

COUNTRY OPERATIONS PLAN

Country: CZECH REPUBLIC

Planning Year: 2003

Prepared by: BO Prague

First Submission Date: 5 April 2002

Executive Committee Summary

1. Context and Beneficiary Population(s)

Political context

The year 2001 was marked by political stability and improved performance of the Czech economy. The Social-Democratic (CSSD) minority government, which enjoys support of the right-wing Civic Democrats (ODS), fulfils its socially oriented program, including special attention to human rights issues. Therefore, the political climate continues being favourable to the issues under UNHCR's mandate. The Government which succeeded in pushing some major amendments or new legislative pieces through the Parliament, including the major amendment of the Citizenship Law, the Asylum Act (effective as of 1 January 2000), the Aliens Act (effective as of 1 January 2000) or the Law on Ombudsman (effective as of 28 of February 2000 which allowed the election of the first Ombudsman by the Czech Parliament in December 2000) proved also in the year 2001 to be determined to achieve further legislative harmonisation. The Asylum Act was amended and became effective as of 1 of February 2002, introducing a judiciary second instance appeal. Chapter 24 was closed provisionally in December 2001, though it is not expected to be fully closed till end of 2002. The Law on Administrative and Judiciary reform is currently in drafting process, expected to become effective in 2003. The Aliens Law is also being amended and a separate legislative piece is being prepared to regulate Temporary protection. The Czech Government finalises the process of ratification of the 1954 related to the Status of Stateless Persons. The 1961 Convention on the Reduction of Statelessness was ratified by the Parliamentary chambers in May and June 2001, respectively and subsequently returned to the Prime Minister for his signature. As of today, the 1961 Convention has not been published in the Collection of Laws and therefore, is not legally binding in the Czech Republic. The European Convention on Nationality of 1997 is currently in the inter-ministerial commentary proceedings.

General elections are to be held in the Czech Republic next summer. Therefore, the preparation for the European integration had intensified in 2001 to further promote the acceleration of the process of negotiation with the EU. The newly established right-wing coalition (Christian democrats, Freedom Union, democratic Union and Civic Alliance) who won one third of the Senate seats in the first ever elections for newly established regional representations (kraj) which took place in November 2000 does not any longer appear to be a serious threat for the ruling Social Democrats in the general elections though, the ruling Social Democrats co-operating with the Civic Democrats have no longer been able to pass certain constitutional changes, which would further restrict the powers of the President. The creation of the new autonomous region (kraj) is the first step towards a deep reform of the administration of the territory of the Republic. The new "kraj" will have large autonomy and the old "okres" of the Republic will have less power. The danger of this reform is that some human rights issues in the Czech Republic, such as xenophobia and anti-Roma attitudes and behaviours, may be given a free expression in regions whose authorities will depend upon direct local public opinion for their re-election. This is a point that will call for special attention on the part of the European Union concerning the Copenhagen directives vis-à-vis minority groups – including the Roma.

In 2001, the Czech Republic maintained the trend of a considerable progress in reaching accordance with the EU Acquis on asylum, particularly with the establishment of a judiciary second instance review. The PHP which contributed to strengthen co-operation between governments, EU experts and UNHCR with the objective to promote the adoption of the EU legislative norms is going to be followed by a three year bilateral co-operation project titled Development of Border Control, Migration and Asylum Policies. This project which is expected to start being implemented in 2002 has a training component for judges to which UNHCR Prague would like to be associated.

While the Czech government has made various efforts, the Roma issue, together with racism and xenophobia in the country, remained the top issue concerning the human rights standards in the

Czech Republic. In June 2000, the Government approved a resolution no. 599 on *“the Concept of the Government Policy towards Members of the Romany Community, Supporting their integration in Society”*, which introduces the long-term strategies for integration (planned for 2001-2020). The annual review of the Concept was approved by the Government Resolution no.87 in January 2002. The report presents developments and remaining problems regarding the integration of the Roma since the approval of the Concept in 2000,. It particularly focuses upon education, housing, employment and anti-discrimination.

In October 2001 the Czech Republic release some 100.000USD in cash for the UNHCR operation connected to the crisis in Afghanistan. Besides the sum allocated to UNHCR , the Czech Government also agreed to provide humanitarian aid (especially medicine) for the Afghan refugees through the Czech NGO People in Need.

Security situation

The security situation in the Czech Republic must be considered as good. Concerning UNHCR, and following the brief occupation of our office by a group of Chechen in March 2000, we maintain specific security arrangements to avoid the repetition of a similar incident.

