

## CZECH REPUBLIC

### CERD 26<sup>th</sup> No. 18 (A/8418) (1971)

28. From its 56<sup>th</sup> to its 58<sup>th</sup> meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were "satisfactory", in the sense that they furnished all or most of the required information, and which reports were "unsatisfactory" or "incomplete" and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party's report (or reports) was "satisfactory" or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

...

30. On the other hand, the reports submitted by the following 17 States Parties were considered by the Committee "incomplete" or "unsatisfactory", in the sense that significant categories of information were either totally lacking or insufficiently provided in them: . . . Czechoslovakia . . . At its 58<sup>th</sup> meeting, held on 23 April 1971, the Committee adopted the text of a communication which it decided to request the Secretary-General to submit to the aforementioned States Parties, in accordance with rule 65 of its provisional rules of procedure. (The text of this communication is reproduced in annex V.)

...

35. [At the fourth session] The reports submitted by the following six States Parties were considered "complete", and the Committee decided not to request them to supply additional information: . . . Czechoslovakia . . .

## **CERD A/9018 (1973)**

168. The initial report of Czechoslovakia, submitted on 13 January 1970, was considered by the Committee at its third session. It was considered unsatisfactory and additional information was requested. A supplementary report, containing additional information and dated 23 July 1971, was considered at the fourth session and declared satisfactory. The second periodic report, dated 24 February 1972, was considered by the Committee at the seventh session (135<sup>th</sup> meeting).

169. The second periodic report of Czechoslovakia referred to the supplementary report which, it stated, "contained information concerning the current situation in this field", and added that that situation "has not undergone any changes in the meantime". Several members expressed the view that the report under consideration should in these circumstances be considered satisfactory. Some members noted that, although the report being considered did not contain the information envisaged in General Recommendation III, which was adopted after the report had been submitted, the Government of Czechoslovakia had subsequently informed the Committee, in the course of commenting on that Recommendation in a communication dated 14 March 1973, that it had no diplomatic, consular, economic or trade relations with South Africa over a period of many years, that no relations with the racist régime in Southern Rhodesia had been established or maintained, and that Czechoslovakia fully implemented the relevant decisions and recommendations made by the Security Council and other United Nations organs.

170. One member referred to the question of migrant workers, which had been discussed by the Third Committee and brought to the attention of Member States by the General Assembly. Noting that that was a problem which existed in all highly developed, industrialized States, he inquired whether problems had arisen in Czechoslovakia in connection with the integration of workers from other countries, and how the country's labour authorities were dealing with such problems.

171. The representative of Czechoslovakia reaffirmed his Government's stand with respect to racial discrimination, stating that it had always been in the forefront of the struggle against that evil at both the national and international levels. His Government had actively participated in the elaboration of the Convention and had been one of the first States to sign and ratify it. It had consistently fulfilled the obligations assumed under the Convention and its laws went even further than the Convention required. And it had consistently supported and implemented the provisions of all the relevant resolutions adopted by all United Nations bodies.

172. The Committee decided to consider the report satisfactory and to inform the reporting Government that the Committee would welcome any further information which that Government might provide.

## **CERD A/10018 (1975)**

121. Members of the Committee noted that, inasmuch as no changes affecting the relevant legislation of the reporting State had occurred during the period under review, the information contained in the third periodic report of Czechoslovakia related mainly to policies and activities in the field of education and in the public media of information, and to activities by Czechoslovak national organizations, in implementation of articles 7, 3 and 2, paragraph 1 (e), of the Convention, as well as to activities on the international level, including programmes of assistance to countries and peoples struggling for liberation from racial and colonial oppression and measures of compliance with the resolutions of the Security Council and the General Assembly of the United Nations dealing with relations with the racist regimes in southern Africa. Members of the Committee took note also of the statement that legislative preparations were under way for the ratification of the two International Covenants on Human Rights, already signed by the reporting State, as well as for signing the International Convention on the Suppression and Punishment of the Crime of Apartheid. It was observed, however, that demographic information (envisaged in the Committee's general recommendation IV) was lacking in the report as was also information on judicial, administrative and other measures (required under article 9, para. 1, of the Convention). Some members inquired whether there were any legislative provisions relating to the obligations of States parties in respect of reparation, under article 6 of the Convention.

122. Questions were raised about the status of foreign workers in Czechoslovakia and about such measures as may have been taken in order to ensure the successful integration of gypsies in Czechoslovak society.

123. With reference to the information contained in a supplementary report submitted in response to Committee decision 3 (VII), it was observed by some members of the Committee that the provisions of the Czechoslovak Penal Code which corresponded to the provisions of article 4 of the Convention appeared to be limited by the requirement that, in order to be an offence, an act must be public and must also provoke indignation - a requirement which was not contained in article 4 of the Convention; however, other members were of the opinion that the requirements of article 4 of the Convention (including those of para. (b)) were fully met.

124. Referring to the question of article 4 of the Convention, the representative of Czechoslovakia explained that a manifestation of racial hatred was considered public if it occurred in a group of three or more persons or was expressed in a radio or television programme or in the press. Concerning reparation for damages, he explained that, if an offence under the Convention was a crime under Czechoslovak law and gave rise to a claim for damages, the question of reparation would be governed by the general principles of Czechoslovak law on reparation. Regarding foreign workers, he stated that their situation and rights were the same as those of Czechoslovak workers; and he informed the Committee that most of the foreign workers in Czechoslovakia came from socialist countries under intergovernmental agreements implemented by the national authorities concerned. He assured the Committee that the comments made by members would be transmitted to his Government and would be taken into consideration when the next periodic report was being prepared.



## **CERD A/32/18 (1977)**

112. The fourth periodic report of Czechoslovakia was considered by the Committee together with additional information contained in the introductory statement made by the representative of the reporting State and supplementary information circulated to the Committee during the session. In considering that report and the new information before them, members of the Committee bore in mind that, at its eleventh session, the Committee had expressed the desire that future reports from Czechoslovakia would supply information on the implementation of article 6 of the Convention, on the status of foreign workers in the country, on the status of the Gypsies and on the demographic composition of Czechoslovakia (A/10018, paras. 121 and 122).

113. Regarding the application of article 6 of the Convention, members of the Committee asked whether an individual could enter a complaint in regard to violations such as those covered by articles 196, 198 and 221 of the Penal Code or whether that was undertaken by the State on his behalf, and also whether reparation could be sought if the injury had been committed by a government official.

114. Members of the Committee welcomed the detailed information on the application of article 7 of the Convention, supplementing the information contained in earlier reports. It was asked, however, whether the lessons on colonialism and racism incorporated into the teaching of geography, history and other subjects related only to Africa, as the report indicated, or to Asia as well. It was observed in that connection that it was not enough simply to draw attention to instances of injustice, which might inspire feelings of pity in the pupils; it was also necessary that teaching should take a positive line and provide information about the history, art and culture of Africa and Asia.

115. It was noted that the report stated that "the legal, labour and social status of foreign workers in the Czechoslovak Socialist Republic are regulated bilaterally by treaties that guarantee these persons an equal position with that of home workers, both as concerns working conditions and social protection". It was asked, in that connection, whether in addition to such bilateral treaties there was also a general legal régime providing that foreign workers were entitled to the same working conditions and social securities and retirement rights as Czechoslovak nationals, and also whether foreign workers had the right to join trade unions and to take part in at least the social activities of enterprises. Several members asked for information on the number of foreign workers in Czechoslovakia and for a breakdown of that number on the basis of countries of origin.

116. Members of the Committee welcomed the information given by the representative of the Government of Czechoslovakia, in her introductory statement, on the subject of Gypsies. Some members expressed the hope that that information would be incorporated in the Government's fifth periodic report.

117. Some members inquired about the criteria used in classifying the population of Czechoslovakia into different ethnic groups.

118. Some members requested that the texts of Ordinance No. 18/1970 and Constitutional Act No. 144/1968 be made available to the Committee.

119. The representative of the Government of Czechoslovakia commented on the observations and questions summarized in the preceding paragraphs. Regarding the application of article 6 of the Convention, she stated that the question of reparation was regulated by the provisions of the Civil and Penal Codes; that proceedings had to be initiated by the State authorities; that if the person committing the wrongful act had been in an official position, he would be prosecuted under section 158 of the 1973 Penal Code, which dealt with abuses of power; and that the provisions relating to genocide and other acts of a similar nature were regarded as extremely important and relevant. Regarding the application of article 7 of the Convention, she said that special attention to the cultural history of other countries was given in schools, since that was regarded as the best way of promoting understanding between peoples. Referring to foreign workers she said that - with the exception of certain political rights - they enjoyed essentially the same rights as Czechoslovak nationals. Bilateral treaties with certain States simply specified certain working conditions, which were always in conformity with the principle that foreign workers enjoyed the same rights as Czechoslovak citizens. She informed the Committee that the classification of citizens into different nationalities was based on individual declarations by each person. And, finally, she assured the Committee that the remaining requests - for statistical information on foreign workers and for the texts of certain laws - would be conveyed to her Government.

## **CERD A/33/18 (1978)**

303. The fifth periodic report of Czechoslovakia was considered together with the introductory statement made by the representative of that country. Members of the Committee noted with appreciation that the report contained explanations and detailed information concerning all the inquiries made during the Committee's consideration of the fourth periodic report of Czechoslovakia, and supplied the texts requested then (A/32/18), paras. 112-119). That responsiveness was viewed as demonstrating the determination of the reporting State to pursue and enlarge its dialogue with the Committee.

