



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

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-ninth session**

**Summary record of the 2106th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 18 August 2011, at 3 p.m.

*Chairperson:* Mr. Kemal

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*The meeting was called to order at 3.05p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Eighth and ninth periodic reports of the Czech Republic*

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*

2. **Ms. Baršová** (Czech Republic) said that her country had adopted specific strategies to combat discrimination against three groups in particular: Roma; traditional national minorities including Poles and Germans; and immigrants, mainly Ukrainians, Vietnamese and Russians. During the period covered by the reports her Government had created the Agency for Social Inclusion of the Roma and adopted an Anti-Discrimination Act on equal treatment and protection against discrimination and a new Criminal Code. The police and the courts had continued to suppress extremist activities motivated by racial intolerance. The Office of the Ombudsman had become a functioning anti-discrimination body and had begun to develop new standards for protection against discrimination. In 2011 her Government had adopted a new migrant integration strategy and created a network of regional centres for the integration of foreigners.

3. During the legislative elections of 2010 the far-right parties had not won any parliamentary seats and continued to be marginalized. The Supreme Administrative Court had ordered the dissolution of the Workers Party, which supported racial intolerance and restriction of individual freedoms. The Government continued to support the work of its advisory bodies, including the Government Council for Human Rights, the Government Council for Roma Community Affairs and the Government Council for National Minorities in the areas of prevention of discrimination and social integration. The Anti-Discrimination Act (2009) expanded the powers of the Ombudsman, who could receive complaints from victims and assist them, in particular with any legal proceedings. The Act imposed a shared burden of proof: the plaintiff described the alleged violation and the defendant must then prove that his/her acts were not motivated by race or ethnic origin. The Ombudsman issued recommendations and legal opinions which, while not legally binding, still constituted important normative standards. In 2010 the Ombudsman had received 38 complaints of racial discrimination and issued recommendations on access to municipal housing, in particular for the Roma, and on equal treatment of foreigners.

4. The Government Council for Roma Community Affairs coordinated State policy for the integration of Roma and had created a network of coordinators in all 14 regions. The Czech Republic had likewise contributed to the development of Roma integration policies at the European level, in particular in the context of the Decade of Roma Inclusion 2005–2015. The Council of the European Union had adopted the 10 Common Basic Principles on Roma Inclusion during the Czech Presidency in 2009. In 2011, during its Presidency of the Decade of Roma Inclusion 2005–2015, the Government had focused on inclusive education, children's rights and Roma women's role in integration. At the national level, measures had been taken to raise the educational level of Roma children and integrate them into mainstream schools. In 2010 the Ministry of Education had adopted a National Action Plan on Inclusive Education. Placing socially disadvantaged pupils in programmes for pupils with mental impairments had been prohibited by a new regulation early in 2011. The Government had also taken steps to increase the Roma employment rate through the Concept for Roma Integration 2010–2013 and the National Action Plan for the Decade of Roma Inclusion 2005–2015. Some 50 per cent of participants in the Roma job-seekers programmes were women. The promotion of equality of opportunity for Roma women was also a priority because of their important role in the successful integration of Roma families. The Government was renovating or building homes in socially disadvantaged

communities. It was also restoring Roma monuments and memorial sites, as well as planning a memorial to the victims of the Roma Holocaust. The Campaign against Racism and the Khamoro Roma festival also helped to promote understanding between the Roma minority and the rest of the population. The Gypsy Spirit competition, which rewarded contributions to the development of Roma culture and identity, had been an important part of the campaign since 2009.

5. In the 2011 census the Government had been assiduous in collecting ethnic data and respecting the principle of ethnic self-identification. The Roma had been provided with detailed information about the census to eliminate the fear of misuse of the information they provided about their ethnicity. The census form had been made available in the languages of the national minorities, and the first results would be published at the end of 2011.

