

**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 28 June 2016

ACFC/OP/IV(2015)004

**Fourth Opinion on the Czech Republic
adopted on 16 November 2015**

SUMMARY

The authorities in the Czech Republic promote inter-ethnic tolerance and understanding in society and representatives of most national minorities report an overall respectful and embracing attitude prevailing between the majority and minorities. The Government Council for National Minorities, a permanent advisory body, provides the main structure at the central level for the dialogue between representatives of national minorities and the authorities. Recent inclusion in the Council of representatives of the Belarusian and Vietnamese minorities is welcomed.

Notwithstanding the authorities' efforts, there is a perceptible increase in xenophobia and intolerance within the Czech society. A strong anti-Roma and anti-immigrant discourse persists in some parts of society. Intolerant language, which used to be restricted to the extreme right-wing political parties, has in recent years become commonplace and entered the mainstream political discourse. Rallies and marches on Roma housing estates, organised by extreme right-wing political organisations often end in violent clashes with the police. This trend is most alarming, as instead of seeking to build a cohesive and tolerant society, politicians perpetuate divisions which are detrimental to finding solutions to real problems. The authorities acknowledge the seriousness of the problem and are taking measures to counteract it. In particular, the authorities' efforts in the field of education are welcomed.

The placement of a disproportionate number of Roma children into "practical schools" in which they are taught according to a limited curriculum and segregated from the mainstream student population has continued. The latest Action Plan on Inclusive Education and the 2012 Consolidated Action Plan for the execution of the European Court of Human Rights D.H. judgment, which both aimed to reduce the proportion of Romani pupils in "special education" classes, has failed to achieve its aim. It is encouraging that a recent amendment to the Education Act adopted in February 2015 removed a passage that allowed children without mental disability to be enrolled into "practical (special) schools". Also, the authorities' decision to provide the final year of pre-school education free of charge and plans for making it compulsory should improve the prospects of Roma children at school.

The continued existence of “residential hostels” located on the outskirts of many municipalities and inhabited by an estimated 100,000 persons, including a disproportionately high number of Roma, attests to the segregation of Roma in marginalised communities. Plans to adopt an Act on Social Housing which would provide a legal framework guaranteeing landlords’ and tenants’ rights and establish a financial scheme for renovation and refurbishment of privately-owned vacant properties suitable for the social housing market, are welcomed.

The progress in establishing committees for national minorities at the municipal level has been slow. Moreover, national minorities’ representatives continue to question the not clearly specified procedures of appointment of committees’ members by the municipal executive, resulting in some appointees not adequately representing the interests of national minorities.

Recommendations for immediate action:

- **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 to move residents of “residential hostels” to 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;**
- **take, as a matter of urgency, all necessary measures to eliminate, without further delay, practices that lead to the continued segregation of Roma children at school and redouble efforts to remedy other shortcomings faced by Roma children in the field of education; ensure to Roma children equal opportunities for access to all levels of quality education; take measures to prevent children from being inappropriately placed in “practical schools”, and ensure that fully-informed consent is given as a condition for placement into “special education”;**
- **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.**

TABLE OF CONTENTS

I. KEY FINDINGS	4
MONITORING PROCESS.....	4
GENERAL OVERVIEW OF THE PRESENT SITUATION	4
ASSESSMENT OF MEASURES TAKEN TO IMPLEMENT THE THIRD CYCLE RECOMMENDATIONS FOR IMMEDIATE ACTION	5
ASSESSMENT OF MEASURES TAKEN TO IMPLEMENT THE FURTHER RECOMMENDATIONS FROM THE THIRD MONITORING CYCLE	6
II. ARTICLE-BY-ARTICLE FINDINGS	8
ARTICLE 3 OF THE FRAMEWORK CONVENTION	8
ARTICLE 4 OF THE FRAMEWORK CONVENTION	11
ARTICLE 5 OF THE FRAMEWORK CONVENTION	15
ARTICLE 6 OF THE FRAMEWORK CONVENTION	16
ARTICLE 9 OF THE FRAMEWORK CONVENTION	19
ARTICLE 10 OF THE FRAMEWORK CONVENTION	21
ARTICLE 11 OF THE FRAMEWORK CONVENTION	22
ARTICLE 12 OF THE FRAMEWORK CONVENTION	23
ARTICLE 14 OF THE FRAMEWORK CONVENTION	25
ARTICLE 15 OF THE FRAMEWORK CONVENTION	26
III. CONCLUSIONS.....	29
RECOMMENDATIONS FOR IMMEDIATE ACTION	29
FURTHER RECOMMENDATIONS.....	30

I. KEY FINDINGS

Monitoring process

1. This fourth cycle Opinion on the implementation of the Framework Convention by the Czech Republic was adopted in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the fourth [State Report](#), submitted by the authorities on 29 July 2014, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Prague and Brno on 13-18 April 2015. The Advisory Committee wishes to express its gratitude for the open and constructive approach of the authorities during the visit. It further welcomes the organisation of a follow-up seminar related to the Advisory Committee's findings in the third Opinion in December 2013. The Advisory Committee also welcomes, that minority representatives were comprehensively consulted in the course of the preparation of the fourth State Report.

2. The Advisory Committee looks forward to continuing its dialogue with the authorities of the Czech Republic as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. It also invites the authorities to consider translating the present Opinion and the forthcoming Committee of Ministers' Resolution, and to disseminate it widely, including through follow-up meetings, among all the relevant actors.

General overview of the present situation

3. The Czech Republic has continued its efforts to protect persons belonging to national minorities based on the provisions of the Act on the Rights of Members of National Minorities of 2001. The Government Council for National Minorities, a permanent government advisory body composed of representatives of the fourteen recognised minorities and of ministries and other public bodies responsible for minority policy provides the main structure at the central level for the dialogue between persons belonging to national minorities and the authorities. The admission of representatives of the Belarusian and Vietnamese minorities to the Government Council is welcome.

4. The authorities support cultural projects of national minorities through various schemes and provide grants to publications in languages of national minorities. Czech radio and television channels continue to broadcast a wide array of programmes for or about national minorities, although it has to be noted that the amount of programming broadcast in languages of national minorities is low. A well-developed system of Polish language education, from pre-school to secondary school level, continues to function well in the Frýdek-Místek and Karviná districts, permitting students belonging to the Polish minority to receive instruction in Polish. Support is also provided in various forms for teaching of languages of other national minorities.

5. The authorities in the Czech Republic promote inter-ethnic tolerance and understanding in society and representatives of most national minorities report an overall respectful and embracing

attitude prevailing between the majority and the minority. However, the persistence of negative attitudes and prejudice against Roma and immigrants is of great concern. In particular, the continuing pernicious language employed by some politicians against the Roma and immigrants, and the electoral success it brings are a cause of serious concern. Rallies and marches on Roma housing estates, organised by the far-right political movements create a climate of intimidation and threaten the local Roma residents with persecution, verbal abuse and physical violence. The authorities, aware of the gravity of the situation, take measures to combat racism, prejudice and intolerance by various means including penal measures, education and awareness raising campaigns, and to reduce the unemployment rate and integrate Roma into mainstream society. The National Roma Integration Strategy 2014-2020 adopted in February 2015 sets goals, deadlines, performance indicators and assigns responsibilities in the key areas of employment, health, housing, social protection, education, support for Roma culture and language, personal security and over-indebtedness.

6. It has to be noted, however, that measures taken thus far to reduce the proportion of Roma children in "special education", provide decent housing to the residents of "residential hostels", reduce the unemployment rate among Roma, and change the societal attitude towards Roma, who account for only about two percent of the overall population, have not yielded discernible results.