304. It was noted that the information on the application of article 6 of the Convention did not show that all the requirements of that article had been met; and further information on the question of access to tribunals in connection with acts of racial discrimination was requested. It was observed that the information at hand appeared to indicate that, under Czechoslovak law, the decision to prosecute was the responsibility of state authorities, which could choose not to pursue a case regardless of the wishes of the complainant. Inquiries were made about the procedure applied when the alleged perpetrator of an act of racial discrimination was a public servant, and about the penalties imposed on public servants in such circumstances.

305. The information on the implementation of article 7 of the Convention, supplementing the detailed information given in previous reports, was noted. Observing that information suggested that Czechoslovakia "ascribed racial discrimination exclusively to the effects of colonialism and the conflicts under the capitalist system", a member of the Committee expressed the view that "fear, a sense of personal insecurity and many other factors could give rise to racial ill-feeling" and that therefore attempts should be made to remove all such causes.

306. The Committee took note of the information contained in the report, to the effect that "the Czechoslovak Socialist Republic is a State of two equal, fraternal nations"; that "there are also certain national minorities living in Czechoslovakia"; and that "in addition to general guarantees of equality of people irrespective of their race, nationality, religion, etc., the legislation specifically provides for an equal status of the members of nations and nationalities which constitute the population". The text of the relevant legislation - Constitutional Act No. 144 of 27 October 1968, annexed to the report - was noted. It was observed that that legislation was in accord with the provisions of paragraph 4 of article 1, paragraph 2 of article 2 and article 5 of the Convention and that it showed a realization that "it was not enough to provide merely for formal equality but that it was also necessary to adopt specific measures to afford ethnic groups every possible opportunity for their development".

307. It was noted that, in Constitutional Act No. 144, the expression "ethnic group" was used, whereas in the text of the report the expressions used were "nationality" and "national minority"; and an explanation was sought for that inconsistency in terminology. It was noted also that, in the preamble of Constitutional Act No. 144, it was stated that "people of Hungarian, German, Polish and Ukrainian/Ruthenian national origin constitute together with the Czech and Slovak nations" the people

of Czechoslovakia, and that the table given in the report, showing the composition of the population "according to nationalities", listed the same categories of population as well as a category described as "other and not declared" - numbering 50,000 and constituting 0.3 per cent of the total population. It was asked whether this category included Gypsies, about which the report gave detailed information, and Jews. In that connection, it was noted that the first paragraph of article 4 of the Act in question provides that "every citizen shall choose freely, according to his own conviction, his own national origin"; and it was asked: on what occasions are individuals asked to declare their national origin?

308. Referring to article 3 of Constitutional Act No. 144 - which provides that "Citizens of Hungarian, German, Polish and Ukrainian/Ruthenian national origin shall be guaranteed to the extent appropriate to the interests of their ethnic development and under conditions specified by law" certain rights relating to language, education, culture, association and expression; and stipulates that "the extent and the conditions" of those rights "shall be determined by law" - some members of the Committee asked who was responsible for determining the extent to which the grant of a right was appropriate, how such a determination was made, and what laws had been enacted to determine the extent and conditions of the rights specified in that article. Inquiries were also made about the implementation of the provisions of that article; information on ethnic schools and newspapers in Czechoslovakia was requested; and it was asked whether education in the language of an ethnic group was provided in separate schools or in ordinary schools. Information concerning co-operation between ethnic organizations in Czechoslovakia and organizations in the mother nations of the various groups was requested.

309. Inquiries were made concerning the application of articles 2 and 5 of Constitutional Act No. 144, particularly with respect to laws enacted in accordance with the first paragraph of article 5 of that Act and organs established to oversee the realization of the rights of the ethnic groups, in accordance with the second paragraph of that article.

310. In considering the information on the measures taken with respect to the Gypsies, members of the Committee asked whether Constitutional Act No. 144 applied to the Gypsies also or only to the groups expressly mentioned in the preamble and articles 1 and 3 of the Act, which do not include the Gypsies. Information on the size of the Gypsy population was requested, as were the texts of Act No. 74/1958 and Government Decree No. 279/1970 and No. 231/1972. Additional information on the functions of the Commissions and citizens' committees set up to deal with the Gypsy problem was also requested.

311. A member of the Committee inquired what fraction of the whole Gypsy population had been satisfactorily settled; whether the Gypsies were segregated in specially designated areas; whether they, too, could receive instruction in their mother tongue; and how successful they were in obtaining employment.

312. It was asked whether the policy of the reporting State aimed at the integration of the Gypsies into the population or whether it intended to help preserve Gypsy customs and traditions. A member of the Committee agreed with the statement in the report that "the problem is to solve the contradiction between the historical backwardness of Gypsies on the one hand, and the level achieved by the rest of society and the needs of its social development on the other hand"; another member, however, observed



that "a nomadic lifestyle was not in itself a sign of backwardness" and that "the picturesque lifestyle of Gypsies could even be regarded as enriching a country's cultural heritage".

313. The Committee took note of the information on foreign workers given in the report. Members of the Committee asked about the rights of the dependants of foreign workers, and in particular the right of their children to be educated in their own language; measures concerning the cultural life of foreign workers; and the rights of foreign workers employed in the construction industry - which traditionally had seasonal periods of unemployment - to unemployment benefits during such periods.

314. The representative of Czechoslovakia assured the Committee that complete answers to the questions raised by its members would be given in the sixth periodic report of his Government.

## **CERD A/35/18 (1980)**

289. The sixth periodic report of Czechoslovakia (CERD/C/66/Add.8) was considered by the Committee together with the introductory statement of the representative of the reporting State, who highlighted the status of some ethnic groups of the population and the situation of foreign workers in his country.

290. Members of the Committee expressed satisfaction with the report, which contained ample information on various measures taken for the implementation of the Convention, giving due regard to questions raised by members of the Committee on the occasion of the examination of the fifth periodic report, and provided a clear idea of the state of race relations in Czechoslovakia.

291. With regard to the implementation of article 2 of the Convention, the Committee drew attention especially to questions concerning the rights granted to minority nationalities and the steps taken by the Czechoslovak Government in respect of the social integration of the Gypsy population. Some members of the Committee requested further detailed information on the law guaranteeing the protection of nationalities and their members against non-observance of their rights by individuals. It was particularly asked if a nationality required a certain minimum number of members to be represented in the Federal Assembly and in the Czech and Slovak National Councils; if elections were freely held and how could anyone ensure that candidates from a particular minority group would be elected. Details of the representation of the minority nationalities among other elected officials, such as the people's judges, were also requested. A member of the Committee inquired what legislation governed the national councils and committees on minorities and how were they constituted. He also wished to know whether members of national minority groups had contacts with the cultural, linguistic and similar institutions of the countries of their ethnic origin and if there were any bilateral agreements providing for exchanges of information between members of minority groups and institutions in the countries of their ethnic origin.

292. The Committee noted that the Czechoslovak Government had taken positive measures to integrate the Gypsy population into the mainstream of national life. Further information was requested on the names of the bodies which dealt with Gypsy affairs, how they were constituted, what machinery existed for effecting socio-economic changes among the Gypsy population, and whether that population was represented on bodies dealing with matters of concern to it. As to their participation in national government, it was asked what material or financial incentives were provided; what measures had been taken by the Government to integrate Gypsies into the society without depriving them of their special characteristics; whether compulsion was used in order to realize their integration; and what provision was made for the Gypsy population to form its own cultural organizations.

293. The Committee took note of the information on foreign workers given in the introductory statement of the representative. A breakdown was requested of the figure of 13,000 foreign workers by nationality, and information was asked for as to the kind of work in which they were engaged.

294. With respect to the implementation of article 3 of the Convention, the Committee noted that the position taken by Czechoslovakia at the national level was quite consistent with its international obligations, and that the unilateral measures taken against racial discrimination and apartheid as well as the racist régime in South Africa were commendable.

295. With reference to article 4 of the Convention, members of the Committee shared the concern of the Czechoslovak Government that all States should become parties to the Convention as jus cogens, and that a State's domestic laws should not be an obstacle to compliance with the obligations imposed on States parties under article 4 of the Convention. One member of the Committee noted, nevertheless, that at the United Nations Conference on the Law of Treaties some eminent lawyers had disputed that the concept of jus cogens existed in international law. Whether that opinion was accepted or not, it should at least be borne in mind that some international authorities might consider that the concept was not admissible. Other members of the Committee observed, however, that the International Court of Justice had held that the prohibition of racial discrimination and slavery was jus cogens, and that the majority of the participants in the United Nations Conference on the Law of Treaties had agreed that the concept of jus cogens formed part of international law. It was also noted by several members that the statement in the Czechoslovak report, supporting "the position of the Committee which rejected reservations made by some States to the Convention, particularly to the mentioned article 4" was incorrect because the Committee had not acted in the way implied in the report. In this connection, the members pointed out that it was beyond the competence of the Committee to reject reservations; that the Convention provided for such rejection by two thirds of States parties, in which case the ratifying State could not become party to the Convention; and that if a State had substantive reservations with regard to article 4 of the Convention, it was hard to see how that State could become party to the Convention in view of the extreme importance of that article. Referring to the provisions of sections 196 and 198 of the Czechoslovak Penal Code, a member of the Committee expressed his doubt that those provisions met all requirements of article 4 of the Convention, because they seemed to be limited to racial hatred and to the defamation of a collectivity.

