the Agency for Social Inclusion, could be a useful vehicle for the much-needed harmonisation of approaches and measures to benefit Roma equally across the country.

⁷⁵ ERRC 2019: 13-14; and IQ Roma Service 2019.

⁷⁶ UN CERD 2019: § 15.c.

⁷⁷ EU FRA 2016: 30; ERRC 2019: 7-8.

⁷⁸ European Commission 2019b: 42; UN CERD 2019: §§ 15.c and 16.c. See also: ERRC 2019: 13.

⁷⁹ UN CERD 2019: § 19.

96. ECRI recommends that the authorities scale up and improve their measures for Roma integration and inclusion by, inter alia, collecting comprehensive and gender-disaggregated Roma-specific data in the areas of education, employment, housing and health. The data collection should respect the principles of informed consent, self-identification, confidentiality and exclusive use for the promotion of Roma equality. The authorities should also provide increased support and capacity building on Roma inclusion to municipalities, including with the aim of harmonising standards across the country, and building on the experience and expertise of the Agency for Social Inclusion. When implementing this recommendation, the authorities are invited to draw inspiration from ECRI's General Policy Recommendation No. 13.

IV. TOPICS SPECIFIC TO THE CZECH REPUBLIC

A. Interim follow-up recommendations

97. In its fifth report, ECRI strongly recommended that the authorities carry out their plans to introduce at least one year of compulsory and free of charge preschool for all children before entry to mainstream primary education. In 2018, ECRI concluded that this recommendation had been fully implemented (see also § 84 above). In its 2018 Conclusions ECRI also referred to the fact that the second specific interim recommendation, concerning the use of references to social and cultural environment for the assessment of mental disability in children, which particularly affected Roma children, had already been implemented by the authorities before the adoption of the fifth report.⁸⁰

⁸⁰ ECRI 2018: 5.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of the Czech Republic are the following:

- (§ 18) ECRI recommends, as a matter of priority, that the authorities together with relevant civil society organisations, including LGBTI groups, develop a national strategy to identify and address areas of intolerance and discrimination against LGBTI persons.
- (§ 83) ECRI recommends, as a matter of priority, that the authorities ensure that all forms of de-facto segregation affecting Roma children in schools are ended. The authorities should in particular draw inspiration from the recommendation on inclusive education of Roma and non-Roma children published by the Public Defender of Rights and from ECRI's General Policy Recommendation No. 13 on combating anti-gypsyism and discrimination against Roma.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 4) ECRI recommends that the Czech authorities amend the relevant legislation in order to bring the mandate and competencies of the Public Defender fully in line with ECRI's GPR No. 2. They should, in particular, extend the areas of enquiry and of obtaining evidence to the private sector; and grant the Public Defender the right to initiate court cases. ECRI also reiterates its recommendation that the Law on the Public Defender of Rights is amended so as to prevent conflicts between the Public Defender and her/his deputy.
2. (§ 8) ECRI recommends that the authorities provide additional training for teachers on issues of inclusive education, human rights and tolerance and work more closely with local school authorities and administrators to ensure that such training is rolled out evenly across the country. Furthermore, the authorities should identify existing good practices and work towards replicating them, also by making use of ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.
3. (§ 15) ECRI strongly recommends, in conformity with the case law of the European Court of Human Rights and the relevant decision of the European Committee for Social Rights, that the provisions in the Civil Code (2014) and the Health Services Act (373/2011) regulating gender recognition and gender reassignment procedures should be amended to remove the requirement that persons seeking recognition in a gender other than that in which they were originally registered should undergo sterilisation as a pre-condition to legal recognition.
4. (§ 18) ECRI recommends, as a matter of priority, that the authorities together with relevant civil society organisations, including LGBTI groups, develop a national strategy to identify and address areas of intolerance and discrimination against LGBTI persons.
5. (§ 22) ECRI recommends that the authorities support and cooperate with civil society organisations in order to actively monitor and report criminal as well as non-criminal forms of racist and anti-LGBTI hate speech.
6. (§ 32) ECRI recommends that the authorities amend the Criminal Code in order to include sexual orientation, gender identity and sex characteristics expressly in the list of enumerated grounds in Sections 355 and 356.
7. (§ 38) ECRI recommends that the authorities intensify the efforts of the law enforcement agencies to combat racist and LGBTI-phobic hate speech, in particular by (i) reinstating the hate crime hotline; (ii) employing hate crime specific police community liaison officers to reach out to vulnerable groups; (iii) developing and implementing a diversity policy for the police in order to recruit more officers from minority backgrounds; and (iv) continuing and scaling-up the hate crime training for police officers, prosecutors and other law enforcement officials.
8. (§ 44) ECRI recommends that the authorities roll-out further anti-hate campaigns for the general public also by making use of related initiatives such as the International Decade for People of African descent. To guide their efforts, the authorities should draw inspiration from ECRI's General Policy Recommendation No. 15 on combating hate speech.
9. (§ 46) ECRI recommends that the authorities strongly encourage all holders of public offices to abstain from using, and to condemn racist and LGBTI-phobic hate speech.

10. (§ 50) ECRI reiterates its recommendation that the authorities amend the Criminal Code to include sexual orientation and gender identity, as well as sex characteristics, in the list of grounds contained in Section 352.
11. (§ 59) ECRI recommends that the Czech authorities ensure that the language learning needs of foreigners who are not beneficiaries of international protection are also fully met throughout the country.
12. (§ 64) ECRI recommends that the Czech authorities systematically collect data on the educational outcomes, including drop-out rates, of migrant children.
13. (§ 72) ECRI strongly recommends that the authorities ensure access to adequate health care cover for those categories of foreigners residing legally in the Czech Republic who so far are not covered by the public health care system. This could be achieved by establishing a legal obligation for private health care insurance providers to offer basic coverage at an affordable price also to persons with pre-existing medical conditions, or through the inclusion of these groups into the public health care system.
14. (§ 80) ECRI recommends that the authorities significantly reduce the number of Roma children enrolled in special education.
15. (§ 83) ECRI recommends, as a matter of priority, that the authorities ensure that all forms of de-facto segregation affecting Roma children in schools are ended. The authorities should in particular draw inspiration from the recommendation on inclusive education of Roma and non-Roma children published by the Public Defender of Rights and from ECRI's General Policy Recommendation No. 13 on combating anti-gypsyism and discrimination against Roma.
16. (§ 96) ECRI recommends that the authorities scale up and improve their measures for Roma integration and inclusion by, inter alia, collecting comprehensive and gender-disaggregated Roma-specific data in the areas of education, employment, housing and health. The data collection should respect the principles of informed consent, self-identification, confidentiality and exclusive use for the promotion of Roma equality. The authorities should also provide increased support and capacity building on Roma inclusion to municipalities, including with the aim of harmonising standards across the country, and building on the experience and expertise of the Agency for Social Inclusion. When implementing this recommendation, the authorities are invited to draw inspiration from ECRI's General Policy Recommendation No. 13.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.

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