

QUESTIONS PUT BY THE RAPPOREUR IN CONNECTION WITH THE
CONSIDERATION OF THE 6th AND 7th 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.*

Data about the economic activity of various national minorities are enclosed (Table No 1). The data come from the last census held in 2001. The census, which takes place in the Czech Republic regularly once every ten years, is the only statistical source of information about the national or ethnic origin of the population. It is possible to claim membership of a specific national or ethnic minority voluntarily.

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.)*

No reference to the Convention has been found in the online databases of judgments of the Supreme Court, the Supreme Administrative Court and the Constitutional Court.¹ Therefore the requested examples of the invocation of the Convention before the Czech courts cannot be supplied. Nevertheless, the binding nature of the Convention is mentioned by the Supreme Court in Judgment 2 Tzn 85/97 of 9 October 1997, in which it deals with an interpretation of Section 196(2) of the Criminal Code (the substance of the crime of violence against a group of persons or against an individual) and upholds a complaint against a breach of law brought by the Minister for Justice against the accused.² The fact of the matter remains, however, that the Supreme Court

¹ The Convention was published as Decree of the Minister for Foreign Affairs No 95/1974.

² From the judgment:

‘Although the substance of the crime of violence against a group of persons and against an individual under Section 196(2) of the Criminal Code is intended in particular to prosecute perpetrators whose political belief, nationality, race or religion is different from the persons attacked, a grammatical and logical interpretation of the said provision leads to the conclusion that a perpetrator may commit this crime against a group of persons or individual of the same political belief, nationality, race or religion as the perpetrator (or where the persons attacked and the perpetrator are of no religion).’

(...)

‘In this respect, the Supreme Court emphasizes that the legal qualification of a particular act under Section 196(2) of the Criminal Code is conditional on a precisely determined motivation for the attack, which must be made against a group of persons or an individual on the grounds of political belief, nationality, race, or religion or on the grounds that they are of no religion. Therefore, motivation based on other characteristics of the attacked persons is insufficient as the aforementioned substance of the provision does not provide universal protection for all or any groups of interests. In this regard, for example, an attack against persons on grounds of their colour or ethnic origin

did not address the binding nature of the Convention, and it is possible to interpret the given passage of recitals in different ways. It is at least positive that the Supreme Court expressly referred to the Convention (and other international instruments for the protection of human rights), as did the Minister for Justice.

Articles 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).*

The Antidiscrimination Bill and corresponding amending bill were approved by the government under Resolution No 1193 of 1 December 2004. Both bills were presented to the Chamber of Deputies on 21 January 2005 and were labelled as Parliamentary Press No 866 and 867. The Chamber of Deputies approved both bills on 7 December 2005. The Senate debated the Antidiscrimination Bill and corresponding amending bill as Press No 201 and 202. However, on 26 January 2006 it rejected both bills. The Chamber of Deputies held a vote on the bills on 23 May 2006; 83 members of Parliament were in favour, 45 against. Therefore the bill did not receive the 101 votes required to vote down the rejection delivered by the upper house of the Czech Parliament.

The Bill on equal treatment and on legal resources for protection against discrimination (the 'Antidiscrimination Bill') regulated the right to equal treatment and protection against discrimination on grounds of race or ethnic origin (and on other specified grounds) in the field of the right to employment and access to employment, access to a profession, entrepreneurship and other self-employment, in labour matters and other employment affairs, including remuneration, membership of and activities within trade unions, employee councils or employer organizations, membership of and activities within professional bodies, including the benefits granted by these

could not be assessed under Section 196(2) of the Criminal Code if such an attack is not motivated by political belief, nationality, race or religion (or absence of religion) of the persons attacked. This can also be deduced from the fact that the cited provision – besides other substances of the crime of the special part of the Criminal Code – constitutes the implementation of obligations stemming from the International Convention on the Elimination of All Forms of Racial Discrimination, which was published under number 95/1974, and which with regard to Article 5(2) of Constitutional Act No 4/1993 is also binding on the Czech Republic. Under Article 4(a) of this Convention, the States parties undertake inter alia to declare the manifestations of racial discrimination stated therein an offence punishable by law. Our State (or its legal predecessor) also made this commitment, inter alia in Section 196(2) of the Criminal Code; therefore the racial motivation of crimes cannot be interpreted and inferred without consideration for the legal elements mentioned in the relevant provisions of the Criminal Code, as this is the only way to conform to Article 39 of the Charter of Fundamental Rights and Freedoms (only the law provides which conduct is a criminal offence). Besides, the above-mentioned Convention itself differentiates between the terms of race, colour, descent, or national or ethnic origin, in particular in Article 1(1), Article 4 and Article 5. Similarly, other provisions of the highest legislation which protect fundamental human rights and freedoms differentiate between the terms of race, colour, and membership of a national or ethnic minority (see, for example, Article 3(1) of the Charter of Fundamental Rights and Freedoms, promulgated under number 2/1993, and Article 14 of the Convention on the Protection of Human Rights and Fundamental Freedoms, promulgated under number 209/1992).'

(...)

organizations to their members, social security and social benefits, health care, education and access to goods and services available to the public, including housing, and the provision thereof. The Antidiscrimination Bill differentiated between direct and indirect discrimination. Direct discrimination is conduct, including negligence, where one person is treated less favourably on grounds of race or ethnic origin or on other grounds than another is, has been or would be treated in a comparable situation. The bill also considered harassment, sexual harassment, victimization, an instruction to discriminate, or incitement to discriminate to be discrimination. It also defined these terms. Therefore, it could be said that the definition of racial discrimination is not only in conformity with the Convention, but also goes beyond the confines of the Convention. The Ministry of Justice is currently preparing a bill building on the same principles as the previous Antidiscrimination Bill. The definitions of discrimination should not be changed.

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.*

In the wake of the rejection of the Antidiscrimination Bill (see Question 3), no body has been set up competent to safeguard the right to equal treatment. This means that no Centre for Equal Treatment has been established.

The Antidiscrimination Bill was originally drawn up in two versions for its institutional coverage. One of the variants was the Centre for Equal Treatment, an institution which would be set up from scratch. The alternative was an expansion to the mandate of the ombudsman. Before presenting the bill to Parliament, the government had decided in favour of entrusting this agenda to the ombudsman and therefore the legislative bodies of the Czech Republic discussed only this version.

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)*

Within the Ministry of the Interior, there is a **‘Working Group of the Government Council for Roma Community Affairs for National Affairs and the Police Force of the Czech Republic’**. This is the only official working party that draws together the Roma coordinators of regional authorities (see also para. 72 of the Report). In 2006, this working group held two meetings. The first focused on describing the problems of socially excluded Roma communities, as determined in a survey commissioned by the Ministry of the Interior, and the ways in which they could be tackled, especially by local government and the Czech Police Force. The main problems include usury, credit fraud, excessive indebtedness and execution upon social benefits.