296. In considering the information on measures taken with respect to article 6 of the Convention, members of the Committee requested clarification of how an appeal was made against administrative decisions; whether an appellant had legal representation; and whether there was an independent administrative court to hear such cases. With regard to appeals which could only be made by the Prosecutor-General, it was asked what would happen if he was unwilling to act; and if he refused to take action, whether there was any obligation upon him to explain his decision to the parties involved. Referring to a section of the report on disciplinary measures applied to public servants, a member of the Committee noted that it was surprising to find judges included with other civil servants, which suggested that judges were not, perhaps, completely independent, and he found it difficult to see how judges could be disciplined for applying the law.

297. With respect to the implementation of article 7 of the Convention, it was noted that a broad range of measures and programmes existed in the educational and cultural fields in Czechoslovakia. The Committee hoped that more details of the programmes to educate the people with a view to combating racial discrimination would be provided in the next report.

298. The representative of Czechoslovakia replied to some of the questions raised by members of the Committee. With regard to articles 2 and 7 of the Convention, he stated that the government policy was guided mainly by the Constitutional Act No. 144/1968 on the status of ethnic groups, which created a reliable basis for the embodiment of the rights of nationalities in legal regulations as well as for the direct application of the provisions of the Act. He listed a number of statistical figures on efforts to provide schooling for children belonging to ethnic minorities in their own language. With reference to the representation of the ethnic minorities in various national and regional bodies, the representative said that, in accordance with article 2 of the Constitutional Act No. 144/1968, election to the representative bodies was by universal, equal and direct suffrage and by secret ballot. The list of candidates was prepared by the National Front and took account of the numerical strength of national minorities. No separate electoral constituency for the national minorities was formed and the elections were based on general democratic principles. Representation of the national minorities in the various representative bodies, including the judiciary, was adequate.

299. Referring to the integration of Gypsies into society, the representative stated that the government measures were taken under the guidance of the national commissions or committee in regions inhabited by Gypsies, with the participation of Gypsies at all levels. These commissions sought to promote voluntary integration of the Gypsies into society, and those who had chosen a civilized way of life were given assistance in obtaining housing and in placing pre-school children in day-care centres. Young people were given vocational training and low-income families received coupons to purchase low-cost staples. There were, however, some individuals whose life-style ran counter to the principles of socialist society.

300. Concerning the 13,000 foreign workers in Czechoslovakia, the representative said that nearly half of them were from Poland, the rest mainly from Viet Nam and Cuba, with small contingents from Mongolia, Bulgaria, Hungary and Cyprus. Most workers came on the basis of bilateral intergovernmental agreements and in conformity with the principles of economic co-operation between socialist States. The foreign workers were employed in all sectors of industry and agriculture.

301. The representative assured the Committee that his Government would provide in its seventh periodic report detailed replies to questions raised by members of the Committee.

## **CERD A/37/18 (1982)**

382. The seventh periodic report of Czechoslovakia (CERD/C/91/Add.14) was introduced by the representative of the reporting State, who indicated that, in order to avoid unnecessary duplication, the report centred primarily on the issues in which the members of the Committee had expressed special interest: the position of nationalities, the status of the gypsy population and questions concerning foreign workers in Czechoslovakia. Over the years his Government had been making systematic efforts to prevent the occurrence of discrimination by taking appropriate legislative and administrative measures, as well as measures affecting the activities of relevant organizations and the education of young people. In that respect, Czechoslovakia had achieved some remarkable results.

383. Members of the Committee expressed satisfaction with the information provided in the report and its frankness, even when dealing with sensitive questions. Commenting on the format of the report, members agreed that, after the submission of the initial report, it was legitimate for States parties either to submit reports in accordance with the revised guidelines, which would include a summary of the contents of their previous reports, or to concentrate on providing answers to specific questions asked by the Committee during the discussion of their previous reports, as Czechoslovakia had done.

384. Several comments and observations were made with respect to the implementation of article 2 of the Convention, particularly concerning the gypsy population in Czechoslovakia. Members expressed their satisfaction with the details provided by the Government. Nevertheless, some members voiced surprise at the statement in the report that there were no gypsies resisting integration, given the traditional desire of the gypsy population to be different and to enjoy unrestricted freedom. They requested an explanation of the word "re-education", used in that context, and of the measures taken to bring about such re-education in so far as the word conveyed the idea of a system of education which imposed a way of life upon a group of people against their will.

385. Another member noted that the Government had found it necessary formally to ban an association of citizens of gypsy descent in 1973 and to make it a criminal offence under Public Law 74 for any person to persist in living a nomadic life, and asked whether the Law was still in force and whether there were any gypsy representatives serving in bodies dealing with the integration of minorities. Statistics were also requested on the number of gypsies benefiting from the specific programmes described in section 1 (c) of the report; the number of children who had benefited from the pre-school education programme set up by the Government; the number of gypsies who had been provided with suitable housing; and the number of gypsy citizens recruited for military service who had taken advantage of supplemental educational activities. Information was also asked on the percentage of young gypsies who had been able to receive higher education and better their status. In the view of one member, the difficulties of the gypsy population in Czechoslovakia might well be caused by the fact that the Constitution did not treat them as an ethnic group with its own constitutional status. Although their historical and social circumstances created complications, some effort might be made to improve their legal position as a group. It was, however, doubted whether such recommendation was covered by the Committee's competence.

386. With reference to ethnic minorities, appreciation was expressed in connection with the information provided. It was noted that Czechoslovakia had submitted the relevant constitutional text in its fifth report and had shown how those provisions had been implemented in its sixth report. However, no information had been given on what specific laws had been enacted. It would be useful, with reference to the participation of ethnic groups in representative bodies, to know how the numerical strength of the various ethnic groups had been determined. With reference to the educational and cultural rights of minorities, it would be helpful to have up-to-date educational statistics, since the figures given in the sixth periodic report had shown surprisingly low percentages of school enrolment among minorities, particularly at the secondary level. It was asked to what extent the representatives of ethnic groups were able to direct the education given in the schools, whether any kindergarten education was provided in minority languages and what the administrative and legal provisions governing the official use of minority languages were. It would be instructive to have the text of the legislation governing the composition, legal status and mandates of national and district bodies dealing with the problems of ethnic minorities which had been established and to know how many members of ethnic groups served on them.

387. With regard to the information supplied on the rights of the German minority, it was remarked that it seemed strange that of the 60,000 citizens of German origin, only 2,000 were school-age children, so that the Government considered it impracticable to provide instruction for them in their own language.

388. With reference to article 4 of the Convention, one member pointed out that the relevant provisions of the Czechoslovakia Penal Code did not cover certain forms of racial discrimination which were mentioned in article 4. In that connection, he stressed the importance of providing the full text of relevant legislation in the periodic reports rather than paraphrasing them, as had been done in previous reports. With the exception of article 196, paragraph 2, and article 221, paragraph 2 (b), of the Czechoslovakian Penal Code - which dealt with threats of violent acts or bodily injury against a specific person - all the other crimes mentioned pertained only to defamation or other hostile acts directed against a nation or race in general. The dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, insult and injury directed against an individual, and discrimination by public authorities were not declared offences punishable by law, as required under article 4 of the Convention. He realized that such acts could be punished under Czechoslovak law in pursuance of the principle of equality enshrined in the Czechoslovak Constitution. Nevertheless, specific penal sanctions should be provided for each offence.

389. With reference to article 5 of the Convention, it was observed that the report stated that marriages between foreigners and Czechoslovak citizens were possible in principle, provided that the competent authorities of both sides agreed, and that foreign workers married to Czechoslovak citizens acquired a specific status by that act of marriage and were thereafter no longer considered as foreign workers. It was asked whether there was any recourse for the persons involved if the competent authorities of both sides did not agree to their marriage, and what their actual legal status was after marriage.

390. In connection with article 6 of the Convention, one member noted that the report, in reply to a question previously asked, indicated that there was apparently no separation of powers between ordinary

courts and special administrative courts. He asked whether that meant that a Czechoslovak citizen could appeal against an administrative decision to an independent court and, if so, it would be interesting for the Committee to have the legal provisions which made that possible. It was also asked whether it was possible for individual citizens in Czechoslovakia to seek redress in the national courts directly or only through a public prosecutor. It was further remarked that the Committee would have a more complete picture of the situation in Czechoslovakia if information were made available on the outcome of any claims or complaints submitted to the courts by minorities since the entry into force of the International Convention and the degree to which relevant court rulings had been publicized.

391. Further information was requested with regard to the measures carried out by the Government in implementation of article 7 of the Convention.

392. In reply to a number of questions, the representative of Czechoslovakia stated that, according to the most recent statistics, there were currently 28,500 foreign nationals working in Czechoslovakia on the basis of bilateral agreements. Of that number, 14,700 were from Viet Nam, 7,600 from the Polish People's Republic, 4,400 from Cuba, 800 from Mongolia, 100 from Laos, 400 from Bulgaria, 400 from Hungary and 100 from Cyprus.

