



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/419/Add.1
23 May 2003

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Fifth periodic report of States parties due in 2002

Addendum

CZECH REPUBLIC*

[20 December 2002]

* This document contains the sixth and seventh periodic reports of the Czech Republic, due on 22 February 2002. For the fourth periodic report of the Czech Republic and the summary records of the meetings at which the Committee considered that report, see documents CERD/C.372/Add.1 and CERD/C/SR.1411, 1412 and 1419.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. GENERAL - DEMOGRAPHIC STRUCTURE OF THE POPULATION	1 - 7	5
A. Overview of minorities	1 - 2	5
B. Foreigners	3 - 5	5
C. Refugees and asylum applicants	6 - 7	6
II. COMPLIANCE WITH ARTICLES 2-7 OF THE CONVENTION	8 - 169	7
A. Article 2 - Legal and administrative measures against discrimination	8 - 36	7
1. Accession of the Czech Republic to international human rights treaties	8 - 15	7
2. Local laws providing protection against racial discrimination	16 - 20	8
3. Institutional provisions	21 - 28	9
4. Roma advisors, assistants and coordinators	29 - 31	11
5. Advisory bodies at the local level	32 - 34	11
6. Preparation of legislation regarding protection against discrimination	35 - 36	12
B. Article 3 - Prohibition of racial segregation and apartheid	37 - 38	13
C. Article 4 - Legislative measures against proclamation of racial hatred and violence against racial and ethnic groups	39 - 59	13
1. Criminal offences that are in gross violation of civic coexistence	39 - 41	13
2. Amendment to the Misdemeanours Act	42	14
3. Struggle against extremism	43 - 50	14
4. The extremist stage	51 - 59	17

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
D. Article 5 - Rights specifically guaranteed in the Convention	60 - 139	18
1. The right to equal treatment before the courts	60 - 62	18
2. The right to freedom and security of person and protection against violence and bodily harm	63 - 70	19
3. Political rights	71 - 72	21
4. Other civil rights	73 - 83	21
(a) The right to freedom of movement and the right to leave any country, including one's own	73 - 76	21
(b) The right to citizenship	77	22
(c) The right to marriage and choice of spouse	78	22
(d) The right to own property	79 - 80	22
(e) The right to freedom of thought, conscience and religion	81	23
(f) The right to freedom of opinion and expression and the right to freedom of peaceful assembly and association	82 - 83	23
5. Economic, social and cultural rights	84 - 139	24
(a) The right to work	84 - 97	24
(b) The right to form and join trade unions	98	28
(c) The right to housing	99 - 109	28
(d) The right to public health, medical care, social security and social services	110	30
(e) The right to education and training	111 - 128	30
(f) The right to equal participation in cultural activities	129 - 137	35
(g) The right of access to any place or service intended for use by the general public	138 - 139	36

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
E. Article 6 - Protection against any acts of racial discrimination	140 - 148	37
F. Article 7 - Measures taken by the State in the area of education against racial discrimination	149 - 169	38
1. Human rights education at universities	149	38
2. Education of public officials	150	39
3. Education of the police of the Czech Republic	151 - 157	39
4. Campaign against racism	158 - 169	41
III. Conclusion	170	43

I. GENERAL - DEMOGRAPHIC STRUCTURE OF THE POPULATION

A. Overview of minorities

1. A new census was held in the Czech Republic in 2001, that is, 10 years after the previous one, which was held in 1991. Its preliminary results indicate that there are a total of 10,292,933 inhabitants living on the territory of the Czech Republic. Up to 9.9 per cent of the population, or 1,022,318 persons, claimed to have other than Czech nationality (490,630 persons more than in the previous census). Most of those - 373,294 persons - claimed to have the Moravian nationality, followed by the Slovak nationality (183,749 persons), the Polish nationality (50,971 persons), the German nationality (38,321 persons) and the Silesian nationality (11,248 persons). As regards protection from discrimination, the number of persons claiming to have the Moravian or Silesian nationality does not play any essential role. As mentioned in the previous report, Moravia is the name of one of the two historical territories of the Czech Republic and its inhabitants do not have the status of a national minority, because they belong, as to their language and culture, to the majority society. Also, members of the Slovak minority are highly integrated into the majority society owing to their language and cultural proximity.

2. Only 11,716 persons¹ claimed during the census to have the Roma national identity, which is approximately 20,000 persons less than in the previous census in which the number of persons claiming to have the Roma national identity was 32,903. According to informed estimates, there are about 200,000 Roma living in the Czech Republic, who are generally considered as Roma and who themselves claim to belong to this community. Nearly all original Roma inhabitants living in Bohemia and Moravia were exterminated during the Second World War, and most of the Roma who currently live in these territories come from traditional settlements in Slovakia. They came to Bohemia after the war, partly on a voluntary basis, and partly within the framework of organized transfers. By such transfers, the communist regime gained, among other things, cheap labour force for sparsely populated border regions, without paying adequate attention to the need to provide assistance to the Roma in adapting to the new conditions. Thus, the Roma found themselves in a totally unknown industrial environment of big cities, which set new demand regarding their housing style, coexistence, etc. To be labelled as a Roma means troubles (impossibility to relocate, the duty to report to the authorities, etc.). Therefore, the Roma avoided as much as possible to be designated as such. This belief still exists among the Roma and is transmitted from one generation to another.

B. Foreigners

3. The number of foreigners with residence permits in the Czech Republic (irrespective of the length of permitted residence), had been growing until 2000, when a year-to-year decline was registered for the first time after the establishment of the Czech Republic. As at 31 December 2000, the number of foreigners with residence permits who were registered in the Czech Republic reached approximately 201,000 persons, representing a 12 per cent decline in comparison with 1999. The year 2001 witnessed another slight growth of this number. As at 31 December 2001, 210,794 foreigners with residence permits had been registered in the Czech Republic, 69,816 of whom had permanent residence permits and 140,978 temporary residence permits (based on a visa granted for more than 90 days).

4. In 2000, the largest group of foreigners with residence permits was comprised of Ukrainian citizens (50,212 persons). The second place was held by Slovak citizens (44,256 persons), followed by Vietnamese citizens (23,566 persons) and Polish citizens (17,050 persons). In 2001, the largest group of foreigners with residence permits was comprised of Poles (11,592), followed by Slovaks (10,850), Ukrainians (9,909) and Vietnamese (9,901). The largest group of foreigners holding visas for more than 90 days was comprised of Ukrainians (41,916), Vietnamese (14,023) and Russians (8,326). A separate group was comprised of Slovaks (42,444).

5. A total of 23,713 applications for resident visa exceeding 90 days and 6,005 applications for permanent residence permits were processed in 2000. Of this number of applications 88.5 per cent were granted and 11.5 per cent rejected. The number of foreigners applying for permanent residence permits in 2001 reached 7,194. Of those applications 6,425 (or 89.3 per cent) were granted and 769 (or 10.7 per cent) rejected. 25,708 (or 88.2 per cent) of the total number (29,146) of applications for resident visa exceeding 90 days were granted and 3,438 applications (or 11.8 per cent) rejected.

C. Refugees and asylum applicants

6. The number of applicants for asylum in the Czech Republic witnessed in 2001 another significant growth. While in 2000 the number of such applicants reached 8,878, it grew in 2001 to 18,096, representing a 106 per cent increase. One of the possible causes are the stricter provisions of Act No. 326/1999 Coll. on the Stay of Foreigners on the Territory of the Czech Republic, as amended, by reason of which even persons who were already staying in the Czech Republic began to apply for asylum. At the same time, the structure of asylum applicants also changed. While the dominant groups of asylum applicants had been until the end of the 1990s the citizens of Afghanistan, India, Sri Lanka and Yugoslavia, in the past year a new tendency emerged in the structure of asylum applicants in terms of their citizenship, showing a significant increase in the number of applicants from Europe, mainly from the countries of the former Soviet Union. Most asylum applicants in 2001 came from Ukraine, the Republic of Moldova, Romania, Viet Nam and India. A total of 83 persons were granted asylum in 2001, which is 50 persons less than in 2000. An amendment to Act No. 325/1999 Coll. on Asylum, which tightened the conditions for filing an asylum application, came into effect in February 2002, contributing to a decline in the number of asylum applicants.

7. The problem of illegal immigration still persists. The number of persons who crossed, or demonstrably attempted to cross, illegally the State borders of the Czech Republic fell in 2001 to approximately the 1996 level, that is 23,834 persons, of whom 21,090 foreigners and 2,744 Czech citizens. Illegal immigration is professionally organized (services involving the smuggling of persons, travels with invalid or forged documents or hidden in various modes of transport), frequently exploiting the hopeless situation of migrants or refugees. The analysis of testimonies of detained persons indicates that the number of refugees crossing the border with the assistance of smugglers of persons or hiding in trucks and trains is much higher than the number shown in the statistics on persons who were detected.

II. COMPLIANCE WITH ARTICLES 2-7 OF THE CONVENTION

A. Article 2 - Legal and administrative measures against discrimination

1. Accession of the Czech Republic to international human rights treaties

8. During the reporting period, the Czech Republic assumed or started assuming some of its obligations under international law, ensuring individual protection from discrimination; however, most ratification processes commenced within this period have not been completed yet.

9. On 29 August 2000, the Czech Republic issued a declaration pursuant to article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.² This declaration will allow individuals or groups that are subject to the jurisdiction of the Czech Republic to address their complaints regarding violations of the rights contained in the Convention directly to the Committee on the Elimination of Racial Discrimination (CERD). Beside CERD, individual complaints about violations of the rights under the Convention may also be filed with the Committee on the Elimination of Discrimination against Women. This has been made possible by the signing and ratification by the Czech Republic of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.³

10. In accordance with the final recommendations of CERD issued after the review of the third and fourth periodical reports, the Government of the Czech Republic approved the amendment to article 8 (6) and the adoption of a new article 8 (7) of the International Convention on the Elimination of All Forms of Racial Discrimination,⁴ changing the financing of the activities of the CERD from direct financing provided by the parties to indirect financing provided out of the United Nations budget, consisting of contributions of Member States. The parliament of the Czech Republic approved in May 2002 the adoption of the amendment to article 8 (6) and of the new article 8 (7). The formal adoption deed is expected to be submitted not later than the end of July 2002.

11. On 4 November 2000, the Czech Republic signed Protocol No. 12 to the European Convention on Human Rights, which expands the application of article 14, regulating the general prohibition of discrimination by allowing protection not only in connection with the rights and freedoms protected by the Convention. The Czech Republic has not yet ratified this Protocol. The ratification has been postponed owing to the necessity to ensure compliance of the ratification process with the process applied by other States members of the Council of Europe (two ratification deeds have been deposited to date with the depository of the Convention by Georgia and Cyprus). Apart from this formal reason, such reserved stance taken by the Czech Republic was also due to the restitution-related complaints brought against the Czech Republic before the European Human Rights Tribunal in Strasbourg and the Human Rights Committee in Geneva, where the measures taken in certain restitution matters were found to be discriminatory. This indicates the need to clarify whether the restitution laws should be revised before ratification of Protocol No. 12 by the Czech Republic.

12. The Czech Republic signed on 9 November 2000 the European Charter for Regional and Minority Languages, whose basic mission is to protect and support historical, regional or minority languages with the aim of ensuring the use of any such regional or minority language in

private and public life, thereby protecting and developing traditions and European cultural heritage. Also, this international instrument has not yet been ratified by the Czech Republic.

13. On 7 June 2000, the Czech Republic signed the European Convention on the Participation of Foreigners in Public Life at the Local Level, which reflects the increased mobility of individuals within the European area by guaranteeing political rights to foreign residents. The Czech Republic, however, made a reservation to chapters B and C of this Convention, relating to a possible setting up of consultative bodies to represent foreign residents at the local level and to the right of foreigners to vote and to stand for election in local authority elections. The ratification proposal is likely to be submitted only after the adoption of a new legislation regarding the right of assembly.

14. The Czech Republic became a party to the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data,⁵ the purpose of which is to secure “for every individual, whatever his nationality or residence, respect for his rights and fundamental freedoms, and in particular his right to privacy, with regard to automatic processing of personal data relating to him”.

15. Another significant factor regarding the protection of rights of individuals embodied in international treaties is the amendment to the Constitution of the Czech Republic. In accordance with the constitutional provisions that had been in force until 31 May 2002, only promulgated and ratified international treaties on human rights and individual freedoms were directly binding and had precedence over domestic law. The amendment to article 10 of the Constitution of the Czech Republic represents a breakthrough, since it stipulates that “promulgated international treaties whose ratification was approved by parliament and whereby the Czech Republic is obligated, shall be part of the law. If an international treaty stipulates otherwise than the law, the international treaty shall apply.” This means, in practice, that the parliament of the Czech Republic will no longer decide whether an international treaty is a human rights treaty pursuant to article 10 of the Constitution, that is, whether it is directly applicable. All international treaties that are binding for the Czech Republic and that have been promulgated and ratified shall be directly applicable with respect to the Czech Republic.

