

## **Resolution CM/ResCMN(2012)21**

### **on the implementation of the Framework Convention for the Protection of National Minorities by the Czech Republic**

*(Adopted by the Committee of Ministers on 12 December 2012*

*at the 1158th 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;<sup>1</sup>

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 third monitoring cycle under the Framework Convention on 3 May 2010;

Having examined the Advisory Committee's third opinion on the Czech Republic, adopted on 1 July 2011 and the written comments of the Government of the Czech Republic received on 19 March 2012;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of the Czech Republic:

#### a) Positive developments

Since ratifying the Framework Convention in 1997, the Czech Republic has continued its efforts to protect persons belonging to national minorities. The Anti-Discrimination Act, which was under consideration for a number of years, was adopted in June 2009, providing an adequate legal basis for protection against discrimination, including in the field of employment, on racial, ethnic, national or religious grounds and establishes courts' jurisdiction in cases of alleged discrimination. The Public Defender of Rights has been charged with assisting victims of discrimination, including in the private law sphere.

The authorities continue to provide various forms of assistance to cultural activities of national minorities, such as support for music and drama festivals, art exhibitions and other artistic events, museums and cultural centres. New primary and secondary school curricula, introduced in 2009, aim to teach children about diversity of cultures, traditions and values and raises children's awareness of their own cultural identity and traditions. A well-developed system of Polish language education, from pre-school to secondary school level, exists in the Frýdek-Místek and Karviná districts, permitting students belonging to the Polish national minority to receive instruction in their language.

The right to display bilingual signs and place-names is respected in practice in thirteen municipalities in the Frýdek-Místek and Karviná districts. Some bilingual documents, such as school graduation diplomas, are in use in Polish minority schools. Persons belonging to national minorities can register and use their names in a minority language with language-specific diacritical marks.

The authorities have increased in recent years their efforts to combat discrimination and implement policies for inclusion of Roma into mainstream society. The Agency for Social Inclusion of Roma Localities was established and the authorities adopted the Roma Integration Concept for 2010-2013.

#### b) Issues of concern

Negative attitudes and prejudice against Roma continue to persist throughout Czech society. Anti-Roma rhetoric has been repeatedly used, including by public figures; some broadcasting and print

media continue to stereotype Roma and portray them in a negative light. The tolerance on the part of the authorities for inflammatory anti-Roma statements stimulates an attitude of impunity in which the far right extremist and neo-Nazi groups feel emboldened to stage anti-Roma marches designed to intimidate and to exclude them from mainstream Czech society. The legal action taken against these groups by the authorities has thus far not been effective.

Roma children still face serious difficulties in the education system. A disproportionately large number of Roma children attend "practical schools" which have replaced "special schools". Measures taken to implement the ruling of the European Court of Human Rights in the case of D.H. and others v. the Czech Republic are still to yield significant results.

In spite of the low threshold required for the establishment of committees for national minorities at the municipal level (10% of the population) and the regional level (5%) and the legal obligation to do so, only a small number of committees have been set up. It is of deep concern that only 69 committees for national minorities have been set up in 283 municipalities meeting the legislative criteria in eight years of the implementation of the law.

2. Adopts the following recommendations in respect of the Czech Republic:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

**Issues for immediate action:<sup>2</sup>**

- increase efforts to combat all forms of intolerance, racism, and xenophobia; take further legislative measures and policies to combat racist manifestations, in particular against Roma, including in the media, and the political arena, in conformity also with the Committee of Ministers' Recommendation Rec(97)20 on "Hate speech";
- eliminate, without further delay, practices that lead to the placement of a disproportionately large number of Roma children at "practical schools"; strengthen efforts to remedy shortcomings faced by Roma children in the field of education;
- ensure that local committees for national minorities are effectively established in the municipalities where the conditions are met for setting them up.

**Further recommendations:<sup>2</sup>**

- ensure that the Office of the Public Defender of Rights is granted all the support it needs in order to continue carrying out its role effectively, in particular as regards the enforcement of the Defender's recommendations;
- improve the employment opportunities and living conditions of Roma, include Roma in all projects and activities concerning them and promote their integration into society; pay particular attention to improving housing conditions in Roma neighbourhoods;
- continue to ensure proper implementation of the legislation on the use of bilingual signs and place-names;
- make more sustained efforts to ensure access to pre-school facilities for all Roma children and guarantee that the curriculum in such kindergartens corresponds to the diverse needs and multilingual composition of the groups concerned; continue monitoring the framework for teaching of and in minority languages and, where appropriate, take the necessary steps to address any shortcomings;
- make determined efforts to find ways and means to improve substantially participation of the Roma – including Roma women – in decision-making processes; ensure that the Roma and their organisations are treated as key partners in governmental programmes aiming at improving their situation.

3. Invites the Government of the Czech Republic, in accordance with Resolution Res(97)10:

- a. to continue the dialogue in progress with the Advisory Committee;

b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.

<sup>1</sup> 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".

<sup>2</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

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## Related Documents

### Meetings

- [1158th meeting of the Ministers' Deputies \(CM Room\)](#) / 12 December 2012

### Other documents

- [CM/Del/Dec\(2012\)1158/4.3aE](#) / 14 December 2012 