393. With regard to questions asked concerning the situation of the gypsy population, he said that the number of gypsies was currently 303,000, a 13 per cent increase since 1971. The term "re-education" of the gypsies referred specifically to their voluntary integration and no compulsion whatsoever was involved. The process of voluntary integration was a complex one which had to take into account the traditions and ways of the gypsy population. The very fact that many gypsies had abandoned their nomadic way of life was a favourable development. The Government was very active in implementing programmes for gypsy young people. Efforts to increase the number of gypsy children enrolled in kindergartens had been particularly successful, and the number of gypsy children who completed compulsory schooling was also increasing steadily. In addition to formal education, recreational camps and other programmes were organized for gypsy children and young people with the aim of furthering their cultural, social and intellectual development. Gypsies who performed military service often obtained training and qualification which was useful to them when entering the labour force. With regard to housing for gypsies, National Committees in the Czechoslovak Socialist Republic had made available to gypsies in one year some 1,500 apartments and 196 houses, and the number of substandard units had been reduced. Attention to the housing problems of gypsies was part of the over-all effort to promote their integration, for which the Government allocated substantial resources, amounting to more than 40 million koruny in 1979.

394. Replying to the question about the German minority, he said that the relatively small number of German children was attributable in part to the age structure of the German minority as well as to other factors. The children of persons of German origin also possessed Czechoslovak nationality and some assimilation of the German population had taken place. Moreover, the German minority was scattered throughout the national territory and many of the children born after the Second World War were the offspring of mixed marriages.

395. Turning to action in the international sphere to combat racism and racial discrimination, he said that his Government viewed with great concern the existence of racial discrimination and apartheid in the world, and was particularly disturbed by the policies of South Africa and Israel. In 1963 his Government severed all relations with the racist r $\square$ gime of South Africa and it fully complied with all resolutions of the General Assembly and the Security Council on apartheid and racial discrimination. It took the same position with regard to Israel.



## **CERD A/40/18 (1985)**

313. The eighth periodic report of Czechoslovakia (CERD/C/118/Add.18) was considered by the Committee at its 717<sup>th</sup> meeting, on 15 March 1985 (CERD/C/SR.717).

314. The report was introduced by the representative of the reporting State, who indicated that the population of Czechoslovakia was 15,395,000, of whom 63.8 per cent were Czech, 31 per cent Slovak, 0.3 per cent Ukrainian, 0.4 per cent Polish, 3.8 per cent Hungarian and 0.4 per cent German. His country's policy with respect to racial discrimination was based on article 20 of its Constitution. In connection with the fortieth anniversary of the victory over nazism, he said that Czechoslovakia was greatly concerned over the resurgence of racism, in particular apartheid. Recent developments showed that South Africa was actively seeking to perpetuate that inhuman policy. His country had no relations with South Africa, abided by all the United Nations decisions relating to apartheid and supported the national liberation movements and the victims of apartheid.

315. The Committee welcomed the informative nature of the Czechoslovak report which conformed to the Committee's general guidelines (CERD/C/70/Rev.1) and answered questions raised during the consideration of Czechoslovakia's seventh periodic report. The Committee also welcomed the additional information presented by the representative of the reporting State. In connection with the demographic data, the Committee pointed out that such information should be included in future reports.

316. With regard to article 2 of the Convention, the Committee welcomed the abundance of information concerning the situation of Gypsies and the progress made in improving employment and education for the Gypsy minority. With regard to employment, members of the Committee noted that 71 per cent of Gypsies of working age were employed. They observed, however, that during the period 1975-1979 the number of Gypsies receiving a secondary education had declined from 1.9 to 1.4 per cent of the total Gypsy population. They also noted that during consideration of the seventh periodic report of Czechoslovakia, the Gypsy population had been estimated at 303,000 whereas the figure given in the present report was 300,000. They asked for an explanation of that decrease. They were interested in receiving the most recent figures showing the school enrolment of Gypsies, as well as the number of children of the various national minorities using their language at school. Members wished to receive additional information regarding the housing policy towards Gypsies. They note that the report contained no information on the number of apartments allocated to Gypsies. In that connection, they reiterated the question already raised during discussion of the previous report as to why an association of Gypsies had been banned and whether Public Law 74, which imposed a severe penalty on individuals refusing to accept flats assigned to them, was still in force. The Committee was also interested to know how the cultural identity of the Gypsies was being preserved, what aspects of their culture were protected and whether any special legislation had been enacted for that purpose. Members asked how the Gypsies were represented in local, regional and national committees and commissions as well as in management and decision-making bodies at the grass-roots level. They inquired how the economic development of the country had affected life expectancy and the infant mortality rate among the Gypsy population.

317. Members of the Committee asked for further information regarding the rights of other minorities. In relation to the German minority, clarification was requested regarding the figure of 2,000 schoolchildren out of a population of 60,000 citizens of German origin. Members also wished to know what the current situation was concerning foreign workers.

318. Where article 3 of the Convention was concerned, members of the committee took note of the uncompromising opposition of Czechoslovakia to apartheid and expressed the hope that the valuable information by the representative of Czechoslovakia concerning the implementation of that article would be included in future reports, given the importance the Committee attached to the implementation of article 3 of the Convention.

319. In connection with article 4 of the Convention, members of the committee requested that the full text of the relevant provisions of law implementing that article be included in the next report. They urged the Government to give due consideration to the fact that the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, insult and injury directed against an individual and discrimination by public authorities were not declared offences punishable by law, as required by article 4 of the Convention. The information provided in the report relating to sections 260 and 98 of the Czechoslovak Penal Code was not adequate, since it indicated what action should be taken to punish the offence of subversion of the Republic, but did not specify how insults or injuries against individuals or incitement to racial discrimination should be dealt with.

320. Regarding article 5 of the Convention, information was requested, particularly in relation to the right to freedom of movement and residence, the right to leave and return to one's country and the right to freedom of thought, conscience and religion. In that connection it was asked whether new churches could be opened in Czechoslovakia.

321. The Committee observed that, as had been the case with previous reports, no information was provided with regard to the implementation of article 6 of the Convention. The Committee stressed the importance of receiving such information and pointed out that article 6 contained essential provisions for the protection of victims of racial discrimination.

322. The Committee congratulated the Government of Czechoslovakia on its efforts to inculcate the importance of co-operation among States and of the promotion of friendly relations among different peoples in its educational process, pursuant to article 7 of the Convention. Members wished to receive further information on the use of the mass media to combat racial discrimination and disseminate information on human rights.

323. Replying to the questions raised during the consideration of the report, the representative of Czechoslovakia said that all the remarks, comments and questions of members of the Committee would be transmitted to the relevant authorities. Where necessary, replies would be included in the next periodic report.

324. With regard to minorities, Act No. 144 of 1968 provided for full equal rights of all nationalities

under Czechoslovak law. Their right to develop their cultural identities was fully guaranteed by State authorities. In the 1980/81 school year, there had been 392,188 students in official secondary schools. That figure included 245,031 Czechs, 130,508 Slovaks, 1,116 Ukrainians, 13,637 Hungarians, 931 Poles and 614 Germans. In the grammar schools, there had been 145,249 students, including 90,319 Czechs, 48,290 Slovaks, 625 Ukrainians, 616 Poles, 5,174 Hungarians and 138 Germans. In institutions of higher learning, there had been 147,862 students, including 89,470 Czechs, 53,867 Slovaks, 3,109 Hungarians, 688 Ukrainians, 516 Poles and 95 Germans. With regard to the participation of minorities in the Federal Assembly and the National Committees, there had been no substantial change. The next report would provide the necessary information.

325. The process of integration in all spheres of life continued, especially in the fields of education, culture and housing. In 1948 only 7 per cent of Czechoslovak industry had been located in backward areas, as a result of the building of socialist Czechoslovakia, 30 per cent of national industry was currently located in those areas.

326. There were 32,764 foreign workers in 1982 and 39,538 in 1983. The last figure included workers mainly from Viet Nam, Poland and Cuba and a small number from Mongolia, Bulgaria, Hungary and Cyprus.

327. With respect to the Gypsies he remarked that their participation in the Czech and Slovak Councils as well as in the Federal Assembly was increasing. Information on the apparent decline in the Gypsy population, their life expectancy and infant mortality rates would be provided in the next report. Their cultural traditions were in no way weakened by integration measures and every effort was being made by the National Committee to preserve them.

328. In relation to the implementation of article 3 of the Convention, he emphasized the need to combine the ideals of the struggle against racial discrimination with those of the struggle to achieve peace, stop the arms race and avoid nuclear catastrophe. Apartheid endangered international peace and security.

329. With regard to Czechoslovak legislation for the implementation of article 4 of the Convention, he said that section 98 of the Czechoslovak Penal Code fully met the requirements for the banning of any organization promoting racist ideology. In addition, there was a 1951 law prohibiting non-governmental organizations from promoting ideas of racial superiority or racial segregation.

330. As stated in the fourth and fifth periodic reports, sections 140, 196, 198, 221, 260 and 261 of the Penal Code fully covered all the provisions of article 4. He would strongly recommend to the relevant authorities that the next report should provide the full text of the relevant parts of the Penal Code.

331. In connection with the implementation of article 6 of the Convention, he wished to draw attention to the seventh periodic report, which included the measures taken in penal justice and in the protection of civil rights. In addition, Act. No. 150 of 1958 enabled all citizens to appeal to any State organ. The relevant authorities were obliged to reply to such appeals and to take measures to redress any wrongs.

