



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
21 August 2019

Original: English

Committee on the Elimination of Racial Discrimination Ninety-ninth session

Summary record of the 2755th meeting

Held at the Palais des Nations, Geneva, on Friday, 16 August 2019, at 3 p.m.

Chair: Mr. Amir
later: Ms. McDougall (Vice-Chair)
later: Mr. Amir

Contents

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

Twelfth and thirteenth periodic reports of Czechia

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.19-14048 (E) 210819 210819



* 1 9 1 4 0 4 8 *

Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



The meeting was called to order at 3 p.m.

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

Twelfth and thirteenth periodic reports of Czechia (CERD/C/CZE/12-13)

1. **Ms. Baršová** (Czechia), introducing the twelfth and thirteenth periodic reports of Czechia (CERD/C/CZE/12-13), said that under the Antidiscrimination Act, the Ombudsperson provided advice, conducted research and issued recommendations on matters related to discrimination. The Ombudsperson's office had its own staff and budget. It was independent and had the authority to receive complaints from individuals, inquire into breaches of the law or individuals' rights, and to issue analytical reports. Application for accreditation under the Paris Principles was under consideration.

2. The Government of Czechia was aware that equality remained problematic for some ethnic minorities; equal access to education for Roma children was particularly crucial and had been the topic of a recent report and set of recommendations by the Ombudsperson. The final year of preschool had been made compulsory, to ensure that all children were properly prepared for primary education. Preparatory classes were also available for Roma children. An inclusive education system was being implemented, and the Framework Education Programme for the Primary Education of Children with Mild Mental Disability had been abolished. Roma pupils benefited from social assistance in the form of free school lunches; secondary and further education grants were also available. Schools with significant numbers of Roma students tended to be viewed by the public as low quality, and high dropout rates among Roma pupils persisted.

3. Despite favourable economic conditions and low unemployment rates, Roma struggled to access the labour market due to prejudice, indirect discrimination and lack of education and training. A new social inclusion strategy was therefore being prepared, which would focus on promoting employment opportunities and the acquisition of skills. Challenges also persisted with regard to access to housing, in spite of strict legislation on the protection of tenants and the provision of housing benefits.

4. Roma, and other socially excluded groups, lacked financial resources and faced prejudice and discrimination. Subsidy programmes had been set up to offer co-financing for new rentals and construction, and for the renovation and refurbishment of existing property. Under that scheme, some 24,000 flats had been subsidized from the State budget in the period from 2003 to 2018. The most recent investment programme, linking social housing and social work, had been introduced in April 2019, with a view to improving tenants' prospects of either keeping social housing or obtaining standard housing, and thereby avoiding social exclusion. The programme also supported affordable housing through low interest loans, encouraging a mix of social and affordable housing, to avoid polarization of socially excluded groups.

5. Equal access to social and health services also posed a challenge; research showed that access to health care and awareness of health care and disease prevention were limited in Roma communities. The Ministry of Health had therefore launched several projects on health and social awareness, disease prevention and support, and healthy living, for Roma communities. Social services were also being tailored to the needs of the socially excluded, with a particular focus on the needs of Roma children in institutional care, to ensure that they were not victims of discrimination and were placed in a family environment as quickly as possible. While the Agency for Social Inclusion coordinated the relevant actors to tackle social exclusion, the successful implementation of inclusion measures tended to depend largely on the will of municipalities. The Agency was being transferred to the auspices of the Ministry of Regional Development with a view to facilitating cooperation with municipalities.

6. Significant measures had been taken to raise public awareness of the Roma Holocaust, including the State purchase of the site of the former Lety Roma concentration camp near Písek. The site had been transferred to the administration of the Museum of Roma Culture in Brno, which would oversee the creation of a dignified memorial to the victims of the Roma Holocaust. An archaeological excavation of the site would be

conducted, and the architecture of the new memorial would be planned in consultation with the local population and the Roma community. A second Holocaust memorial was being created at the site of the Hodonín u Kunštátu Roma concentration camp.