Assessment of measures taken to implement the third cycle recommendations for immediate action

7. The authorities continue to combat all forms of intolerance, racism, and xenophobia affecting the Czech society, and in particular the younger generation. At the primary-school level, the cross-curricular theme *Multicultural Education* aims to acquaint children with the diversity of different cultures, their traditions and values. The National Strategy of Primary Prevention of Risk Behaviour of Children and Youth for 2013-2018 and the *Democratic Citizenship* programme, form a compulsory part of the secondary school curriculum. They aim to teach about democracy and multicultural coexistence with the view to eliminating extremism and preventing radicalisation of young persons. The recommendation on teaching the history of the 20th century adopted by the Ministry of Education, Youth and Sports in 2013 aims to provide information on fascism, Nazism, the Second World War, Nazi racial and other persecution, resistance against Nazism, the Holocaust and the genocide of the Roma with the aim of counteracting the increase in extremist and undemocratic tendencies developing within the Czech society.

8. The Criminal Code contains sections penalising incitement to hatred against any "nation, race, ethnicity, religion, class or other group of persons", and violence against a group of persons or an individual on account of above-mentioned grounds. It also includes defamation of any nation, its language, any race or ethnic group, or any group of persons. Furthermore, racist, ethnic, religious, or other similar hatred motives are considered as aggravating circumstances when sentencing offenders.

9. It has to be noted, however, that intolerant language, which used to be restricted to the extreme right-wing political parties, has in recent years become commonplace and entered the mainstream political discourse, with negative stereotypical portrayal of Roma and immigrants bringing a measure of electoral success to political parties promoting such views. This trend is most alarming, as instead of building a cohesive and tolerant society, politicians perpetuate divisions which are detrimental to finding solutions to real problems affecting society.

10. Limited progress has been achieved in eliminating practices leading to the continued segregation of Roma children in school. The Action Plan on Inclusive Education and the Consolidated Action Plan for the execution of the D.H. judgment, both adopted by the authorities in 2012, which both aimed to reduce the proportion of Roma pupils in "special education" classes have failed to achieve their aims. In fact the proportion of Roma children in "special classes" and "practical schools" providing education on the basis of a limited curriculum increased during the school year 2013-2014, to 32.4% from 28.2% in the year 2012-2013. At the same time, the proportion of Roma children in mainstream schools fell from 10.3% to 9.5%.

11. An amendment to the Education Act, adopted on 13 February 2015, which removed a passage which posed a risk that children without mental disability would continue to be enrolled into "practical schools", is welcomed. In addition, the decision to provide, as of 2012, the final year of pre-school education free of charge and plans for making it compulsory should improve the prospects of Roma children at school.

12. The progress in establishing committees for national minorities at the municipal level has been slow in spite of the comparatively low threshold. Moreover, national minorities' representatives continue to question the not clearly defined procedures of appointment of committee members by the municipal executive, resulting in some appointees not adequately representing national minorities' interests and effectively hindering the enjoyment of rights secured under the Framework Convention and in the Act on the Rights of Members of National Minorities of 2001.

13. Following the release of the census data gathered in 2011, and given the general decrease in the number of persons declaring their ethnic affiliation, and the census-based approach to thresholds, the number of municipalities required by law to establish committees for national minorities has decreased to 51 (as compared to 283 municipalities meeting the threshold prior to the census). Regrettably, no information could be obtained on the practical implementation of the right to use minority languages in communication with administrative authorities even in such municipalities where committees for national minorities have been established.

Assessment of measures taken to implement the further recommendations from the third monitoring cycle

14. The Office of the Public Defender of Rights (Ombudsperson) continues to enjoy public support and receives a substantial number of complaints every year. It has to be noted, however, that the competence of the Public Defender is limited to issuing non-binding recommendations to the authorities and does not permit the office-holder to initiate court proceedings or to conduct investigations in individual cases. This significantly weakens the ability of the Public Defender of Rights to combat discrimination.

15. Roma continue to face serious and entrenched difficulties and discrimination, in particular as regards access to employment, health services, education, housing segregation, and eviction of Roma families from town centres, widespread anti-Gypsyism, and hate speech. Systemic discrimination of Roma in the housing market, with many Roma forced to live in "residential hostels" situated on the outskirts of many municipalities, is of particular concern and requires urgent action on behalf of the authorities.

16. Plans for an Act on Social Housing, which would provide a legal framework guaranteeing landlords' and tenants' rights and establish financial schemes for renovation and refurbishment of some of the more suitable privately-owned vacant properties, are to be encouraged.

17. It has to be welcomed that the number of municipalities where bilingual signs and place-names are displayed has more than doubled in the last five years.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

Present situation

18. The Advisory Committee notes that in the Czech Republic the legislation containing the definition of the concept “national minority” has not changed since the last monitoring cycle. Although under Article 2 of the Act on the Rights of Members of National Minorities¹ of 10 July 2001 citizenship still continues to be a requirement for persons belonging to minorities to access the protection offered by the law, the authorities adopted an inclusive and open approach in applying the Framework Convention to all persons, irrespective of citizenship. In this context, the Advisory Committee wishes to remind the authorities that persons belonging to national minorities should be able to enjoy certain rights guaranteed in the legislation on national minorities, including those related to education and the use of minority languages, irrespective of their citizenship.²

19. The Advisory Committee notes that, in the Czech Republic, rights of persons belonging to national minorities are protected only in respect of those who belong to groups represented on the Government Council for National Minorities, a permanent government advisory body. Membership in the Government Council is determined by the authorities acting upon the proposal from the Government Council itself. It has been extended to the representatives of Belarusians, Bulgarians, Croats, Hungarians, Germans, Poles, Roma, Ruthenians, Russians, Greeks, Slovaks, Serbs, Ukrainians and Vietnamese. The authorities’ decision in 2013 to invite the representatives of Belarusians and Vietnamese to join the Council is welcomed and demonstrates their goodwill and openness. The Advisory Committee notes, however, in this regard, that the process of inviting representatives of a particular minority to be represented at the Government Council is not clearly defined in law and is not transparently handled in practice.

20. Moreover, the Advisory Committee notes that the Act on the Rights of Members of National Minorities reserves certain rights, such as the right to display topographical signs in a minority language (Article 8 of the Act), the right to use minority languages in dealings with administrative authorities (Article 9), the right to education in a minority language (Article 11), the right of access to the media (Article 13) “to members of national minorities living traditionally and for a long time on the territory of the Czech Republic”. While acknowledging that the enjoyment of some rights under the Framework Convention might be legitimately restricted to areas inhabited traditionally by

¹ “(1) A national minority is a community of citizens of the Czech Republic who live on the territory of the present Czech Republic and as a rule differ from other citizens by their common ethnic origin, language, culture and traditions; they represent a minority of citizens and at the same time they show their will to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture and at the same time express and preserve interests of their community which has been formed during history. (2) The member of a national minority is a citizen of the Czech Republic who professes other than Czech ethnic origin and wishes to be considered a member of a national minority in common with the others who profess the same ethnic origin”.

² See the Venice Commission report, “Non-Citizens and Minority Rights”, CDL-AD(2007)001, 18 January 2007.

persons belonging to national minorities, the Advisory Committee recalls that other rights, as for instance the rights to education and of access to media in a minority language are to be enjoyed by all persons belonging to national minorities.

21. The Advisory Committee notes that a new Act on the state citizenship of the Czech Republic,³ which entered into force on 1 January 2014 allows holding dual or multiple citizenship, whereas the repealed legislation provided for automatic withdrawal of Czech citizenship from persons who obtained foreign citizenship. The Advisory Committee welcomes this change as it is likely to encourage foreign citizens to apply for Czech citizenship, thus formally including them in the scope of application of domestic legislation on national minorities and the Framework Convention.