332. Information against racial discrimination was disseminated by the mass media throughout the school system and in all cultural institutions.

## **CERD A/42/18 (1987)**

503. The ninth periodic report of Czechoslovakia (CERD/C/149/Add.2) was considered by the Committee at its 785<sup>th</sup> meeting, held on 6 March 1987 (CERD/C/SR.785).

504. The report was introduced by the representative of Czechoslovakia, who highlighted and further explained relevant parts of the report, in particular with regard to the ethnic composition of the population, the position of foreign workers in Czechoslovakia and the efforts of her Government to raise the living standards of the Gypsy population.

505. Members of the Committee expressed appreciation for the report as well as for the introductory statement. They pointed out that the report was consistent with the Committee's guidelines (CERD/C/70/Rev.1) and that it answered questions which had been raised during earlier discussions. They also commended the Government for its willingness to maintain a dialogue with the Committee.

506. In relation to the implementation of article 2, paragraph 2, in conjunction with article 5 of the Convention, members of the Committee asked for clarification and further information about Constitutional Act No. 144 of 1968 establishing rights for ethnic groups. In particular, they asked whether the various ethnic groups had full equality, what opportunities national minorities were given and whether the size of the group was the decisive factor in granting rights. Regarding the limitation in article 3 of the Act, an explanation was requested as to what constituted the interests of the groups concerned and who decided thereon. Clarification was requested concerning the minorities grouped under the category "others and not mentioned" and it was pointed out that small groups listed under that category should be mentioned by name, since they were more vulnerable and needed more protection than the larger groups. Clarification was requested on the words "national" and "ethnic" as they were used in the report. It was observed that there was no teaching in the German language and that teaching in Hungarian had been declining since the promulgation of Act No. 144 of 1968; that gave the impression that a process of assimilation, either voluntary or imposed, was taking place. In that connection, members were interested to know how many members of the Hungarian minority still used the Hungarian language, whether their children attended special institutions of their own, whether they were educated in one or two languages, whether they had a say in running their schools so that they could retain their cultural identity, and whether they were concentrated in one republic or region or whether they were dispersed. It was asked whether the Government made special budgetary allocations to improve the education of national minorities, whether minorities had any say in the administration at the grass-roots level or any municipal representation, and what assistance was given to preserve and promote the interests and needs of groups which had remained marginalized or disadvantaged.

507. With regard to the Government's policy towards the Gypsy community, members commended the efforts of Czechoslovakia in support of Gypsy citizens and the hope was expressed that their identity would be preserved. Some members asked whether some kind of modified assimilation was not taking place. It was noted that that ethnic group was known as Gypsy or Romany and it was asked whether the members of the group themselves had been asked which name they preferred. Members commended

the Government for having persuaded Gypsies to settle permanently and for having provided them with flats or family houses. It was asked, however, whether the 1958 law, which provided that a person who refused to accept a flat was liable to a term of imprisonment, and which had apparently been promulgated in connection with the Gypsy population, was still in force. Members wished to know whether Romany people were allowed freedom of movement to look for work after being settle in their allocated flats, whether such movement was organized by the Government, whether they were entitled to the same type of housing as the average worker or whether their dwellings were designed to meet the needs of their particular way of life, whether they were settled in an organized group or among other workers, and whether they would face housing problems if they moved because of their work. Information was requested on the numbers of the Gypsy population in order to judge their position in society; it was asked, in particular, whether the 350,000 Gypsy citizens all received welfare assistance, since the number of Gypsy citizens was determined on the basis of the census and their registration with national committees providing welfare assistance. Members of the Committee expressed concern at the illiteracy and low level of education of the Romany group despite the fact that they lived in a socialist State where education was compulsory and free of charge. The fact that only 1.7 per cent of Gypsy children continued their studies in secondary schools was a source of disappointment and a matter of the greatest importance for the long-term future of majority-minority relations and should be given high priority. Members also asked whether any literature on the Romany language was made available to teachers with Gypsy children in their classes which would help them to communicate more effectively with those children, whether students of the Romany language were subsequently employed to teach Gypsy children, whether Czechoslovakia had the same experience as other countries where a disproportionate number of Gypsy children were allocated to special schools for educationally subnormal children because of language difficulties and whether, if the problem had been identified, steps were being taken to deal with it. In connection with health care, it was noted that mortality associated with childbirth among Gypsy mothers was not higher than the norm, and it was asked whether health statistics were collected on a sufficiently local basis for certain inferences to be made concerning Gypsy health. It was also asked whether figures on the incidence of tuberculosis and trachoma in areas where there were large numbers of people of Gypsy origin could be provided in the next report.

508. In connection with the implementation of article 3 of the Convention, members welcomed the action taken by the Government. It was pointed out, however, that the report could be amplified in order to give a fairer and broader picture of the activities carried out by Czechoslovakia in the struggle against apartheid, in particular its assistance to liberation movements and front-line States. It was asked whether there had been any judicial precedents interpreting the legal concept of "indignation", since the phrase "in a manner causing indignation" used in section 198 of the Penal Code on the offence of defamation raised problems of interpretation and proof.

509. As to article 4 of the Convention, it was observed that the extensive information provided in the Penal Code fully reflected both the spirit and the letter of article 4. It was pointed out that under section 260 of the Penal Code, though adherence to a movement which propagated racial discrimination was punishable, the position of individuals who did so was not clear, and further information was requested on that point as well as on any cases that might have been brought before the courts under that section.

Additional information was requested regarding penalties for persons and groups using or threatening violence against certain other groups, in particular identification of the people or groups who suffered such attacks and whether they might be opponents of the régime. It was asked who was responsible for identifying persons who might be regarded as having opinions contrary to the socialist and governmental system and why such people should be punishable by imprisonment. It was noted that certain offences were punishable by death and it was asked whether capital punishment had been applied in Czechoslovakia during the past four years.

510. In relation to article 5 of the Convention, members noted that the report gave ample information on religious freedom but did not mention restrictions on other rights under that article, such as freedom of expression, and they requested information in that respect. Further information was requested regarding section 236 of the Penal Code, in particular as to who was authorized to prevent other persons from taking part in a religious rite. It was also asked how and by whom freedom of religion was defined, whether those who professed religious faith could propagate their ideas freely and whether persons professing specifically religious ideas could be members of the Communist Party. Information was also requested regarding the position of foreigners in Czechoslovakia; it was asked whether they could marry Czechoslovak citizens and whether foreign students could work after qualifying. In that context, it was pointed out that the manner in which foreign workers were treated in Czechoslovakia was exemplary in many ways. It was also asked whether Czechoslovakia accepted refugees and, if so, how many had been granted asylum.

511. Regarding article 6 of the Convention, it was asked whether rapid and effective remedies were available to a citizen who claimed that any of the rights recognized in the Convention had been violated and whether a citizen could invoke the Convention directly before the courts, as part of domestic law.

512. In relation to article 7, the hope was expressed that in the next report extra attention would be given to the attitudes of the police and magistrates towards Gypsies and information would be provided on any special training given to such target groups.

513. With regard to article 14 of the Convention, it was asked whether the Government would be willing to make the declaration under that article recognizing the competence of the Committee to deal with individual communications.

514. In reply to the comments made and questions raised by the members of the Committee, the representative of Czechoslovakia said that she would endeavour to answer some of the questions and would transmit the others to her Government to be answered in detail in the next periodic report. She informed the Committee that in Czechoslovakia there were only two nations - the Czechs and the Slovaks, but other nationalities lived in the territory. In addition to those nationalities, there was a Gypsy population with a very different way of life. The Government's task had been to remove the differences in development between the various ethnic groups and to integrate them into society, while allowing them to maintain their own traditions. The children of the Polish, German and Hungarian minorities had the opportunity of studying in their own languages. Romany could currently be studied at a language school in Prague, and Gypsy children had an opportunity of studying their own language.

Books were published in Romany. Other national minorities had their own newspapers and books. The terms "Romany" and "Gypsy" were used interchangeably. The population census included the Gypsy population. All Gypsies who applied for social assistance were registered as Gypsies but it could not be said such persons accounted for the entire Gypsy population of some 350,000. The 1958 Act merely prohibited a nomadic life and applied to Gypsies and non-Gypsies alike. As for the place of residence, Gypsies were treated just like other citizens; they worked in the nearby factory, they were not forcibly removed, and they had the same wages and working conditions as other people.

515. The Penal Code, especially sections 196, 221, 223, 259 and 260, served to fulfil all Czechoslovakia's obligations under the Convention. However, the Convention did not form part of domestic law. Citizens could invoke only domestic law in vindication of their rights under the Convention. The death penalty was applied only for exceptional crimes: in 1986, it had been applied in five instances, all involving murder.



## **CERD A/45/18 (1990)**

126. The tenth periodic report of the Czech and Slovak Federal Republic (CERD/C/172/Add.5) was considered by the Committee at its 869<sup>th</sup> and 870<sup>th</sup> meetings, on 9 and 10 August 1990 (CERD/C/SR.869 and SR.870).