7. While the Government understood the importance of data gathering and analysis to ensure evidence-informed policy, and therefore agreed on the need to collect data on Roma integration and participation in public policies, information about ethnicity was considered sensitive and was subject to strict processing rules. The collection of information on the ethnicity of specific individuals was thus prohibited, and no public registers including such information could be created. Data on ethnicity was therefore collected in an anonymous format; new and comprehensive data would be collected through the forthcoming national census, due to be held in 2021.

8. Under the Victims of Crime Act, victims of hate speech and other hate crimes were considered especially vulnerable and were entitled to free counselling and legal aid. They could also file for compensation for physical injury and for pecuniary loss. Concepts to combat extremism and hate crime, adopted annually, remained the primary policy documents addressing hate crime. With regard to training for the judiciary, the Judicial Academy had recently begun to work with the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights on training programmes for public prosecutors. Law enforcement bodies were working to improve the detection and prosecution of hate crime; new strategies for managing extremist gatherings had become a key part of police training.

9. The Campaign against Racism and Hate Violence had included a “hate-free media” campaign, which had attracted some 5,500 members and led to the creation of more than 300 hate-free zones, including cafés, shops and sports centres. The campaign website provided advice to victims and debunked hoaxes. Its blog contained more than 1,600 contributions on a variety of issues connected with tolerance, diversity and multiculturalism, and the Campaign’s Facebook page had nearly 66,000 likes and follows. Mediation activities were being conducted in schools. A follow-up project was being prepared under the aegis of the Agency for Social Inclusion; along with the existing traditional and social media campaigns, tools for human rights education would be developed and special training activities conducted for local authorities. As well as the Roma, 13 other national minorities were represented by the Government Council for Roma Minority Affairs. The use of minority languages was promoted and government subsidies were provided for the promotion of cultural activities.

10. Regarding forced sterilization of Roma women, the Government had not adopted legislation on extrajudicial compensation for illegally sterilized persons, viewing action through the courts as the primary vehicle for redress for victims. Complainants could be exempt from court fees or granted free legal aid, where justified. Regarding criminal prosecution of perpetrators of illegal sterilization, many cases had been investigated and closed owing to expiry of the statute of limitations. Health-care legislation had been revised to prevent illegal sterilization. Sterilization could only be performed with the written consent of the patient, or his or her legal guardian in the case of minors, and the best interests of the patient must always be the primary concern.

11. On the question of migrants, protection was afforded to legal migrants in line with international law, while efforts to counter illegal migration had been strengthened. Every effort was made to ensure the swift integration of foreign nationals into Czech society and promote their harmonious coexistence with the Czech population. Data on nationality was not subject to the same degree of regulation as data on ethnicity; information on the situation of various groups of foreign nationals, including refugees, could therefore be collected and used in the development of integration policies. The migration of highly skilled workers was supported to fill gaps in the local labour market. The Czech authorities provided guidance on successful relocation and integration to diplomatic missions in countries of origin, and for migrants on arrival in Czechia.

12. Tackling labour exploitation was one of the priorities of the 2016–2019 National Strategy to Combat Human Trafficking. Law enforcement authorities, labour inspectorates and diplomatic missions were provided with training with a view to improving

coordination. Trafficking victims could benefit from the Human Trafficking Victim Support and Protection Programme.

13. Although the migration crisis was not currently affecting Czechia, the country continued to combat illegal migration while taking due account of the rights and dignity of those involved and in compliance with the principle of non-refoulement. Detention was a measure of last resort, especially for unaccompanied minors and families with children, to whom alternative measures applied in practice. They were housed in a special centre that provided them with social and legal assistance, education, child and health care and leisure activities. Similar provision was made for asylum seekers, who were placed in special closed facilities during identification and the first stages of the asylum procedure, after which they went to an open facility where they could acquaint themselves with the Czech way of life.