The indebtedness of socially weak and excluded groups of the population as a factor leading to crime and destabilization was discussed at the working group’s second meeting as part of an open public discussion called ‘Caught in the Debt Trap’ held under the aegis of the Olomoucko Region in October 2006. The Ministry of the Interior prepared background material for the meeting covering: the problems of short-term credit; the legal framework for the granting of loans and credit; a description of legal persons granting loans and credit; the possibilities of bridging difficult situations by drawing on social protection resources; the execution upon benefits and an outline of how to deal with excessive debt. The specific, tangible outcome of this action is the

Olomoucko Region's decision to run a pilot project in 2007 for the prevention and remediation of excessive debt among socially weak and excluded inhabitants.

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?

The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the 'Convention') has been ready for signature and ratification since December 1990, but so far only 28 States have signed it and 13 ratified it. None of the European Union Member States figure among the States parties to the Convention, and as yet there is no indication that any EU country is preparing to sign or ratify the document.

Nevertheless in the last few years the European Union has paid increasing attention to international migration due to the influence on socio-economic development both in the countries of origin of the migrants and in the countries where they stay. International migration is one of the trends of intensifying globalization, and therefore the EU has assumed a progressive stance towards the issue of migration and asylum policy and has adopted numerous measures (the Amsterdam Convention of 1999, the Tampere Programme of 1999, the Hague Programme of 2004). The Hague Programme laid down an ambitious five-year plan of work.

The rights of migrating workers and their family members are effectively protected in the Czech Republic not only by existing national law, but also by international human rights documents to which the Czech Republic is party. Even so, the Czech Republic is prepared, within the European Union, to become actively involved at international level in political dialogue on the theme of migration and development, and to contribute to an exchange of knowledge and experience concerning migration-related matters.

At present, there are no plans for the Czech Republic to ratify the Convention in question. Therefore, a decision on whether to ratify the Convention should be taken further to a discussion within the European Union.

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).

In general, such conduct may be in line with some of the substances of certain crimes, such as the crimes under Sections 260, 261, and 261a (the support and promotion of movements aimed at suppressing a person's rights and freedoms) and the crimes under Sections 198 (defamation of a nation, ethnic group, race or belief) and 198a (incitement to hatred against a group of persons or to the restriction of their rights and freedoms) of Act No 140/1961, the Criminal Code, and as such is investigated by the Czech Police Force. However, in all cases proof is required that the conduct was intentional and that the perpetrator fulfilled the substance of the crime of the criminal offence as described by the Criminal Code. However, in cases where racist or otherwise xenophobic graffiti is daubed on buildings, the Czech Police Force is often unable to identify the perpetrator. Such cases are then suspended in accordance with Section 159a of the Criminal Code (suspension or other closure of the case).

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).

The operations of the working group to deal with issues related to the eradication of right-wing extremist crime have resulted in the production of an 'Opinion on the interpretation of the substances of crimes perpetrated by right-wing extremists and on the problems connected with providing evidence thereof', the principal aim of which is to interpret the provisions of the Criminal Code covering crimes committed by right-wing extremists and the presentation of evidence required to prove their individual substances of crimes. This opinion also follows up on a preceding opinion delivered by the Security Policy Department of the Ministry of the Interior, i.e. the 'Opinion on the legality of the procedure applied by the Czech Police Force in cases where extremist groups and movements assemble and on an interpretation of the terms under Sections 260 and 261 of Act No 140/1961 of the Criminal Code'.

The 'Opinion' was adopted at the working group's fourth meeting (17 January 2007) and preparations are now under way on the methodology for the Opinion, which aims to facilitate its application in practice by the Czech Police Force.

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, para 10).

The Criminal Code as it stands contains several substances of crimes which specifically punish racial discrimination. One of these is the above-mentioned crime, where conduct comprising active involvement in organizations professing inter alia racial discrimination is considered punishable by law. The purpose of the legislation is to prosecute serious infringements involving behaviour which is not merely an expression of sympathy for such a group or formal membership of such a group (which is covered by the term 'involvement') but activity entailing, at the very least, a profession of discrimination or other manifestations aimed at realizing what were originally only professed opinions.

In addition, the Criminal Code punishes behaviour involving the support and promotion of movements aimed at suppressing a person's rights and freedoms. In practice, a group of at least three persons is considered to be such a movement. Racial discrimination is also punishable in cases where persons collude or form a mob to behave in such a way, or where persons conduct themselves in such a manner independently, with no link to any organization supporting or promoting racial discrimination. It can be said, then, that current legislation is sufficient, and even more stringent than the Committee's recommendation.

The information above is also contained in the 'Information on the fulfilment of the concluding recommendations of the Committee on the Elimination of Racial Discrimination concerning the

Czech Republic's fifth periodic report' (comments on recommendation No 10). The Criminal Code now being prepared adopts the existing wording for this crime.

Article 5

10. Please provide further information on the findings of the report entitled 'Evaluation of Programmes designed to reduce the Risk of Social Exclusion of the Roma Community' (State report, para. 121).

This report was drawn up by the Research Institute for Labour and Social Affairs³ along with other evaluation studies critically focusing on evaluations of the quality and effects of programmes geared towards diminishing the risk of the social exclusion of the Roma community in the Czech Republic. The report is published in an electronic version on the website of the research institute.⁴

The study identified a comprehensive programme for the development of field social work in socially excluded localities as an efficient and effective example of good practice. This programme is viewed as an appropriate complement to the universally offered measures of the social security system, although the evaluators pointed out that there were drawbacks in the management and coordination of a programme with a general policy of social inclusion.

In the evaluation of the contribution made by pro-Roma programmes to the social inclusion of the Roma community, the evaluators profiled two significant problems related to the production of such programmes in the past two years.

The first criticism is that there are few public programmes explicitly or implicitly aimed at reducing the Roma community's social exclusion. According to the researchers, this applies both to programmes predominantly regulated and organized by the government, and programmes organized primarily by nongovernmental organizations. According to the evaluators, this situation at government level can be attributed to the vague concept of the pro-Roma policy. According to the study, the situation is similar among nongovernmental entities. The study authors believe that the dearth of successful programmes lies in the fact that measures culminating in social inclusion are very demanding from the aspects of organization, professional staff and funding when the possibilities of this sector are taken into account. The evaluators believe that a clear definition of the role of the State and non-profit organizations would be an answer in this process. At the same time, however, they formulate this conclusion in the knowledge that the preparation of pro-Roma measures in the last few years has registered improvements in quality.

Another obstacle to the development of public policy in the area examined, according to the authors of the study, was the deficiencies in the management and administrative regulation of programmes. The authors state that the basic prerequisite for the effective and efficient production and implementation of programmes is sufficient relevant information and timely access to this information. However, in their opinion, this requirement has not been adequately

³ The Research Institute for Labour and Social Affairs is a public research institution specializing in applied research in the fields of labour and social affairs at regional, national and international level, formulated in accordance with the current requirements of state administration authorities and non-profit or private entities.