2. Local laws providing protection against racial discrimination

16. As specified in previous reports, the basic law that embodies the protection of fundamental rights and freedoms is the Charter of Fundamental Rights and Freedoms (Act No. 2/1993 Coll., as amended - hereinafter the “Charter”), which is a part of the constitutional order. Pursuant to article 1 of that Charter, people are “free and equal in their dignity and in their rights. Their fundamental rights and freedoms are inherent, inalienable, unlimitable, and irrevocable”. The prohibition of discrimination is expressly provided for in article 3, which stipulates that “Fundamental human rights and freedoms are guaranteed to everybody, irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status”. According to article 4 of the Constitution of the Czech Republic, fundamental rights and freedoms are protected by judiciary power, and any individual or legal entity may file a complaint to the Constitutional Court if he believes that “his fundamental right or freedom secured by the Constitutional Act has been breached by an effective decision issued in a process to which he was a party, by any measure or other intervention of public authority”.

17. The Charter also embodies the rights of national and ethnic minorities. Whilst article 24 stipulates that the national or ethnic identity of any individual may not be used to his or her detriment, thus applying to all individuals irrespective of their citizenship, article 25, which regulates the exercise of national rights, refers to citizens. Thus, the Charter guarantees the rights to all-round development, in particular the right to develop with other members of a minority their own culture, the right to disseminate and receive information in their language, and the right to associate in ethnic associations, solely to the citizens of the Czech Republic. Only the citizens are entitled, subject to the conditions stipulated by the law, to receive education in their own language, to use their language in official contact,⁶ and to participate in the settlement of matters concerning national and ethnic minorities.

18. The Charter stipulates that details relating to the exercise of national rights are to be regulated by law. The relevant act on the rights of national minorities⁷ was adopted in 2001. This act defines the term “national minority” as a community of Czech citizens living within the territory of the Czech Republic, who differ from other citizens in having common ethnic origin, language, culture and traditions, and who constitute, as to their number, a minority of the population and manifest at the same time their wish to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture.

19. The act grants to national minorities that have been living traditionally and for a long time in the Czech Republic special language rights (the right to disseminate and receive information in the language of the national minority, to use the language of the national minority in official contact and before the courts, and the right to receive education in the language of the national minority), the right to develop their national minority culture and the right of the members of each such minority to participate in the settlement of matters concerning them.

20. Both the Act on the Rights of Members of National Minorities⁷ and the Charter grant minority rights solely to citizens of the Czech Republic and fail to guarantee the rights of growing immigrant communities, which are finding themselves in the position of minorities. Representatives of national minorities criticized the Act for failing to foresee the establishment of an independent institution dealing with the problems of national minorities, which would permit more extensive participation of representatives of national minorities in the decisions on matters concerning them.

3. Institutional provisions

21. Very detailed information regarding institutional arrangements to ensure protection against discrimination was provided in the third and fourth periodic reports.

22. There are three advisory bodies of the Government dealing with human rights protection - the Council of the Government of the Czech Republic for the Affairs of the Roma Community, the Human Rights Council of the Government of the Czech Republic and the Government Council for National Minorities. Secretariats of those advisory bodies are parts of the structure of the Office of the Government of the Czech Republic, where they jointly constitute the Human Rights Department, headed by the Government's Human Rights Commissioner. The adoption of the Act on the Rights of National Minorities and changes in the statute of the advisory bodies of the Government resulted also in certain changes in these advisory bodies.

23. The government Council for National Minorities has recently been founded as an advisory body of the Government by a government resolution issued in 1991.⁸ Its status has changed following the adoption of the Act on the Rights of Members of National Minorities, because it is established directly by the law as an advisory and initiating body of the Government. The Council is headed by a member of the cabinet and its membership consists of representatives of both public authorities and national minorities, who must form, under the law, at least one half of its members.

24. Under its new statute, the Council of the Government of the Czech Republic for the Affairs of the Roma Community has 28 members. This means that the number of its members was increased by two representatives of the ministries and of the Roma community. Roma community representatives are newly appointed, based on the territorial principle in a manner that ensures the representation of every region in the Council. The Council is chaired by a member of the Government, the first Vice-Chairman being the Government's Human Rights Commissioner, who used to preside over the Council until the adoption of the new statute. The second Vice-Chairman is a Roma community representative.

25. Thus, the Human Rights Council of the Government of the Czech Republic is the only one out of these three advisory bodies that is not headed by a member of the Government. According to its statute, the Human Rights Council is headed by the Government's Human Rights Commissioner. The Council establishes committees as standing working groups that may submit to it suggestions for improving the situation of human rights in the Czech Republic and for enforcing those rights. As regards protection against discrimination, the most important role in this respect is played by the Committee for the Elimination of All Forms of Racial Discrimination, whose task is to monitor compliance with the International Convention on the Elimination of All Forms of Racial Discrimination.

26. The Human Rights Council of the Government of the Czech Republic, the Government Council for National Minorities and the Council of the Government of the Czech Republic for the Affairs of the Roma Community are defined as advisory bodies of the Government. Therefore, they have no powers to provide any protection to individual victims of discrimination. They prepare proposals for the Government concerning principles of policy to be followed in individual areas of protection of human rights, as well as for proposals for partial measures and suggestions to improve respect for human rights. At the same time, these bodies cooperate with non-governmental, non-profit organizations focusing on human rights.

27. A new advisory body of the Government, the Government Council for Equal Opportunities for Men and Women, was founded in November 2001. Its essential task is to prepare proposals for the resolution of a problem existing across the entire society - the creation and promotion of equal opportunities for men and women.

28. Another institution that contributes to the protection of rights of individuals is the Public Protector of Rights⁹ (the "Protector"), which was established in December 2000. The Protector promotes protection of individuals from acts by the authorities and other institutions exercising State administration that are in conflict with the law or do not correspond to the principles of a democratic state of law and good administration, or from their inactivity. Thus, the Protector contributes to the protection of fundamental rights and freedoms. Although the powers of the Protector apply also to acts of discrimination committed by State administration authorities, the

Protector may only deal with complaints against authorities listed in the Act on the Public Protector of Rights. Thus, the Protector does not deal with complaints against private entities or authorities to which its powers stipulated by the law do not apply. In practice, however, discriminatory conduct of private entities is very common. According to the information provided by the Office of the Public Protector of Rights, the Protector had not received, until the date of submission of the present report, any complaints about discrimination.

4. Roma advisers, assistants and coordinators

29. The office of Roma adviser and assistant was established at district offices under Government resolution No. 686 of 29 October 1997. Since 1 January 1999, there are Roma advisers at all 81 district offices of the Czech Republic. One half of those advisers are members of the Roma community. After four years of work, it may be said that they have proved their worth, have contributed to the resolution of many sensitive local problems and have become important mediators between Roma communities and the majority society.

30. Government resolution No. 781 of 25 July 2001 established the office of coordinator of Roma advisers at the higher-level territorial self-government entities. In the middle of 2002, there were Roma coordinators working at seven regional offices. Two regional offices established a post of adviser for national minorities and five regional offices were organizing selection, or considering the establishment of the post, of coordinator of Roma advisers.

31. The reform of territorial self-government structure, which is currently under way, will also affect Roma advisers at the district offices and coordinators of Roma advisers working with the regional offices. One of the principal features of the reform is the dissolution of district offices and the transfer of their powers to the newly established regional offices and municipalities with extended authority. Laws under which the activities of the district offices are to be discontinued were adopted in June 2002. This reform has the following effects with respect to the Roma minority:

(a) The regional office shall establish a post of coordinator for Roma affairs and shall manage and coordinate in its jurisdiction the implementation of government policies with regard to promoting the integration of members of the Roma community into the society;

(b) Municipalities with extended authority are not obligated to establish a post of adviser for Roma affairs, but are obligated to implement within their respective jurisdiction all tasks promoting the exercise of the rights of members of the Roma community and their integration into the society.

5. Advisory bodies at the local level

32. The Act on Municipalities and the Act on Regions enable the municipal and the regional assemblies to establish, as their initiative and controlling bodies, committees that are required to submit to these assemblies their opinions and suggestions. Municipalities or regions that have in their territorial jurisdiction, according to the last census, at least 10 per cent or 5 per cent, respectively, of citizens claiming to have other than the Czech nationality, are obligated to establish committees for national minorities, in which at least one half of their membership must be members of national minorities. Due to the fact that only a fraction of members of the Roma

community claimed during the last census to have the Roma nationality, this community may hardly meet the 10 per cent limit required for the establishment of such committees at the municipality level.

33. The Ministry of the Interior initiated the establishment of local advisory bodies in the form of "Round Tables", which should form a basis for more intensive communication, mutual knowledge and preparation of plans for the resolution of current local problems of coexistence between the majority and the Roma minority. A total of 93 cities were addressed by letters of recommendation promoting such initiatives.

34. In cooperation with the Canadian Royal Mounted Police, the Ministry of the Interior started implementing the project "Police Work in the Area of Minorities and Community for Central Europe". The project is carried out simultaneously in Hungary and Slovakia and will use the CAPRA model, whose basic idea is the community (common) resolution of problems, i.e. the police are not considered experts in maintaining public order and security, but form part of a local team. This project will be implemented in the Czech Republic as a method of resolving problems facing the Roma community.

6. Preparation of legislation regarding protection against discrimination

35. The conclusions of CERD made in August 2000 were reviewed by the Government in February 2001. At the same time, the Government ordered the Vice-Premier and the Chairman of the Legislative Council of the Government and the Government's Human Rights Commissioner to monitor how the laws relating to the protection from all forms of racial discrimination are applied in justified cases and to submit to the Government a report on possibilities to adopt measures facilitating the exercise of economic, social and cultural rights set forth in article 5 of the Convention by all groups of the population, and ensuring adequate satisfaction to all victims of racial discrimination.¹⁰

36. In accordance with the aforementioned tasks, a report on possible measures to eliminate discrimination has been prepared.¹¹ In its first part, the report describes the existing legislative and other measures that are to serve as protection against discrimination and provides a brief overview of institutions providing protection against discrimination. The second part of the report includes a draft legislation regarding protection against discrimination. In its resolution¹² approving this report, the Government ordered the deputy prime minister and the chairman of the Legislative Council of the Government to prepare until 31 December 2002 a draft legislation regarding protection against discrimination, which should implement, inter alia, Directive No. 2000/43/EC, implementing the principle of equal treatment of persons, irrespective of their racial or ethnic origin, and Directive No. 76/207/EEC on the implementation of the principle of equal treatment of men and women as regards access to employment, vocational training and promotion, and working conditions. Such legislation should include definitions of discrimination, specify areas in which discrimination is prohibited (within the scope specified in Directive No. 2000/43/EC), define the legal framework within which it will be possible to implement positive steps, and determine the means by which victims of discrimination may seek protection and the body entrusted with protection against discrimination.

B. Article 3 - Prohibition of racial segregation and apartheid

37. As mentioned in the previous report, the Czech Republic is a State party to the International Convention on the Suppression and Punishment of the Crime of Apartheid. Practices of apartheid and other crimes against humanity arising from racial discrimination, which are committed in time of war, are prohibited by the Criminal Code, which punishes such acts by 3 to 10 years' imprisonment. If such acts cause severe injury to health or death, the perpetrator shall be punished by a prison sentence of 8 to 15 years or by an exceptional term.¹³ Czech law, however, lacks any penal provisions prohibiting apartheid in peacetime or provisions prohibiting racial segregation.

38. Although the Czech Republic has been systematically striving to prevent all forms of racial segregation, some municipalities have adopted, within their separate competencies, certain measures whose consequences show some symptoms of segregation. In their attempt to resolve the housing situation of persons who are facing social problems and do not pay the rent and services provided in connection with apartment lease, the municipalities provide to such persons alternative housing, frequently of poorer quality, called "bare flats" or hostels. A number of those facilities are in poor technical condition, lacking sufficient infrastructure and separated from other populated areas. Such facilities house segregated groups of the population suffering from accumulated social problems, who are thus excluded from the society. An alarming fact is the high proportion of Roma inhabitants of those facilities, which, in a number of cases, exceeds 80 per cent.

C. Article 4 - Legislative measures against proclamation of racial hatred and violence against racial and ethnic groups

1. Criminal offences that are in gross violation of civic coexistence

39. As noted in the previous reports, the Criminal Code includes a number of provisions relating to racial hatred and violence. Most of those provisions underwent some form of amendment in the period under review.

40. Due to attempts to belittle, deny or justify crimes committed under the Nazi regime and under the communist totalitarian regime, the amendment to the Criminal Code, which was issued under No. 405/2000 Coll., introduced a new criminal offence of publicly denying, questioning, approving or trying to justify the Nazi or communist genocide or other crimes against humanity committed by the Nazis or the communists. Anyone who commits such an offence may be punished by imprisonment for a period of six months to three years. At the same time, the amendment also includes a new provision regarding hatred based on any "group" principle. Thus, anyone who publicly incites to hatred of any nation, race, religion, class or other group of persons or to infringement of the rights and freedoms of members thereof shall be punished by imprisonment for up to two years. This amendment came into effect on 1 December 2000.

41. Yet another amendment to the Criminal Code was adopted in 2002 under No. 134/2002 Coll., which extends the grounds of violence against a group of citizens and against individuals to include defamation of a nation, race, ethnic group or conviction, incitement to hatred of a group of persons or to infringement of their rights and freedoms, bodily harm and murder, with a view to providing protection against assault motivated by hatred of a certain ethnic group. The

amendment also stipulates a tougher punishment of acts of incitement to hatred of a group of persons or to infringement of their rights and freedoms if such offences are committed by the mass media, including public computer network, or by an active member of groups, organizations or associations advocating discrimination, violence and curtailment of ethnic, racial or religious freedoms. Perpetrators of such crimes may be imprisoned for a period of six months up to three years. This amendment came into effect on 1 July 2002.