14. Under the Procedure for the Implementation of the Concept for the Integration of Foreign Nationals, the Regional Centres for the Support of the Integration of Foreign Nationals provided all assistance and information needed to adapt to life in Czechia. There was every incentive for foreigners to attain maximum integration and social self-sufficiency, for access to social rights increased according to residential status: thus the more stable that status, the broader the access to such rights. Those intending to stay for longer periods were required to attend adaptation and integration courses, but support was also available for many of the projects and activities organized by municipalities and non-governmental organizations (NGOs), among others.

15. Human rights education was firmly rooted in the Czech system, with topics studied in an age-appropriate manner by all children from 6 to 18 years of age.

16. **Mr. Avtonomov** (Country Rapporteur) said that, in terms of the legal framework for implementation of the Convention, there were still a number of institutional gaps. Little progress appeared to have been made, for example, with the accreditation of the Office of the Ombudsperson, or the Public Defender of Rights, as a national human rights institution in compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Office's mandate was still limited, and it was unable to exercise the public right of action or represent victims in court. He would appreciate the delegation's comments.

17. He noted that racial discrimination was still underreported and that, under the Anti-Discrimination Act, the burden of proof was shared between victim and defendant. He would welcome an update on progress with the proposal currently before Parliament to extend the reversed burden of proof to cover the full material scope of the Act and also to establish class action in Czech discrimination law.

18. With regard to the ethnic composition of the population as revealed by the 2011 census, he wondered whether Moravians and Silesians were considered ethnically different from Czechs. He understood that, in the past, they had been viewed as subgroups of the Czech ethnicity. He would appreciate updated information on the numbers of immigrants of different ethnic and national origins – particularly those from Ukraine, as the census had been conducted before the easing of visa requirements for Ukrainians – and on other minority groups. He noted that the Jewish community was now very small considering how large and stable it had been in the past.

19. He would appreciate the delegation's comments on the large gap between official and unofficial estimates of the Roma population: the official figure was 5,135, whereas most unofficial estimates were far higher, some as high as 250,000.

20. It was important to obtain accurate figures: it could well be that the lack of statistics was contributing to the State party's difficulties in improving the situation of the Roma, despite its efforts. Although some progress had been made in the area of housing, for example, the Roma still faced discrimination and were concentrated in socially disadvantaged areas with a low standard of living. The unregulated housing market meant that they were at risk of forced eviction. Moreover, they were often employed in the informal economy and few found their way into training. He would appreciate the delegation's comments.

21. In respect of education, he wondered why the early dropout rate, especially for girls, was still so high among the Roma and why, notwithstanding the State party's efforts to end segregation, so many Roma children were still misdiagnosed and sent to special schools. He would like to know to what extent the Operational Programme Employment 2014–2020 had helped Roma, migrants and other vulnerable and disadvantaged groups to find work.

22. He would welcome the delegation's views on the continuing lack of any mechanism to compensate the victims of forced sterilization. The only form of redress was court action and even that avenue was impeded by a three-year statute of limitations.

23. Noting the adoption of a new National Strategy to Combat Human Trafficking in 2016, the third since 2008, he asked the delegation to provide information on the outcomes of action under the previous strategy. He said that he would appreciate updated information on the application of the Criminal Code provisions on human trafficking, in particular investigations conducted, convictions obtained and sentences handed down, and also on the activities of the Criminal Police and Investigation Service in combating organized crime. He would like to know how many persons had recently been identified as victims and how many of those had been admitted to the Human Trafficking Victim Support and Protection Programme. What criteria were applied in determining eligibility for the Programme? The figures for those refused admission appeared high: for what reasons might a victim be deemed ineligible?

24. He commended the State party on its integration programmes for asylum seekers. He would welcome information on any campaigns to raise awareness of asylum seekers' situation among the public at large and to tackle stigmatization, prejudice and discrimination against them. He wondered what support and encouragement was given to help schools develop curriculum content that might help discourage hate crimes and racist or xenophobic discourse. Could the delegation update the Committee on any investigations into acts of discrimination or violence motivated by victims' nationality or ethnic identity, and any subsequent prosecutions and sentences?