On 31 of July 2001, UNHCR has moved to the premises of the UN House together with other UN agencies present in the country. The UN House premises belong to the municipality of Prague 5 and have been offered by the Czech authorities to facilitate and support the presence and the role of the UN in the Czech Republic.

Protection issues (including reasons for flight, prospects for return, etc.)

Facing difficult socio-economic conditions, various discriminatory treatments and in some cases, racially-motivated crimes, some Czech Roma are tempted to leave the country and seek asylum in other European countries, though the majority of Czech Roma applying for asylum are not recognised as refugees. In response to the increasing number of Czech Roma outflow, BO issued and continues to update *“Guidelines relating to the eligibility of Czech Roma asylum seekers”*. (The last revision was made in November 2001.)

The Office is of the view that while discrimination against Roma is fairly widespread at the popular level, Roma asylum seekers who are fleeing the Czech Republic for reasons of persecution are rather exceptional. Nevertheless, BO believes that each individual case will have to be examined to see if State protection is available. In some cases, local authorities have not provided effective remedies against discrimination or threats to physical safety, and in a limited amount of cases, the local authorities can be considered to have condoned or themselves engaged in discriminatory treatment in contradiction with the declared policy of the Czech central government.

Those who accept to return home have been returned through the IOM project. The IOM project was operated in the Czech Republic, Hungary, Slovakia, and Romania.

In the field of prevention, BO has operated a special program for the Roma since 2001. The program aims at providing alternative solutions for the Roma to irregular migration, by supporting the integration of the Roma in the Czech society.

In July 2001, the British consular officials started to operate the preliminary checks of passengers at the Prague Ruzyne airport. As a result, more than 200 passengers (manly on Roma) were refused to board on a plane to the UK . The preliminary cheek was official exercise based on a consular agreement between the UK Government and the Czech government.

UNHCR's role (protection, assistance, monitoring, co-ordination)

The overall objective of UNHCR in the Czech Republic is to support the Government efforts to establish a comprehensive, sustainable and self-reliant asylum system enabling the country to deal with asylum-seekers and refugees in accordance with international norms. When reached, this objective will mean that UNHCR has created, as mentioned in the preamble of the 1951 Convention, a "burden sharing instrument" in Europe helping to avoid that asylum places "unduly heavy burdens on certain countries". In order to achieve this, the BO focuses on monitoring and supporting the local institutions, that deal with asylum issues, including the legal framework, access to the territory, standards of treatment, separated minors, status determination, integration of refugees, women and vulnerable. UNHCR Prague, though it has not the capacity to support systematically the return of rejected applicants will continue within the limits of its possibility to provide support to facilitate the return of a few number of cases per year.

UNHCR's activities intended to support the development of the asylum system as well as to support the main asylum actors involved in the practice focused on three areas: (i) the legislation, procedures and practices regarding asylum-seekers and refugees; (ii) the government bodies dealing with their reception, status determination (including the High Court judges who have been entrusted as the second instance review judges), as well as with return and integration and (iii) the non-governmental agencies providing assistance to asylum-seekers and refugees. In 2001, the UNHCR activities concentrated on three major beneficiary groups: (i) asylum seekers, (ii) recognised refugees and (iii) the Roma.

The objectives have been pursued using the following tools: (i) monitoring relevant legislation and its implementation; legislative and policy advocacy; (ii) training activities, brainstorming sessions and country of origin information; (iii) support of the NGO-partners, both on funding issues and in the form of coaching to assist them to become specialised and more focus on specific issues and mediation between the Government and the NGOs.

In 2001, UNHCR has been actively involved in drafting comments and following the process of amendment to the Asylum Act. Monitoring of the implementation of the amendment in the year 2002 is going to be a priority, as Chapter 24 is not going to be definitely closed till end of this year. In 2001 particular attention was also given to the ongoing process of amendment to the Aliens Law, particularly to the provisions concerning Temporary protection. Further attention is also going to be paid to the development of the state integration concept that needs to become more concrete to fully achieve the expectations. Legislation and practice related to separated minors and disappearances will continue being one of our main focus as well as the development of sustainable and well structured social and legal clinics. In 2003 the Office intends as well to further co-operate with the Czech Academy of Sciences as well as with the private Faculty of Karlovy Vary. In 2001 both institutions proved to be supportive to both further disseminate Asylum legal issues to practitioners as well as to contribute to analyse specific matters related to the practice of asylum in the Czech Republic.

The work of the Office has been accompanied by an on-going co-operation with our implementing partners – locally based NGOs, which help to carry out procedural, legal, psychological and social counselling to asylum-seekers as well as integration assistance to recognised refugees.