2. Amendment to the Misdemeanours Act

42. Given that not every discriminatory conduct amounts to a criminal offence, the Act on the Rights of Members of National Minorities has also amended Act No. 200/1990 Coll. on Misdemeanours, as amended. The grounds for a misdemeanour against civic coexistence were expanded by acts causing detriment due to discrimination. Thus, it is possible to impose, by administrative proceedings, a fine of up to CZK 5,000 on anyone who “causes detriment to another person due to the fact that such person is a member of a national minority, or due to his/her ethnic origin, colour, sex, sexual orientation, language, faith or religion, to his/her political or other conviction, to membership of or activities in political parties or other associations, to his/her social origin, assets, family, health condition, marital or family status”.

3. Struggle against extremism

43. The Minister of the Interior has established a Standing Inter-Ministerial Commission for the Struggle against Extremism, Racism and Xenophobia. Members of the Commission are representatives of the Ministers of Foreign Affairs, Justice, Defence, Labour and Social Affairs, Culture and Education, Youth and Physical Education, of the Security Intelligence Service, of the Government’s Human Rights Commissioner, of the Supreme State Attorney, of the Police Presidium of the Czech Republic, of the Office of the Government of the Czech Republic, and of the Office for Foreign Relations and Information, as well as other experts. The Commission serves as an advisory body of the Ministry of the Interior as regards the struggle against extremism, racism and xenophobia, and prepares and submits to the Government, for such purpose, reports, information, recommendations and proposals for measures to be taken in this area.¹⁴ Since 1998, the Minister of the Interior has been preparing every year, in cooperation with the Minister of Justice, a report on the issue of extremism in the Czech Republic,¹⁵ which is reviewed and approved by the Government and submitted thereafter for review to the Chamber of Deputies of the Czech Republic.

44. As of 1 April 2002, the department of terrorism of the Unit for the Detection of Organized Crime of the Police Presidium of the Czech Republic was closed down and replaced by a section of terrorism and extremism, consisting of two separate departments - the terrorism and the extremism departments. The department of extremism will deal with the struggle against organized nationwide extremist crime, whose effects and contacts extend beyond national borders. Extremist crime and detection of its perpetrators and of perpetrators of crimes committed in connection with extremism, racial intolerance and xenophobia will be further dealt with by the extremist crime team of the Criminal Police and Investigation Service of the Police Presidium of the Czech Republic and by police specialists at the regional and district levels.

45. The Minister of the Interior appointed on 4 September 2001 a commissioner of the Minister of the Interior for matters relating to protection of national minorities against

manifestations of racial intolerance, who is a member of the extremist crime detection team of the Criminal Police and Investigation Service. Based on such authority, the commissioner may review the situation with regard to the protection of national minorities against manifestations of racial intolerance and related problems with all top officials of the Ministry of the Interior, the Police of the Czech Republic, all budgetary and contributory organizations established by the Ministry of the Interior, the Police Academy of the Czech Republic, governmental and non-governmental organizations, representatives of national minorities and individuals. In this respect, the commissioner shall pay special attention to personal and educational consulting in connection with hiring new members of the police from among candidates coming from national minorities.

46. The meeting of Ministers of the Visegrad Four and Austria, held in October 2001, established under the auspices of the Czech Republic a work team for struggle against extremism. The first meeting of the team took place in February 2002. The participants unanimously agreed on the need to intensify the exchange of information regarding extremism. The work team also recommended initiating, within the scope of the existing regional cooperation, regular work meetings of neighbouring police units of the States. The most important result of this meeting was definitely the agreement on determination of national contact centres at the police or competent ministry level, which will facilitate necessary direct communication between experts on extremism.

47. The Government adopted in 2000 and 2001 several resolutions, entrusting competent bodies with a number of tasks with the aim of increasing the effectiveness of the struggle against extremism. Based on these resolutions, those bodies have prepared, inter alia, methods to be applied by competent bodies in the collection and analysis of information necessary for the dissolution of civic associations or for filing petitions to suspend the activities or dissolution of political parties or movements, and methods to be applied by the Police of the Czech Republic against dissemination of compact discs with racial and xenophobic topics. Furthermore, the Minister of the Interior was instructed to adopt and implement, on an ongoing basis, effective measures against white-collar crime, misdemeanours committed by businesses or in connection with the activities of extremist groups and groups with racist focus, as well as measures to prevent the organization of profit-generating activities of extremist groups and groups with racist focus, such as the sale of compact discs or symbols.

48. Last March, the Government approved the Concept of Educational Activities in the Sphere of Struggle against Extremism, which was prepared by the Ministry of Education, Youth and Physical Education. The Concept concerns all aspects of education, emphasizing in particular the necessity of intensifying and developing continuing education of teachers, preparing information materials for teachers and sufficiently expressive texts for pupils, and systematic training of teachers in educational topics designed to promote tolerance and combat racism, xenophobia and extremism. The Ministry of Education will pay more attention to education in secondary and other vocational training centres (as regards responsible citizenship education, coexistence of various groups, compliance with the law, etc.). The implementation of the Concept should focus specifically on the following matters:

(a) Inclusion of the topics of “Education of a Democratic Citizen” and “Inter-cultural Education” with an emphasis on education toward tolerance and against racism and extremism in the structure of framework educational programmes in all types of education (primary, special, secondary);

(b) Publication of textbooks for teachers of civic guidance and fundamentals of social sciences (*New Citizenship Horizons*), and of information manuals for teachers (like *What It Means to be an Extremist*, and *Extremism on the Web*);

(c) Continuing education of teachers (such as organizing courses on new legislation relating to extremism for employees of the Czech School Inspectorate; experience-based training programmes for tutors-teachers focusing on practical tolerance, human rights, legal literacy and extremism; special training of teachers and instructors of primary, special and secondary schools (particularly of secondary and other vocational training centres) in communication techniques, with an emphasis on conflict prevention, inclusion of problems of extremism in the syllabuses of teaching specialities at faculties of pedagogy within the framework of long-term development plans of universities).

49. The Ministry of Labour and Social Affairs prepared a Concept of Social Work in the Area of Prevention and Elimination of Extremism, which was approved by the Government in its resolution No. 169 of 20 February 2002. The Concept emphasizes prevention measures, particularly work with children and youth coming from groups that accept the offer of extremist movements as representing a potential solution to their problems. This means identifying situations in which there exists a risk of the occurrence of manifestations of extremism, providing support to changing attitudes and lifestyles that give rise to manifestations of extremism, and working with potentially dangerous individuals or with perpetrators of extremism-related crime.

50. The Ministry of Justice has prepared a Concept of Mediation and Probation Activities within the Scope of Struggle against Extremism. Based on Act No. 257/2000 Coll. on Probation and Mediation Service, a new justice service has been established, whose centres provide mediation and probation in criminal matters throughout the Czech Republic. Such probationary and mediation service is important with respect to the suppression of crime motivated by racism and xenophobia or committed by extremist groups. The probationary and mediation service pays special attention to minor defendants and defendants who are close to the age of adolescence, because the major part of members and supporters of extremist organizations come from those age groups. The probationary and mediation service will offer to its clients, within the scope of probation supervision, specific probationary programmes and will monitor, during standard supervision of the conduct of convicts released on probation, how these persons comply with the restrictions and duties imposed upon them. As regards perpetrators of crime motivated by extremism it is particularly important to suppress the deep-rooted prejudices of those people and their aggressiveness, which are frequently connected with inferiority complex, while at the same time expanding their social horizon, promoting their healthy self-consciousness, and instilling in them respect for different opinions, attitudes and interests of others.

4. The extremist stage

51. The right extremist stage uses mainly the platform of civic associations and has been attempting to enter the political scene, which is indicated by an evident attempt to transform the relevant entities into political parties. To that end, nearly all major right extremist organizations have held meetings to discuss methods and forms of involvement in the political life of the Czech Republic.¹⁶ A petition was filed in this respect for the registration of two political subjects - the National Party and the National Unification. The registration of the National Party was repeatedly refused by the Ministry of the Interior. The National Unification Party was registered in April 2002, because the activities declared in its statute were not in conflict with the Act on Assembly in Political Parties and Political Movements.

52. The Ministry of the Interior registered in November 2001 the change of the name of the Patriotic Republican Party (founded in 1996) to its current name, the Right Alternative. In May 2001, the Ministry of the Interior refused to register an amendment to the statute of the Patriotic Republican Party. The decision was upheld by a ruling of the Supreme Court, issued on 16 April 2002. In this matter, the Supreme Court associated itself with only part of the statement of reasons for the decision regarding the breach of Section 2 (3) of the Act on Political Parties, which stipulates that a citizen older than 18 years of age may be a member of a party or a movement. On the other hand, the Supreme Court did not uphold the arguments set forth in the statement of reasons of the contested decision relating to the change of the name of the Patriotic Republican Party to the National Social Block and the change of its acronym to NSB.

53. In several cases, the Ministry of the Interior applied the procedure specified in Act No. 83/1990 Coll. on Association of Citizens, which allows the dissolution of an association whose aims include denying rights to citizens on the basis of their national origin, sex, race, origin, political or other conviction, religious faith and social status, incitement to hatred and intolerance and support of violence.

54. Based on the Act on Association of Citizens, the civic association Republic Youth (RY) was called upon on 27 July 2001 to refrain from activities that are in conflict with the Act. This procedure was applied on the basis of information included in the RY's Programme, published by the Republican Youth on its web site. Two clauses of this programme were deemed discriminatory and conflicting with the principle under which civic associations may not carry out activities reserved for political parties and movements. Although the Republic Youth declared, in its statement dated 29 October 2001, that it had abandoned such prohibited activities by way of an amendment of the RY Programme, no such change was made until 31 January 2002. Therefore, the Ministry of the Interior decided on 5 February 2002, to dissolve the Republic Youth, which filed an appeal against this decision with the Supreme Court of the Czech Republic. The case is still pending.

55. On 31 March 2000, the Ministry of the Interior decided to dissolve the National Alliance after its leader was detained and accused of support and promotion of movements directed at the suppression of rights and freedoms of citizens. The National Alliance appealed this decision with the Supreme Court, but before the Supreme Court could review the decision of the Ministry of the Interior, the National Alliance dissolved itself with effect from 15 April 2001.

56. It is necessary to mention in connection with the extremist stage the concerts of skinhead music bands, the sale of CDs with records of such music bands (particularly on marketplaces in border regions with the Federal Republic of Germany and Austria), and the issuing and distribution of publications, magazines and other materials promoting nazism, anti-Semitism and racism. Such organizations include the “Knights of the Sun Circle”, presenting itself through its own publishing house, Goebbels, and Ahnenerbe, which proclaims as one of its principal aims “public enlightenment” activities.

57. Several concerts of skinhead music bands with international participation were held in 2001. After the first concerts of those bands, which took place with a considerable international participation, the Police of the Czech Republic was criticized for not preventing the escalation of such negative activities in the Czech Republic. As a result, the Police of the Czech Republic applied tougher measures against such events, which were reflected mainly in rigorous interventions and subsequent charges of support and promotion of movements whose aim is to suppress human rights and freedoms. At the same time, the Police of the Czech Republic has been continuously involved since 1998 in the detection and prosecution of criminal activities perpetrated through printed matter, symbols and substitute signs.

58. Official crime statistics indicate that there were 364 criminal offences with extremist subtext registered in the Czech Republic. The number of those crimes committed in 2001 rose to 452, i.e. by 88 offences in comparison with the year 2000 (24.2 per cent). A total of 506 persons were prosecuted for criminal offences with extremist subtext, most of whom (269 persons, or 52.8 per cent) for support and promotion of movements directed at the suppression of human rights and freedoms, for defamation of a nation or race, with 86 persons, or 17 per cent, and convicted, for violence against a group of citizens and individuals (59 persons, or 11.7 per cent). A total of 19 persons (or 3.8 per cent) were prosecuted for wilful bodily harm. Perpetrators of 89.8 per cent of those offences (406 cases) were detected. Criminal offences with racist or other extremist subtext represented 0.1 per cent of the total of 358,577 criminal offences registered in the Czech Republic in 2001 (0.09 per cent in 2000, 0.07 per cent in 1999, 0.03 per cent in 1998, 0.04 per cent in 1997 and 0.03 per cent in 1996).

59. Beside the right extremist stage, there are also left extremists in the Czech Republic, in whose case, however, no behaviour with elements of racial intolerance was registered.

D. Article 5 - Rights specifically guaranteed in the Convention

1. The right to equal treatment before the courts

60. No principal changes occurred in this sphere within the period under review. The right to judicial protection is guaranteed under article 36 of the Charter, under which everybody may assert his right with an independent and impartial court by a predetermined procedure. This means that such a right is guaranteed to everyone, irrespective of whether he/she is or is not a citizen of the Czech Republic. Unless otherwise stipulated by the law, anybody who claims that his or her rights have been curtailed by a decision of a public administration organ may turn to a court for a review of the legality of such decision. However, review of decisions affecting the fundamental rights and freedoms listed in the Charter may not be excluded from the jurisdiction of courts.