⁴ <http://www.vupsv.cz/>

met. With regard to state authorities involved in the regulation of this process, the evaluators believe there is a lack of (both provided and requested) valuable information. Among nongovernmental entities, there was a low level of responsibility for policy-making. Nongovernmental organizations depend entirely on success in grant proceedings and therefore there is keen competition among individual organizations. These organizations are reticent about sharing their know-how with each other and are very careful about the information they divulge concerning their programmes.

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).

There are competent internal control groups (departments) within individual sections to handle complaints about police officers concerning breaches of discipline or decent and ethical conduct. The Inspectorate of the Minister of the Interior is competent to examine crimes by police officers, and the public prosecutor's office is then competent to investigate them. Based on a statement from this body, in fulfilling its mandate it seldom encounters this type of crime among police officers. In 2006, according to a statement by the Inspectorate of the Minister of the Interior, there were no crimes by police officers with a racist or otherwise xenophobic undertone.

These mechanisms are applied irrespective of whether or not a police officer is accused of behaviour with a racial undertone.

In criminal proceedings, the Inspectorate of the Minister of the Interior figures – in accordance with Section 2(4) of Act No 283/1991 on the Czech Police Force, as amended (the 'Czech Police Force Act') – as a police authority competent to handle all crimes perpetrated by members of the Czech Police Force. The activities of the Inspectorate of the Minister of the Interior are supervised in accordance with Section 174 of the Rules of Criminal Procedure from the start of pre-trial proceedings by the public prosecutor. The Inspectorate of the Minister of the Interior, which is a body of the Ministry of the Interior comprising persons holding police ranks, is thus responsible for the detection and investigation of circumstances indicating that a crime has been perpetrated by a police officer, and for the identification of the perpetrator.

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).

The ombudsman sought the cooperation of the Ministry of Health in examining health documentation regarding the sterilization of women in accordance with Directive of the Ministry of Health of 17 December 1971 on sterilization (the 'Directive'). For this purpose, an advisory body of the Minister for Health was set up. The advisory body completed an investigation into cases for which the relevant healthcare documentation could be retrieved.

The advisory body stated that there were errors in the performance of sterilization, but this was not a nationwide phenomenon, only an error by specific healthcare facilities. In certain cases, not

all the conditions laid down in the Directive were respected; in other cases administrative errors were found, and in certain cases errors were found in the medical indication.

Of the 76 cases evaluated

- sterilization had not taken place in 12 cases,
- the conditions of the Directive had been met in 14 cases,
- the conditions of the Directive had not been met in 41 cases,
- doubts about the authenticity of signatures (three crosses etc.) were identified in eight cases.

Five cases have been investigated since the Convention on Human Rights and Biomedicine entered into force. In three cases the Directive's conditions were satisfied; in two cases the conditions were not met. The advisory body recommended that the Minister for Health set up a central expert committee for these five cases in order to assess whether or not the operation had been carried out in accordance with recommended procedures.

Further to the conclusions of a meeting held on 25 January 2006, the advisory body proposed the following remedial action by the Ministry of Health:

1. draft the wording of the informed consent to sterilization and publish it in the Journal of the Ministry of Health (for information on implementation, see the reply to Question 13),
2. issue a methodological interpretation of the Ministry of Health, to be published in the Journal of the Ministry of Health as a conclusion drawing on the results of the advisory body's investigation,⁵
3. inform the lay public via the website of the Ministry of Health,⁶ leaflets and brochures about the conditions for sterilization, including the risks and consequences of this operation, and about the rights of patients in general,
4. in the scope of postgraduate studies, ensure that physicians are taught about patient rights in general, and about the conditions of a patient's informed consent to the provision of health care,
5. in cases of incorrect procedure or a causal nexus, i.e. where there is a serious error, set up a central expert committee⁷ and, based on the outcome, decide on further procedure or submit a complaint to law enforcement agencies,
6. inform the ombudsman of approved remedial action and of the fact that proceedings have been adjourned in cases where a request for the verification of data has been made,
7. in cases where healthcare documentation has been destroyed by a natural disaster, notify the relevant healthcare facilities of the proper management of such documentation so that it is filed accordingly, thus preventing similar damage to other documents,
8. inform the relevant healthcare facilities of the consistent observance of legislation in force concerning sterilization.

Based on the recommendations of the advisory body, five complaints were passed on to the central expert committee. The Ministry of Health is taking the corresponding remedial action approved by its advisory body.

The matter of the alleged forced sterilization of Roma women is being discussed further by the government's advisory bodies, i.e. the Government Council for Human Rights and the Government Council for Roma Community Affairs. However, these opinions, which also contain

⁵ This interpretation will be a response in particular to the submission of special informed consent.

⁶ www.mzcr.cz

⁷ Decree No 221/95 on central expert committees

proposals for solutions keeping to the same line followed by the ombudsman's proposals, have not yet been finalized and presented to the government.

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?

Decree No 385/2006 on healthcare documentation, as amended by Decree No 479/2007 (which will enter into effect on 1 April 2007) defines the particulars recorded in healthcare documentation, including the particulars of informed consent. The recommended informed consent to sterilization will have to contain the same particulars when the decree enters into effect. A standard is being prepared which will define *lege artis* the procedure for sterilization, sterilization after a Caesarean section, where a significant period has passed since the Caesarean section, and subsequent sterilization to prevent life-threatening complications in the event of another pregnancy.

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)

The Employment Act (Act No 435/2004) prohibits direct and indirect discrimination in exercising the right to employment on grounds of sex, sexual orientation, race or ethnic origin, nationality, citizenship, social origin, descent, language, health, age, religion or belief, property, marital and family status, age or responsibility for the family, political or other persuasion, and membership of and activity in political parties or political movements, in union organizations or employers' organizations.

It defines direct discrimination as conduct where a natural person is, has been, or would be treated less favourably than another person in a similar situation is or has been treated based on differentiation in accordance with the defined grounds of discrimination.

Under this Act, indirect discrimination means conduct where an apparently neutral decision, differentiation or procedure places a natural person at a disadvantage in relation to another natural person based on differentiation in accordance with the defined grounds of discrimination; indirect discrimination on grounds of health includes the refusal to take, or negligence in failing to take, specific measures required to ensure that a natural person with a disability has access to employment. Cases where an apparently neutral decision, differentiation or procedure is objectively justified by a goal and means to achieve the goal are reasonable and required, or cases where, with regard to disabled persons, a legal or natural person is obliged to take appropriate measures to eliminate disadvantages stemming from such a decision, differentiation or procedure, shall not be deemed to be indirect discrimination.

As has been mentioned in the reply to Question 5, the indebtedness of socially weak and excluded groups of the population as a factor leading to crime and destabilization was discussed

at the working group's second meeting as part of an open public discussion called 'Caught in the Debt Trap' in October 2006. The Ministry of the Interior prepared background material for the meeting covering: the problems of short-term credit; the legal framework for the granting of loans and credit; a description of legal persons granting loans and credit; the possibilities of bridging difficult situations by drawing on social protection resources; the seizure of benefits and an outline of how to deal with excessive debt. The specific, tangible outcome of this action is the Olomoucko Region's decision to run a pilot project in 2007 for the prevention and remediation of excessive debt among socially weak and excluded inhabitants.