Recommendations

22. The Advisory Committee encourages the authorities to 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.

23. The Advisory Committee also urges them to 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.

Data collection

Present situation

24. The results of the Population and Housing Census which was organised in the Czech Republic in 2011 were published in 2013. The Advisory Committee welcomes that the respondents were allowed to indicate more than one ethnic affiliation (*národnost*) or more than one language, or not to answer the question. According to the census results, of the 10,436,560 respondents, the number of persons declaring belonging to one of the recognised national minorities exclusively (or in conjunction with another ethnic affiliation) was: Slovaks – 147,152 (167,930), Ukrainians – 53,253 (54,507), Poles – 39,096 (42,463), Vietnamese – 29,660 (29,840), Germans – 18,658 (25,431), Russians – 17,872 (18,774), Hungarians – 8,920 (10,513), Roma – 5,135 (12,953), Bulgarians – 4,999 (5,260), Greeks – 2,043 (2,576), Belarusians – 2,013 (2,072), Serbs – 1,717 (1,936), Croats – 1,125 (1,436), Ruthenians – 739 (973). Altogether, 163,648 persons indicated affiliation with two ethnic groups in a multitude of combinations.⁴

25. The Advisory Committee, while fully recognising the right of each person to remain silent on the question of ethnic affiliation notes that 2,742,669 persons, constituting about 26% of the residents of the Czech Republic chose not to indicate any national affiliation. The Advisory Committee emphasizes that, as it results from the principles set out in Article 3 of the Framework Convention, the decision on whether or not to reply to the question on ethnic origin is one to be considered solely by the persons being questioned. This being said, it wishes to emphasise that

³ "Act No. 186/2013 concerning the Citizenship of the Czech Republic and amending certain acts".

⁴ For more detail refer to the final census results published by the Czech Statistical Office (CZSO) at www.czso.cz/csu/sldb/census_information.

reliable information about the ethnic composition of the population is an essential condition for implementing effective policies and measures to protect minorities and for helping to preserve and assert their identity. However, the census cannot be considered as the only indicator of their number when implementing these policies and measures. This is especially the case in a context such as that of the Czech Republic, where a number of rights are dependent on the census-based thresholds (see also under Article 15).

26. The Advisory Committee notes, however, that according to some representatives of national minorities, the significance and meaning of census questions was not sufficiently clear, in particular as regards the difference between citizenship and nationality. In this context, given that a number of rights protected under the Framework Convention and secured in the domestic legislation (such as the right to establish committees of national minorities and the right to display topographical signs in a minority language, the right to set up minority language schools) are conditional on the number of persons belonging to national minorities residing in a given municipality, the Advisory Committee notes with concern that the census results may not adequately reflect the ethnic composition of the Czech society.⁵

27. The number of Roma who declared their ethnic identity in the census is many times smaller than the estimates of 150,000-200,000 Roma living in the Czech Republic made by the Roma themselves and international organisations.⁶ In this context, the Advisory Committee welcomes the information provided by the municipal authorities in Brno, concerning a survey⁷ to plan the municipal social expenditure.

28. The Advisory Committee considers that it is essential that an awareness-raising campaign be organised ahead of the next census to prepare the population properly and to inform people of the implications and methodology of the census, so that the maximum number of persons give an informed and free reply to the questions relating to their national and ethnic origin and knowledge and/or use of languages. The Advisory Committee reiterates that population statistics should be collected regularly, and should be complemented with information gathered through independent research. They should be carefully analysed in consultation with minority representatives, in particular when using statistics as basis for the applicability of minority rights (see also comments under Articles 10, 11 and 15).

Recommendation

29. The Advisory Committee invites the authorities to 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, notably those related to the

⁵ See in particular §19 of the Thematic Commentary No. 3 on The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev.

⁶ For example, the Minority Rights Group International claims that “unofficial estimates, which are not contested by the authorities, put the real number of Roma living in the Czech Republic at 150,000-200,000” www.minorityrights.org/minorities/roma-5/ .

⁷ Whereas in the 2011 census, 156 residents of Brno indicated their Roma identity, the municipal authorities in Brno estimate the number of Roma living in the city to be around 5,000 persons, on the basis of the survey they commissioned in 2008.

protection of personal data, as laid down in the Committee of Ministers Recommendation (97)18 concerning the protection of personal data.

Article 4 of the Framework Convention

Anti-discrimination legislation and its implementation

Present situation

30. The Advisory Committee recalls that the Anti-Discrimination Act of 2009 transposed into Czech legislation the European Council Directive on Racial Equality (2000/43/EC) and the European Council Directive on Employment Equality (2000/78/EC). The Act contains provisions prohibiting direct and indirect discrimination on the grounds of *inter alia* race, ethnic origin, and nationality in the field of employment, health care, education, welfare, access to services and housing and establishes courts' jurisdiction in alleged cases of discrimination.

31. The Advisory Committee also notes that the Public Defender of Rights (Ombudsperson) has been mandated to act as the Czech equal treatment and anti-discrimination body, including by assisting victims of discrimination in submitting cases to the courts, publishing reports and issuing recommendations on discrimination issues. The Advisory Committee welcomes in this context, the Public Defender's Report on the ethnic composition of pupils in the former "special schools" published in June 2012⁸ in which he, having examined the situation in 67 randomly selected "practical elementary schools", established indirect discrimination and recommended changes to the Law on Education which would prevent placement of a disproportionate number of Roma children in "practical schools" (for details see Article 12).

32. The Office of the Public Defender of Rights continues to enjoy public support and receives a substantial and growing number of complaints every year (8,202 in 2014, up from 6,339 in 2010).⁹ The Advisory Committee notes, however, that the Ombudsperson's mandate remains limited as it does not allow the office-holder to initiate in court proceedings or to conduct investigations in individual cases. The competence of the Public Defender is limited to issuing non-binding recommendations to the authorities. Also, the Ombudsperson cannot monitor legislation or advise the authorities in the process of drafting legal acts. This significantly weakens the ability of the Public Defender of Rights to combat discrimination.

Recommendations

33. The Advisory Committee calls on the authorities to continue to support and to co-operate with the Office of the Public Defender of Rights in order to allow it to carry out its role effectively, in particular as regards the enforcement of the Defender's recommendations.

34. The Advisory Committee further invites the authorities to 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.

⁸ www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf.

⁹ See Annual Report for 2014 of the Public Defender of Rights, pg. 23.

www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Reports/Annual_2014.pdf

Application of the principles of equal treatment and non-discrimination with respect to the Roma

Present situation

35. The situation of the Roma minority remains the most urgent social problem in the Czech Republic. The Advisory Committee notes that the authorities have continued their efforts to combat discrimination and implement policies for Roma inclusion. Building on the experience gathered during the implementation of the Roma Integration Concept for 2010-2013, the authorities developed the Strategy for Combatting Social Exclusion 2011-2015 and the National Roma Integration Strategy 2014-2020¹⁰ (adopted in February 2015). The Advisory Committee notes that the goals set in the Roma Integration Concept for 2010-2013 and the Strategy for Combatting Social Exclusion have not been attained, in particular due to the absence of budgets for individual measures and indicators of their impact. The evaluation of the Strategy for Combatting Social Exclusion 2011-2015 shows that the Action Plan for execution of the 2012 D. H. judgment, submitted by the Czech government to the Committee of Ministers of the Council of Europe, was not implemented at all. Moreover, the weak mandate of the Council for Roma Minority Affairs, which was the main body responsible for overseeing its implementation, did not empower it to impose measures to be implemented or issue sanctions on local and regional authorities for failure to implement them. In addition, the Concept and the Strategy for Combatting Social Exclusion 2011-2015 did not adequately associate Roma, as its main beneficiaries, with its implementation. There was no scope for active involvement or participation of Roma themselves in programming, implementing and evaluating the implementation of different measures. The Roma were seen rather as passive beneficiaries of measures developed for them by the majority society.¹¹

36. The Advisory Committee notes the adoption of the National Roma Integration Strategy 2014-2020. The Strategy, which provided much greater detail than previous policy documents, sets goals, deadlines, performance indicators and assigns responsibilities in the key areas of employment, health, housing, social protection, education, support for Roma culture and language, personal security and over-indebtedness. The Advisory Committee considers that it is too early to comment on the likely effectiveness of the Strategy. It notes, however, that policies implemented in the framework of previous strategies have not achieved their goals in any of the fields and calls on the authorities to engage required resources in every way with a view of achieving real progress in integrating Roma. The Advisory Committee notes nonetheless, that the authorities did not publicly present and discuss the Strategy prior to its adoption, limiting the publicity to a press release. This fact, together with the negative attitude of majority society towards Roma, is one of the factors which may impact negatively on the effectiveness of the Strategy.

