

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Seventieth session  
19 February – 9 March 2007

QUESTIONS PUT BY THE RAPPORTEUR IN CONNECTION WITH THE  
CONSIDERATION OF THE 6<sup>th</sup> AND 7<sup>th</sup> PERIODIC REPORTS OF  
THE CZECH REPUBLIC

(CERD/C/CZE/7)

**Composition of the population**

1. Please provide detailed updated statistical data, if any, regarding the ethnic characteristics of the population and the socio-economic status of members of the various national or ethnic minorities in the State party.

**Status of the Convention in domestic law**

2. Please provide examples, if any, of instances where the Convention has been invoked before Czech courts and has prevailed over domestic legislation (core document, para.40).

**Article 1 and 2**

3. Please provide information on the current status of the draft legislation relating to protection against discrimination and on equal treatment (Anti-Discrimination Act)? Has it been approved by the Chamber of Deputies? Does it contain a definition of racial discrimination in conformity with article 1.1 of the Convention? (State report, para. 170 to 178 and previous concluding observations, para. 8).
4. Has the Centre for Equal Treatment been established, as provided in the draft Anti-discrimination Act? If so, please provide information on its mandate, competences and composition and whether it will carry out investigations of complaints.

5. Please provide information about the concrete results of the Operation Plan for 2004-2005 adopted by the Working Group for Roma affairs and in particular on the extent to which it has contributed to countering racially motivated violence and discrimination against Roma (previous concluding observations, para.9 and State report, para. 72)
6. Does the State party envisage ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families?

#### **Article 4**

7. Please indicate the measures taken to eradicate Fascist and neo-Nazi symbolism, such as “racist graffiti on building walls, goods offered in army shops where insignia and other memorabilia of the Third Reich are presented as items of collector interest” (State report, para. 46).
8. Please provide further and updated information on the outcome of the working group set up by the Minister of the Interior and the Police which “will prepare concrete steps in order to prosecute the organization of right-wing extremist concerts and participation in music groups as a manifestation of support and promotion for movements that aim at suppressing people’s rights and freedoms” (State report, para.69).
9. Has the State party adopted legislation to declare punishable not only active participation but also *any* participation in organizations promoting and inciting racial discrimination, in accordance with article 4 (b) of the Convention (previous concluding observations, para10).

#### **Article 5**

10. Please provide further information on the findings of the report entitled “Evaluation of Programs designed to reduce the Risk of Social Exclusion of the Roma Community” (State report, para. 121).
11. It is reported that Roma, in particular children are subject to ill-treatment by police officers and are placed in detention and coerced into confessing to minor crimes resulting in a criminal record. Please

indicate what steps have been taken to combat these phenomena (previous concluding observations, para.11).

12. It is reported that Romani women have been subjected to coercive sterilization without their informed prior consent. Has the State party conducted thorough, impartial and effective investigations? Have the victims been compensated? (State report, paras. 126-132).
13. Has the State party implemented any of the recommendations contained in the Public Defender report with regard to involuntary or coercive sterilization, including legislative changes, in particular regarding the provision of a clear definition of informed, free and qualified consent?
14. It is reported that unemployment among Roma continues to be particularly high and that Roma face discrimination during the recruitment process. Has the State party included in its new Employment Act a clear definition of direct and indirect discrimination? Has the State party established a functional loan system for socially weak sections of the population, in particular Romani women, as an alternative to usury? (previous concluding observations, para. 12, State report, para. 92)
15. Please provide further information on the research paper on “Legal aspects of the status of municipalities in respect to housing”, the aim being to implement housing policy at a local level, particularly in relation to the neediest social target groups. What steps has the State party undertaken to put an end to the evictions reportedly faced by many Romani families (previous concluding observations, para. 13 and State report, para. 108).
16. It is reported that a disproportionately large number of Roma children are being removed from their families and placed in State institutions or foster care. Please provide updated data of Roma children placed in state institutions or foster care. Please indicate the existing policies to ensure that no direct or indirect discrimination exists in the child protection legal system.
17. To what extent has the Education Act (2004) proved effective in promoting the enjoyment of the right to education of children belonging to minorities, in particular Romani children? Please provide disaggregated data by ethnicity on children enrolled in mainstream schools and special schools. Please also provide further information on measures taken 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 (previous concluding observations, para.14 and State report, para.136).

### **Article 6**

18. It is reported that difficulties in obtaining legal aid continue to be an important barrier preventing victims of discrimination from bringing cases before the Czech Courts. What is the current status of the draft Act on Legal Aid? Does it contain any specific provision aiming at facilitating access to justice to victims of discrimination without means? (previous concluding observations, para.15 and State report, para.177 and 206).
19. Please indicate whether an independent body to investigate complaints with respect to the work of the police has been created (previous concluding observations, para.11 and State party report, para.201).
20. Please indicate in which way the new Anti-Discrimination Act, if adopted, would result in a major expansion of the powers of the Ombudsman with regard to providing assistance to victims of racial discrimination (State report, para.35).
21. Please provide information on action, if any, taken by the relevant authorities to which was referred the case regarding the issue of segregation of Roma children in special schools dismissed by the Constitutional Court.
22. According to the State party report, "...the Office of the Ombudsman received very few complaints concerning racial discrimination..." (State report, para.34). Has the State party taken into consideration that the low number of such cases could be the result of the victim's ignorance of their individual rights, lack of confidence in the police and judicial authorities or the authority's lack of attention or sensitivity to cases of racial discrimination?

### **Article 7**

23. Please provide further detailed information on the training programmes and courses for members of the law enforcement officials, teachers, social workers and in particular members of the

judiciary on the provisions of the Convention and their application (previous concluding observations para. 16 and State report para.183-189).

24. Please provide information, if any, regarding the persistence of discriminatory attitudes and lack of trust towards foreigners based on negative stereotypes, which the media is contributing to reinforce. What specific and concrete measures have been adopted to combat such intolerance, in particular in relation to the media?

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