61. The amendment to the Penal Code (Act No. 265/2001 Coll.), which was adopted in 2001, brought a more detailed regulation of the participation of an interpreter in the criminal proceedings. Pursuant to Section 28 (1), an interpreter shall be invited in cases when it is necessary to interpret the content of a deed, testimony or other procedural act, or when the defendant declares that he or she is not proficient in the Czech language. If the defendant does not state the language in which he or she is proficient or states a language or dialect which is different from the language spoken by his nationality or the official language of the State whose citizenship he holds, and no person is registered in the register of interpreters for such language or dialect, the body conducting the criminal proceedings shall appoint an interpreter for the language used by the defendant's nationality or for the official language of the State whose citizenship he holds. In the case of a person without citizenship, such State shall be the State where such person lives permanently or the State of his origin.

62. Section 28 of the Penal Code also provides a list of written documents that must be submitted to the defendant, namely a decision to initiate criminal prosecution, the decision on custody, the charges, the proposed sentence, the judgement, the penal order, the decision on appeal and on suspension of criminal prosecution. In the case of a decision applying to more than one defendant, only the part applying to the defendant concerned shall be translated, provided that such part may be separated from other verdicts in the ruling and their respective rationale. If the commencement of a time limit is connected with the service of a ruling that must be translated in writing, such ruling shall be deemed served only upon the service of such written translation.

2. The right to freedom and security of person and protection against violence and bodily harm

63. A work team of the Council of the Government of the Czech Republic for the Affairs of the Roma Community was established with a focus on matters relating to the interior and the Police of the Czech Republic. This work team, which is presided over by the first Deputy Minister of the Interior, deals with both urgent matters and overall policy relating to the integration and other problems of the Roma Community, including close field contacts.¹⁷ Four meetings of the work team were held in 2001, when the team discussed matters relating to security of the Roma, racially motivated crime and status of Roma coordinators at higher-level political subdivisions. The team further reviewed the problem of usury in the Roma community, discrimination against the Roma at restaurants and similar facilities and the recruitment of the Roma into the police of the Czech Republic. At the same time, the team discussed the possibility of cooperation with the United Kingdom Commission for Racial Equality. This team provides an adequate platform for the settlement of individual complaints against errors committed by the Czech police in the investigation of crimes whose victims or perpetrators are members of the Roma community.

64. In 2001, the courts of the Czech Republic handed down final sentences to a total of 150 persons for criminal offences motivated by racial intolerance. A total of 19 persons were sentenced to terms without suspension, 115 persons received suspended sentences, 14 persons were sentenced to public works and 7 persons were sentenced to fines as the principal or secondary sentence. The above sentences represent 0.25 per cent of the total number

of 60,180 persons who were handed down a final sentence. The number of persons convicted of offences motivated by racial intolerance in 1999 reached 166, or 0.26 per cent of the total number of 62,594 convicted persons, and in 2000 there were 148 persons, or 0.24 per cent of the total number of 63,211 convicted persons.

65. The most frequent victims of crime motivated by racial intolerance are members of the Roma community. While no murder or attempted murder motivated by racial intolerance was committed in 2000, one attempted murder and one murder were committed in 2001. The victims were in both cases members of the Roma minority.

66. Three Roma were assaulted in June 2001 at Ostrava-Poruba by a group of assailants with a knife and gas pistol. One of the victims suffered serious, life-threatening injury. The investigator started criminal investigation of attempted bodily injury and riot and the perpetrators were subsequently charged with these offences. The qualification of the offence was then changed, with respect to one defendant, to attempted murder. All defendants were taken into custody.

67. The second case was an assault on a member of the Roma community, which occurred in July 2001 at Svitavy. The victim later died as a result of his injuries. The perpetrator, a 23-year-old V.P., was charged with the crime on 21 July 2001 and was taken into custody on 22 July of that year. The investigator at the Regional Investigation Office in Hradec Králove completed the investigation on 19 December 2001, by a motion to press charges. On 29 March 2002, V.P. was sentenced to 13 years in prison. The judgement is not final because the legal counsel of the defendant filed an appeal.

68. Two other crimes motivated by racial intolerance that were registered in 2001 were committed by officers of the Police of the Czech Republic. One officer was charged with support and promotion of movements directed at the suppression of rights and freedoms of citizens and with rioting (by shouting "Sieg Heil" at a bar and physically assaulting a person in front of the bar together with others). The second case involved a bodily assault on a member of the Roma community by officers of the Police of the Czech Republic. Five policemen were charged with abuse of powers of a public official and four of them were further charged with violence against a group of citizens and against an individual. In both cases, the trial is still pending.

69. Neither the military police nor the military intelligence services found any traces of the existence of extremist activities or groups within the ranks of the army of the Czech Republic. Isolated offences motivated by racial intolerance were, however, registered. The conduct of the defendants in all those cases was qualified as suspected support and promotion of movements directed at the suppression of the rights and freedoms of citizens (in one case in combination with defamation of a nation, race or conviction?). Those illegal acts were committed in one case by proclaiming fascist and racist slogans and public use of the Nazi greeting, in two cases by showing video cassettes and reproduction of tapes with racist and Nazi texts in the military barracks, and in one case by a physical assault on a darker skinned soldier and death threats and racist insults directed at him. The military police found among the possessions of two defendants materials promoting nazism and racism. A total of five basic military service personnel were suspected of racially motivated offences (one soldier committed a similar crime twice).

70. Criminal activities motivated by racial intolerance overlap to a considerable extent with criminal activities with extremist subtext. In this respect, however, the term “extremism” is understood within the meaning ascribed to it by political science rather than within its legal dimension. Therefore, extremist crime includes, apart from crime motivated by racial intolerance, also criminal offences committed by demonstrators with extreme political orientation (both right and left).

3. Political rights

71. The Charter guarantees political rights to everyone without exception. The right to take part in the conduct of public affairs, either directly or through free elections of representatives, is guaranteed to the citizens, irrespective of their sex, race, skin colour, language, faith and religion, political or other conviction, ethnic origin or social background, membership in a national or ethnic minority, property, family or other status.

72. A new legislation regarding election to municipal assemblies - Act No. 491/2001 Coll. - was adopted in 2001. This Act grants the right to vote and stand for election to municipal assemblies also to foreigners who are registered as permanent residents in the relevant municipality, provided that this right is granted to any such foreigner by an international treaty to which the Czech Republic is a party and which has been promulgated in the *Collection of Laws*. Such treaties undoubtedly include the Council of Europe’s Convention on the Participation of Foreigners in Public Life at the Local Level (ETS 144), which has not yet been ratified by the Czech Republic. After the admission of the Czech Republic into the European Union, only citizens of the European Union member States have the right to vote and stand for election.

4. Other civil rights

(a) The right to freedom of movement and the right to leave any country, including one’s own

73. The right to freedom of movement and stay as one of the fundamental human rights is guaranteed by article 14 of the Charter. Detailed information on this question was included in the initial report of the Czech Republic.

74. The third and fourth periodic reports referred to the migration of members of the Roma community to Canada and to member States of the European Union, mainly to Great Britain, where they applied for asylum. The problem of the Roma migration remained unresolved during the period under review and was further aggravated by the introduction of a controversial measure with the aim of preventing them from applying for asylum in Great Britain.

75. Due to the large number of asylum applicants from the Czech Republic, Great Britain introduced in mid-July 2001 the “pre-entry” checks during check-in of passengers departing from Prague-Ruzyně Airport.¹⁸ This measure meant, as a consequence, a de facto exclusion from transportation by the carrier of those passengers in respect of whom the British consular employees came to the conclusion that they might apply for asylum after arrival in Great Britain.

Due to the structure of asylum applicants coming from the Czech Republic, this measure affected mostly Czech citizens of Roma ethnic origin. The checks caused criticism as regards curtailing the right of the persons concerned to leave their own country (the right to leave any country, including one's own), and the possible participation of the Czech Republic in discriminatory activities taking place within its territory.

76. The situation was discussed at the meetings of the advisory bodies of the Government - the Council of the Government of the Czech Republic for the Affairs of the Roma Community and the Council of the Government of the Czech Republic for Human Rights, which adopted resolutions requesting the Government to strive to limit this measure, during its negotiations with its British counterpart, to the shortest possible time. However, the measure, whose application has repeatedly been suspended and renewed by the Government of the United Kingdom since July 2001, is still in force at the time of submission of the present report.

(b) The right to citizenship

77. No changes were adopted during the period under review.

(c) The right to marriage and choice of spouse

78. A draft bill on partnership of persons of the same sex, which was submitted to the Chamber of Deputies in 2001, would have satisfied the long-standing efforts of the gay and lesbian minority, striving for adoption of an act that would legally define the cohabitation of persons of the same sex. The bill was returned by the Chamber of Deputies for finalization. It is evident, however, that the bill was not returned owing to disapproval of its wording, but rather to resistance on the part of certain deputies with regard to the aim of the bill, i.e. the legalization of a relationship of same sex couples and guaranteeing social recognition of this form of cohabitation. The bill permitted the registration of such partnerships only if at least one of the persons who intend to conclude such partnership is a Czech citizen or a permanent resident in the Czech Republic.

(d) The right to own property

79. Article 11 of the Charter guarantees to everyone the right to own property and the right to inherit. Furthermore, article 11 expressly stipulates that the ownership right of all owners has the same statutory content and enjoys the same protection. No material changes occurred during the period under review in the legal provisions applicable to the protection of the right to own property from discrimination.

80. Act No. 212/2000 Coll. on Mitigation of Certain Property Injustices Caused by the Holocaust allowed rectification of some property injustices caused by the Holocaust. Under the Government's Decree No. 335/2001 Coll., which came into effect on 1 November 2001, some lands and buildings were transferred to Jewish communities in the Czech Republic. The symbolic value of the attempt to mitigate the Holocaust consequences exceeds the value of the property that has been transferred to Jewish communities.

(e) The right to freedom of thought, conscience and religion

81. A new Act No. 3/2002 Coll. on Freedom of Religion and Status of Churches and Religious Societies (the “Churches Act”) was adopted at the beginning of 2002. Under this Act, for a church to be officially registered (i.e. to acquire legal personality) it must provide documentary evidence that it has 300 followers who are Czech citizens, a significantly lower number than the previously required 10,000 members. Such reduction of the “registration limit” will allow registration of world religions (like Buddhists and Muslims) or religions that are significant abroad but have a small number of members in the Czech Republic (like Anglicans). At the same time, the Churches Act divides churches and religious societies into those “simply” registered, and churches that are registered and authorized to exercise special rights. These special rights include in particular teaching religion at State schools, practising activities of chaplains in the armed forces or in facilities hosting persons deprived of personal freedom or with restricted personal freedom, and performing church marriage rites. The prerequisites for granting authorization to exercise principal rights falling within the special rights category also include, in addition to the length of registration and fulfilment of statutory duties, the collection of signatures of Czech citizens or foreigners with permanent residence permits who claim to be members of a church that represent 0.01 per cent of the population of the Czech Republic as at the last census.

(f) The right to freedom of opinion and expression and the right to freedom of peaceful assembly and association

82. No changes have occurred in assembly laws since the submission of the previous report. The government bill on clubs, which aimed at removing the existing conflict with the Charter, was rejected by the Chamber of Deputies in May 2000. The range of persons referred to in the bill fully complied with the principles of legally residing foreigners, because it also applied to foreigners with long-term visas or permanent residence permits.

83. As a response to excesses that occurred at rallies held on various occasions, including the session of the International Monetary Fund and the World Bank, held in 2000, the Ministry of the Interior prepared a draft amendment to the law regulating the right of assembly. This amendment includes certain disputable provisions, like those dividing the right of assembly into an active and passive right, under which authorizations to convene an assembly would be confined to holders of the active right, namely persons registered as permanent residents in the Czech Republic or having permanent residence permits. Thus, assemblies could not be convened by persons with temporary residence permits in the Czech Republic on the basis of a long-term visa. The amendment stipulates a new duty of the participants of an assembly not to cover their faces in a manner obstructing or preventing their identification in the case of an intervention by the Police of the Czech Republic against the assembly. At the same time, however, the bill does not resolve cases in which the covering of the face is part of a cultural or religious usage.

5. Economic, social and cultural rights

(a) The right to work

84. As noted in previous reports, the general right to work is stipulated in article 26 of the Charter, which guarantees the right of every person to acquire means of his or her livelihood by work, the right to free choice of profession and training for such profession, and the right to engage in business or other economic activity.

85. There exists a number of labour laws regulating employment or service relationships. The most important of these laws is Act No. 65/1965 Coll., the Labour Code, as amended. Section 1 (3) of its amendment - Act No. 155/2000 Coll. - stipulates the duty of employers to ensure equal treatment of all employees as regards working conditions, including pay and other remunerations in cash or in kind for their work, vocational training and career development opportunities. Section 1 (4) prohibits any discrimination against employees in labour law relations on grounds of race, colour, sex, sexual orientation, language, faith and religion, political or other conviction, membership or activity in political parties or movements, trade union organizations and other associations. This section further prohibits discrimination on grounds of nationality, ethnic origin or social background, property, family, health condition, age, marital and family status or family obligations. The Labour Code also expressly prohibits indirect discrimination, i.e. such conduct by employers the consequences of which are discriminatory. Nevertheless, neither the Labour Code nor any other laws define direct and indirect discrimination, harassment,¹⁹ or abetting in discrimination on grounds of race or membership in an ethnic group.