37. In this context, the Advisory Committee notes with regret that, unlike other national minorities, the Roma still continue to face serious and entrenched difficulties and discrimination, in particular as regards access to employment, health-services, main-stream and higher education, housing, eviction of Roma families from town centres, widespread anti-Gypsyism, and hate speech.

¹⁰ Available at www.ec.europa.eu/justice/discrimination/files/roma_czech_republic_strategy2_cs.pdf in Czech only.

¹¹ See also Analysis of the National Roma Integration Strategies, European Roma Policy Coalition, March 2012, www.ergonet.org/media/userfiles/media/Final%20ERPC%20Analysis%2021%2003%2012_FINAL.pdf

No progress has been achieved thus far, in particular as regards lowering the number of Roma children attending “practical schools” (for details see Article 12).

38. The Advisory Committee deplores in particular a systemic discrimination of Roma in the housing market, with many owners refusing to lease to Roma on account of their ethnicity, resulting in the vicious circle of “residential hostels” existing on the outskirts of many municipalities. These overpriced and substandard hostels, where whole families are crammed into a single small room, without adequate sanitary facilities, are operated by private entrepreneurs and financed by municipal subsidies paid directly to the landlords. According to the authorities there are some 100,000 persons living in hostels of this nature. The location of such hostels, usually far from the town centres, compounded by inadequate transport facilities, increases segregation of Roma in marginalised communities, decreases prospects for employment and limits access to mainstream schools for Roma children. In this context, the Advisory Committee notes further with deep concern that according to media reports¹² an amendment to the Act on Assistance in Cases of Material Need, which entered into force in May 2015, transferred the responsibility for deciding on applications for housing benefits from the Labour Offices to municipalities. Reportedly, many municipalities have begun using these new competencies and the number of rejected applications has increased substantially in recent months, threatening as many as 17,000 persons with evictions.

39. The Advisory Committee has also learned with deep regret that ethnicity of Roma children placed in care institutions is recorded by the regional authorities, without consent of the children’s parents or legal guardians, and has a discriminatory effect on the possibility of these children to find an alternative care family. In particular, the practice of arbitrary attribution of quasi-ethnic characteristic, such as “Roma”, “half-Roma”, “looking like a Roma” by social workers responsible for child welfare are not acceptable and incompatible with the Framework Convention, and should be stopped.

40. Another issue of serious concern is the continuing wide-spread anti-Gypsyism and hate-speech aiming to intimidate Roma and threaten the local Roma residents with persecution, verbal abuse and physical violence. In its gravest forms, extreme right-wing political organisations, such as the Workers' Party of Social Justice (DSSS) organise rallies and marches on Roma housing estates, such as the 2013 rally in České Budějovice and Duchcov and the 2013 and 2014 rallies in Ostrava, often ending in violent clashes with the police. Very worryingly, the anti-Gypsyism is not limited to marginal extreme right-wing political parties, such as DSSS which, in the 2013 parliamentary elections, obtained only 0.86% of votes and failed to win a seat. Other political parties, such as a right-wing populist party, Dawn of Direct Democracy, appeal openly to anti-Roma sentiments in their electoral campaigns, with its leader calling for “the Roma to return to India”. The Advisory Committee regrets to note that a part of the Czech population is receptive to such messages and the political parties promoting them. Worse still, even prominent politicians such as the chairperson of the Senate Subcommittee on Human Rights and Equal Opportunity, representing mainstream

¹² See «Czech Labor Office says it cannot tell municipalities how to award housing benefits”

www.romea.cz/en/news/czech/czech-labor-office-says-it-cannot-tell-municipalities-how-to-award-housing-benefits

Christian Democrats, and the mayor of the town of Vsetín do not shy from using inflammatory language and qualify Roma as “inadaptables”¹³ or “anti-social”.

Recommendations

41. The Advisory Committee strongly urges the authorities to make sustained and effective efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma, and to promote tolerance and anti-discriminatory attitudes throughout the population.

42. In general, Roma representatives should be closely involved in all projects and activities concerning them, such as those implemented in the framework of the Strategy for Combatting Social Exclusion 2011-2015 and the National Roma Integration Strategy 2014-2020 and others, particularly in the housing sector.

43. The Advisory Committee calls on the authorities to redouble their efforts to combat manifestations of intolerance, racism and xenophobia present in Czech society, to monitor the situation more effectively and to investigate and apply adequate sanctions when necessary.

**Allegations concerning the sterilisation of Roma women
without their prior free and informed consent**

Present situation

44. The Advisory Committee recalls that the Czech Government issued a public statement of regret in November 2009, officially apologising for the sterilisation of Roma women without their prior free and informed consent. It further notes that a number of victims of sterilisation without prior free and informed consent have not been compensated and continue to press their cases through the courts.

45. In this context, the Advisory Committee welcomes information on the draft law on compensation for victims of coerced sterilisation currently elaborated by the Ministry for Human Rights and Equal Opportunities. This law, if adopted, would establish the regulations to help victims sterilised between 1966 and 2012, who have been unable to seek compensation through the courts or any other way, and finally provide some measure of justice to victims.

Recommendation

46. The Advisory Committee urges the authorities to compensate without further delay all victims of sterilisation without free and informed consent. The authorities should ensure that relevant legal provisions on prior informed consent are adhered to at all times.

¹³ See Prague Daily Monitor article of 13 March 2015: “Mayor Jiří Čunek has announced to the Czech News Agency that the town hall in Vsetín is establishing a working group on the issue of “inadaptables” and will “seek measures to make the town calm and safe and options for stopping these groups of inhabitants or individuals from causing problems and tensions in town”. www.praguemonitor.com/2015/03/13/commentary-czech-mayor-declares-war-inadaptables-again.

Article 5 of the Framework Convention

Support for the cultural activities of persons belonging to national minorities

Present situation

47. The main body responsible for implementing cultural policy is the Ministry of Culture. The three programmes which have been developed to support cultural activities are: the Programme of Support for Disseminating and Receiving Information in Languages of National Minorities – support for periodical press, radio and television broadcasting, Programme of Support for Cultural Activities of National Minority Members – support for artistic, cultural and educational activities, research and analysis of national culture and folk traditions, documentation of national cultures, editorial activity, and multi-ethnic cultural events aiming to combat intolerance and xenophobia, and the Programme of Support for the Roma Community Integration which focuses on creating equal conditions for members of the Roma community, especially support for social and cultural activities carried out by Roma community organisations.¹⁴

48. Financial support for the organisation and promotion of cultural activities is provided to national minorities by municipal, regional and central authorities and this has included funding for the performing arts such as festivals and theatres, museums and publications. The House of National Minorities established under the auspices of the Prague City Hall provides offices for national minority organisations as well as an exhibition space and a performance area.

49. The Advisory Committee notes with interest that, in addition, the Ministry of Culture provides subsidies on an annual basis for national minority activities under the programme “Library of the 21st Century”, targeting libraries holding collections in languages of national minorities and grants aimed at supporting multi-cultural activities, which promote cultural dialogue within society.

50. The Museum of Roma Culture in Brno and the Jewish Museum in Prague, subsidised by the Ministry of Culture provide invaluable information on the history, traditions and culture of the Roma and Jews respectively and serve as a focal point for cultural and awareness-raising projects reaching a wide audience, beyond the minorities concerned. The Ministry of Culture also supports Terezín Memorial, which carries out research and educational activities on the Holocaust. The Advisory Committee is pleased to note that, in 2014, the Ministry provided funding to purchase a suitable building in Jevisovka which will house a Croat museum dedicated to preserve the culture of Croats in southern Moravia.