127. The report was introduced by the representative of the reporting State, who drew attention to the momentous changes that had occurred in his country since the submission of the report. Those changes were reflected in a new approach by his Government to international co-operation in the field of human rights and fundamental freedoms. Extensive recodification of the Czechoslovak laws was under preparation and, on 2 May 1990, the Federal Assembly had adopted an amended Penal Code. Section 3 of Act No. 74/1958, relating to the permanent settlement of nomadic persons, had been rescinded and provisions had been made for the prosecution of crimes against humanity, especially those related to genocide. Furthermore, protection against racial discrimination in all its forms had been enhanced in the amended regulations concerning freedom of assembly and association and the right to submit petitions.

128. The representative further stressed that, as in the case of all newly democratic countries of Central and Eastern Europe, relations among members of various national and ethnic minorities were among the most pressing problems. At present, 46,100 foreign workers were employed under intergovernmental bilateral agreements, the largest group being workers from Viet Nam (34,700 persons). As a result of fundamental structural changes in the national economy and the transition to a market economy, the Czech and Slovak Federal Republic had decided to terminate such agreements. Consequently, all foreign workers were expected to return to their respective countries, in stages, by 1995. With regard to certain isolated manifestations of racially motivated intolerance involving Gypsies or foreign workers, the representative emphasized that penal proceedings against the offenders were under way, that his country's highest authorities had condemned such acts, and that measures had been taken to strengthen police patrols in the affected areas. He also stated that greater attention was being paid to the increasing legal awareness of his country's inhabitants, noting that some parts of the report related to concepts and terminology prevailing under the previous régime that were no longer valid. The new Government was striving to implement a policy of openness in regard to questions of racism and racial discrimination with a view to their complete elimination and to securing consistent compliance with all commitments assumed under the Convention. Moreover, the Government was currently giving consideration to making the declaration in accordance with article 14, paragraph 1, of the Convention.

129. Members of the Committee expressed to the representative of the State party their appreciation of the desire for co-operation the latter had shown. They welcomed the positive changes that had taken place in his country since the preparation of the report, reflected in the Government's desire to make the declaration provided for in article 14, paragraph 1, of the Convention. There was a general interest in learning whether the provisions of the Convention could be invoked before the courts and vis-à-vis the administrative authorities. Additional information was also requested concerning the ethnic

composition of the population, with particular reference to nationalities other than the Czech and Slovak nationalities, and concerning the implementation of the law on the status of nationalities. Clarification was also sought of the statement that Gypsy citizens (Roms) were regarded not as a nationality but as an ethnic group and, as such, not covered by the regulations concerning the rights of nationalities. In that connection, members asked whether the Gypsies had the same rights and obligations as other citizens and what criteria were used to determine that a person belonged to the Gypsy ethnic group. It was emphasized that the determination, expressed in the report, to integrate the Gypsies should not run counter to the wishes and aspirations of the Gypsies themselves.

130. With reference to article 4 of the Convention, some members of the Committee referred to certain discriminatory practices and acts of violence to which foreign workers - including Vietnamese persons - had been subjected by isolated groups of the population and they requested an explanation of the measures of protection envisaged by the Government. They also sought information concerning the attitude of the media to those events, the influence of the recent liberalization of the exercise of freedom of association on those events and the modification or possible extension of agreements between the Government and third countries regarding the supply of foreign manpower. They also wished for further information concerning the new legislation implementing the provisions of article 4 of the Convention.

131. With reference to article 5 of the Convention, members of the Committee requested additional information concerning the representation of Gypsies in the Czechoslovak Parliament; and concerning the use of and education and dissemination of information in their language and the right of association and freedom of movement within the country. Regarding the right to work, they wished to know whether there was unemployment in the country and how it was affecting the Gypsy population. Information was also requested concerning the implementation of the right to education as far as the Gypsy people were concerned. Members of the Committee expressed their concern at the reference in paragraph 16 of the report to Gypsies having a higher percentage of retarded children and to the existence of certain "negative socio-pathological phenomena" within the Gypsy population and they asked for clarifications in that connection.

132. With reference to article 6 of the Convention, members asked what measures had been taken to ensure protection of and effective court remedies for persons who suffered racial discrimination.

133. Replying to the many questions that had been asked, the representative of the State party described the various items of legislation that were planned and said that, under article 3 of the draft Constitution, every citizen could exercise all the rights and freedoms provided for, without any discrimination on grounds of nationality, race, religion, political opinion or financial status. Furthermore, article 4 of that text established for Gypsy, Ukrainian, Hungarian and German citizens the right to information in their mother tongue, to cultural development, to the use of their language in the administration, the right to associate in national organizations and the right to freedom of the press and to information in their own language. Furthermore, the primacy of international law over domestic law was to be enshrined in the Constitution. The Czech and Slovak Federal Republic currently had 15.5 million inhabitants, of whom 500,000 were Hungarians, 73,000 were Poles, 48,000 were Ukrainians and 399,000 were Gypsies.

Two thirds of the Gypsy population lived in the Slovak Republic, mainly in the eastern part of the country where little conflict had been observed. More conflict was noted, however, when the Gypsies migrated towards the west. Rather than integrate the Gypsy population, the authorities were seeking to promote the coexistence of the various communities without any friction and with respect for the cultural identity of each one. Anyone who considered himself a Gypsy was one, and virtually all Gypsies were listed in the civil register as Czech, Slovak or Hungarian, there being no declaration of Gypsy nationality.

134. In connection with article 4 of the Convention, the representative referred to the incidents involving attacks on Gypsies and foreign workers. He explained that that type of delinquency was a new phenomenon and that all necessary measures had been taken to prevent their recurrence. The Penal Code provided for effective punishment, including imprisonment, of those who committed acts of discrimination. All citizens were equal before the law and were entitled to express themselves before the courts in their mother tongue. Immigrant workers who had come to receive vocational training in the Czech and Slovak Federal Republic under a bilateral agreement with their Governments were employed on the same term as nationals.

135. Replying to questions related to article 5 of the Convention, the representative referred to the participation of the various minorities in the first democratic elections that had been held in June 1990. Five members of the Hungarian community held seats in the People's Chamber, 10 in the Chamber of Nationalities and 24 in the Slovak National Council, while the Gypsies had 3 representatives in each of the Parliaments. Each of the minorities had its own newspapers, periodicals and other publications. The revival of the Gypsy culture was being strongly encouraged. For example, a Czech-Romany dictionary and a collection of Gypsy poetry were currently in preparation. The Government was also seeking to strengthen the traditional social structures of the Gypsy citizens and was encouraging the establishment of enterprises by Gypsy organizations. Problems encountered by the Gypsy minority were currently the subject of discussions between the Government and representatives of the Gypsy population. The Gypsy community's high rate of population growth could present serious problems, however, if those efforts failed. Regarding freedom of movement, he said that article 109 of the Penal Code, which restricted travel abroad had been abolished and that Czechoslovak citizens could visit the country of their choice whenever they wished. He also pointed out that, while the current economic restructuring might increase unemployment, preventive measures had been taken to palliate its effects.

136. Referring to specific questions concerning the right to education of the various minorities, the representative observed that there were many schools and vocational training centres at the disposal of the Hungarian, Polish and Ukrainian minorities. The lack of Gypsy schools was due, on the one hand, to the fact that there was no official Gypsy written language and, on the other, to the fact that there were no teachers who knew the Romany language. The Government had therefore undertaken the training of teachers who knew that language. As the life of the Gypsies was now more sedentary, their children were attending school regularly and illiteracy among the Gypsies was showing a marked decline. The expression "negative socio-pathological phenomena" referred to the social consequences of poor health conditions, owing to the fact that among the Gypsies children were often born to very young women. It was a fact that half of the physically and mentally handicapped members of the population belonged

to the Gypsy minority and that the criminality rate in that group was 10 times higher than in the rest of the population. The Government was preparing to carry out a scientific multidisciplinary study with the aim of throwing some light on the very complex problem of the Gypsy community.

**CERD A/53/18 (1998)**

111. The Committee considered the initial and second periodic reports of the Czech Republic (CERD/C/289/Add.1) at its 1254th and 1255th meetings, on 6 and 9 March 1998, and, at its 1270th meeting, on 18 March 1998, adopted the following concluding observations.

Introduction

112. The Committee welcomes the report submitted by the Government of the Czech Republic, which generally complies with the reporting guidelines. The Committee notes with appreciation the competent delegation which presented the report and the frank and constructive approach that characterized the dialogue with the delegation. The Committee also expresses its appreciation to the State party's delegation for the additional information it provided to the Committee both orally and in writing.

Factors and difficulties impeding the implementation of the Convention

113. It is recognized that the economic, political and social changes that are still taking place in the Czech Republic may affect the full enjoyment of the economic, social and cultural rights of some segments of the population, especially those belonging to minority groups. It is further noted that the policy of tolerance and openness towards minorities is relatively recent and is being implemented progressively.

Positive aspects

114. The fact that, according to article 10 of the Constitution, international instruments on human rights and fundamental freedoms such as the Convention that are ratified, promulgated and made effective by the State party are directly applicable and take precedence over national legislation is welcomed.

115. It is noted that the State party, especially since the adoption of the new Constitution in 1993, has taken a number of positive measures in the field of law reform to combat various forms of racial discrimination which fall within the areas covered by the Convention, including the Charter of Fundamental Rights and Freedoms which, inter alia, contains provisions for the protection of national and ethnic minorities. The introduction of a definition of racially motivated crime and the prohibition of racist organizations and publications in the Criminal Code, as well as the ratification of the Framework Convention for the Protection of National Minorities, are welcomed.