86. Section 1 (3) of Act No. 1/1991 Coll. on Employment, as amended, defines the right to employment as the right of citizens who are willing and able to work and genuinely seek a job to assistance in finding and retaining employment and to receiving financial support when unemployed. In this respect, the amendment to the Employment Act No. 167/1999 Coll. expressly prohibits discrimination on grounds of race, colour, sex, sexual orientation, language, faith and religion, political or other conviction, membership or activity in political parties and movements, in trade union organizations and in other associations, nationality, ethnic origin or social background, property, family, health condition, age, family, marital and family status or family obligations, except in cases stipulated by the law or where there is a factual ground consisting in preconditions, requirements and nature of the employment which the citizen is to perform and which is necessary for the performance of such employment.

87. Neither the Employment Act nor the Labour Code set forth detailed conditions regarding the applicability of factual grounds consisting in preconditions, requirements and nature of the employment on the basis of which the differentiation between employees on grounds of race or ethnic origin would not be discriminatory. The Employment Act also does not include any special provisions granting to a victim of discrimination with regard to access to employment based on his or her race the right to seek before the courts the prohibition of such conduct, the removal of its consequences and adequate satisfaction or cash compensation for non-property harm. The Labour Code does include such provisions, but only in relation to equal treatment of men and women.

88. The amendment to the Labour Code has also brought about a change in the protection against discrimination in service relationships of officers of the police of the Czech Republic and employees of the Security Intelligence Service. The provisions of the Labour Code regarding protection against discrimination shall apply accordingly with respect to these service relationships, while the applicable provisions of the Employment Act on hiring shall apply to the protection against discrimination in the establishment of service relationships. Act No. 186/1992 Coll. on Service Relationships of the Officers of the Police of the Czech Republic, as amended, does not include anti-discriminatory provisions but refers to the provisions of the aforementioned laws.

89. The amendment to Act No. 221/1999 Coll. on Professional Soldiers, as amended, which came into effect on 1 January 2001, also contains an anti-discriminatory clause prohibiting any discrimination on grounds of race, colour, sex, sexual orientation, language, faith and religion, ethnic origin or social background, property, family, marital and family status or family obligations. At the same time, any conduct of service bodies that involves indirect discrimination, i.e. the consequences of which are discriminatory, is also prohibited. Unlike the Labour Code, this Act does not grant professional soldiers the right to seek damages, including cash satisfaction. The parliament of the Czech Republic approved in 2002 another amendment to this Act, prohibiting discrimination on grounds of nationality, pregnancy or motherhood, or when the female soldier breastfeeds. Abetting in discrimination has also been outlawed. The demeaning of dignity now includes all forms of harassment demeaning a soldier's dignity or creating an intimidating, hostile, disparaging or offensive environment.

90. The Act on Service Relationship of Members of the Security Forces, which is currently under preparation, includes express anti-discriminatory provisions, which set forth a number of grounds on which the refusal to conclude a service relationship with a citizen would be considered as discrimination. Exceptions are permitted solely by such act or by special laws. The Act further stipulates that the security corps is under obligation to ensure equal treatment of all members as regards the conditions of the service, namely professional training, service promotion and remuneration and, in addition to direct discrimination, also prohibits indirect discrimination, i.e. any conduct that does not involve direct discrimination but the consequences of which are discriminatory. Abetting in discrimination is also considered a discriminatory act.

Employment of persons encountering difficulties in their placement on the labour market

91. A Commission for the Employment of Persons Encountering Difficulties in Finding Jobs on the Job Market was established at the Ministry of Labour and Social Affairs by Ministerial Order No. 11/2001, with a special focus on the Roma community. For instance, the Commission submits suggestions for the employment of specific groups, assesses the implementation of the measures adopted, arranges for the dissemination of information regarding implemented programmes and addresses essential matters regarding the use of adequate tools of active employment policy and financial funds in the social sphere, education and employment. In its attempts to resolve the problem of the high unemployment rate among the Roma, the Commission uses an ethnically neutral definition of "persons encountering difficulties in their placement on the labour market". The activities of the Commission are focused mainly on:

(a) Broad integrated programmes for persons encountering difficulties in their placement on the labour market, including Roma job seekers, namely programmes of the type of “Chance” (for adults) or “Bridge” (for youth). These programmes are designed specifically for job seekers with primary education or low-level skills, or for those who have not completed their secondary education or whose vocational or study branch is no longer in demand on the labour market;

(b) Cooperation at the local level between representatives of the Roma communities and local authorities in removing information and communication barriers and creating conditions for further cooperation;

(c) Cooperation with the Ministry of Agriculture, the Ministry of Environment (State Environmental Fund), the Ministry of Transportation (Czech Railways), the Ministry of Defence (Military Accommodation Administration) and other ministries in ensuring participation of the Roma companies and companies supporting the Roma in public contracts;

(d) Cooperation with self-governing authorities in obtaining environmental contracts, such as construction of waste water treatment plants, or of gas and water distribution networks with the participation of Roma companies and companies supporting the Roma for the purpose of finding employment specifically for unskilled Roma job seekers;

(e) Cooperation with regional employment offices in the placement of Roma job seekers in public works projects for municipalities and cities;

(f) Cooperation with the social departments of local governments in resolving the employment problems of the Roma community;

(g) Striving to include projects concerning employment and employability of the Roma in the European Programmes - Leonardo da Vinci, Equal, Phare 2000 and SOP.

92. The basic document of the State’s employment policy is the National Employment Plan.²⁰ The question of equal opportunities for all was included in a separate fourth pillar of the National Employment Plan, which consists of four basic objectives: (a) to enhance legal and institutional tools and mechanisms for the elimination of manifestations of discrimination on the labour market; (b) to create conditions that would allow the application of extraordinary temporary measures in favour of those groups of persons whose access to employment is significantly problematic; (c) to monitor progress in the implementation of the right to employment of groups of persons threatened by discrimination; and (d) to contribute to the elimination of unjustified differences in remuneration between men and women.

93. Measures adopted under the National Employment Plan increase the possibilities of finding jobs for job seekers who encounter difficulties in their placement on the labour market and mitigate the effects of discrimination in the society. These measures include, for instance, recommendations for parties organizing public tenders to give priority, in their assessment of bids and the comparable compliance with other terms, to entities employing the highest portion of job seekers registered with the employment office, namely those encountering difficulties in their placement on the labour market, and to take steps to increase the employment of job seekers who have been unemployed for a long period of time, with an emphasis on the Roma

community, enhancing legal and institutional tools and mechanisms to eliminate manifestations of discrimination on the labour market. The National Employment Plan is updated every year in the form of action plans. One of the tasks of the National Action Plan of Employment for the year 2001 was “to identify groups threatened by discrimination in selected districts and to prepare methods for such purpose, including methods of personal self-identification with such groups”. An employment services team was established for the fulfilment of this task, consisting of employees of consulting and job-searching departments and of retraining departments of employment offices in České Budějovice, Ústí nad Labem, Louny and Opava. The aim of the work carried out by the team is to identify groups of persons who are most exposed to discrimination on the labour market, to prepare self-identification methods and to include those methods in the system of work with clients at the employment offices, to prepare for selected groups consulting and retraining programmes in coordination with the other tools of active employment policy, with the aim of not only increasing employment, but also finding jobs. The results of the work of this team are to be reviewed and put into practice until the end of 2002 as an integral part of the activities of every employment office.

94. Through the PHARE Programme, it was possible to include a block called “Social Inclusion and Equality of Opportunities” in two projects of the National Programme PHARE 2000.²¹ Measures contained in those projects are focused on the integration of specific groups of population, on increasing the employment of persons threatened by social exclusion, and on integration approaches and partnership cooperation in support of social inclusion. The projects also include consulting and motivation programmes leading to independent gainful activities and development of social services.

95. The Ministry of Labour and Social Affairs has also submitted, within the framework of the National Programme PHARE 2002, a project relating to the implementation of the EQUAL Initiative in the Czech Republic. This initiative, which is a part of the employment policy of the European Union, sets out to ensure equal access of disadvantaged groups of persons to employment and to suppress various forms of discrimination and inequality on the labour market. The nine priorities of this programme include, for instance, overcoming racism and xenophobia, creation of equal opportunities for men and women and assistance to asylum applicants. The Czech Republic acceded to EQUAL in 2001.

96. The Research Institute of Labour and Social Affairs carried out in 2001 a survey focused on the employment of foreigners,²² which indicates that, apart from the Slovaks, the largest groups on the legal labour market are the Ukrainians, followed by the Vietnamese and the Poles. The net monthly income of a legally employed foreigner is slightly (but not much) less than the average income in the Czech Republic. The survey of illegal employment of foreigners²³ indicates that the illegal employment of foreigners and the various forms of circumventing laws regulating employment of foreigners are as widespread in the Czech Republic as they are in other European countries. The survey has also confirmed frequent violations of laws governing the employment of foreigners, such as the formal payment of only a part of their wages, working overtime and non-compliance with limitation of work on days of rest and night work.

97. In an effort to create an active immigration policy, the Ministry of Labour and Social Affairs prepared principles and procedures of implementation of a pilot project, Active Selection of Skilled Foreign Workers, which was approved by the Government in its resolution No. 975 of 26 September 2001. A detailed draft of this pilot project has been prepared on the basis of those principles.

(b) The right to form and join trade unions

98. No changes occurred in the period under review.

(c) The right to housing

99. No changes occurred in the housing legislation concerning protection against discrimination. Housing laws still lack non-discrimination provisions, even the declaratory ones. Prohibition of discrimination is not stipulated even in the laws and regulations applying to the allocation, renting, privatization or sale of municipal apartments.²⁴

100. The elimination of discrimination in housing also includes the question of rent. The amount of apartment rent is currently regulated by the Ministry of Finance Price Assessment No. 01/2002 of 28 November 2001, which issues a price list of goods with regulated prices, and further permits non-specific blanket regulation of rent. One of the prerequisites for the elimination of discrimination in access to housing is to do away with the current regulation of rent, which has not occurred until now.

101. As noted above, the housing problems of the Roma have been escalating. The State has only limited means to address such a situation, because this problem falls within the competence of self-government authorities. Due to unpaid rent and charges for services provided in connection with the lease, the Roma are more and more frequently evicted from their apartments and allocated alternative housing. Many of those alternative housing facilities are in poor technical condition, lack adequate infrastructure, and are isolated from other populated areas.²⁵ This leads to residential segregation of a group of population with cumulative social problems. However, eviction due to failure to fulfil the obligations connected with rental housing could often be prevented by the improvement of social work with those families.

102. Indirect discrimination may occur in the allocation of municipal flats. Municipalities and cities, being the owners, may determine their own conditions. Thus, a formally neutral system of allocation of municipal flats or frequently groundless requirements imposed upon applicants for municipal flats may have an inadequate impact mainly on the Roma minority. Such conditions include the submission of excerpts from the criminal register, which is, moreover, in conflict with Act No. 101/2000 Coll. on Personal Data Protection, which considers personal information about criminal activities as sensitive information. Another disputable condition for filing an application for lease of a municipal apartment is the permanent residence in the municipality; moreover, some municipalities request that the applicants are registered as residents in the municipality for a certain period of time.²⁶ This condition affects all applicants for lease of apartments owned by such municipalities, but much more frequently the Roma, many of whom are registered for residence in municipalities in the Czech Republic other than those in which

they actually live (and potentially apply for lease of an apartment). The role of municipalities is defined by Act No. 128/2000 Coll. on Municipalities; municipalities which exceed, by their criteria, the limits stipulated by this Act, actually discriminate against certain groups of population.

103. In 2001, the Ministry for Local Development assigned to Socioklub (the Association for Support of Development of the Theory and Practice of Social Policy) a project named “Research of the Problem of Bare Housing in Relation to the Roma Minority”. The subsidy for this project reached CZK 500,000. Based on a report on the results of the survey, the Ministry issued a publication intended for the interested public, which provides general information regarding territorial segregation processes in the field of housing and instructions and recommendations to be applied in the education of social workers, officials of non-State entities, members of municipal assemblies and others.²⁷

104. The Ministry also established cooperation with the Association of Civic Counselling Centres by providing it with a financial subsidy for the activities of those centres and by organizing counselling days for workers of the counselling centres who deal with rental housing problems. Those counsellors then use such knowledge in their work with clients who ask them for assistance in resolving housing-related problems.

105. The Ministry for Local Development prepared a Subsidized Housing Programme. The subsidized housing should include provision of social services. The objective of this programme is to expand the offer of rental housing for persons who are disadvantaged in their access to housing not only due to their income but also for other reasons, resulting in specific housing needs. Subsidies provided by this programme should be given to a municipality or union of municipalities, which must remain the sole owner of the subsidized apartments.

Community housing

106. In September 1999, the Government expressed its support for the project²⁸ “Coexistence Village at Ostrava - Muglinov”, and set aside CZK 16.5 million from the State budget for its implementation. The project presumes the construction of 30 housing units, half of which will be occupied by Roma families. The construction of those 30 housing units was completed last June.

107. In April 2000, the Government approved a programme of community housing development of the Roma citizens in Brno and agreed to provide a State subsidy for the implementation of this project to the City of Brno of CZK 32.5 million and of a State guarantee for a loan to be provided by the Development Bank of the Council of Europe in the order of CZK 32.5 million.²⁹ The project consists in renovating two rental apartment buildings in Brno, which are occupied mostly by the Roma. After the renovation, there will be 110 apartments, which will provide to socially disadvantaged Roma families modest but decent housing. The renovation costs were initially calculated at approximately CZK 65 million and the project (or the renovation phase) was to be completed in 2001. Shortly after the start of the construction work in 2000, it appeared, however, that the technical condition of the buildings was much worse than the condition shown in the initial study. Following the completion of the project documents, the costs were estimated at approximately CZK 142 million.