51. According to the State Report, funding for cultural projects has been decreasing every year in the period under consideration (2009 – 2013) and amounted to 6,3 million Kč¹⁵ in 2013 (latest available figures). While noting that state funding is substantially supplemented at the regional and municipal levels, the Advisory Committee regrets this trend which has also been deplored by the representatives of national minorities. In this context, the Advisory Committee notes that various interlocutors raised concern, not only about the scarcity of funds, but also about the procedure

¹⁴ See the Council of Europe/ERICarts, Compendium of Cultural Policies and Trends in Europe, 17th edition, 2015 www.culturalpolicies.net/web/countries-profiles-download.php

¹⁵ The average exchange rate in 2013-2014 of the Czech Crown to the Euro was approximately 26,5 Kč to 1 €.

according to which the budgets are allocated on an annual basis which does not allow the organisations of national minorities to draw up long-term plans. The Advisory Committee agrees with many of its interlocutors that moving towards pluri-annual budgetary plans would resolve this issue. In addition, the fact that subsidies are paid upon presentation of proof of expenditure creates difficulties in particular for small organisations which find it difficult to advance the necessary financial resources.

Recommendation

52. The Advisory Committee calls on the authorities to pursue and strengthen their efforts to provide adequate financial support, in particular by making it more accessible to national minorities, including the numerically smaller ones, for their cultural initiatives and museums.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

Present situation

53. Representatives of most national minority associations report an overall respectful attitude prevailing between the majority and minority. The authorities at central, regional and municipal level strive to promote inter-ethnic tolerance and understanding in society through a variety of measures and programmes. Notwithstanding these efforts, there is a general perception of an increase in xenophobia and intolerance within Czech society. It is of deep concern to the Advisory Committee, that a strong anti-Roma and anti-immigrant discourse persists in some parts of society, frequently referring to persons belonging to Roma communities as “inadaptable”, “asocial” and “abusers of social benefits”. The Advisory Committee is particularly concerned that such intolerant language, which used to be restricted to the extreme right-wing political parties, has over the years become commonplace and entered the mainstream political discourse.¹⁶ Regrettably it has to be noted that negative stereotypical portrayal of Roma brings a measure of electoral success to right-wing political parties, and even more respectable political organisations resort to using anti-Roma rhetoric. The Advisory Committee finds this trend very alarming, as instead of seeking to build a cohesive and tolerant society, politicians perpetuate divisions which are detrimental to finding solutions to real problems affecting society. The fact that anti-Roma marches organised by the Workers' Party of Social Justice (DSSS) are attracting not an insignificant number of demonstrators from different fragments of society is particularly worrisome (see also related comment under Article 4).

54. The Advisory Committee further notes that, although the population in the Czech Republic who are foreign nationals is very small, with very limited presence of muslims, there has been a marked rise in anti-immigrant and particularly in anti-Islamic discourse on the part of populist parties, such as the Dawn of Direct Democracy accompanied by a growth of a wide-spread sentiment of threat to Czech identity and values. Inflammatory language, mass signing of petitions¹⁷

¹⁶ Enemies among us: The anti-elitist and xenophobic discourses in the Czech Republic and Slovakia, Alena Kluknavská, 2014; www.rexter.cz/wp-content/uploads/rexter_02_2014_3.pdf.

¹⁷ See Prague Post “Thousands sign anti-immigrant petition”, 7 June 2015, www.praguepost.com/czech-news/48182-thousands-sign-anti-immigrant-petition.

and demonstrations against Muslim immigrants attest to the climate of xenophobia and intolerance. In particular, the Advisory Committee notes with regret the growth of xenophobia and rejection of even the voluntary reception of refugees and asylum-seekers arriving in the Czech Republic with the consent of the Czech authorities. Against this alarming background, the Advisory Committee is pleased to note that the authorities acknowledge the seriousness of the problem and are taking measures to counteract it. In particular the authorities' efforts to educate young persons about democracy and multicultural coexistence, in the framework of the *Democratic Citizenship* programme which is part of the high school curriculum, with the view to eliminating extremism and preventing radicalisation of young persons, are welcome. Also, the Advisory Committee welcomes the information on the Recommendation on teaching the history of the 20th century adopted by the Ministry of Education, Youth and Sports in 2013 to respond to the increase in extremist and undemocratic tendencies developing within the Czech society.¹⁸

Recommendations

55. The Advisory Committee urges the authorities to condemn systematically and in a timely fashion all instances of anti-Roma and anti-immigrant rhetoric in public discourse, particularly in the political arena and in the media, in the spirit of Recommendation N° R (97) 20 of the Committee of Ministers to member states on "Hate Speech".

56. The Advisory Committee further calls on the authorities to intensify their efforts to promote respect and intercultural understanding among the different groups in society overall, including through comprehensive measures that target the majority population.

57. Urgent steps need to be taken by the authorities to combat stereotypes and prejudice in political discourse and to promote tolerance and inter-cultural dialogue throughout society as a whole. It is essential that specific targeted measures such as awareness-raising campaigns involving, among others, the media, be implemented without delay to counteract the mounting anti-Gypsyism and xenophobia in society which has a direct negative impact on the access to rights.

Memorial site in Lety

58. The Advisory Committee recalls that it acknowledged in its last Opinion the establishment of a memorial site in Lety to commemorate victims of the Roma genocide at the Nazi concentration camp. It also deplored that the site of the concentration camp at Lety has been in a large part occupied by a pig farm established there in 1970s. Given the symbolism and significance for the Roma, and the Czech society at large, the Advisory Committee strongly urged the authorities to relocate the pig farm as a matter of priority from the site of the concentration camp at Lety. Despite a long campaign by Roma organisations and international institutions¹⁹ no progress has been made to date towards the removal of the pig farm. The Advisory Committee notes, however, that the

¹⁸ See State Report, page 5.

¹⁹ In 2005 and 2008, the European Parliament passed resolutions calling on the Czech authorities to remove the pig farm from the site, www.radio.cz/en/section/news/ep-calls-for-removal-of-pig-farm-from-site-of-romany-concentration-camp, www.romea.cz/english/index.php?id=detail&detail=2007_722.

removal of the pig farm is an objective of the new Roma Integration Strategy which was adopted by the Czech authorities in February 2015.²⁰

Recommendation

59. The Advisory Committee reiterates its call on the authorities to remove the pig farm as a matter of priority from the site of the former concentration camp at Lety.

Efforts to combat hostility or violence on ethnic or racial grounds

Present situation

60. The Advisory Committee recalls that Section 356 of the Criminal Code (incitement to hatred) punishes with up to two years imprisonment anyone who publicly incites hatred against any “nation, race, ethnicity, religion, class or other group of persons”, while Section 352 (violence against a group of persons or an individual) punishes with six months to three years imprisonment anyone who uses violence against a group of persons or individuals, or threatens them, on account inter alia of their actual or perceived race, ethnicity, nationality or religion. Furthermore Section 42 (b) of the Criminal Code specifically refers to “racist, ethnic, religious, or other similar hatred” as aggravating circumstances that judges are required to take into account when sentencing offenders. Defamation of any nation, its language, any race or ethnic group or any group of persons on account inter alia of their actual or perceived race, ethnicity, nationality or religion, described in Section 355 of the Criminal Code is punishable with up to two years imprisonment.

61. The police collect statistics²¹ on all crimes committed, including those with racist or other motives involving intolerance. Data for 2013 shows that 37,4% (79 offences) of total crimes of an extremist nature were committed under Section 403 (establishment, support and promotion of a movement aimed at suppressing human rights and freedoms), Section 404 (manifestation of sympathy to a movement aimed at suppressing human rights and freedoms) and Section 405 (denial, questioning, approval, justifying of genocide) of the Criminal Code. Crimes under Section 355 (defamation of a nation, race, ethnic or other group of people) represented the second most numerous group. The proportion of the total of all crime categories was 17,5% (37 offences, of which 29 cases were solved and 41 offenders prosecuted). Crimes under Section 352 (violence against a group of people or an individual) represented 9% (19 offences) out of the total. There were 12 solved cases that fell under Section 352 and 22 perpetrators were prosecuted. Although no detailed statistics are available for 2014, according to the data collected by the Police Presidium, there have been no significant changes in the composition of offences in comparison with the previous year.

62. The police recorded 53 criminal offences in 2014, motivated by hatred against Roma (26,3% of total crimes of extremist nature). These figures show an increase from 42 such criminal offences recorded in 2013. Most offenses were committed in the Usti Region (17 crimes) and Moravia-Silesia (10 crimes).