25. In the case of a hotel proprietor in Ostrava who had banned Russians in 2014 in protest at the situation that had arisen in Crimea, and whose subsequent conviction under the Anti-Discrimination Act had been upheld by all courts, he said that he had been very surprised at the recent decision of the Constitutional Court to overturn the sentence. The Court had claimed that its judgment was in line with the Government's policy and position on the territory of Crimea. He wondered whether that meant that the Court would change its view if government policy changed. He recalled that national origin was one of the prohibited grounds of discrimination under the Convention.

26. *Ms. McDougall (Vice-Chair) took the Chair.*

27. **Mr. Kut** (Follow-up Coordinator) said that the State party had submitted an interim report (CERD/C/CZE/CO/10-11/Add.1) in response to the Committee's request for information within one year of the adoption of its previous concluding observations (CERD/C/CZE/CO/10-11). He emphasized that the Committee attached great importance to the follow-up procedure and to the timely submission of such interim reports. The Committee had reviewed the content of the interim report, which concerned the implementation of the recommendations contained in paragraphs 8, on the national human rights institution; 18, on the segregation of Roma children in education; and 22, on the forced sterilization of Roma women. The Committee reiterated its recommendation for the Public Defender of Rights to be transformed into a national human rights institution in full compliance with the Paris Principles, which had yet to be fully implemented.

28. He noted that the State party had taken measures to address the segregation of Roma children in education. It would be useful to know the results of those measures, including how they had helped Roma children to keep up with other students in mainstream schools and how they had countered negative perceptions of Roma children among teachers. According to the interim report, there had actually been a decrease in the number of Roma children in secondary education and he wondered whether that trend had been reversed in the intervening period. He would also be interested to know why the State party had so far failed to comply with the judgment of the European Court of Human Rights in the case of *D.H. and others v. the Czech Republic*, concerning discrimination against Roma children in

the education system, which had ordered the State to pay €4,000 in compensation to each of the 18 applicants and €10,000 in respect of costs and expenses.

29. On the issue of the forced sterilization of Roma women, he noted that some action had been taken to implement the Specific Health-care Services Act and improve access to sexual and reproductive health services. However, he found it regrettable that the State party had apparently rejected its recommendations to establish an effective compensation mechanism, extend the time period for bringing claims for compensation for forced sterilization and ensure that those persons responsible for forcible sterilization were brought to justice. Lastly, he noted with satisfaction that the Government had resolved the situation of the pig farm that was on the site of a former concentration camp in Lety, where an appropriate memorial for victims of the Roma holocaust would now be built.

30. **Ms. Izsák-Ndiaye** said that, although the State party had made efforts to improve the situation of the Roma community, serious challenges remained in areas such as health, housing and education. According to information that had been received by the Committee, the health insurance rate among Roma people had dropped by more than 10 percentage points; the number of so-called “socially excluded localities”, which were primarily occupied by Roma persons, had more than doubled since 2006; and mainstream schools remained reluctant to enrol Roma children. She wished to know what the State party was doing to address those areas of concern, including by ensuring that municipalities were not solely responsible for decisions on housing and education.

31. She noted with satisfaction that a number of affirmative measures had been taken to foster the employment of members of the Roma community in public sector jobs, notably in the police. She wondered whether there were plans for any similar initiatives at the national level in order to improve Roma people’s representation in public service, especially in the health-care sector, where they were sorely needed. With regard to forced sterilizations, she would be interested in receiving an update on the status of the various commissions that had been set up to address the issue of compensating victims. She also invited the delegation to comment on a recent news report, which claimed that the Ministry of Health had agreed to submit a bill to the parliament concerning compensation of victims.

32. She welcomed the establishment of a memorial at the former concentration camp in Lety. However, she noted that a politician had made unfortunate remarks that seemed to link the closure of the pig farm on the Lety site with the rising prices of pork, stoking anti-Roma sentiment. What was the Government doing to combat such outrageous statements made by public officials?