116. The recent initiatives taken by the State party intended to prevent inter-ethnic conflicts, including the teaching of children and adolescents and public awareness campaigns promoting tolerance and

openness towards ethnic minorities, are noted with interest.

117. In this context, the establishment of the Council of Nationalities in 1994 as a governmental advisory body is noted with appreciation. The State party's recent steps towards an affirmative action policy for the Roma community, including the setting up of an Inter-Ministerial Commission and measures taken within the fields of education and employment, are welcomed. The continuing growth in the number of non-governmental organizations, including associations of minorities, is also viewed positively.

#### Principal subjects of concern

118. Concern is expressed at the persistence of racial hatred and acts of violence, particularly by skinheads and others, towards persons belonging to minority groups, especially Roma and people of African or Asian origin. Reports of anti-Semitic incidents are a further source of concern. The recorded sixfold increase in racially motivated crimes between 1994 and 1996 is also noted with alarm. Additional sources of concern are the presence of a number of organizations and publications which promote racist and xenophobic ideas, and reports that the State party has not been sufficiently active in effectively countering racial violence against members of minority groups.

119. Concern is expressed at information indicating that the number of charges and convictions, including those of skinheads, is low relative to the number of abuses reported. It is also noted with concern that perpetrators of racial crime are often lightly punished and that, in a number of cases, prosecutors have been reluctant to identify a racial motive. Moreover, in the light of evidence of unnecessarily long proceedings and slow investigations of acts of racial crime, concern is raised about judicial effectiveness in this respect.

120. Taking into account reports of cases of harassment and of excessive use of force by the police against minorities, especially against members of the Roma community, concern is raised that there may be insufficient training provided to law enforcement officials regarding the provisions of the Convention.

121. It is also noted with concern that a political party represented in Parliament promotes racial discrimination and disseminates a magazine which promotes racist propaganda and ideas of racial superiority aimed at the ethnic minorities resident in the country.

122. In the light of reports indicating discrimination against Roma in areas such as housing, transport and employment, it is noted with concern that the State party does not have civil or administrative law provisions expressly outlawing discrimination in employment, education, housing and health care and that there exists no administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies. The denial of access to public places such as restaurants, pubs, discotheques and similar establishments by persons belonging to some ethnic minorities, especially Roma, is also noted with concern.

123. The marginalization of the Roma community in the field of education is noted with concern.

Evidence that a disproportionately large number of Roma children are placed in special schools, leading to de facto racial segregation, and that they also have a considerably lower level of participation in secondary and higher education, raises doubts about whether article 5 of the Convention is being fully implemented.

124. It is noted that the 1993 law on the acquisition of Czech citizenship (Law No. 40/1990) has resulted in widespread criticism from a number of international institutions and non-governmental organizations for its discriminatory effects, especially vis-à-vis Roma. While it is noted that the State party has taken steps to mitigate the negative consequences of the law, it is stressed that the act of rendering people stateless entails the deprivation of fundamental rights linked to citizenship, as well as exposing them to the risk of expulsion. Concern is expressed that there remain groups of the population for whom the question of citizenship has not yet been addressed in a satisfactory manner. These include prisoners, and minors and orphans in children's homes, many of whom are of Roma origin.

125. Doubts were raised about whether the provisions of the State party's Criminal Code is conducive to the full implementation of article 3 of the Convention as it stipulates a state of war for the applicability of section 263 (a).

#### Suggestions and recommendations

126. The Committee recommends that the State party continue its efforts to prevent and counter effectively attitudes and acts of racial violence against persons belonging to minority groups, mainly Roma, and persons of African or Asian origin, and take additional measures to ensure the effective and timely handling of court cases of racially motivated crime and punishment of the perpetrators.

127. The Committee also recommends that the State party give more attention to the activities of political parties and other organizations, as well as to media promoting racist propaganda and ideas of racial superiority, in accordance with article 4 of the Convention.

128. The Committee recommends that the State party provide, in its next report, more specific statistical data on minority representation in local, regional and State administrations as well as information on their situation in the fields of education, employment and health. The Committee would also welcome more data on the political, economic and cultural rights of minorities. Information is also requested concerning the proportions of ethnic minority groups and aliens residing in the country.

129. The Committee recommends that increased attention be paid to introducing legal provisions aimed at safeguarding the enjoyment on a non-discriminatory basis, by all segments of the population, of the economic, social and cultural rights listed in article 5 of the Convention, notably the rights to work, housing, education, and access to services and places open to the general public.

130. The Committee suggests that the State party, in its next report, endeavour to provide more specific information on the implementation of the Convention and of national laws in practice, especially relating to articles 5 and 6 of the Convention.

131. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public awareness campaigns intended to prevent racial discrimination and increase tolerance.

132. The Committee requests that the State party provide, in its next report, comprehensive information on the results of the affirmative action measures that have been taken for the Roma community, in particular in the fields of education, employment and housing.

133. The Committee also urges the State party to resolve the remaining problems relating to the acquisition of Czech citizenship by all residents, including prisoners and children and adolescents in institutions, in particular members of the Roma minority.

134. It is suggested that the State party consider providing increased education and training on racial tolerance and human rights issues to professional groups such as judges, lawyers and civil servants so as to eliminate any cases of harassment or improper conduct in relation to persons belonging to minorities.

135. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely publicized, particularly among minority groups, government officials and the police. In addition, the State party should ensure the wide dissemination of its report and the concluding observations of the Committee.

136. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

137. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

138. The Committee recommends that the State party's next periodic report, due on 22 February 1998, be an updating report and that it address all the points raised in the present observations.

## **CERD A/55/18 (2000)**

271. The Committee considered the third and fourth periodic reports of the Czech Republic (CERD/C/372/Add.1) at its 1411th and 1412th meetings (CERD/C/SR.1411 and 1412), on 7 and 8 August 2000, and at its 1419th meeting (CERD/C/SR.1419), on 11 August 2000, adopted the following concluding observations.

### **1. Introduction**

272. The Committee welcomes the comprehensive report presented by the Government of the Czech Republic, in accordance with the Committee's guidelines, which contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee appreciates the frank and constructive dialogue with the State party delegation, composed of representatives of a wide range of governmental offices, as well as the detailed answers to questions raised and concerns expressed during the consideration of the report.

### **2. Positive aspects**

273. The Committee welcomes the additional amendments to the Act (194/1999) on the Acquisition and Loss of Citizenship (September 1999), which has helped to resolve problems relating to the acquisition of Czech citizenship for former citizens of the Czech and Slovak Federal Republic.

274. The Committee welcomes the establishment of new advisory bodies on matters relevant to combating racism and intolerance, in particular the Government's Commissioner for Human Rights and the Council for Human Rights. In addition, the Committee takes note of the process to enact the draft bill for the creation of a Public Rights Protector (Ombudsman), which is expected to enhance the protection of citizens against any inappropriate treatment by the State administration, including acts of racial discrimination.

275. The launching and implementation of the "Tolerance Project" (December 1999- June 2000), a public awareness campaign intended to prevent racial discrimination and increase tolerance, as well as other programmes in the field of human rights education are regarded as significant measures in the implementation of article 7 of the Convention.

276. The Committee also welcomes the Act on the System of Primary and Secondary Schools (1999), which facilitates the entry of special school graduates into secondary schools, a measure that is designed to benefit Roma children.

277. The Committee welcomes the steps taken by the authorities of the State party to make the declaration provided for in article 14 of the Convention, and encourages the State party to finalize this process as soon as possible.



278. The publication on an Internet site of the Ministry of Justice of the initial and second periodic reports as well as the concluding observations and other related documents relating to the dialogue between the State party and the Committee is noted with appreciation.

### 3. Concerns and recommendations

279. While the Committee welcomes measures taken by the State party for the promotion and the protection of the human rights of the Roma minority, in particular the ones included in the "Concept of Government Policy Towards Members of the Roma Community" (June 2000), it remains concerned by the fact that the Roma population continue to be subjected to discrimination in the fields of housing, education and employment. The Committee recommends that the State party include in its next periodic report information on the impact of the measures taken to improve the situation of the Roma minority, especially the ones designed to eliminate their social exclusion.

280. With regard to article 3 of the Convention, concern is expressed about the existing situations of de facto segregation in the areas of housing and education of the Roma population. In particular, concern is expressed at measures taken by some local authorities leading to segregation and at the practice of school segregation by which many Roma children are placed in special schools, offering them lesser opportunities for further study or employment. The Committee recommends that the State party undertake effective measures to eradicate promptly practices of racial segregation, including the placement of a disproportionate number of Roma children in special schools.

281. The Committee is concerned that some organizations, including political parties, promoting racial hatred and superiority are hidden behind legally registered civic associations whose members are promoting xenophobia and racism. Concern is also expressed at the ineffective implementation of existing legislation to prosecute the perpetrators of incitement to racial hatred and support to racist movements. In light of article 4 of the Convention, the Committee recommends that the State party strengthen law enforcement to ensure that these organizations are dismantled and their members prosecuted.