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)

Research called 'Legal aspects of the status of municipalities in the field of housing', drawn up by Masaryk University in Brno, mainly comprised a legal analysis of the current Act No 128/2000 on municipalities, as amended. Generally known facts were stated in this research, in particular that the implementation of housing policy at local level is not expressly regulated in the Municipalities Act within the meaning of the obligation to make housing available to the most needy target groups. The concept of housing policy at local level is therefore generally based on the municipality's obligation, laid down in the Municipalities Act, to 'care' for the housing requirements of the municipality's citizens, and is made more specific in individual municipalities by documents adopted by the local municipal authority within the scope of its autonomous competence.

The existing Municipalities Act therefore respects the full autonomy of municipalities – as owners granted a status by the Constitution that is equal to all other owners – in the management of their assets, where the management of a municipality's real property is included, by law, among the fundamental affairs of the municipal assembly, and its legal protection focuses primarily on its efficient use and protection, in respect of which any non-market measure must be duly justified, e.g. sale for a price other than the normal price. In this respect, municipalities are 'forced' to behave economically efficiently, as required by the interests of most of the municipality's inhabitants, and to provide assistance in the field of housing to certain groups of socially needy inhabitants, which is determined by the (assembly selected) degree of solidarity between the majority and the needy minority.

The research concludes by proposing – in the future – an amendment to the Municipalities Act to enshrine the municipality's obligation, by law, to ensure housing for the needy within the scope of its asset management. In terms of the State's housing policy, this research did not meet expectations, as it offered no other possible solution than an amendment to the Municipalities Act, although from the point of view of this law's objectives it can be considered entirely unsystematic and, as regards the needs of the State, ineffective. An obligation imposed on a municipality must be based on a constitutional basis, be enforceable and be punishable in the event of non-fulfilment; the question remains as to whether such an intervention would be a breakthrough in the concept of the autonomous competence of a municipality in the management of its own assets.

As regards measures adopted to address the housing situation of 'evicted Roma', it should be noted that 'eviction' generally concerns tenants (not just Roma households) who do not fulfil or who grossly breach obligations connected with the lease of a flat by failing to pay the rent or by seriously damaging the subject of the lease. As, in numerous cases, this involves repeated breaches over many years, and therefore it cannot be expected that these persons are willing or able to respect the obligations imposed on them in relation to the use of another party's property, it has been necessary to offer a solution in conjunction with the provision of social care that ensures at least some of the requirements placed on persons living autonomously.

To this end, there is a programme called 'Support for the construction of subsidized flats', under which the Ministry of Regional Development awards grants for the construction of municipal social rental apartments intended for persons disadvantaged not only by insufficient income, but also by other handicaps (health, social, etc.).

Since 2003, the following grants have been made available under this programme every year:

- Construction of protected flats – for persons with health problems and persons of advanced age
- Construction of halfway flats – for persons and households with social handicaps who live a conflict-based life or in a risky environment. These are mainly people who are unable to address their unfavourable social situation on their own, are unable to fulfil obligations related to their rented accommodation without assistance, and are at risk of losing their housing. In halfway flats, the municipality, as the owner, must secure the provision of social intervention services, which are subject to Act No 108/2006 on social services.
- Construction of entry flats – for persons who, as a result of adverse circumstances in their life, do not have access to housing, even with the application of all current instruments of social and housing policy, but are able to lead an autonomous life, especially from the aspect of the fulfilment of obligations stemming from tenancy arrangements.

The numbers of flats for the construction of which grants were awarded in 2006 can be found in the annex (Table No 3).

From 2003 to 2005, the Ministry of Regional Development awarded grants from its budget for the construction of rental apartments for persons on low incomes and for the construction of technical infrastructure. Since 2006, grants have been awarded for the construction of social rental apartments for low-income persons out of the resources of the State Housing Development Fund in accordance with Governmental Order No 146/2003.

In June 2006, the draft of a new governmental order was approved which defines the conditions for the provision of grants to any legal or natural person who, over a set period, provides social rental housing, at a limited rent, for persons with defined incomes. The aim of this governmental order is to create a legal framework for the broader provision of support for the construction of affordable rental apartments for persons on defined incomes. Social rental apartments built with grants will be offered only to persons with defined incomes, who will be required to pay rent which must not exceed the rent limit, which is set at the beginning at CZK 50 per m², with the possibility of index-related rises.⁸

⁸ The new governmental order will enter into effect after it has received positive notification from the European Commission from the aspect of State aid in accordance with Community law.

The Ministry of Regional Development has also been involved long term in a very topical problem, i.e. issues of spatial and social segregation. Over the past three years, this problem has been intensively addressed, within the scope of research funded by the Ministry, by a team of experts from the Faculty of Natural Sciences of Charles University, Prague. One of the research outputs is a guidebook for local authorities, which is now being distributed to municipalities. This publication should form part of the methodological support of municipalities in the field of housing policy; its aim is to bring attention to problems connected with segregation and to the possibility of preventing or lessening the consequences of segregation. The research should also give rise to proposed instruments of territory-specific policies.

The Ministry of Regional Development is constantly cooperating with nongovernmental organizations, to which it awards financial contributions for their activities every year. These are mainly organizations which offer free legal advice in the field of housing. In 2006, the Ministry, as part of its methodological activities, prepared a guidebook called 'How to keep the roof over your head' in cooperation with citizens' advice bureaus; this guidebook contains simple information on how to prevent the loss of housing and is intended for socially excluded persons.

Since 2000, there has been a grant programme in the Czech Republic called 'Field Work Support', used for the provision of grants to municipalities implementing a the Programme for the Support of Field Social Work.⁹ One of the programme's aims is to motivate municipal authorities to address the problem of socially excluded localities and, through the intervention of field social work, to stimulate and activate socially excluded citizens to become incorporated into society primarily by finding work, increasing their level of education, and securing low-cost housing to maintain the functionality of their families.

Grants under this programme are available to municipalities in whose cadastral district there is a Roma community or socially disadvantaged people that cannot or would find it very hard to achieve a comparable standing in normal life. In 2005, 57 municipalities received funding and employed 87 field workers. Field social work programmes are subjected to numerous analyses geared towards their evaluation and refinement in subsequent years.¹⁰

In 2006, the Ministry of Labour and Social Affairs, in cooperation with the Government Council for Roma Community Affairs, implemented the project 'Analysis of socially excluded Roma localities and the absorption capacity of entities operating in this field'. The analysis, processed by an independent consulting company, confirmed the spread of the social exclusion of members of Roma communities throughout the Czech Republic. The new Czech government has declared that it will tackle this problem, and immediately after its formation it started work on the creation of an Agency to combat social exclusion. This agency sets itself the goal of providing comprehensive services in the prevention and eradication of social exclusion. The pilot project for the agency's activities, in the framework of which a detailed analysis will be carried out on selected (3-5) socially excluded localities, will be prepared in March 2007. As part of the short-

⁹ approved under Government Resolution No 386 of 19 April 2000

¹⁰ In 2005, an analysis was conducted called 'Possibilities of streamlining instruments of the government Programme for the Support of Field Social Work in municipal authorities', and there was a survey called 'Evaluation of the government Programme for the Support of Field Social Workers in socially excluded Roma communities. Values and Facts'

term and medium-term plan of activities, projects will be implemented that address issues related to housing, education, employment and health care.