Roma

The Office has paid increased attention to the Roma issues and the relevant government initiatives. UNHCR welcomes the positive steps taken by the authorities to combat discriminatory attitudes and racism, especially "*the Concept of the Government Policy towards Members of the Romany Community, Supporting their integration in Society*" which was approved by the government resolution no. 599 in June 2000. (The document was translated into English by the Office and was distributed to the embassies and to the representation of the EU in Prague.)

UNHCR's action in response to the Czech Roma outflow have been myriad and include the following: an update of Eligibility Guidelines Paper for evaluating asylum claims made by Czech

Roma abroad; providing briefings to Embassies, the European Commission, the delegations from EU states, the press and the Roma leaders; and monitoring various indicators of state protection.

Starting from 2001, BO have been implementing a special Roma program, in the context of prevention of their irregular migration. BO have established a close co-operation with so-called "bridge people". ("Bridge people" are individuals who are accepted by both Roma and non-Roma communities as sort of natural mediators, and who have been working on the integration of the Roma.) In a co-operation with "bridge people", BO have assisted several valuable projects which aim to help improve the socio-economic conditions of the Roma and promote their integration in the Czech society. For instance, the creation of the "Emergency Social Fund", which aims to provide small loan (CZK 3,000 for each person) to the most destitute Roma people without charging any interest; has prevented Roma families from becoming victims of usury. BO also provided legal assistance (hiring a lawyer) for the Roma victims of the usury to assist their court case. The essence of these activities is prevention of asylum request as it is known that some Roma victims of the usurers are proposed to go to an asylum country where social benefit is paid. When they are sent back to the Czech Republic, they pay the usurer from the social benefit money they received abroad. Other activities include supporting "KHAMORO", International Roma Festival and organising seminars for "bridge people" and other relevant actors. BO's Roma program in order to support their capacity building with the intention to establish basic conditions which permit BO to end, or minimise, its activities for the Roma in the medium term (3-5 years).

Aiming to play a catalyst role, BO frequently meet with high level Czech officials to encourage a more vigorous State response to the situation of the Roma. The government offices which BO are working with include the Council for Roma Community Affairs and the Council for the Human Rights. BO also have developed and maintained positive relations with international actors, especially European countries, while disseminating UNHCR prevention policy and mobilising other international institutions/donors to pay closer attention to the Roma issues.

As the Regional Focal Point for Roma, the Representative of the BO has taken part in various round-tables and debates regarding the Roma issue organised by both the local and international NGOs, as well as member states of the EU.

Public Information

The Office continued to raise public awareness of the refugee issue and media interest in asylum issues, promoting refugee law and human rights education.

The Office provided and will continue to provide a special, obligatory course of "Human Rights" for social work students of the School of Liberal Arts, Charles University. In 2001, the Office organised for the fourth time a journalist competition "Best Refugee Story", the winners were awarded at a ceremony to commemorate the 50th Anniversary of the 1951 Convention. In co-operation with the Government, a ceremony for refugee children was organised at the Office of the Government in June 2001. The Office joint numerous educational activities for both the students and teachers and initiated discussion with the Regional Pedagogical Centres in order to secure a systematic coverage of the refugee issues within the state-guaranteed educational programs. The UNHCR web page in Czech has been prepared in 2001 and officially introduced in March 2002. The New Year's Prague Philharmonic Concert was given on January 1, 2002 under the auspices of UNHCR. Other public awareness activities included various lectures and presentations on UNHCR issues, delivered to the police. The colouring book promoting integration of refugee children has been distributed to primary schools and kindergartens. The public information activities also involved supervisions of master theses and papers dealing with the refugee and immigration issues. In 2001, the Office supported Khamoro 2001 - world festival of Roma culture held under the auspices of the Czech president. In the course of 2001, the Office continued to prepare the exhibition Flight and Exile in Art, which is to be held at the Imperial Stables of the Prague Castle from June to September 2002.

In December 2001, the Office hired STEM, one of the leading public poll agencies in the CR, to complete a public poll regarding the knowledge and the public opinion of the Czech population about the refugee issues. The poll will be used to draft the Office PI strategies for 2002.

The Office will pursue Public information activities with the objective of further raising public awareness and interest in asylum, human rights and minority issues. In this endeavour, the BO will organise the Art exhibition "Flight and the Exile in the Art", which will depict the historical and territorial universality of exile through some 50 works of art that will be borrowed from various private and public collections throughout the Czech Republic and abroad. The exhibition will include works of art from the early Renaissance up to the modern era, showing the history of exile as seen by major artists from various countries. Paintings will be accompanied by contemporary photographs from the UNHCR collection showing modern images of the themes embodied in the paintings. Special attention will be paid to the young visitors, special educational program will be an integral part of the exhibition project.