282. While noting the information provided by the State party on the number of convictions for racially motivated offences, the Committee is concerned by the increasing number of incidents of racially motivated violence against minority groups, in particular against members of the Roma community, many of which may not even be reported. The Committee recommends that the State party strengthen the measures already undertaken to intensify enforcement of the criminal law against racially motivated crimes.

283. The Committee reiterates its concern at the lack of criminal, civil or administrative law provisions expressly outlawing racial discrimination in education, health care, social care, the penitentiary system, as well as in the private sphere. The Committee recommends that the State party undertake legislative reform to safeguard the enjoyment, without any form of discrimination, by all segments of the population, of the economic, social and cultural rights listed in article 5 of the Convention. It further recommends that such reform should include the provision of adequate

reparation for victims of racial discrimination.

284. The Committee reiterates its concern about the lack of effectiveness and confidence in the ability of the criminal judicial system to prevent and combat racial crimes. In this connection, concern is also expressed about the degrading treatment by the police of members of minority groups. The Committee recommends the continuation and strengthening of training programmes for police and all officials in charge of implementing the law on issues related to the implementation of the Convention. The Committee reminds the State party of the Committee's general recommendation XIII relating to the implementation of articles 2 and 7 of the Convention.

285. With regard to article 7 of the Convention, the Committee is of the opinion that the measures taken by the State party in the field of teaching, education, culture and information to combat racial discrimination should be intensified. In this regard, the Committee recommends that the State party continue and extend its educational programmes in order to raise awareness of the population at large of all aspects relating to racism and racial discrimination.

286. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

287. The Committee recommends that the State party ensure the wide dissemination of the text of the Convention and continue to make its periodic reports readily available to the public from the time they are submitted, and that the Committee's concluding observations on them be similarly publicized.

288. The Committee recommends that the State party's next periodic report, due on 22 February 2002, be an updating report and that it address the points raised in the present observations.

## **CERD A/58/18 (2003)**

373. The Committee considered the fifth periodic report of the Czech Republic (CERD/C/419/Add.1), which was due on 1 January 2002, at its 1590th, 1591st and 1592nd meetings (CERD/C/SR.1590-1592), held on 7 and 8 August 2003. At its 1603rd meeting (CERD/C/SR.1603), held on 18 August 2003, it adopted the following concluding observations.

### **A. Introduction**

374. The Committee welcomes the self-critical report submitted by the State party in a timely fashion, the extensive supplementary oral information provided by the delegation and the constructive responses provided to the questions asked.

### **B. Positive aspects**

375. The Committee welcomes the declaration made by the State party under article 14 of the Convention and the acceptance, on 6 August 2002, of the amendment to article 8, paragraph 6, of the Convention.

376. The Committee notes the amendment to article 10 of the Constitution according to which all international treaties promulgated and ratified by the Czech Republic are directly binding and have precedence over domestic law.

377. The Committee is encouraged by the legislative efforts of the State party to give effect to the provisions of the Convention, in particular in the field of protection of national minorities, as well as the amendment to the Criminal Code adopted in 2002 and the amendments to the Civil Procedure Code reversing the burden of proof from the victim to the alleged offender.

378. Furthermore, the Committee welcomes the existence of a number of advisory bodies of the Government dealing with human rights and specifically the rights of national minorities, which work in cooperation with civil society. It notes in particular the Council of the Government of the Czech Republic for the Affairs of the Roma Community, the Human Rights Council of the Government of the Czech Republic and the Government Council for National Minorities.

379. The Committee greatly appreciates the concrete measures, programmes and strategies adopted by the State party with a view to improving the situation of the Roma and other marginalized groups, including refugees.

### **C. Concerns and recommendations**

380. While noting the efforts of the Government to elaborate a comprehensive anti-discrimination law, the Committee is concerned about the difficulties faced during this process.

The Committee encourages the State party to complete its efforts with regard to the comprehensive anti-discrimination law promptly and subsequently to ensure its effective enforcement. It urges the State party to incorporate in the new law the definition of discrimination as stipulated in article 1 (1) of the Convention.

381. While noting the efforts undertaken by the State party to counter racially motivated violence and discrimination, the Committee remains concerned at the continuance of acts of racially motivated violence and incitement to hatred and the persistence of intolerance and de facto discrimination, in particular with regard to the Roma minority.

The Committee recommends that the Government pursue and intensify its efforts to achieve more effective application of existing legislation.

382. Furthermore, the Committee notes that the State party has only declared punishable *active* participation in organizations promoting and inciting racial discrimination.

The Committee urges the State party to consider reviewing this provision and to declare punishable *any* participation in organizations that promote and incite racial discrimination, in accordance with article 4 (b) of the Convention.

383. The Committee is concerned about allegations of racially motivated ill-treatment, ineffective protection and discrimination against the Roma by law enforcement officials, especially the police. Furthermore, it has been suggested that allegations of abuse by law enforcement officials are not always promptly and impartially investigated. While noting the many initiatives taken in the field of training and education of the police, the Committee stresses that prompt and impartial investigations are paramount in countering discriminatory attitudes and practices.

The Committee recommends that the State party intensify its efforts to end such discriminatory practices. It further recommends that the procedure relating to the investigation of complaints with respect to the work of the police be conducted and overseen by a body independent of the police and the Ministry of the Interior. The Committee requests the State party to include in its next periodic report statistical information on the number and nature of complaints of racial discrimination received, prosecutions launched and penalties imposed.

384. The Committee notes the efforts under way to facilitate access to the labour market by individuals experiencing difficulties in finding employment, including the Roma, asylum applicants and other marginalized groups. However, the unemployment rate among the Roma remains disproportionately high and continues to be an issue of concern for the Committee. This concern is compounded by the information relating to the practice of usury and its negative economic and social consequences for the Roma.

The Committee urges the State party to continue and intensify poverty reduction and employment programmes for the Roma, and also to consider establishing a functional loan

system for socially weak sections of the population, including the Roma, as an alternative to usury. In this respect, the Committee encourages the State party to take due account of the situation of Roma women, in accordance with its general recommendation XXVII.

385. The Committee welcomes the information on the housing projects for Roma which the State party has implemented and notes the significant efforts invested in seeking optimal solutions to improve their deteriorating housing conditions. While the Committee notes that, in the short term, construction of housing units that are occupied predominantly by Roma may be successful, it is concerned that, in the long term, such solutions may perpetuate segregation. The Committee is further concerned by the evictions from flats or threats to evict reportedly faced by many Roma families.

The Committee encourages the State party to continue its activities in the area of research relating to the problem of housing and to seek solutions that promote the social integration of the Roma. With respect to evictions, the Committee recommends that the State party devise measures to prevent evictions or mitigate their negative effects, in particular on the most vulnerable groups.

386. While appreciating the complexity of the problem of special schooling and noting the accompanying measures taken by the Government with a view to promoting adequate support to Roma children, the Committee remains concerned, as does the Committee on the Rights of the Child (see CRC/C/15/Add.201, para. 54), at the continued placement of a disproportionately high number of Roma children in □ special schools□.

Recalling its general recommendation XXVII, the Committee urges the Government to continue and intensify the efforts to improve the educational situation of the Roma through, inter alia, enrolment in mainstream schools, recruitment of school personnel from among members of Roma communities, and sensitization of teachers and other education professionals to the social fabric and world views of Roma children and those with apparent learning difficulties.

387. The Committee is encouraged by the preparation of the new Act on Legal Aid, which will facilitate access to justice of victims of discrimination. However, it is concerned at continued reports that judges in criminal proceedings are reluctant to issue findings that crimes are racially motivated. The Committee also regrets the lack of information on specific cases of victims of discrimination having obtained adequate reparation.

The Committee encourages the State party to establish promptly a legal aid system for alleged victims of racism. It requests the State party to include in its next periodic report information on the number of persons who have benefited from legal aid and information on cases of victims who have obtained adequate reparation.

388. The Committee welcomes the anti-racism campaigns conducted annually and the broad population targeted by them, and notes the numerous other initiatives of the State party to combat discriminatory attitudes and practices. Unfortunately, that negative attitudes towards minorities and refugees persist

among public officials, in the media and among the general public, is a matter of concern to the Committee. Furthermore, the Committee is concerned that the judiciary, unlike the police, does not seem to be the object of sensitization and educational activities.

The Committee recommends that the State party continue and intensify its anti-racism campaigns and other efforts aimed at combating racial and ethnic stereotyping. It recommends that the State party, while pursuing public education campaigns, continue and diversify targeted training programmes for professionals, such as the police, judges and other public officials working with the Roma and other vulnerable groups.

389. The Committee encourages the State party to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

390. The Committee recommends that the State party disseminate widely information on the domestic remedies available against acts of racial discrimination, on the legal avenues for obtaining compensation in cases of discrimination and on the individual complaint procedure under article 14 of the Convention.

391. The Committee welcomes information on the preparation of a draft National Plan of Action on Combating Racism in the Czech Republic. It looks forward to its presentation at the Regional Seminar of Experts for Eastern Europe on the Implementation of the Programme of Action Adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be hosted by the Czech Republic in September 2003. The Committee invites the State party to include in its next periodic report information on the National Plan of Action and any other measures taken to implement the Durban Declaration and Programme of Action at the national level.

392. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

393. The Committee recommends that the State party submit its sixth periodic report jointly with its seventh periodic report, due on 1 January 2006, and that it address all points raised in the present concluding observations.