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.

Children may be removed from their family only if there are serious reasons for this which place their health or sound development at risk. Only a court may rule on the removal of a child, as a rule based on a petition filed by a body for the social-law protection of children. The concept of the child is derived from the Act on the Social-Law Protection of Children, which contains a direct reference to the Convention on the Rights of the Child, including all principles of non-discrimination. The Convention itself, in Article 2(1), provides for a prohibition of discrimination inter alia on grounds of race, colour... language... national, ethnic or social origin. For the same reason, the ethnicity of children who are placed outside their family is not monitored as this information is irrelevant in the decision-making process.

The proportion of Roma children in the total number of children in institutional care may reflect the social situation of part of the Roma community. The frequently unsatisfactory conditions, and conditions which jeopardize the above-mentioned sound development of children, are naturally taken into account as a reason to remove children.

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 School 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).

The School Act guarantees the universal right to education without any form of discrimination, the application of the principle of individualization and differentiation in education - in keeping with Section 2 of the School Act (the obligation of the school to take the individual's educational needs into account), and the use of a wide range of support services from the advisory system in the educational sector to address the educational and behavioural problems of pupils.

The School Act guarantees an education for pupils with special educational needs, including socially disadvantaged pupils; numerous Roma pupils belong to this category. The law defines social disadvantage as follows: a family environment with a low socio-cultural status, the risk of socio-pathological phenomena, specific consideration for educational needs.

Pupils with special educational needs have the right to an education, the content, form and method of which shall correspond to their educational needs and capacity, to the creation of the necessary conditions that will facilitate this education, and to counselling from the school and an educational counselling establishment. The nature of a handicap and disadvantage is taken into consideration when assessing and classifying pupils with special educational needs. (Section 16(6) of the School Act). In the School Act, the necessary educational support for Roma pupils is

also addressed systematically. This law does not separate primary and special needs schools, but in the scope of primary education creates conditions so that all pupils are provided with education and support corresponding to their specific educational needs. In Section 16 (of the above-mentioned Act No 561/2004), the education of children, pupils and students with special educational needs is specified in the part on the social handicaps of pupils, which contains provisions on how to adapt content, form and methods and how to create conditions conducive to the education of socially disadvantaged pupils.

Children in the final year before the start of compulsory full-time schooling are given preferential treatment in the preschool admissions procedure. Under Section 123(2) of the above-mentioned Act, education in the final grade of a nursery school funded by the State, a region, a municipality, or an association of local authorities and education in the preparatory class of a primary school is provided free of charge.

Section 6(1) of Decree No 48/2005 on primary education and certain particulars of compulsory full-time schooling also stipulates that pupils are provided with free textbooks, learning texts and school equipment of up to CZK 200 per pupil per school year.

Head teachers make decisions on whether to reduce or waive fees for education and school services, especially in cases of socially disadvantaged children, pupils or students.

There is also a methodological guideline of the Ministry of Education, Youth and Sport concerning the establishment of preparatory classes for socially disadvantaged children and concerning the establishment of the position of educator – teaching assistant (Guideline No 25 484/2000-22). However, priority here is given to assistants from the Roma community, with the aim of preventing communication and adaptation difficulties and other educational problems, especially among Roma children.

The Ministry of Education has also issued Decree No 73/2005 on the education of children, pupils, and students with special educational needs, and of extraordinarily gifted children, pupils, and students.

Relevant informative statistics concerning Roma are not available. It is up to the parents alone whether to claim Roma nationality.

The law significantly changed the situation regarding the admission to ordinary School of pupils with various types of learning disadvantages. Under Act No 561/2004, the catchments school, i.e. the normal primary school determined by the place where a pupil lives, is the first choice when enrolling pupils at school. The head teacher is required to give preference to the admission of pupils living permanently in the school's catchments area.

A systemic change, resulting in a significant shift towards inclusive education, is curricular reform and the commencement of teaching in accordance with school educational programs drawn up to respect the educational needs of the whole range of pupils taught at normal primary School (compulsory as of September 2007 in the first and sixth grades, but already in pilot operation at most schools).

Schools may also use the option of setting up the position of teaching assistance, which means two teaching staff work together in a class where there are pupils with special educational needs (this category includes socio-culturally disadvantaged pupils, i.e. some of which are Roma pupils) to support the effectiveness of the education given to the pupils in the class.

Diagnostic instruments to determine the special educational needs of pupils are being systematically refined. This task takes place as part of the methodological and research activities

of the Educational and Psychological Counselling Institute. The idea is for professional assessments of pupils' educational needs to systematically include a differential diagnosis; among pupils with learning problems in particular, problems caused by the genuine mental handicap of pupils would be rigorously separated from pupils' learning difficulties caused by the generally low social status of a family. Based on the results of such investigations by educational counselling institutions, proposals are submitted for the education of pupils with proven mental disability in a special education regime applying modified educational programmes.

The placement of a pupil with special educational needs (a disability) in a special education regime involving the use of modified educational programmes is possible only with the consent of a legal guardian.

Specific measures to improve the education of Roma pupils include a project for the timely care of socio-culturally disadvantaged children. Early care in the field of education is provided to children from socially and socio-culturally disadvantaged environments and their families, primarily in the period from the child's third year of life until the commencement of school attendance. An appropriate means of support in this period is to involve the child in preschool education at nursery schools, or at least in preparatory classes from the age of five. Part of the aim is to increase the number of socio-culturally disadvantaged children who attend pre-primary education in nursery School or in preparatory classes for socio-culturally disadvantaged children.

Under the School Act, preparatory classes are set up for children from a socio-culturally disadvantaged environment. Under Section 47 of this law, municipalities, associations of municipalities, or regions, subject to permission from the regional authority, may open preparatory classes of primary school for children in the final year before the start of compulsory full-time schooling who are socially disadvantaged and where it is expected that their placement in a preparatory class will level out their development. These classes may be set up for a minimum of seven children and a maximum of 15 children. The head teacher makes decisions on the placement of pupils in preparatory classes at the request of the children's parents and based on a written recommendation from an educational and counselling facility. The education provided in a preparatory class is part of the overall curriculum of a school.