108. Although the housing development project has not been completed yet, it may be said that its implementation generally confirms the expected impact. The occupants of such apartments who have decided to participate in the project under predetermined conditions have already worked their overdue rent and payment schedules have been prepared as regards overdue water, sewage and electricity charges and other payments connected with the use of apartments. This has created the basic necessary conditions for stopping the social exclusion process, which is frequently triggered by the indebtedness of socially disadvantaged (particularly Roma) families.

109. Some experts note that the community housing is a de facto concentrated and segregated housing for the Roma community and that the construction of such types of housing may appear as a tool of territorial ethnic segregation. Although it will be necessary to carefully consider this aspect in the case of each new community project, the fact is that, even before the start of the Brno project, there had already existed a territorially segregated Roma enclave. Therefore, the dominant feature is the integrating dimension, represented by stopping the process of social exclusion and by the integration of this community into the broader life of the majority society at that location.

(d) The right to public health, medical care, social security and social services

110. The Council of the Government of the Czech Republic for the Affairs of the Roma Community has been implementing since 2000 a field programme of social work in excluded Roma communities with the participation of newly trained Roma street workers. These street workers work in the most threatened Roma communities, where they analyse the social situation of Roma families and try to contribute, with adequate means and with the use of social work methods, to the elimination of undesirable factors hindering the integration of these families in the society. Street worker posts were established in 2000 at the district offices in 16 locations. In 2001, there were already 54 Roma street workers working in 35 locations. Unlike the previous year and as a result of the self-government reform, the posts of street workers were established mostly at the municipalities.

(e) The right to education and training

111. While the Charter guarantees the right to education to everyone, irrespective of his or her citizenship, it guarantees the right to free education at primary and secondary schools, and, depending on the ability and means, also at universities, only to Czech citizens. In accordance with the Convention on the Rights of the Child, primary education is provided in the Czech Republic to all children, irrespective of their citizenship or residence status.

112. The basic law regulating the right to education is Act No. 29/1984 Coll. on the System of Primary, Secondary and Higher Vocational Schools (the School Act), as amended. No provision of this act expressly prohibits direct or indirect discrimination or stipulates any protection against it. The School Act merely states that primary and secondary schools shall educate pupils in accordance with the principles of humanity and democracy and shall promote their intellectual and moral development.

113. The School Act allows graduates of special schools and schools for mentally handicapped children to receive education after passing courses organized at primary or secondary schools. Without passing such courses, there is a danger that the right to freely select one's profession and to prepare for it would be guaranteed only formally.

114. The amendment to the School Act promulgated as Act No. 19/2000 Coll. made it possible to enrol in secondary schools not only pupils who have successfully graduated from primary schools but all pupils who have completed the compulsory school attendance and have met, during the enrolment tests, all conditions for enrolment by demonstrating appropriate abilities, knowledge, interest and health condition required in the selected branch of study. This amendment has allowed enrolment of pupils who have successfully completed a special school, thus overcoming a totally inadequate situation in which the special school graduates could not apply, by law, for enrolment in secondary schools, which breached their right to freely select their professions and to prepare for them, as guaranteed by the Charter.

115. The Government prepared a new draft of the School Act, expressly stipulating that education shall be based, *inter alia*, on the principles of mutual respect, tolerance for the opinion of others, solidarity and protection against manifestations of discrimination and intolerance. The draft also introduced a new term "special educational needs of children", which included socially handicapped children and which was reflected in a number of provisions guaranteeing specific approach to such pupils, thereby satisfying their specific educational needs. The draft also set forth measures that are currently regulated only by decisions of the Minister of Education, Youth and Physical Education, on experimental testing of the forms and contents of upbringing and education, issued pursuant to Section 58 (a) of the School Act, and by methodical guidance. Thus, preparatory classes at primary schools and posts of assistant teachers would be established directly by the law. The Chamber of Deputies returned the draft to the Government for completion, but then rejected it.

116. Act No. 111/1998 Coll. on Universities (the Act on Universities), as amended, outlines democratic approaches relating to access to university education, to obtaining adequate professional skills and to preparing for research work and other professional activities, under which nobody may be discriminated against on grounds of colour, sex, religion, national or social origin or membership in an ethnic group. At the same time, the Act on Universities does not contain express prohibition of direct or indirect discrimination in relation to university studies.

117. The Programme of Support for Roma Secondary School Students has been in place since 2000 and is aimed at enabling a growing number of Roma students, including the socially handicapped ones, to get secondary and university education. The programme provides financial subsidies to Roma secondary school students (covering tuition fees at private schools, travelling expenses, meals, teaching aids), which enable them to continue or start their studies. Without such subsidies, Roma students have to give up their studies owing to social pressures. The programme has achieved a significant success and its expansion has been proposed every year.³⁰ In this respect, the Government has instructed the Minister of Labour and Social Affairs to unify the practical application of the Programme of Support for Roma Secondary School Students to avoid setting off such support payment with the total income of the parents of those pupils when

assessing their social needs under Act No. 463/1991 Coll. on Social Needs, as amended, and the provision of social security payments to cover the costs paid out of the programme funds,³¹ as there were some cases where such support was included in the total income of the parents of those pupils during the assessment of their social needs.

118. As regards the Programme of Education in National Minority Languages and the Multicultural Education, the Ministry of Education, Youth and Physical Education provided in 2002 support to 16 educational projects submitted by civic associations.

Special schools

119. A persistent and permanently criticized problem is the transfer of Roma children to special schools. Thus, part of the children of the Roma minority complete their primary school education at special schools. Every child can be placed (and could be placed in the past) in a special school, based on a test of his/her mental level performed by a psychological and pedagogic counselling centre, and only with the written consent of a parent or legal guardian of the child. Thus, the grounds for the transfer of a Roma minority child from primary to special school do not lie in his/her Roma nationality, but in the language handicap at the time of enrolling in a primary school, which represents a serious obstacle to future education. Beside the language barrier, there is also the different dynamism of personal development, different hierarchy of values and social and cultural feelings of Roma families. An important role is played by the fact that the special school environment is familiar for the generation of parents, many of whom thus direct their children automatically to the same educational environment which they themselves had experienced.

120. The first step towards the elimination of the negative impacts concerning mainly the Roma community children due to their different social and cultural circumstances has been a change in the method of diagnosis used to test the overall ability of the child and its structure. The Ministry of Education, Youth and Physical Education has analysed all tests used to diagnose children placed into special schools, and prepared a Czech version of WISC-III-UK, a test of the overall ability and its structure, which is most frequently used throughout the world. This test was adapted to the Czech language and cultural environment and was standardized, using a sample of 1,457 respondents, stratified (according to the information published in the *Statistical Yearbook of the Czech Republic*) by geographical region, nationality, settlement type, school type, sex and age group. As regards nationality, 93.7 per cent of respondents were Czechs, 6.2 per cent Roma and 0.1 per cent others. The application of the WISC-III-UK test should improve methods of diagnosing children, including those coming from a different cultural and social environment, i.e. the Roma children. The use of the selected test and its methodological manual by psychological and pedagogic counselling centres, which only propose placement or transfer of the child to a special school, is not mandatory; it is only recommended by the Ministry. This means that the placement or transfer depends on the approach of the counselling centre to this problem. The Psychological and Pedagogic Counselling Institute and the Pedagogic Centre of the Ministry of Education, Youth and Physical Education have been organizing training for psychologists in working with this test and in the specific features of the psychological diagnosing of Roma children. It is important for psychologists to be able to assess

the level of educability of children, bearing in mind the specific different environment from which they come. The intelligence test is only one of the tools and methods used to identify the overall level and structure of abilities. Due to potential errors in the diagnostic conclusion, the quality of the intelligence test is only of a secondary importance.

121. Placement of a child in a special school is not definitive. Like the procedure for the placement of the child in such schools, there is also a procedure for his transfer back. The consent of a parent or the legal guardian is necessary even in this case, and if the parent or guardian disagrees with such transfer, it is not possible to transfer the child from a special to an “ordinary” school. The transfer of successful pupils from special schools is carried out in accordance with the Ministry of Education, Youth and Physical Education Decree No. 127/1997 Coll. on Special Schools and Special Kindergartens. Following a review of the child’s performance with parents, the special school principal is under obligation to propose transferring the child to a primary school whenever the study results of the child indicate that the child may be educated at a primary school. Every special school principal has the duty to inform the parents of his pupils of the possibilities and conditions of transfer of a pupil to a primary school. Also, the parents have the right to initiate the transfer of their child by applying for diagnostic review and for permission to pass appropriate equalizing exams. In the case of transfer, it is necessary to take into account the interests of the child and to proceed with coordination between the special and the primary school and the pedagogic and psychological counselling centre, which may prepare for the child an individual study plan, if necessary.

122. The Ministry of Education, Youth and Physical Education has issued a number of instructions that are intended to enable special school pupils to receive primary education. In 1996, the Ministry issued an instruction³² regarding completion of primary school education by special school graduates. According to this instruction, pupils who have finished their compulsory school attendance before the ninth grade of a special or a primary school may complete their education. This will enable, for instance, pupils at practical schools to be transferred to a vocational training centre. The Ministry issued a further directive³³ to ensure the transfer of good achievers at special schools to primary schools.

123. Closing down special schools is not sufficient to remedy the current situation. Such legislative measures, although desirable, may not guarantee by themselves a significant change in the prospects of those children regarding adequate education. These children need targeted assistance to help them overcome their social and cultural handicaps. One form of such targeted assistance is the opening of preparatory classes for children from disadvantaged social and cultural environment (the “preparatory classes”) and the use of tutors - assistant teachers (formerly “Roma pedagogic assistants”). The Ministry of Education, Youth and Physical Education issued in 2000 a directive³⁴ regarding the opening of preparatory classes for children with social handicap and the establishment of the post of tutor - assistant teacher. This directive allows opening preparatory classes for children with social handicap, i.e., children coming from families with low social and economic status, children threatened by pathological social phenomena, or from families who have been granted or are seeking asylum. The purpose of the preparatory classes is to prepare children from different social and cultural backgrounds for school education. It is possible to establish at schools and school facilities where there is a larger number of those children the post of tutor - assistant teacher, who will assist the pupils with adaptation in accordance with the teacher’s instructions and facilitate communication between teachers and pupils, their parents or the entire community. Candidates for these posts are

selected from among persons who know the environment from which most of the pupils come. Particularly in classes with Roma pupils, assistants usually have the same language and come from the same social and cultural environment. Many assistants share their experience with other teachers at the school.

124. Although the number of preparatory classes and tutors has been continuously growing,³⁵ objective needs are evidently much higher. There are still many places and even entire districts that have not opened any preparatory classes or established tutor posts due to lack of interest on the part of the management or founders of schools. Moreover, the post of tutor-assistant teacher should be established not only in first grades but also in higher primary school grades. At the same time, it appears useful to establish such posts in other schools, namely at vocational training centres, and also in institutional and protective education facilities.

125. To ensure more effective prevention of manifestations of racism, xenophobia and intolerance, the Ministry of Education, Youth and Physical Education issued a directive³⁶ on education against manifestations of racism, xenophobia and intolerance, by which it entrusted school principals and teachers with a number of duties, including the development of desirable attitudes towards people with different nationalities, ethnic origins or religious beliefs, instructing them not to ignore any manifestations or signs of intolerance, xenophobia or racism and to take immediate appropriate and specific pedagogic measures, where applicable.

126. Matters relating to education against racism, intolerance and extremism are included in various topics that are dealt with by individual educational programmes, mostly in civic guidance (such as Man and Human Rights, Education in Democracy, Fundamentals of Psychology, Fundamentals of Sociology, Fundamentals of Political Science, Problems of the Planet). With regard to vocational training, educational topics designed to eliminate the impact of racism and extremism are included in general subjects and some educational programmes are also included in special subjects.

127. The National Institute of Vocational Education prepared two draft programmes of continuous education for teachers, which are now ready for accreditation. They are the Media Education in Secondary Vocational Schools and Multicultural Education in Secondary Vocational Schools. Another programme, Educational Activities Directed against Youth Extremism in Vocational Education, has been submitted for comments.

128. The Ministry of Education, Youth and Physical Education has elaborated the following three strategies or plans:

(a) Strategy for the Improvement of Education of Roma Children, focusing on support for education of Roma pupils with the aim of improving their job opportunities, and on support for the development of the Roma culture and traditions. The strategy pays attention to the cultural identity of the Roma children, the establishment of posts of Roma assistant teachers, a support system for pupils in their transition from special to primary school programmes, improvement of programmes of primary school education, vocational counselling, provision of support to pupils and students of secondary and tertiary education, dissemination of information about the Roma, education in tolerance and teacher training;

(b) The Integration Policy Plan deals in part with areas of education of foreigners, namely learning Czech as a second language, training of teachers in topics relating to the integration of foreigners and multicultural education of the school population, and with support for the creation of programmes, textbooks and teaching aids. A work team has also been formed at the Ministry of Education, Youth and Physical Education to deal with the problems of education of foreigners in the Czech Republic. In connection with this Plan, the Ministry of Education announced a programme of support for activities aiming at the integration of foreigners in the Czech Republic;

(c) The Strategy of Education in Human Rights and Tolerance deals with the problems of national minorities living in the Czech Republic. Newly conceived framework educational programmes to be applied in every type of education will include multicultural education, which will be reflected in all subjects, with an emphasis on practical application, i.e. on education in tolerance and pluralism to be applied in daily life. The principal aim is to create a tolerant and multicultural environment at schools and school facilities and to provide support for ethnic equality.