²⁰ See Roma Integration Strategy 2014-2020, pg. 38 (available in Czech only).

www.ec.europa.eu/justice/discrimination/files/roma_czech_republic_strategy2_cs.pdf

²¹ Statistical Recording System of Crime of the Police Presidium (SRSC).

63. The Advisory Committee notes that these numbers seem to be quite low, given the increase in extremist and undemocratic tendencies developing within the Czech society, which is acknowledged by the authorities. Interlocutors of the Advisory Committee claimed that such low numbers are due to the fact that victims of hate crimes, including Roma, remain highly reluctant to approach the police, as they do not trust that their rights and concerns will be adequately considered and protected.

64. Complaints against police officers are governed by Section 175 of the Administrative Code, according to which everyone has the right to file a complaint against the procedure or the conduct of a public official when their rights are affected. Data on complaints against misconduct of police officers is collected by the General Inspection of Security Forces. In 2014, the General Inspection of Security Forces investigated two cases in connection with alleged misconduct motivated by racism or intolerance on ethnic grounds. These cases involved one member of the Prison Service and one member of the Police. The Advisory Committee notes, also in this context, that these figures seem to be extremely low and probably do not reflect reality, in particular as regards the trust in the impartiality of the complaints mechanism, in particular on the part of the Roma.

Recommendations

65. The Advisory Committee calls on the authorities to ensure that more vigorous, speedy and effective action be taken to prevent, investigate and prosecute offences committed with racial or xenophobic motives, and to provide for constant monitoring of this phenomenon within the society.

66. The Advisory Committee further asks the authorities to investigate promptly and in a transparent manner all cases of alleged police abuse and misconduct, so as to ensure that the public, including the Roma, have confidence in the impartiality and effectiveness of the complaints mechanism in cases regarding police abuse.

Article 9 of the Framework Convention

Access of persons belonging to national minorities to the media

Present situation

67. The Advisory Committee notes that radio and television channels continue to broadcast a wide array of programmes for or about national minorities, and that since the completion in November 2011 of digitalisation of broadcasting, the radio and television coverage of regions inhabited by persons belonging to national minorities has improved significantly, as 99.6% of the population have access to a digital television signal. In particular, the Czech public radio broadcasts programmes in the languages of the national minorities, including Slovak (two 15-minute programmes weekly and one 55-minute programme on Sundays), Romani (two 15-minute programmes weekly and one 55-minute programme on Sundays) and Polish (five 25-minute programmes on working days on the regional service from Ostrava, which reaches persons belonging to the Polish minority inhabiting in the region of Český Těšín). It also broadcasts one 15-minute German language programme weekly. The Advisory Committee notes with satisfaction that the Polish studio at the Czech Radio in Ostrava continues to produce programmes in Polish aimed at the audience living in the region. Also, it is most encouraging, that programmes produced in Slovak

and Romani languages reach a broader audience including a significant number of listeners from the Czech majority.

68. The Advisory Committee welcomes that a number of bilingual programmes in Czech and in languages of national minorities (with Czech language subtitles) continue to be broadcast on public television channels. Such programmes, which are accessible to the Czech majority, contribute to increased awareness and greater understanding of issues affecting persons belonging to national minorities. Such programmes include the long-running weekly TV cycle *Babylon*, weekly *Kosmopolis*, monthly *Home in the middle of Europe* and bi-weekly *Encounters*. The Advisory Committee notes, however, that the only broadcast produced exclusively in a minority language ("*Do We Know Each Other?*" programme in Polish) has been moved in 2013 to a very inconvenient time slot and consequently lost a significant part of its potential audience. In this context, information about new opportunities created by digitalisation, which led to the increase of the number of public television channels from two to six (which in turn opened up more broadcasting time to programming about minorities and in languages of national minorities), is most welcome.

69. In addition, state television continues to broadcast a wide array of programming, including documentaries, feature films, drama and music in the languages of national minorities with Czech subtitles. Although these programmes are not specifically targeting persons belonging to national minorities they familiarise both the majority and the minorities with foreign (including national minority) languages, in particular Slovak, German and Polish.

70. Furthermore, the Advisory Committee is pleased to note that the Czech public television carried out in 2015 an extensive and much appreciated awareness campaign on Roma, their history, culture and traditions during the week of International Roma Day (April 8). Films and documentaries about Roma and portraying Roma were broadcast every day during that week in prime time.

71. The Advisory Committee notes with regret that the funding disbursed by the Ministry of Culture to support printed media in minority languages, including those spoken by numerically smaller groups has decreased in recent years from 30 million Kč in 2009 to 16 million Kč in 2013. This decrease in funding is particularly problematic for smaller national minorities, for which the printed publications are the only media available in the Czech Republic. The fact that grants disbursed by the Ministry of Culture cannot be used to finance on-line publications or sites in languages of national minorities is not only regrettable, but also demonstrates an urgent need for the regulations to be adapted to meet the demands of the digital age.

72. The Advisory Committee also finds it regrettable that, in addition to the fact that the number of journalists associated with a national minority, in particular in television is very low, very few representatives of national minorities have been appointed to the regional public radio and television programming councils. According to the information provided by national minorities, an advisory Assembly of Minorities continues to operate at the regional Czech Radio Ostrava, but there are no minority representatives in any of the Czech regional TV branches.

73. The Advisory Committee is encouraged, however, that in March 2015 representatives of the Czech Radio and Czech television held, at the invitation of the Government Council for National Minorities a meeting with representatives of national minorities focusing on the expectations and proposals concerning programming about national minorities and in their languages. In this context,

representatives of national minorities reported their satisfaction about the positive attitude displayed by the representatives of the public broadcasters and expressed hope about the direction in which the events were evolving.

Recommendations

74. The Advisory Committee asks the authorities to continue supporting radio and television broadcasting programmes by, for and about national minorities, and in their languages. The authorities are invited to reconsider the criteria used for disbursement of grants to meet the demands of the digital age.

75. The authorities should also ensure that national minorities are regularly consulted and encouraged to take an active role in producing programmes destined for them through the recruitment of journalists belonging to national minorities into staff of radio and TV stations broadcasting programmes on minorities, especially in those regions where persons belonging to national minorities live in substantial numbers.

Article 10 of the Framework Convention

The use of minority languages in dealings with administrative authorities

Present situation

76. The Advisory Committee notes that in principle persons belonging to national minorities have the right to address local administrative authorities in their minority language. It notes, however, with regret that in practice it is only in the municipalities where committees for national minorities have been established that this right is implemented, and in a very limited scope. In fact, in such municipalities, the municipal authority (mayor) is only obliged to publish regulations which affect the rights of persons belonging to national minorities in the language of the national minority concerned (in addition to the Czech language). In this context, the Advisory Committee welcomes amendments to the Municipalities Act adopted in 2012 which simplified the procedure for establishing committees for national minorities and introduced the rule that the 10% threshold of the proportion of persons belonging to national minorities within the whole municipal population triggering the obligation to set up such a committee, needs to be attained by all national minorities cumulatively and not by one minority as before.

77. The Advisory Committee regrets that, according to information provided by the Government Council for National Minorities, following the release of the census data gathered in 2011, and given the general decrease in the number of persons declaring their ethnic affiliation, the number of municipalities required by law to establish committees for national minorities has decreased to 51 (as compared to 283 municipalities meeting the threshold prior to the census). This situation is particularly worrisome given that thresholds are only based on the census results. The Advisory Committee regrets again the lack of information on the practical implementation of the right to use minority languages in dealings with administrative authorities even in such municipalities where the committees for national minorities have been established.

Recommendations

78. The Advisory Committee asks the authorities again to review the legislation, policies and any other measure related to the practical situation of the use of minority languages in relations with administrative authorities.