The Ministry of Education runs a grant-based development programme for the appointment of teaching assistants for socio-culturally disadvantaged pupils. The aim is to promote educational success in classes at mainstream schools, promote cooperation with the community the pupil comes from, etc. The position of 'teaching assistant' has been established under the School Act, replacing the original term of 'educator – teaching assistant', which was applied from 2000 to 2004.

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).

The right to legal aid is based directly on the constitutional order of the Czech Republic. Article 37(2) of the Charter of Fundamental Rights and Freedoms stipulates that, in proceedings before the courts, other state bodies or other public administrative authorities, everyone shall have the right to legal assistance from the very beginning of such proceedings. Article 40(3) of the Charter of Fundamental Rights and Freedoms stipulates that an accused has the right to defend

himself/herself, either pro se or with the assistance of counsel. If the accused fails to choose counsel even though the law requires him/her to have one, he/she shall be appointed counsel by the court. The law shall set down the cases in which an accused is entitled to counsel free of charge. Such cases are then regulated mostly by the Criminal Procedure Code.

Attorneys-at-law provide free legal aid under the applicable law based on their appointment by the court as counsel or defence counsel in the relevant proceedings and also if they are designated by the Czech Bar Association to provide such legal services. Access to legal aid is equal for all those who prove that they have met the conditions for its provision.

The services of legal or defence counsel, which are to be provided free of charge or for a reduced fee upon the appointment of counsel by the court, are regulated mostly by procedural laws, i.e. by the Civil Procedure Code (specifically by Sections 30, 31, 138, 140(2) and 149(2)), the Administrative Procedure Code (specifically by Section 36(3)) and by the Criminal Procedure Code (specifically Sections 33(2) and (3), 51a and 151); in these cases, the attorney's fees and disbursements are paid by the state. Payment of costs of legal counsel by the state is also allowed by Act No. 182/1993 Coll. on the Constitutional Court, specifically in the case of a complainant in proceedings on a constitutional complaint (Section 83 of the Act). Under Act No. 218/2003 Coll. on the Judiciary in Matters of Youth, the state pays the fees, disbursements and loss of time to legal counsel appointed as the legal guardian of a child (Section 95(2) of the Act).

The provision of legal services for free or for reduced fees by an attorney-at-law appointed by the Czech Bar Association is also directly regulated by the Advocacy Act. Section 18(2) of the Advocacy Act, as amended, stipulates that everyone who does not meet the conditions for appointment of legal counsel by the court under special laws and is otherwise unable to seek legal aid has the right to be appointed legal counsel by the Czech Bar Association based upon his/her petition filed in time.

As regards the current state of the anti-discrimination bill, see the answer to question 4.

According to the bill, the access to justice was to be mediated by the Public Defender of Rights (ombudsman), who was to mediate legal aid, issue recommendations and opinions, carry on independent research and provide information to the public.

This legal aid included an informative component – information about possibilities of obtaining legal aid, including the information on the possibility to apply to the Czech Bar Association for assignment of legal counsel either free of charge or for reduced fees, and also in future on the possibility of free legal aid, and the assistance component – e.g. assistance in the drafting of court motions, drafting of a motion to the court for the appointment of legal counsel or complaints submitted to various administrative and regulatory bodies (e.g. labour offices, labour inspectorates, Czech Commercial Inspection). The assistance provided by the ombudsman included basic information about where to turn, the provision of pre-printed forms and model complaints, etc.

The issue of recommendations and opinions by the ombudsman should become a tool affecting practical protection against discrimination. Everyone should be able to apply to the ombudsman for an opinion whether a certain measure is or is not discriminatory. Those opinions should not have a binding nature but should contribute to continuous improvement of the equal treatment practice. They would not represent a binding interpretation, but a recommendation, which would result from the proposed counselling and informative role of the ombudsman. On the other hand, the ombudsman would be entitled to issue recommendation to public administrative authorities on the basis of his own incentive. This procedure would enable to provide a flexible response to

any need of a change or revocation of a law, if it is found that its provisions contravene the equal treatment principle, for instance, on the basis of the development of case law of the European Court of Justice.

Carrying on independent research of equal treatment should be used in the development of research activities, the results of which would enable influencing of the public opinion and would transfer to public administration bodies the required knowledge, for instance, information on the requirements of disadvantaged groups, or would help in reporting illegal practices.

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).

In accordance with its Programme Declaration, the new government of the Czech Republic has been taking steps to ensure independent control over the Police of the Czech Republic. One of the conceptual steps within the planned police reform will be the exclusion of the Inspection of the Minister of the Interior from the material competencies of the Ministry of the Interior.

The Ministry of the Interior is currently taking necessary legislative steps to adopt a reform of the police as a whole, including the preparation of a proposal of a new system of investigation of delinquent conduct of members of the Police of the Czech Republic.

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).

The competencies of the ombudsman are currently defined solely in relation to the state administration authorities.

Since the protection against discrimination awarded under the anti-discrimination bill (as to the rejection of the bill, see the answer to question 3) should penetrate to a considerable extent also into the sphere of private law, the personal competencies of the ombudsman were to be expanded to cover all subjects to whom equal treatment and protection against discrimination applies. At the same time, the otherwise broad competencies of the ombudsman were to be limited with regard to equal treatment and protection against discrimination, because some of his competencies (e.g. on-site investigation, inspection of files, etc.) cannot be applied to private law subjects. Thus, due to the expansion of the ombudsman's competencies to the area of equal treatment and protection against discrimination, his competencies and authority should vary according to the function he will perform.

See also the answer to question 18.

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 School dismissed by the Constitutional Court.

The Constitutional Court did not find any elements of discrimination in enrolling Roma pupils in special schools. A mental handicap was identified and repeatedly confirmed in the case of all those pupils. Only one of those pupils suffered from learning disorders caused by strongly non-motivating family environment. In accordance with the methodological instruction of the

Ministry of Education, those pupils were offered transfer to a primary school; however, none of them made use of this offer, on the contrary, the parents asked in many cases for return of their child to the special school. All those pupils were enrolled in a secondary school, and all but one dropped out of school or did not appear there at all.

Other activities and steps adopted with the support of the concept of the “school for all” and the implementation of the new legislation include:

- continued education of pedagogues of mainstream education relating to further development of pedagogic skills, multicultural education, e.g. the development and attainment of skills in the use of alternative pedagogic approaches, the use of the knowledge of various learning styles of pupils, the application of individual approach in the implementation of the relevant provision of the law,
- education in the formation of educational programmes of School which would correspond to educational needs of pupils,
- the rights of statutory representatives to decide on education-related matters concerning their child, which are guaranteed by the law.

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?

It can be presumed that the small number of complaints of racial discrimination is a result of a number of various factors, and that the low level of trust of victims of racial discrimination may play a role in this respect. Therefore, the government has continued to support, since 1999, information campaigns focused on racial discrimination.

In order to increase the awareness of victims about discrimination, the government has been providing support to projects of the Campaign against Racism which are focused on increasing public awareness about possibilities of protection against discrimination. A traditional part of the Campaign against Racism is represented by the so-called national educational and awareness activities. In this respect, a project called “Combating Discrimination: Extending Capacity of Public Administration and Legal Professions” was implemented in the years 2005 and 2006.