33. She invited the delegation to comment on reports that the transfer of the Agency for Social Inclusion to the Ministry for Regional Development risked jeopardizing the implementation of the social inclusion agenda, since the Agency was allegedly facing budget cuts and would no longer be able to take an interministerial approach to implementing its agenda. Lastly, the Committee had received reports that hate speech, hate crimes and extremism had increased in the State party. According to data from alternative sources, the number of reported anti-Semitic incidents, such as harassment and desecration of property, had increased from fewer than 30 in 2009 to more than 300 in 2018, while the number of such incidents investigated by the police was much lower. She would welcome the delegation’s comments in that regard.

34. **Mr. Diaby** said that the Committee had learned of a case involving two Roma children who had been denied places at a primary school in the city of Ostrava. Information that had been received indicated that the school concerned had refused to enrol the children for fear that non-Roma parents would withdraw their children. The courts had ordered the school to apologize to the children concerned. He would welcome further information on the case, including whether the children had finally been able to enrol in school, whether the school concerned had been a public or private institution and what, if any, action had been taken subsequently by the Government.

35. In the light of the State party’s reservation to article 27 of the 1954 Convention relating to the Status of Stateless Persons, he was concerned that access to permanent residency by stateless persons was hampered by their lack of identity documents and that stateless children could only receive Czech nationality if both of their parents were

stateless, which was in contravention of article 1 of the 1961 Convention on the Reduction of Statelessness. Moreover, children born out of wedlock to a Czech father and a foreign mother from outside the European Union were at risk of statelessness. He wished to know what measures the State party intended to take in that regard, including to overcome the absence of a definition of statelessness and the lack of procedures for determining the status of stateless persons.

36. According to reports, racial discrimination in sport was widespread in the State party. However, a Togolese football player who had previously faced racist abuse from fans was now widely regarded as a hero, after having saved the life of a fellow player on the pitch. How did the Government intend to use the examples set by such role models to combat racist hate speech in sport?

37. **Mr. Murillo Martínez** said that he would be interested in receiving information on the challenges faced by schoolchildren whose mother tongue was not Czech and the measures that had been taken to address them. It would also be useful to have data on the backgrounds of students in higher education, since students from minority groups reportedly faced obstacles to accessing tertiary levels of education.

38. He drew the delegation's attention to the Committee's general recommendation No. 35 on combating racist hate speech and wished to know what specific measures had been taken to prevent racist hate speech by high-level politicians and public officials, in particular against the Roma and Jewish communities, which perpetuated negative stereotypes and prejudices. He would also like to know whether the State party conducted surveys or research to assess the prevalence of racial discrimination and racist hate speech in the country.

39. **Mr. Bossuyt** said that, in reference to paragraph 36 of the State party's report, on the fight against extremism, he wished to know how the concept of "extremism" had been defined, since it seemed to him to be lacking in precision and legal certainty, which meant that it could be open to abuse. With regard to paragraph 56, he wondered whether employers from both the public and private sectors were involved in a community-service programme aimed at facilitating equal access to employment.

40. He reiterated the recommendations made in the Committee's previous concluding observations on the issue of compensation for Roma victims of forced sterilization and would like to know which public authorities had been held responsible for those acts. On the issue of inclusive education for Roma children, he welcomed the fact that the State party had made the final year of preschool education compulsory for all children over the age of 5 years, which would be reduced progressively to all children over the age of 2 years by 2020.

41. Lastly, with reference to paragraph 88 of the State party's report, he wished to know more about the multi-module development programme, which had different modules for teaching children from third countries, refugee and asylum-seeking children, and children from European Union countries. How did those modules differ in their content and methodology?

42. **Mr. Avtonomov** requested clarification with regard to the alleged detention of asylum seekers, including children, awaiting transfer under the Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin Regulation). The Committee would also be interested to find out whether the State party intended to establish a system whereby refugees who had not completed the required 35 working years could accrue pension entitlements. Additional information was needed about access to antenatal, delivery and postnatal care for undocumented migrant women. The delegation might also wish to describe the way in which the State party participated in the International Decade for People of African Descent.