(f) The right to equal participation in cultural activities

129. Article 34, paragraph 2, of the Charter stipulates that the right of access to the cultural wealth is guaranteed under conditions set by law. This means that the Charter itself does not specifically state to whom such right is guaranteed.

130. The rights of members of national minorities are regulated in detail in the new Act on the Rights of Members of National Minorities, which guarantees the right of members of national minorities to the preservation, development and respect of their language, culture and traditions, and at the same time assigns to the State the duty to create conditions for the preservation and development of the culture, traditions and languages of members of national minorities who traditionally and for a long time have been living in the Czech Republic.

131. Act No. 257/2001 Coll. on Libraries and Terms of Provision of Public Librarian and Information Services (the Library Act) stipulates that libraries shall provide public librarian and information services in the manner ensuring equal access to everybody without exception.

132. As regards religious beliefs and the status of churches and religious societies, the most important legislation in this regard, apart from articles 15 and 16 of the Charter (which guarantee freedom of religion) is the newly adopted Act on Churches, which regulates the status of churches and religious societies.

133. The Act on Churches does not permit the establishment of churches and religious societies whose activities are in conflict with the law and whose teachings or activities undermine the rights, freedoms and equality of citizens, and of their associations, including other churches and religious societies, that endanger the democratic principles of the State, deny or restrict personal, political or other rights of individuals on grounds of their nationality, sex, race, origin, political or other conviction, religious belief or social status, or instigate hatred and intolerance on those grounds or support violence or breach of law.

134. As regards regional and ethnic cultures, the Ministry of Culture declares every year, in relation to the allocation of grants, a tender for support of cultural activities of members of national minorities in the Czech Republic. Such tenders are designed to support various cultural activities, including multi-ethnic events aiming at the elimination of the negative manifestations of extremism, racial and national intolerance and xenophobia.

135. In 2001, the Ministry of Culture launched a grant programme of support for the integration of foreigners living in the Czech Republic. The programme is focused on the cultural and religious activities of foreigners who for a long time have been living in the Czech Republic, on presentation of these activities to the majority society and on the creation of a real picture in the media of the relations between communities with different cultures and religions living in the Czech Republic. This grant programme also aims at the dissemination of information among the general public regarding migration, education in intercultural communication, understanding the different nature of other cultures and sensitizing people to the fact that the culture of each community living on our territory means an enrichment of the entire civic community.

136. As regards professional musical performance, the Ministry of Culture provides support for ethnic musical shows or musical shows featuring productions of the various ethnic groups. At the same time, the Ministry supports dancing and pantomime festivals, featuring ethnic art as their natural part or presenting artistic performance of various ethnic groups. Support in the field of literature and libraries is provided to original Czech literary productions and works of national minorities on the basis of a programme of subsidies for supporting the publication of Czech and translated literary works.

137. The Ministry of Culture established in 1997 an advisory body of the Deputy Minister for the culture of national minorities. The body has nine members, six of whom are representatives of national minorities (Hungarian, German, Polish, Roma, Slovak and Ukrainian). Its task is to monitor and assess cultural activities needs. At the same time, the body makes annual assessment and evaluation of projects registered in the tender for support of cultural activities of the national minorities.

(g) The right of access to any place or service intended for use by the general public

138. In 2000, the Czech Trade Inspection received 12 complaints regarding racial discrimination, one of which was deemed justified. The number of complaints filed with the Czech Trade Inspection increased in 2001 by 3, i.e. to 15 petitions, 2 of which were confirmed as justified. Due to the fact that the most frequent victims of racial discrimination come from the Roma minority, the Czech Trade Inspection employs two female Roma, with whose participation (or with the participation of other Roma activities), the Czech Trade Inspection performed 639 checks, which also monitored manifestations of racial discrimination.

139. As regards discrimination in access to restaurants and other similar establishments, it is impossible to ignore the question of “clubs”. There is a widespread assumption that it is permitted to reserve restaurant services to a limited group of consumers if the operator “establishes a club” in his restaurant, with access permitted only to consumers to whom he has issued, at his own discretion, a “club card”. The Czech trades licensing legislation does not

recognize as legal the “establishment of a club” and it is inadmissible that an entrepreneur excludes from his side the application of business legislation. Such acts are not permitted by the law and constitutes discrimination against consumers under Act No. 634/1992 Coll. on Consumer Protection, as amended.

E. Article 6 - Protection against any acts of racial discrimination

140. Pursuant to article 90 of the Constitution of the Czech Republic, rights are protected primarily by the courts. Article 4 of the Constitution expressly stipulates that fundamental rights and freedoms are protected by the judiciary. Detailed information on judiciary protection was provided in the initial report.

141. A number of laws include provisions prohibiting any acts that may result in discrimination or may have a discriminatory nature. Most of those provisions are only declaratory and the victims of discrimination enjoy a very low level of protection.

142. A change in the situation of victims of discrimination in civil litigation was brought about by the adoption of an amendment to Act No. 30/2000 Coll., the Civil Procedure Code, i.e. the transfer of the burden of proof. Thus, a victim of discrimination is no longer required to provide at a trial a proof that he or she has been the subject of discrimination. On the contrary, the alleged discriminating person must prove that he has not committed an act of discrimination. Such procedural advantage was granted, however, only to victims of discrimination on grounds of sex. The amended and restated version of the Civil Code, promulgated under No. 151/2002 Coll., which amends certain laws in connection with the adoption of the Administrative Procedure Code, expanded the number of discrimination grounds (racial or ethnic origin, religion, faith, creed, health handicap, age or sexual orientation) and, in the case of discrimination on the grounds of racial or ethnic origin, also the areas (provision of health and social care, access to education and vocational training, access to public contracts, membership in employee or employer organizations, in membership in professional or special-purpose association and during the sale of goods or provision of services). In those cases, the burden of proof has been transferred from the victim to the person accused of discrimination.

143. The only legislation that grants to victims of discrimination the right to satisfaction is the Labour Code, which gives employees the right to seek that the person who has committed a discriminatory act refrain from such conduct and remove the consequences thereof, and the right to claim adequate satisfaction. This right is granted, however, only to victims of discrimination on grounds of sex and only in labour law relationships. Victims of discrimination may seek protection under the Civil Code, which contains general provisions regulating the protection of personality.

144. The victim of discrimination is not a party to administrative proceedings or to misdemeanour proceedings, which are a special type of administrative proceedings. Administrative proceedings are used by supervisory or inspection bodies to prosecute violations of various duties. Administrative delicts involving discrimination may be investigated mainly in connection with the activities of the Czech Trade Inspection or with the supervisory activities performed by employment offices. Such delicts are penalized by fines and no compensation of non-property detriment caused to the victim of discrimination is permissible. Under the Misdemeanours Act, a person who has committed an act of discrimination may be fined, under

an administrative process, for a misdemeanour against civic coexistence. The discrimination victim may be a party to these proceedings only inasmuch as they deal with the compensation for damage to property caused by such misdemeanour. However, discriminatory conduct rarely causes property damage, but mostly non-property detriment.

145. Act No. 150/2002 Coll., the Administrative Procedure Code, which was adopted in March 2002, regulates administrative justice. Administrative courts provide protection of public subjective rights of individuals and legal entities. Anyone who claims that his rights have been curtailed either directly or as a result of breach of his rights in previous process by a decision of an administrative body, which constitutes, changes, cancels or determines in a binding manner his rights or duties, may file an action for the cancellation of such decision. An action may be brought before the administrative court also by anyone claiming that his rights were curtailed by an illegal intervention, instruction or coercion by an administrative body (like the police), which does not constitute a decision and which was aimed directly against him or as a consequence of which a direct intervention was carried out against him, provided that such intervention or its consequences still exist or there is a threat of its recurrence.

146. Under the Administrative Procedure Code, the party seeking judiciary protection against discrimination perpetrated by an administrative authority on the grounds of sex, national, social or racial origin, membership in a national or ethnic minority, colour, language, religion, faith, creed, political or other conviction, health handicap, age, property, family or other status, or sexual orientation may be also represented by a legal entity established by a special law,³⁷ whose activities, as defined by its articles of association, also include protection against such discrimination.

147. A similar provision exists in the Civil Procedure Code, according to which a legal entity founded by a special law,³⁷ whose activities, as defined by its articles of association, also include protection against discrimination, may represent a party seeking court protection against discrimination on the grounds of sex, racial or ethnic origin, religion, faith, creed, health handicap, age or sexual orientation.

148. The Act on Protection against Discrimination, which is currently being prepared, should guarantee legal means of protection against discrimination, and should establish the Office for Protection against Discrimination, which would investigate complaints against discrimination and issue non-binding recommendations, including not only compensation for damage, but also satisfaction in the case of non-property detriment.

F. Article 7 - Measures taken by the State in the area of education against racial discrimination

1. Human rights education at universities

149. The Ministry of Education, Youth and Physical Education has prepared its own concept named "Strategy of the Ministry of Education, Youth and Physical Education as Regards Education in Human Rights and Tolerance with an Emphasis on Practical Application". This document sets out 10 key strategic areas to create tolerant and multicultural environment at schools and school facilities, to enhance legal literacy and to support racial and ethnic equality. Activities of the Ministry relating to the implementation of this strategy focused mainly on the

curricula, continuous education of teachers, provision of special publications and information materials to schools, etc. At the same time, the Ministry founded a Section of Education towards Democratic Citizenship at the Faculty of Arts of Charles University in Prague, and established posts of multicultural education coordinators at pedagogic centres. Despite that, the practical experience indicates that it is necessary to further improve the inclusion of human rights education in the programmes of all levels of schools.³⁸

2. Education of public officials

150. The Government approved in October 2001 the Rules Determining the Method of Preparation of Employees of Administrative Authorities and the Office of the Government.³⁹ The Rules consist of blocks and modules, which include matters relating to human rights education. The preparatory phase of the system (pilot testing of each project) is currently under way so that the system may be ready for implementation as of 1 July 2003.

3. Education of the police of the Czech Republic

151. The Ministry of the Interior carries out activities involving discrimination against members of national and racial minorities by the police of the Czech Republic. An international seminar on the role of the police in the struggle against racism and xenophobia was held in October 1999. The Ministry of the Interior organized in 2000-2001, in cooperation with Great Britain, a total of seven seminars on "Police Work in the Area of Protection of National Minorities". A three-day workshop led by British tutors was organized for Czech police officers, police schoolteachers and members of ethnic minorities with the aim of sharing British experience from work in multi-ethnic society, assessing the importance of such experience for the situation in the Czech Republic and seeking ways of mutual understanding and elimination of prejudice. Those seminars and workshops were evaluated by the British Foreign Office as the most successful project carried out in 2001 in Central and Eastern Europe.

152. In cooperation with the British Home Office, the Ministry of the Interior of the Czech Republic started implementing the project named "National Strategy for Police Work in Relation to Minorities", whose aim is to create a national working strategy of the Police of the Czech Republic as regards national minorities for the purpose of improving partnership relations between the police, on the one hand, and national and ethnic minorities on the other.

153. The Secondary Police School of the Ministry of the Interior in Prague opened in 2000 the Vocational Information and Documentation Centre for Human Rights Education. The same school has been implementing the so-called Anti-racist Programme. Education in aspects of elimination of racial discrimination is carried out at several levels, including the following:

- (a) Training and continuous education of teachers (Police Work Ethic, Contemporary Racism and Extremism and Their Manifestations);
- (b) Lectures for trainees attending the Basic Professional Training/new policemen (40 lessons);
- (c) Lectures for students of the Secondary Vocational Schools (40 lessons);

- (d) Collection and creation of study materials (creation of textbooks on police and human rights, police and social radicalism and extremism, human rights education, and preparation of a textbook on “Police Work in Multicultural Society”, to be published in 2002);
- (e) Internal by-laws (Principles of Acting and Conduct of Officers and Employees of the School);
- (f) Projects of students of the Secondary Vocational School (contests of drawings, literary works and participation in various events, like the Week of Africa, One World, etc.);
- (g) Participation in international projects (cooperation with police schools abroad on anti-discrimination programmes of police training, and participation in the training model for teachers of police schools with the PHARE project);
- (h) A project for the establishment of a vocational centre for human rights education at the Secondary Police School of the Ministry of the Interior in Prague;
- (i) Cooperation with non-governmental organizations involved in human rights protection (the Czech Helsinki Committee, the International Helsinki Federation, Transparency International, and Amnesty International).

154. The Department of Education and Administration of Police Schools of the Ministry of the Interior of the Czech Republic has been cooperating with Amnesty International (a non-governmental international organization striving to eliminate the most striking manifestations of human rights violations) on the project of Human Rights Education for the Police and the Prison Service of the Czech Republic. Within the scope of human rights education, the project emphasizes the role of the police of the Czech Republic in the protection of national minorities and the of rights of minorities to equal treatment.