This project was implemented by the non-profit organization Counselling Centre for Citizenship, Civic and Human Rights and included the creation of a user friendly website, which contains information about legislation, case law, possibilities of protection against discrimination and advice.

The dissemination of information is further organized by a project of the Prague Multicultural Center named “Diversity in Libraries”. The aim of this activity which has been carried on for several years is to evoke, through books, the interest of the general public in various ethnic groups living in the Czech Republic. This project was also supported within the Campaign.

The increase of awareness and dissemination of information is the focus of a number of projects carried out by non-governmental organizations which are funded from other sources, particularly by the European Union.

Since 2001, the Czech Republic has been also implementing the all-European campaign called For Diversity, Against Discrimination. This public awareness campaign is funded by the European Commission and carried out by Media Consulta or by its local partner in the Czech

Republic, Omnimedia. This campaign concentrates on increasing public awareness of inadmissibility of discrimination, including racial discrimination, and the knowledge of EU legislation.

For instance, the non-governmental non-profit organization Counselling Centre for Citizenship, Civil and Human Rights has been implementing a project called “Legal Aid to Victims of Discrimination”, within which it provides free legal aid to vulnerable groups. The Multicultural Center implements the project called “Anti-discrimination Education of Public Administration Employees”, the target groups of which include not only public administration employees but also discrimination victims. The purpose of this project is to educate these groups with a focus on recognizing manifestations of discrimination. The project “Open School – intercultural Education for Social Justice” is focused on Schooland integration of disadvantaged groups.

The small number of complaints against racial discrimination, which were addressed to the ombudsman, is not due to lack of attention or sensitivity of the ombudsman to cases of racial discrimination, but rather results from the fact that most cases of racial discrimination occur in public life areas which are outside his competencies defined by the law. Under the current legislation, the ombudsman can effectively protect victims of racial discrimination only against the conduct of state administration authorities and other institutions exercising state administration powers.

As regards increase of trust in the Police, see also point 24.

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).

The human rights issue is a priority of the Ministry of the Interior and the Police of the Czech Republic in the field of education. This topic goes across various subjects, including the law, police psychology and deontology, and also the issues relating to the protection of public order, traffic, foreigner and border police, to the basic professional education, specialization and innovation courses and other continuous education provided at the secondary police Schoolof the Ministry of the Interior, police education centres of the Police of the Czech Republic and the Police Academy of the Czech Republic.

A new basic professional education programme implemented at the secondary police Schools since 2005 allocates higher hourly subsidy to the human rights education. This subsidy is used particularly for activating educational methods.

Secondary police Schoolin the Czech Republic also provide specialization courses, which cover the issues of extremism, xenophobia, anti-Semitism and the like.

The Police Academy of the Czech Republic focuses on extremism issues in its bachelor, master and doctoral studies and in its programme of continuous education. Several courses focused on issues of ethnic minorities are offered in the academic year 2006/2007:

The objective of the Human Rights Education Centre attached to the Secondary Police School of the Ministry of the Interior in Prague is the collection, dissemination, coordination and creation of information materials and training programmes in the area of human rights and professional

ethics for police officers and management. The Centre deals with minority issues in a number of activities.¹¹

At its Secondary Police School in Brno, the Ministry of the Interior used to provide to Roma applicants who met the conditions for service with the Police of the Czech Republic preparatory courses for higher education in Police Activities. A summary of the number of graduates of nine preparatory classes for ethnic minority citizens who were to be engaged in service with the Police of the Czech Republic is shown in the annex (table 4). In the years 2003 to 2006, these policemen passed a four-week preparatory course for engagement in the service with the Police of the Czech Republic. Thereafter, they pass a five-month course for new policemen from among ethnic minorities and a 24-month higher education course “Police Activities”, which ends with a graduation exam and provides qualifications equal to basic professional preparation. The last six Roma policemen successfully passed the graduation exam in August 2006.

The Ministry of the Interior publishes a number of study materials created in cooperation with non-profit organization.¹²

Racial discrimination problems were included in educational events organized for judges and public prosecutors. These were either separate events devoted to this issue or were reflected in seminars which were not expressly focused on these issues. Such seminars included namely seminars for new judges and public prosecutors, which were aimed at familiarizing these judges and public prosecutors with the basic issues in this area. An emphasis in this kind of education is put on combating manifestations of xenophobia and racism and on the procedures used in prevention of this type of crime. Its objective should be not only the increase of professional skills of judges and public prosecutors in the punishment of this crime, but also their assistance in the prevention of and combating this criminal activity, which represents very serious danger to the society.

The prevention of manifestations of racism, xenophobia and intolerance has been incorporated into the “School Prevention Programme for Kindergartens, Primary School and School Facilities”, and is also included in the document of the Ministry of Education “Strategy of Prevention of Pathological Social Phenomena among Children and Youth within the Competencies of the Ministry of Education, Youth and Sports in 2005 – 2008”.

In its “Programme of the Ministry of Education, Youth and Sports in Support of Education of Ethnic Minorities and Multicultural Education”, the Ministry of Education supported in 2005 a project of Education of Pedagogical Assistants for Socially Disadvantaged Children, Pupils and Students, which is implemented by the Pedagogical and Psychological Counselling Institute. This project was focused on the survey of the actual position and functions of pedagogical assistants, and was followed in 2006 by a training of social workers and Roma advisors. The offer of training programmes for the year 2006 also included training courses on the issues of the Roma, including other educational courses.

In 2006, the Pedagogical and Psychological Counselling Institute offered to teachers in 2006 a seminar called “Extremism as an Educational Risk - Prevention and Help” and the Faculty of

¹¹ E.g. the training material Police among Cultures is focused on getting familiarized with various forms of intercultural relations; the project Language Bridges is focused on the improvement of communication between the police and members of the Roma community; the project “Communication Skills Focused on Foreigners” is directed analogically at the attainment of social and communication skills in contacts with foreigners.

¹² E.g. the information material “Police Officer in a Multicultural Environment”, “The Police in the Multicultural Society”, and the summary reports “The Police and Human Rights” and “The Police and Social Radicalism”.

Pedagogy of Palacký University in Olomouc prepared within its summer school programme a seminar on “Citizenship education in the framework of school education programmes with a focus on combating racial and ethnic intolerance”.¹³ The Ministry of Education provided in 2006 its support to the issue of the publication of the Faculty of Pedagogy, Charles University, under the title “Multicultural training in the education of future teachers and in continuing education of teachers”.

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?