79. The authorities are urged in particular to ensure that the right to use a minority language in relations with administrative authorities be respected in all municipalities where the law is applicable. In particular, the Advisory Committee encourages the authorities to pursue a flexible and pragmatic approach with regard to the application of the law and not to exclusively rely on the census. Close consultations with representatives of all national minorities should be maintained to regularly establish the existing demands and needs pertaining to the use of national minority languages in dealings with administrative authorities.

Article 11 of the Framework Convention

Surnames and first names in minority languages

Present situation

80. The Advisory Committee recalls that under the provisions of the Registries Act²² persons belonging to national minorities can request to have their name written in the register in a minority language with language-specific diacritical marks and in addition that women belonging to a national minority may have their surname written in their documents without the Czech language female suffix, “*ová*”.

81. The Advisory Committee notes with satisfaction that the Registries Act was amended²³ in 2013 to clarify that the right to have the name written in the register in a minority language applies both to first names and surnames, which was not clear previously. Also, the amendments expanded this right to cover registered partnerships.

82. The Advisory Committee notes with satisfaction that representatives of national minorities did not indicate particular problems with the application of the Registries Act by civil registry officials in a manner accommodating the needs expressed by persons belonging to national minorities, in accordance with the principles set out in Article 11 of the Framework Convention.

Recommendation

83. The Advisory Committee invites the authorities to continue to interpret the Registries Act in accordance with the principles set out in Article 11 of the Framework Convention.

Bilingual signs and place-names

Present situation

84. The Advisory Committee recalls that the exercise of the right to display bilingual signs and indications of place-names is conditioned on the number of persons belonging to the national minority constituting no less than 10% of all residents of the municipality and on the establishment

²² Act No. 301/2000 on birth registers, first name and surname and on amendments to certain related acts.

²³ Act No. 312/2013 which related to the enactment of the new Civil Code.

there of a committee for national minorities. It notes that, following the release of the census data gathered in 2011, the legal requirements for displaying bilingual Czech and Polish signs and inscriptions are met in thirty municipalities in the Frýdek-Místek and Karviná districts, Czech and Slovak signs in eight municipalities in the Brtnál, Břeclav, Cheb, Karlovy Vary and Jeseník districts and Czech and German in three municipalities in the Sokolov district.

85. The Advisory Committee notes with satisfaction that the number of municipalities in the Frýdek-Místek and Karviná districts where bilingual Czech-Polish signs and place-names are displayed has increased from thirteen municipalities in 2010 to all thirty municipalities concerned now. It is also pleased to note that whereas in 2010 there were no bilingual Czech and Slovak signs, such signs are currently displayed in two municipalities located in the Frýdek-Místek and Český Krumlov districts. Finally, the Advisory Committee notes with interest that discussions are ongoing about installing bilingual Czech and German signs in the Sokolov district.

Recommendation

86. The Advisory Committee invites the authorities to continue to encourage local authorities in those districts where the right to display bilingual signs and indications of place-names is not implemented in practice, to take measures in order to ensure that the provisions of Article 11, paragraph 3 of the Framework Convention are effectively implemented.

Article 12 of the Framework Convention

Intercultural dimension of education

Present situation

87. The Advisory Committee recalls that in 2007 a cross-curricular subject *A Citizen in a Democratic Society* became a compulsory part of the curriculum within the Framework Elementary School Education Programme. Furthermore, a cross-curricular subject *Multicultural Education* aims to teach and raises children's awareness about diversity of their cultural identity, traditions and values. Children are acquainted with basic information on various ethnic and cultural groups living in the Czech Republic and Europe, develop the ability to orient themselves in a pluralistic society and to use intercultural contacts, learn to recognise and tolerate the differences of other national, ethnic, religious, and social groups and to work with members of different sociocultural groups, and are taught to recognise expressions of racial hatred and xenophobia.

88. The Advisory Committee notes further that in 2013, the Ministry of Education, Youth and Sports updated its Recommendation on teaching the history of the 20th century with the view to provide information on Nazism, the Second World War, the Holocaust and the genocide of the Roma. Particular emphasis is placed on the teaching about the Holocaust and the genocide of the Roma, through specialized seminars *How to teach about the Holocaust* or through the documentary project for pupils *Neighbours who disappeared* (organized by the Educational department of the Terezín Memorial and the Education and Culture Centre of the Jewish Museum in Prague). The Advisory Committee further notes that information about the expulsion of the Sudeten Germans is also included in the programme.

Recommendation

89. The Advisory Committee encourages the Czech authorities to continue their efforts to develop civic and intercultural contents in textbooks and curricula and to ensure that history teaching contains adequate coverage of the 20th century.

Equal access to education; the situation of the Roma

Present situation

90. The Advisory Committee recalls that the implementation of the judgment of the European Court of Human Rights²⁴ in the case of D.H. and others v. the Czech Republic (application no. 57325/00) in which the Court found that the Czech Republic violated the European Convention on Human Rights by placing a disproportionate number of Roma children into “special schools” in which they were subjected to a limited curriculum and segregated from the mainstream student population, has been ongoing for over seven years. Under the Schools Act of 2005, “special schools” have been renamed “practical schools” without any substantive change to their composition, curriculum and position within the education system of the country, where they continue to be considered as a “special education” branch. Such schools continue to teach on the basis of a reduced curriculum which prevents these pupils from accessing higher educational levels. The latest Action Plan on Inclusive Education and the 2012 Consolidated action plan for the execution of the D.H. judgment adopted by the authorities in 2012, which both aimed to reduce the proportion of Roma pupils in "special education" classes has failed to achieve its aim.

91. In fact, according to the Special Representative for Roma Issues to the Secretary-General of the Council of Europe, the proportion of Roma children in “special classes” and “practical schools” has risen during the school year 2013-2014, to 32.4% from 28.2% in the year 2012-2013. At the same time, the proportion of Roma children in mainstream schools fell from 10.3% to 9.5%.²⁵ These findings broadly confirm the 2012 findings of the Public Defender of Rights according to which Roma children accounted for 35% of all children in “practical schools”. Moreover, according to Roma interlocutors, there have been cases of Roma children being separated from the majority children, even in mainstream schools.

92. Against this generally alarming background, the Advisory Committee welcomes a recent amendment to the Education Act adopted by the Czech legislature on 13 February 2015 which as regards children with special educational needs removed a passage which posed a risk that children without mental disability would continue to be enrolled into “practical schools”. The Advisory Committee welcomes this amendment as a first step towards the reform of Czech schools and inclusive education.

93. The authorities continue to implement programmes targeting Roma children with the aim of improving their educational prospects. The Programme for Support of Roma Integration provides

²⁴ Judgment in the case of D.H. and others v. the Czech Republic (application no. 57325/00) of 13 November 2007; see the ECHR press release.

²⁵ See statement of the Special Representative for Roma Issues to the Secretary-General of the Council of Europe of 12 March 2015 www.romea.cz/en/news/world/council-of-europe-says-there-are-still-too-many-romani-children-in-the-czech-special-schools.

for early care for Roma children from a socially disadvantaged environment so as to ensure their education within the mainstream system. Under the Programme “Support of Socially Disadvantaged Roma Students at Secondary Schools” 1,280 scholarships were granted to Roma students in 2013. Finally, new assistant positions were established in the framework of the “Funding of Assistant Teachers for Socially Disadvantaged Children, Pupils and Students Programme”. The Advisory Committee welcomes these efforts, but it notes nonetheless that they are of limited scope and have not achieved their intended goals.²⁶

94. Another issue of concern is the low preschool attendance of Roma children which creates a handicap already at the outset of their education. In fact, whereas generally 80% of all children attend preschool in the Czech Republic, the figure for Roma children is much lower and stands at 30%. In this context, the Advisory Committee welcomes the authorities’ decision to provide, as of 2012, last year of pre-school education free of charge and plans for making it compulsory. This move should better prepare Roma children for the primary school, increasing their chances of success.

