



**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF THE CZECH REPUBLIC
SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 7 December 2022 ¹

Published on 10 March 2023

¹ Unless otherwise indicated, this analysis does not take into account any developments that occurred after 12 October 2022, the date on which the response of the authorities of the Czech Republic to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1) *In its report on the Czech Republic (sixth monitoring cycle) published on 8 December 2020, ECRI recommended 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.*

The authorities informed ECRI that since 2020, the Government Commissioner for Human Rights together with the members of the Government Committee for Sexual Minorities prepared a draft strategy on the equality of LGBTI persons in the Czech Republic in 2021 and submitted it to the Government for approval. Despite long negotiations, the Government did not approve it before the end of its term and the parliamentary elections in 2021. The new Government formed after the elections now intends to assess and decide on the strategy. The new Commissioner for Human Rights supports its approval.

ECRI also received information that the draft strategy covers a broad range of issues relevant to LGBTI persons in the Czech Republic. While the general willingness of the authorities to work on a comprehensive national LGBTI strategy is a positive development and to be commended, the fact that the strategy is still only a draft document and not yet adopted is of concern and ECRI encourages the authorities to conclude the adoption process as soon as possible.

Furthermore, it appears that the consultation process did not involve all relevant organisations, in particular among LGBTI groups, but only those few that were already members of the Government Committee for Sexual Minorities prior to the start of the development of the strategy. ECRI therefore encourages the Czech authorities to ensure a wide and sufficiently representative involvement of LGBTI NGOs in the upcoming discussions.

ECRI concludes that this recommendation has been partially implemented.

2) *In its report on the Czech Republic (sixth monitoring cycle), ECRI recommended 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 antigypsyism and discrimination against Roma.*

The authorities informed ECRI that equal access to quality education for everyone everywhere is one of the cornerstones of the government's "Strategy of Educational Policy 2030+". Measures include a "National Recovery Plan" through which at least 400 of the most disadvantaged schools will be selected for financial and methodological support during the period 2022-2025. In a first wave, 262 primary schools have already been selected according to a set of criteria that include, inter alia, a high proportion of Roma pupils in schools, high drop-out rates, and the reported number of socially disadvantaged pupils.

The Ministry of Education, Youth and Sports also commissioned an analysis of the causes of the higher proportion of Roma pupils receiving education in special classes and appropriate remedies which will also focus on school segregation and how it correlates with the placement of Roma children in special schools. An updated map of the school districts in each municipality, prepared as part of the Comprehensive Assessment System project, has been made publicly available. The authorities plan to periodically update this map. One of the obligations of the municipalities will be to ensure that changes are regularly recorded.

However, no tangible results of the planned activities have so far been reported by the authorities. On the contrary, according to the government's own information, tendencies towards segregation persist and there are, for example, still at least 77 schools in which Roma children make up the majority of pupils although only in a small number of these cases can such a concentration be explained by the percentage of Roma pupils living in the relevant catchment area.

Overall, ECRI notes that at policy level attempts to implement the recommendation were made and that some financial resources have been allocated to resolve the problem of de-facto segregation of Roma pupils. However, this has not yet resulted in any substantial changes on the ground. ECRI recognises the efforts made, and strongly encourages the authorities to intensify them, but considers that they have so far been insufficient to adequately address the problem, the gravity of which had also already been underlined by the European Court of Human Rights in its judgment *D.H. and others v. the Czech Republic*.³

ECRI considers that the recommendation has not been implemented.

³ See also: <https://hudoc.exec.coe.int/eng?i=004-31>.