



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

Distr.
GENERAL

CERD/C/63/CO/4
10 December 2003

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-third session
4-22 August 2003

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

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

CZECH REPUBLIC

1. The Committee considered the fifth periodic report of the Czech Republic (CERD/C/419/Add.1), which was due on 1 January 2002, at its 1590th, 1591st and 1592nd meetings (CERD/C/SR.1590-1592), held on 7 and 8 August 2003. At its 1603rd meeting (CERD/C/SR.1603), held on 18 August 2003, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the self-critical report submitted by the State party in a timely fashion, the extensive supplementary oral information provided by the delegation and the constructive responses provided to the questions asked.

B. Positive aspects

3. The Committee welcomes the declaration made by the State party under article 14 of the Convention and the acceptance, on 6 August 2002, of the amendment to article 8, paragraph 6, of the Convention.

4. The Committee notes the amendment to article 10 of the Constitution according to which all international treaties promulgated and ratified by the Czech Republic are directly binding and have precedence over domestic law.

5. The Committee is encouraged by the legislative efforts of the State party to give effect to the provisions of the Convention, in particular in the field of protection of national minorities, as well as the amendment to the Criminal Code adopted in 2002 and the amendments to the Civil Procedure Code reversing the burden of proof from the victim to the alleged offender.

6. Furthermore, the Committee welcomes the existence of a number of advisory bodies of the Government dealing with human rights and specifically the rights of national minorities, which work in cooperation with civil society. It notes in particular 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.

7. The Committee greatly appreciates the concrete measures, programmes and strategies adopted by the State party with a view to improving the situation of the Roma and other marginalized groups, including refugees.

C. Concerns and recommendations

8. While noting the efforts of the Government to elaborate a comprehensive anti-discrimination law, the Committee is concerned about the difficulties faced during this process.

The Committee encourages the State party to complete its efforts with regard to the comprehensive anti-discrimination law promptly and subsequently to ensure its effective enforcement. It urges the State party to incorporate in the new law the definition of discrimination as stipulated in article 1 (1) of the Convention.

9. While noting the efforts undertaken by the State party to counter racially motivated violence and discrimination, the Committee remains concerned at the continuance of acts of racially motivated violence and incitement to hatred and the persistence of intolerance and de facto discrimination, in particular with regard to the Roma minority.

The Committee recommends that the Government pursue and intensify its efforts to achieve more effective application of existing legislation.

10. Furthermore, the Committee notes that the State party has only declared punishable *active* participation in organizations promoting and inciting racial discrimination.

The Committee urges the State party to consider reviewing this provision and to declare punishable *any* participation in organizations that promote and incite racial discrimination, in accordance with article 4 (b) of the Convention.

11. The Committee is concerned about allegations of racially motivated ill-treatment, ineffective protection and discrimination against the Roma by law enforcement officials, especially the police. Furthermore, it has been suggested that allegations of abuse by law

enforcement officials are not always promptly and impartially investigated. While noting the many initiatives taken in the field of training and education of the police, the Committee stresses that prompt and impartial investigations are paramount in countering discriminatory attitudes and practices.

The Committee recommends that the State party intensify its efforts to end such discriminatory practices. It further recommends that the procedure relating to the investigation of complaints with respect to the work of the police be conducted and overseen by a body independent of the police and the Ministry of the Interior. The Committee requests the State party to include in its next periodic report statistical information on the number and nature of complaints of racial discrimination received, prosecutions launched and penalties imposed.

12. The Committee notes the efforts under way to facilitate access to the labour market by individuals experiencing difficulties in finding employment, including the Roma, asylum applicants and other marginalized groups. However, the unemployment rate among the Roma remains disproportionately high and continues to be an issue of concern for the Committee. This concern is compounded by the information relating to the practice of usury and its negative economic and social consequences for the Roma.

The Committee urges the State party to continue and intensify poverty reduction and employment programmes for the Roma, and also to consider establishing a functional loan system for socially weak sections of the population, including the Roma, as an alternative to usury. In this respect, the Committee encourages the State party to take due account of the situation of Roma women, in accordance with its general recommendation XXVII.

13. The Committee welcomes the information on the housing projects for Roma which the State party has implemented and notes the significant efforts invested in seeking optimal solutions to improve their deteriorating housing conditions. While the Committee notes that, in the short term, construction of housing units that are occupied predominantly by Roma may be successful, it is concerned that, in the long term, such solutions may perpetuate segregation. The Committee is further concerned by the evictions from flats or threats to evict reportedly faced by many Roma families.

The Committee encourages the State party to continue its activities in the area of research relating to the problem of housing and to seek solutions that promote the social integration of the Roma. With respect to evictions, the Committee recommends that the State party devise measures to prevent evictions or mitigate their negative effects, in particular on the most vulnerable groups.

14. While appreciating the complexity of the problem of special schooling and noting the accompanying measures taken by the Government with a view to promoting adequate support to Roma children, the Committee remains concerned, as does the Committee on the Rights of the

Child (see CRC/C/15/Add.201, para. 54), at the continued placement of a disproportionately high number of Roma children in “special schools”. Recalling its general recommendation XXVII, the Committee urges the Government to continue and intensify the efforts to improve the educational situation of the Roma through, inter alia, enrolment in mainstream schools, recruitment of school personnel from among members of Roma communities, and sensitization of teachers and other education professionals to the social fabric and world views of Roma children and those with apparent learning difficulties.

15. The Committee is encouraged by the preparation of the new Act on Legal Aid, which will facilitate access to justice of victims of discrimination. However, it is concerned at continued reports that judges in criminal proceedings are reluctant to issue findings that crimes are racially motivated. The Committee also regrets the lack of information on specific cases of victims of discrimination having obtained adequate reparation.

The Committee encourages the State party to establish promptly a legal aid system for alleged victims of racism. It requests the State party to include in its next periodic report information on the number of persons who have benefited from legal aid and information on cases of victims who have obtained adequate reparation.

16. The Committee welcomes the anti-racism campaigns conducted annually and the broad population targeted by them, and notes the numerous other initiatives of the State party to combat discriminatory attitudes and practices. Unfortunately, that negative attitudes towards minorities and refugees persist among public officials, in the media and among the general public, is a matter of concern to the Committee. Furthermore, the Committee is concerned that the judiciary, unlike the police, does not seem to be the object of sensitization and educational activities.

The Committee recommends that the State party continue and intensify its anti-racism campaigns and other efforts aimed at combating racial and ethnic stereotyping. It recommends that the State party, while pursuing public education campaigns, continue and diversify targeted training programmes for professionals, such as the police, judges and other public officials working with the Roma and other vulnerable groups.

17. The Committee encourages the State party to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

18. The Committee recommends that the State party disseminate widely information on the domestic remedies available against acts of racial discrimination, on the legal avenues for obtaining compensation in cases of discrimination and on the individual complaint procedure under article 14 of the Convention.

19. The Committee welcomes information on the preparation of a draft National Plan of Action on Combating Racism in the Czech Republic. It looks forward to its presentation at the

Regional Seminar of Experts for Eastern Europe on the Implementation of the Programme of Action Adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be hosted by the Czech Republic in September 2003. The Committee invites the State party to include in its next periodic report information on the National Plan of Action and any other measures taken to implement the Durban Declaration and Programme of Action at the national level.

20. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

21. The Committee recommends that the State party submit its sixth periodic report jointly with its seventh periodic report, due on 1 January 2006, and that it address all points raised in the present concluding observations.