Recommendations

95. The Advisory Committee urges the authorities to take, as a matter of urgency, all necessary measures to implement the D.H. judgment in particular by eliminating, without further delay, practices that lead to the continued segregation of Roma children at school and to redouble their efforts to remedy other shortcomings faced by Roma children in the field of education. The authorities must ensure equal opportunities to Roma children to access all levels of quality education. Measures should be taken to prevent children from being inappropriately placed in “practical schools”, and to ensure that fully-informed consent is given as a condition for placement into special education. Placement in regular schools should be the rule and special schooling reserved for exceptional cases only. All diagnostic examinations to assess the aptitude of school aged children must be conducted in a manner that takes the individual background of the child into account and must be repeated regularly in all cases.

96. The Advisory Committee urges the authorities to ensure access to pre-school facilities for all Roma children and guarantee that the curriculum in such kindergartens correspond to the diverse needs and multi-lingual composition of the groups concerned.

Article 14 of the Framework Convention

Teaching of/in minority languages and instruction in these languages

Present situation

97. The Advisory Committee recalls that the Education Act of 2004 creates the necessary conditions guaranteeing equal access to education of children belonging to national minorities and that representatives of national minorities express general satisfaction with its implementation.

²⁶ For more details see the Fact Sheet on the Situation of Roma in the Czech Republic published by the European Roma and Travellers Forum, March 2015.

98. 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 Polish. The Advisory Committee notes that in the 2014/2015 academic year, 852 children attended 32 Polish language kindergartens, 1,781 children received instruction in Polish in 25 elementary schools in the region, and that these numbers continued to increase year by year. The number of children attending Polish language high-schools (383 in the academic year 2014/2015) showed, however, a trend going in the opposite direction.

99. The Advisory Committee regrets to note that the situation has not changed since the last monitoring cycle and there are no opportunities for Roma children to learn the Romani language in primary schools. Romani language is taught, as a foreign language, however, to 41 children at one secondary school (a secondary vocational school of management and law).

100. As regards other languages, it is not possible to determine from statistical data collected by the Ministry of Education the number of pupils educated at primary and secondary schools belonging to a specific national minority, and consequently the number of national minority children belonging, for example, to the Russian and German national minorities learn these languages in the framework of the study of modern languages as part of the curriculum. Given the small number and geographic dispersal of persons belonging to national minorities, the pre-condition of eight children asking for teaching of a minority language in a particular school is extremely difficult to fulfil. Lessons of less spoken languages in the Czech Republic, such as Hungarian or Croat are organised by organisations of these national minorities with the financial assistance of the authorities, and representatives of these minorities report their satisfaction with the current situation.

Recommendations

101. The Advisory Committee calls on the authorities to continue monitoring the situation, in consultation with the representatives of national minorities, to assess whether the framework for teaching of and in minority languages corresponds to actual needs and, where appropriate, take the necessary steps to address any shortcomings.

102. The authorities should increase their efforts to provide persons belonging to the Roma minority with better opportunities to receive teaching in their language, according to the demand.

Article 15 of the Framework Convention

Participation of persons belonging to national minorities in the decision-making process

Present situation

103. The Advisory Committee notes that the framework regulating the consultative mechanisms has not changed since the last monitoring cycle. The Government Council for National Minorities continues to be the main discussion forum between representatives of all recognised national minorities and government ministries, and plays a key role in developing, implementing and monitoring minority policies. The Advisory Committee notes with satisfaction that representatives of the Belarusian and Vietnamese minorities were invited to join the Council in 2013 (see related comment under Article 3).

104. At the municipal level, progress in establishing committees for national minorities has been slow in spite of the comparatively low threshold (10% of the population at the municipal level and 5% at the regional level). In fact, as a result of the last census the number of municipalities obliged by law to set up such committees decreased to 51 (from 283) and currently only 66 committees of national minorities have been set up (32 in municipalities obliged to set them up by law and 34 in which are not obliged to do so). At the regional level three committees have been set up in Karlovarský and Moravskoslezský regions and in the capital city of Prague (which were obliged to do so by law), and in Ústecký region. In addition, in some other regions there are commissions for national minorities within the structure of regional assemblies (for example in Jihomoravský region), or where national minority issues of concern are discussed within the human rights structures.

105. Membership in the committees for national minorities is regulated by Section 117 of the Act on Municipalities. In accordance with its provisions, representatives of national minorities are to be delegated by civil associations (NGOs) of national minorities and shall constitute no less than half of the members of the committee. The Advisory Committee notes, however, that some national minorities' representatives continue to question the not clearly specified procedures used for the appointment of members to serve on the municipal Committees for National Minorities. In particular, according to Polish minority representatives, some appointees do not adequately represent the national minority on behalf of which they sit at the committees and do not act in the interest of national minorities, effectively blocking the enjoyment of rights secured under the Framework Convention and in the Act on the Rights of Members of National Minorities of 2001.

Recommendations

106. The Advisory Committee again calls on the authorities to 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 with a view to eliminating the identified shortcomings.

107. It also asks the authorities to 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.

Participation of Roma

Present situation

108. According to the report submitted to the government by the Minister for Human Rights and Equal Treatment in February 2015, the Agency for Social Inclusion, which was established in 2008 to implement the 71 projects listed in the Strategy for Combatting Social Exclusion, implemented fully 16 and partially 37 of them. The Advisory Committee notes, however, that according to the overwhelming number of Roma representatives, the Strategy has not satisfactorily achieved its goals. On the contrary, the interlocutors of the Advisory Committee stated that while the situation of Roma in the Czech Republic was never very good, it has never been as dramatic as it is now.

109. In this context, the Advisory Committee notes recent change at the helm of the Agency, which resulted in the sacking of the former head (reportedly on unclear grounds, supposedly on

account of poor communication with superiors). The new Director of the Agency is the former Head of the Crime Prevention Department at the Ministry of Interior. Regardless of the qualities of the new appointee, the Advisory Committee notes that his prior function raises concerns as to the perceived securitisation of Roma policy in the Czech Republic. In addition, the Advisory Committee notes that the Agency, in spite of the fact that the vast majority of its interlocutors and beneficiaries of its projects are Roma, does not even in its title refer to Roma, and consequently has never appropriately involved Roma representatives in its work.

110. The Council for Roma Minority Affairs, which is a permanent advisory body to the Government on issues related to Roma, is responsible for monitoring policies aiming at Roma integration. The Advisory Committee notes in particular the active role played by the Council which on a number of occasions adopted and published its opinions on issues of particular interest to the Roma, such as the amendments to the Act on Assistance in Cases of Material Need. The Advisory Committee notes, that in 2014, competencies of the Council were expanded to institutionalise its advisory role to the Agency for Social Inclusion. However, the Advisory Committee notes that reportedly, according to Roma representatives, the Council members representing the Government often show insufficient commitment to its work.

111. Information, according to which the Ministry of Labour and Social Affairs together with the Ministry for Regional Development and the Minister for Human Rights and Equal Opportunities are currently drafting an Act on Social Housing, is welcomed. According to the Advisory Committee's interlocutors, this law will be presented before the Parliament in 2016 and, in the event it is approved, will enter into force in 2017. The Act will provide a legal framework guaranteeing landlords' and tenants' rights and establish a financial scheme for renovation and refurbishment of some of the more suitable privately-owned vacant properties.

Recommendation

112. The authorities need to take steps to improve the living conditions of the Roma, in particular by creating conditions which would allow moving residents of "residential hostels" to adequate social housing.

III. CONCLUSIONS

113. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by the Czech Republic.

114. The authorities are invited to take account of the detailed 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 action²⁷

- **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 to move residents of "residential hostels" to 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;**
- **take, as a matter of urgency, all necessary measures to eliminate, without further delay, practices that lead to the continued segregation of Roma children at school and redouble efforts to remedy other shortcomings faced by Roma children in the field of education; ensure to Roma children equal opportunities for access to all levels of quality education; take measures to prevent children from being inappropriately placed in "practical schools", and ensure that fully-informed consent is given as a condition for placement into "special education";**
- **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.**

²⁷ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

Further recommendations²⁸

- 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 to co-operate with the Office of the Public Defender of Rights in order 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;
- effectively resolve without further delay the outstanding issues such as compensation for all victims of sterilisation without prior free and informed consent;
- 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.

²⁸ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.