6. In 2009 the Government had adopted a Strategy to Combat Extremism to increase public awareness of the problem, counter false propaganda disseminated over the Internet, and educate children and young people in tolerance and respect for others. The Crime Prevention Strategy 2008–2011 and the Strategy for Police-Minority Relations 2008–2012 were aimed mainly at preventing racially motivated crimes, combating racism and xenophobia, promoting peaceful coexistence with ethnic minorities and eliminating stereotypes of minorities. In 2010 the number of racially motivated crimes had dropped slightly and that of anti-Semitic crimes had dropped significantly. Also in 2010, the strengthening of anti-neo-Nazi measures had greatly curtailed the operations of right-wing extremists.

7. Immigrants from countries outside the European Union made up 2.8 per cent of the population; mainly 132,000 Ukrainians; 61,000 Vietnamese; and 30,000 Russians. Some 40,000 immigrants had arrived in the country between 2006 and 2008, although numbers had dropped since the economic crisis of late 2008. In 2009 and 2010 significant financial resources had been allocated to immigrant integration, and 10 integration support centres had been opened to provide immigrants with information, advice and language courses; 4 new centres were due to open, making 1 for each region. Thanks to the measures adopted to facilitate the integration of foreigners, there was virtually no conflict between immigrant communities and the local population. The Ministry of the Interior was preparing a bill that would recognize dual citizenship.

8. **Ms. Crickley** (Country Rapporteur) said that the current climate of dialogue and tolerance in the State party with regard to minorities could not obscure the near total impunity long enjoyed by those guilty of discrimination against the Roma. She would like information on the following issues: voluntary repatriation programmes for foreigners; detention of asylum-seekers; measures adopted to encourage the media to combat racial discrimination; and the sanctions that could be imposed on the mass media that implicitly condoned incitement to hatred.

9. Given NGO information that one third of children in homes for children under 3 were Roma, while the Roma in that age group accounted for only 3 per cent of the population, the State party's placement policy would seem to be one of assimilation rather than integration. She would therefore like to learn of any measures the authorities had adopted to increase awareness of Roma rights among the staff of those homes. She welcomed the adoption of the Anti-Discrimination Act but pointed out that it did not offer victims any additional protection measures, a situation that was all the more disturbing because the Ombudsman's powers of protection against discrimination were rather limited. Furthermore, since the redress procedures differed according to the type of discrimination, victims found the justice system too slow, cumbersome and ineffective. The delegation could perhaps say how far the current legal framework gave effect to the provisions of the Convention and allowed victims to enjoy their rights.

10. She would like to hear more about the State party's Strategy to Combat Extremism, and the education programmes on minority issues for policy officers. She wondered what the State party had done to implement the 2007 European Court of Human Rights ruling in the case of *D.H. and others v. Czech Republic*, in which there was segregation in the country's school system. In that connection, she recalled the Committee's previous concluding observations in which it had requested the State party to guarantee that Roma children would not be deprived of their right to family life and to education (CERD/C/CZE/CO/7, para. 17). With the aforementioned ruling, the Committee's concluding observations and its general recommendation No. 27 on discrimination against Roma in mind, the delegation might indicate what specific measures had been taken to address the segregation of Roma children, to guarantee their right to education and to involve the Roma community in curriculum development. More information would likewise be welcome on the strategy and plans of action in the areas of housing and employment, and on the role of the Agency for Social Inclusion of the Roma.

11. Despite the regrets expressed in 2009 with regard to the forced sterilization of Roma women by the national authorities, the three-year statutes of limitation deprived victims of compensation. The delegation might provide updated information on that practice, and the steps taken to raise the awareness of patients and doctors.

12. **Mr. Amir** said that the many laws adopted by the Czech Republic showed a genuine political will to combat discrimination. The initiatives it had taken, for example the 2009 Conference on the Holocaust Era Assets and the establishment in January 2010 of the European Shoah Legacy Institute, should be an inspiration to other European countries. The State party's efforts to make the public aware of the situation of the Roma and make the improvement of their living conditions a keystone of its policies were commendable.

13. **Mr. Avtonomov** asked what date had been set for the dissolution of the Workers Party and what had been done to follow up the European Court of Human Rights decision No. 57325/00, *D.H. and others v. Czech Republic*, in which the Court had found the placement of Roma children in "special schools" for children with mental impairments discriminatory.