The foreigner integration policy in the Czech Republic is implemented by the Ministry of Labour and Social Affairs. One of the objectives of this policy is the establishment of conflict-free relations between the mainstream society and foreigners and among individual communities, elimination of negative stereotypes, support of intercultural relations and prevention of xenophobia and racism. In 2004, the Ministry of Labour and Social Affairs formed a Commission of the Minister of Labour and Social Affairs for Integration of Foreigners, which is an advisory body of the minister. The Ministry of Labour and Social Affairs provides funding to projects of non-profit organizations by way of an annual subsidizing procedure announced as part of the Foreigner Integration Support Programme. In this manner, the Ministry supports activities which are directed, among others, on the development of relations between foreigners and members of the mainstream society (supporting the development of relations and mutual understanding and support between foreigners and the mainstream society in the Czech Republic and among foreign communities and also the dissemination of information on the life of foreigners in the Czech Republic among the mainstream society).

Major importance is ascribed to the support of meeting between foreigner and Czech families, presentation of personal life stories of foreigners in the media, meetings and discussions of foreigners with local citizens, presentation of immigration cultural and traditions and acquainting with the situation in the countries of origin of the foreigners.

The Informative Publication for Foreigners, which was issued in five language versions (Czech, English, Russian, Ukrainian and Vietnamese) helps disseminate the relevant information among foreigners and is also accessible at the website www.cizinci.cz. This website provides information primarily to public administration employees but is also used by regions, non-profit organizations and foreigner associations.

The improvement of perception of foreigners is further enhanced by the implementation of the pilot project of “Active Selection of Qualified Foreign Workers”, which has been implemented by the Ministry of Labour and Social Affairs since 2002. The recruitment of foreign workers was accompanied by an information campaign called Legal Migration – an Open Chance. A number of articles about this project were published in the press. It is important that the immigrants are perceived by the state not as a potential problem but as people who may benefit the Czech society by their knowledge, skills, incentive and work.

Furthermore, we may refer to a large-scale project “Migration”, which was implemented by non-profit organizations in the years 2002 to 2005 and was funded by OSF. One of its parts,

¹³ The summer school was attended by ca 120 primary and secondary school teachers.

implemented by the society People in Need, was focused on the dissemination of objective information about migrants and on the elimination of migrant stereotypes which appear in the press, and on providing better information on foreigners by the media. Coordinators of this project cooperated closely with Czech journalists. A number of newspaper inserts, which were published within the scope of the project, focused specifically on the life of foreigners in the Czech Republic. The project was jointed on an individual basis by some experts from public administration authorities.

The Police of the Czech Republic also strives to prevent negative stereotypes about foreigners and the dissemination of these stereotypes. The project “Common World” initiated a number of activities of the Administration of the Police of the Czech Republic in the Northern Moravian Region focusing on work with minorities, foreigners and socially excluded communities. The knowledge and experience obtained initially in this project pointed out the necessity to train police officers in problem-solving relating to the development of conditions of a multicultural society and finding ways to eliminate communication barriers between the police on the one side and the minorities, foreigners or members of socially excluded communities.

The project “Common World” made it possible, among others, to establish and expand cooperation with all public administration authorities, particularly with local administration and non-state non-profit organizations involved in the resolution of the relevant problems. Some knowledge and experience acquired through the implementation of this project was also used in the introduction of the “National Strategy for Work of the Police of the Czech Republic in Relation to National and Ethnic Minorities” and also contributed to the establishment of the permanent position of “Liaison Officer” of the Police of the Czech Republic for liaison and work with minorities and foreigners at police administration authorities of the Czech Republic.

Even though both projects were limited as to time and were focused only on the districts of Karviná, Ostrava, Bruntál and Nový Jičín, their objectives have been further expanded and have been fulfilled in all districts of the Administration of the Police of the Czech Republic in the Northern Moravian Region. The cooperation that has been established to date has already brought results, particularly in crime prevention. The trust of individuals from minorities and socially excluded communities in the cooperation with the police has increased significantly not only with regard to the resolution of crime, but also in the participation in steps leading to the prevention of all negative phenomena, which result consequently in the deterioration of the life of these communities and of their relation to the mainstream society.

The first part of an information campaign focused on recruitment of minorities for work with the Police of the Czech Republic, the aim of which is to inform members of minorities about the possibilities and conditions of work with the Police of the Czech Republic, took place in 2006. The target group included members of all national and ethnic minorities in the Czech Republic who meet the conditions for work with the police. Applicants for work with the police coming from minorities are accepted under the conditions which are identical with conditions applying to anyone else. One of the key ideas of the project was to present the police as a modern company, free of prejudice, which is open to members of minorities and which understands such step as enrichment of its corporate culture. This campaign was organized in Prague, Ústí nad Labem and Brno and was interrelated with the government Campaign against Racism in 2006.

The enclosed table of police statistics of crime with racial undertone indicates a long-term decline of the occurrence of this kind of crime (see annexes – Table No. 5).

Annexes – Tables

Ad question 1

Table 1: Population by economic activity, national origin and age as of 1 March 2001

Table 2: Population aged 15 years and older classified by the highest achieved education level, national origin and gender as of 1 March 2001

Ad question 15

Table 3: Numbers of flats built with use of subsidies in 2006

Year	Subsidy title		Number of started flats in the relevant year [1]	Total funds for started flats in CZK million [2]	Funds released in the given year in CZK million [3]
2006	Supported flats	Total	794	575.350	271.796
		Protected flats	766	568.210	266.951
		Halfway flats	25	6.390	4.095
		Entry flats	3	0.750	0.750

[\[1\]](#) The number of flats the construction of which was started in the relevant year

[\[2\]](#) The total amount of subsidies for flats started in the relevant year, which is stated in the Decision on the Participation of the State Budget in the Funding of the Project

[\[3\]](#) Amounts released actually for projects which were started, under progress and completed in the relevant year

Ad question 23

Table 4: Summary of number of graduates from preparatory courses for citizens from national minorities for engagement in service with the Police of the Czech Republic

Course no.	Held on	Number of enrolled participants	Number of graduates
1.	14. 2. - 8. 3. 2000	22	5
2.	10. 7. - 4. 8. 2000	15	4
3.	2. 1. - 26. 1. 2001	16	7
4.	9. 7. - 3. 8. 2001	12	2
5.	7. 1. - 1. 2. 2002	13	3
6.	30. 9. - 5. 10. 2002	7	2
7.	7. 7. - 1. 8. 2003	6	3
8.	5. 1. - 30. 1. 2004	8	3
9.	7. 7. - 30. 7. 2004	8	1
Total		107	30

Ad question 24

Table 5: Total number of criminal offences with an extremist undertone recorded in the territory of the Czech Republic in 1996 – 2006

YEAR	Recorded criminal offences	Share in total crime (%)	No. of resolved offences	No. of prosecuted persons
1996	131	0.03	58	152
1997	159	0.04	132	229
1998	133	0.03	100	184
1999	316	0.07	273	434
2000	364	0.09	327	449
2001	452	0.1	406	506
2002	473	0.1	374	483
2003	335	0.09	265	334
2004	366	0.1	289	401
2005	253	0.1	191	269
2006	248	0.07	196	242
TOTAL CZECH REPUBLIC	3230	-	2511	3783