

Resolution CM/ResCMN(2017)8 on the implementation of the Framework Convention for the Protection of National Minorities by the Czech Republic

*(Adopted by the Committee of Ministers on 29 November 2017
at the 1301st meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by the Czech Republic on 18 December 1997;

Recalling that the Government of the Czech Republic transmitted its State report in respect of the fourth monitoring cycle under the Framework Convention on 27 July 2014;

Having examined the Advisory Committee's fourth opinion on the Czech Republic adopted on 16 November 2015,

Adopts the following conclusions in respect of the Czech Republic:

The authorities are invited to take account of the observations and recommendations contained in sections I and II of the Advisory Committee's fourth opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action²

- promote tolerance and respectful attitudes amongst the majority population; make sustained and effective efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma; improve the living conditions of the Roma, in particular by creating conditions which would allow moving residents of “residential hostels” into adequate social housing;
- bolster efforts to combat manifestations of intolerance, racism, xenophobia and hate speech present in Czech society and to monitor the situation more effectively, investigating and applying adequate sanctions when necessary;
- ensure the rapid and full implementation of the 2015-2016 reform of the education system with the view to ensuring systematic placing of Roma pupils in mainstream education and to preventing children from being inappropriately placed in “practical schools”; redouble efforts to remedy shortcomings faced by Roma children in the field of education, including by providing free individual support measures to pupils with special needs; ensure that fully-informed consent is given as a condition for placement into “special education”;

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- review, in consultation with representatives of national minorities, legal provisions and administrative policies and practice regulating the establishment, appointment and functioning of the Committees for National Minorities; review the procedures for appointment of members of Committees for National Minorities to ensure greater involvement of national minority organisations in the process and to ensure that appointed representatives enjoy the confidence and support of the national minority they represent.

Further recommendations³

- continue to pursue an open and inclusive approach to the Framework Convention's personal scope of application ensuring that no arbitrary distinction exists in the enjoyment of rights protected under the Framework Convention; review regularly the impact of the application of the citizenship criterion as regards access to minority rights, in order to ensure that it does not have the effect of excluding people from the scope of application of this convention in an unjustified and arbitrary, i.e. discriminatory, manner;
- consider additional means of collecting information on the situation of national minorities outside the census, while fully respecting international standards in the field of personal data protection;
- continue to support and co-operate with the Office of the Public Defender of Rights to allow it to carry out its role effectively, in particular as regards the enforcement of the Defender's recommendations; consider expanding the powers of the Public Defender of Rights, in particular as regards the possibility of conducting its own investigations and initiating court proceedings;
- concentrate all necessary efforts and resources to implement the Strategy for Combatting Social Exclusion 2011-2015 and the National Roma Integration Strategy 2014-2020 with close involvement of Roma representatives in all projects and activities;
- relocate, in line with the set objective of the Roma Integration Strategy, the pig farm from the site of the former concentration camp in Lety;
- continue, in consultation with representatives of national minorities, supporting radio and television broadcasting programmes for or about national minorities and in languages of national minorities; reconsider the criteria used for disbursement of grants to meet the demands of the digital age;
- ensure access to pre-school facilities for all Roma children and guarantee that the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of the groups concerned.

³The recommendations below are listed in the order of the corresponding articles of the Framework Convention.