14. **Mr. Kut**, referring to the tables in paragraph 11 of the State party's core document (HRI/CORE/CZE/2010), asked how the nationality of 172,827 persons and the mother tongue of 76,868 others could be "unknown". Had those individuals refused to disclose their nationality and mother tongue? He would welcome more detailed information on concrete measures taken in 2010 by the security forces and the judiciary to combat right-wing extremists; the number of prosecutions, guilty verdicts and penalties against those groups; changes in the situation since 2009; and the results of the Strategy to Combat Racism. He would also be interested to learn whether racism and xenophobia were discussed at the political level and in the media and whether there were policies in place to combat the dissemination of racist ideas.

15. **Mr. de Gouttes** requested more information on the Strategy for the Work of the Czech Police in Relation to Minorities; measures adopted to ensure that political leaders and parties were held responsible for their public statements; and detention conditions for foreigners in an irregular situation. Also, had the economic and financial crisis exacerbated xenophobia and the stigmatization of the Roma and immigrants? And why was the number of immigrants from Viet Nam increasing? He wished to know what provisions for financial compensation for the victims of forced sterilization were contained in the bill currently being drafted. The delegation might also outline the provisions of the citizenship bill being prepared by the Ministry of the Interior.

16. **Mr. Diaconu** asked whether the expression "socially excluded localities" in paragraph 91 of the report meant localities where the population was excluded from social

life. Regarding paragraph 82 of the report, which claimed that forced sterilization was by no means ethnically or racially motivated, he would like to know whether any non-Roma women had been subjected to that practice. He would like to know what language was used in schools attended by Roma children, and the number of Roma enrolled in secondary schools, technical schools and higher education. The Czech Republic might consider adopting special measures to ensure Roma integration.

17. He wished to know whether the State party had passed a law banning organizations that incited racial discrimination and whether there were legal instruments prohibiting the dissemination of ideas based on racial hatred; also, more information on minorities other than Roma would be welcome. Given the distinction made in the 2001 census between Vietnamese as a national minority and Vietnamese immigrants, he wondered what difference there was between those two categories and at what point people were seen as members of a national minority. He would also like to know what health, education and housing services were available to immigrants.

18. **Mr. Lahiri** requested concrete up-to-date statistics on the Roma in the State party and their housing, employment, education and health status. He wished to know why the special schools for Roma children had still not been closed down; according to the European Roma Rights Centre (ERRC), the laws adopted in 2011 perpetuated segregation against Roma children.

19. **Mr. Lindgren Alves**, with reference to paragraph 57 of the report, asked why so many Roma sought asylum in Canada. According to paragraph 29 of the report, Roma exclusion and segregation was spreading; so why had the measures adopted not had the desired effects? He would also welcome information on the procedure for appointing the members of the Government Council for Roma Community Affairs.

20. **The Chairperson** asked the delegation whether it was true that the State party would not participate in the United Nations High-level Meeting in September 2011 to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action.

21. **Mr. Calí Tzay** said he was concerned that Roma integration in national culture would mean a loss of their own culture, and would like the delegation to comment. He wondered whether the Roma had ever appealed to the courts to have their rights respected.

22. **Mr. Thornberry** asked what criteria were used for sending Roma children to special schools, whether parental consent was needed, and how the school system met the special needs of Roma children in general. Lastly, he was concerned that racist ideas were becoming endemic and finding their way onto the platforms of the traditional political parties.

23. **Ms. Dah** said that the situation in the Czech Republic was yet another example of the alarming upsurge of extremism across Europe. While the European countries needed to adopt firm measures to guarantee their security, they must be careful not to recreate the mindset that had once led to a world war. The Roma, who were among the principal victims of the upsurge in racism, must be involved in defining all policies concerning them, failing which, measures to help them might well have no effect.

24. **The Chairperson** said that the Committee would continue its consideration of the eighth and ninth periodic reports of the Czech Republic at its next meeting.

*The meeting rose at 6 p.m.*