The meeting was suspended at 5 p.m. and resumed at 5.20 p.m.

43. *Mr. Amir resumed the chair.*

44. **Ms. Baršová** (Czechia) said that the concept of “national minorities” or “nationalities” in Czechia predated its establishment as a Republic. It had originated during the Austro-Hungarian Empire, when many “nations” had been living in one vast territory. Under Czech law, a national minority was understood as a group having traditionally resided in the territory who shared a language, traditions and culture that were different from the majority population; Czech citizenship was required for legal recognition as a member of a national minority. Legislation on national minorities was modelled on the Council of Europe Framework Convention for the Protection of National Minorities. The responsibility for issues pertaining to national minorities was shared among the Office of the Government, the Ministry of Culture and the Ministry of Education, Youth and Sports. The Ministry of Education, for example, provided subsidies for minority language classes and schools, among others.

45. The Government Council for National Minorities comprised representatives from 14 national minorities. There was a separate Council for Roma Minority Affairs, as the socioeconomic situation of Roma people, unlike with other national minorities, differed widely from that of the majority population. An estimated 250,000 Roma were currently living in Czechia, although those data were incomplete. Studies conducted in different localities provided detailed information at the regional level, which was then extrapolated to the national level. Given the methodological shortcomings, efforts were currently underway to improve data collection on the Roma population.

46. The country’s Jewish community preferred to self-identify as a religious, rather than a national minority and had therefore no seats in the Government Council for National Minorities. Instead, they participated as observers. Moravians and Silesians spoke a dialect of Czech and their traditions and culture were similar to those of the majority population. Although they did therefore not qualify as a national minority under the law, an option to self-identify as “Moravian” or “Silesian” in addition to “Czech” or “Roma”, for example, had been incorporated in the 2011 census.

47. **Mr. Machačka** (Czechia) said that the Office of the Ombudsperson had initially been established to monitor the State’s compliance with human rights and, more broadly, the law. Subsequently, it had been attributed a series of additional tasks relating to the fulfilment of Czechia’s obligations under regional and international human rights instruments. From its inception, the Office had been financially and administratively independent, with its own premises, staff and resources. It also engaged widely with a range of public and private stakeholders and had been set up by virtue of a special law – the Ombudsperson Act. As it stood, the Ombudsperson met most of the criteria of the Paris Principles and plans were made to update the tasks, competencies and activities set forth in the Act in order to facilitate its application for accreditation. A government initiative submitted in 2015 granting the Ombudsperson the right to submit popular action had not met with parliamentary approval; a second proposal brought by members of Parliament was currently pending consideration. However, the right to bring popular action was not a prerequisite for accreditation.

48. Under the Anti-Discrimination Act, the burden of proof in discrimination disputes was shared, but a proposal had been put forward to shift the emphasis in burden of proof in the context of the current reform of the procedural code.

49. **Mr. Potměšil** (Czechia) said that the concept of “extremism” had long been understood as linked to traditional totalitarian ideology. Accordingly, the State had monitored right- or left-wing movements likely to engage in violence to pursue their goals. In the past, almost all racially motivated attacks against minorities, Roma or foreigners had been traced back to right-wing extremist groups. However, the perpetrator profile was changing gradually and hate crimes were no longer exclusively committed by individuals adhering to an extremist ideology. New forms of populism and racism were emerging in mainstream society and traditional concepts and approaches had become obsolete when it came to tackling contemporary forms of racist violence.

50. A handbook had been published to guide the police, judges and prosecutors in identifying and prosecuting hate speech and racist crime, which included examples of relevant judgments and court practices. The Government also cooperated with NGOs to

provide training for law enforcement officers, in particular with regard to hate speech. In order to combat online hate speech, the police used the services of information technology experts specializing in cybercrime, but the difficulties in cooperating with social media operators constituted a significant obstacle to eliminating racist content. Particular efforts were also being made to address rising anti-Semitism, in cooperation with the Jewish population, and to protect Jews from anti-Semitic violence.

The meeting rose at 5.50 p.m.