155. The problems of racism, racial discrimination, xenophobia and related intolerance are included in the curricula of police schools of all levels starting with the basic vocational training up to university education in such a manner that graduates are equipped, after entering practical life, not only with sufficient theoretical knowledge, but also with clear attitudes in this area, characterized by resistance to racial, national and other prejudices. These topics are taught and applied mainly within the scope of such subjects as law and police deontology. As regards relations between various subjects, these topics are taught across the entire range of special subjects according to the type of police service, and are included to a higher extent to general subjects of study in accordance with the type of study. Those topics are also included in final exams and bachelor dissertations.

156. The Secondary Police School of the Ministry of the Interior in Brno has been organizing since 2000 one-month training courses entitled “Preparation of Citizens Coming from National Minorities for Work as Officers of the Police of the Czech Republic”. Thus, the Ministry of the Interior provides to Roma candidates for police officers assistance in the fulfilment of the necessary prerequisites. Beside that, there exists a five-month preparatory course for officers from national minorities who have not completed secondary education. This training is designed to develop the knowledge previously acquired by students and serves as a preparatory course for a two-year graduate course ending with a final exam at the secondary school level.

157. The Ministry of the Interior prepared in 2001 a concept of education in the area of struggle against extremism, which is a part of the project of Educational Activities and Discussion Platform of Police Officers in the Struggle against Extremism and which will provide to the police officers basic and special knowledge of the phenomenon of extremism and methods of combating it.

4. Campaign against racism

158. The first campaign against racism, organized by the Government, took place from December 1999 until the end of June 2000. It was organized in recognition of the fact that the attitude of the Czech public towards the Roma minority is the most problematic. At the same time, the Government endeavoured to ensure that the campaign would not be understood as monothematic and would include the whole range of problems of other minorities, foreigners and refugees, with a marginal focus on the problems of groups other than ethnic ones that are also victims of intolerance. Emphasis was laid on the more general dimension of the problems of inter-ethnic relations. The campaign focused on everyday manifestations of racism and intolerance and on the majority population, not on those who openly support racism.

159. The campaign was divided into three blocks. The first block (focusing on dissemination of information and the media) included the holding of press conferences, the provision of information to the media and of professional and financial support to simultaneously organized projects (like the Khamoro International Roma Music Festival), two public opinion polls and the creation of web sites. The aim of the information block was to draw attention to objective problems and to seek ways to overcome them.

160. The second block used the advertising media. The basic characteristic of the mottos of the campaign, which focused on adults, was to invite people to think about the criteria by which they evaluate people. As part of this public education campaign, ads were placed on national television and radio stations and in the press; the national television and radio stations broadcast a number of spots. The campaign also used billboards.

161. The third block included educational activities, which were divided into two types according to the target groups. The first type of activities was represented by the training of primary schoolteachers in selected locations. The second type focused on interaction between a team of trained young people and students of secondary schools and vocational training centres (the Tolerance Ride). Training of primary schoolteachers was organized in the form of seminars with the distribution of public education materials. The seminars focused mainly on information about the Roma and their customs and traditions, the knowledge of which is a key factor in communicating with Roma children and their families.

162. The Tolerance Ride was a unique project in which professionally trained teams of young people of various nationalities visited secondary schools throughout the Czech Republic, discussed with students racism and xenophobia and played with them games focusing on the elimination of frequent prejudices. The general idea of the Tolerance Ride was based on a well-tested argument that young adults, whose authority is based on more experience and generation proximity, may have a much more effective influence on adolescents. According to the basic rule of the discussion, it was possible to express any opinion and to contest opinions that are otherwise banned or tolerated without providing any material argument.

163. The second campaign against racism took place in 2001. Although the Government set aside for this campaign CZK 9.2 million, only CZK 2 million were drawn owing to procedural problems associated with the tender. The campaign further developed other existing projects.

164. The first project was represented by the extension of an anti-racist campaign (“Be Kind to Your Local Nazi”), carried out within the framework of the project “Variants”, funded by the European Union (PHARE 1999). The aim of this unorthodox campaign was to hold to ridicule right extremist movements, mainly in the eyes of young people. At the same time, an adjustment was made to the contents of the web sites, which include basic information on racism and racially motivated attacks, important documents relating to violations of human rights, a chat, a survey and a space for expressing opinions on the campaign.

165. The other part of the campaign further developed the Coexistence Project, implemented by the partner organization, League of Ethnic Minorities in the Czech Republic. The basic motto was a picture of members of ethnic minorities with the slogan “We live here with you.” This second campaign was less controversial, and elicited a substantially weaker response from the public.

166. The third campaign against racism (Tolerance Project III) will be carried out in 2002. The campaign will be divided into four parts. The first part will be called Minorities into Libraries: Information and Media Campaign at the Regional and Local Levels. Its aim is to acquire books on multicultural topics and minorities, particularly on the status of the Roma minorities for district libraries. Part of the campaign will focus on the distribution of flyers (paid ads) intended to inform the public about the status of minorities, refugees and disadvantaged groups. The resulting expansion of the offer of public libraries may become an unpretentious but the most persistent result of the entire government campaign against racism, which may prove to be the most tangible one in the long run.

167. The second part of the campaign, which is called Media Presentation of Roma Street Work, is to provide media support for the programme of the Council of the Government of the Czech Republic for the Affairs of the Roma Community. The social fieldwork in socially excluded Roma communities is one of the most effective programmes implemented within the scope of support for integration projects of the Roma community. This part of the campaign will inform the public about these activities through presentations in local media and discussions with students of secondary and higher vocational schools and universities, connected with seminars focusing on their systematic vocational training.

168. The third part of the campaign will consist of the Multimedia Centre and a set of seminars accompanying an anti-racist festival that will be organized by the public benefit society Člověk v tísní (Man under Duress), associated with the Czech Television. Part of the festival will be a presentation including a multimedia exhibition on victims of racial violence, a space for discussions and seminars led by representatives of State authorities, of the police of the Czech Republic, public media and religious and academic communities, and projection of photographs and video documents on victims of racial violence. The festival is planned in connection with (and as a feedback to) the successful campaign “Be kind to your local Nazi”, but adds to the target group young people of up to 35 years of age, i.e. a group that does not hold strong opinions and is willing to accept “extreme tolerance”, often including tolerance for skinheads.

169. The fourth part, the Educational Campaign at Secondary Schools, will include interactive elements and will further develop the successful “Tolerance Ride”, which was part of the first anti-racism campaign (the Tolerance Project), implemented in 1999-2000. Secondary school students, particularly students of vocational training centres, represent a target group that may be very easily influenced and whose opinions may be significantly changed by direct impact. At the same time, they represent the principal target group for nationalist, xenophobic and even racist subculture. As in the case of “Tolerance Ride”, this part of the campaign will not be in a form of lectures, but will consist of discussions and interactive games, which will enable adolescents to express their own opinions. Even in this case, the tutors will be young people whose age is close to the age of the targeted group (20-30 years), i.e. mainly university students. This is a well-tested approach breaking the group identification pattern (“we” versus “they”); the tutor teams will be mixed and will consist of representatives of the majority society, the Roma community and other national minorities and foreign students from Asia and Africa. A significant change will be represented by refugee and immigration topics, due to which the tutor teams will include status refugees or legal immigrants.

III. CONCLUSION

170. As in the case of all other reports previously submitted by the Czech Republic to United Nations monitoring bodies, a Czech and an English version of the present report will be published after its approval by the Government on the web site of the Office of the Government of the Czech Republic.

Notes

¹ The Council for the Affairs of the Roma Community, which is an advisory body of the Government of the Czech Republic, set aside funds to finance the activities of Roma assistants who accompanied census commissioners to Roma households and explained to them the importance of the census. These activities were intended to support informed participation of the Roma in the census.

² The deed with the declaration signed by the President of the Republic was deposited with the Secretary-General of the United Nations, who is the depositary of the Convention, on 11 October 2000. The notice of the declaration was published in the *Collection of International Treaties* under No. 24/2002 Coll. i.t.

³ The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was signed by the Czech Republic on 10 December 1999. The Chamber of Deputies approved on 25 October 2000 the ratification of the Optional Protocol as an international human rights treaty, pursuant to article 10 of the Constitution. Thereafter, the ratification of the Optional Protocol was approved by the Senate on 22 November 2000 and was published in the *Collection of International Treaties* under No. 57/2001 Coll. i.t.

⁴ Resolution of the Government of the Czech Republic of 9 January 2002.

⁵ The Convention was signed at Strasbourg on 8 September 2000 and was approved thereafter by the parliament of the Czech Republic and ratified by the President. The ratification instrument was deposited with the Secretary-General of the Council of Europe, who is the depositary of the Convention, on 9 July 2001 and was published in the *Collection of International Treaties* under No. 115/2001 Coll. i.t.

⁶ At the same time, article 37, paragraph 4, of the Charter stipulates, with respect to the exercise of the right to judiciary or other protection, that “Whoever states that he or she does not speak the language in which the proceedings are conducted is entitled to the services of an interpreter.”

⁷ Act No. 273/2001 Coll. on the Rights of Members of National Minorities came into force on 2 August 2001.

⁸ Resolution of the Government of the Czech Republic No. 72 of 13 March 1991.

⁹ Established by Act No. 349/1999 Coll. on Public Protector of Rights, as amended.

¹⁰ Resolution of the Government of the Czech Republic No. 198 of 26 February 2001.

¹¹ Resolution of the Government of the Czech Republic No. 170 of 20 February 2002.

¹² Resolution No. 170 of 20 February 2002.

¹³ An exceptional prison term means both the imprisonment for more than 15 and up to 25 years, and life in prison.

¹⁴ The Commission was established by the Government in its resolution No. 903 of 12 September 2001.

¹⁵ The report may be consulted on the web site of the Ministry of the Interior in the Czech version (<http://www.mvcr.cz/>) and in the English version (<http://www.mvcr.cz/english.html>).

¹⁶ Right extremist parties failed in the elections to the Chamber of Deputies of the parliament of the Czech Republic, held in June 2002. Miroslav Sládek’s Republicans obtained 46,325 votes (0.97 per cent) and the National Democratic Party 5,532 votes (0.11 per cent).

¹⁷ The work team will have 16 standing members (including the chairman and deputy chairman) and 3 standing guests.

¹⁸ By its resolution No. 131 of 7 February 2001, the Government approved the measure imposed by Great Britain by consenting to exchange of interpretation notes regarding article 36 of the Consular Treaty between the Czechoslovak Socialist Republic and the United Kingdom of Great Britain and Northern Ireland No. 135/1976 Coll.

¹⁹ Section 7 (2) of the Labour Code includes only a general prohibition of demeaning human dignity of a party to a labour law relationship and defines the grounds of sexual harassment.

- ²⁰ Resolution of the Government of the Czech Republic No. 418 of 5 May 1999.
- ²¹ Specifically Project CZ00-10-02 - Investment in the Target Region NUTS II Northwest/Human Resources Development Fund, and Project CZ00-10-03 - Investment in Target Region NUTS II Ostrava Region/Human Resources Development Fund in 2001.
- ²² The data given in this part are based on the survey “Employment of Foreigners in the Czech Republic”, which was carried out in 2001 by the Research Institute of Labour and Social Affairs within the framework of the project named “Position of Foreigners on the Labour Market with a View of their Skills as Compared with Czech Citizens”.
- ²³ Illegal Employment of Foreigners as an Obstacle to Their Desirable Integration on the Labour Market, Research Institute of Labour and Social Affairs, December 2001.
- ²⁴ Act No. 40/1964 Coll., the Civil Code, Act No. 72/1994 Coll. on Ownership of Flats, Decree of the Ministry of Finance No. 85/1997 Coll. on Rent of Flats Acquired through Cooperative Housing Construction, Act No. 128/2000 Coll. on Municipalities.
- ²⁵ The extremely poor housing and service standard is strikingly inadequate compared with the amounts which tenants have to pay and which are approximately CZK 1,500 to 3,000 per month for one room.
- ²⁶ E.g., five years in Chomutov and Teplice, three in Prague, and five in Pardubice.
- ²⁷ The report on results of the survey is available on the web site of the Council of the Government for the Affairs of the Roma Community (<http://www.vlada.cz/1250/vrk/vrk.htm>).
- ²⁸ Resolution of the Government of the Czech Republic No. 978 of 22 September 1999.
- ²⁹ Resolution of the Government of the Czech Republic No. 387 of 19 April 2000.
- ³⁰ While a total of 900 applications were approved in 2000, this number grew in 2001 to 1,531 approved applications.
- ³¹ Section II/2/d of the Government’s resolution No. 1145 of 7 November 2001.
- ³² Ref. No. 17 908/95-24, as amended by Ref. No. 28 605/96-22.
- ³³ Ref. No. 28 498/99-24.
- ³⁴ Ref. No. 25 484/2000-22.
- ³⁵ 230 assistant-tutors were working at schools as of 31 December 2001, which represents a certain increase in comparison with the year 2000, when there were 197 of those assistants. While there were 110 preparatory classes with 1,364 children established in the school year 2000/2001, there were 109 preparatory classes with 1,467 in the school year 2001/2002.

³⁶ Ref. No. 14 423/99-22.

³⁷ Act No. 83/1990 Coll. on Assembly of Citizens, as amended.

³⁸ Another step towards increasing the current level is the gradual implementation of the Long-term Development Plan of Education and Education System in the Czech Republic, which was prepared by the Ministry of Education, Youth and Physical Education in January 2002 and submitted to the Government in April 2002 (Government's resolution No. 393 of 17 April 2002).

³⁹ Government resolution No. 1028 of 10 October 2001.
