



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2367th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 12 August 2015, at 3 p.m.

Chairperson: Mr. Calí Tzay

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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)

Combined tenth and eleventh periodic reports of the Czech Republic (CERD/C/CZE/10-11; CERD/C/CZE/Q/10-11)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*
2. **Ms. Baršová** (Czech Republic), introducing the combined tenth and eleventh periodic reports of the Czech Republic (CERD/C/CZE/10-11), said that the Anti-Discrimination Act, in conjunction with other pieces of domestic legislation, provided comprehensive protection against acts of racism and racial discrimination in key areas of life, such as employment, housing, social protection, health care, education and access to goods and services. The Ombudsman's Office, established under the Act, was responsible for combating and preventing discrimination at all levels of society. Following recent research conducted by the Office, which had uncovered obstacles hindering access by victims of racism to justice, an amendment to the Anti-Discrimination Act giving the Ombudsman the public right of action in cases of racial discrimination was currently before Parliament. The Government had also reintroduced the post of Minister for Human Rights, Equal Opportunities and Legislation in 2014; the Minister headed various national anti-discrimination bodies.
3. The Government closely monitored the situation of the Roma in the country and had implemented a new cross-cutting national inclusion strategy for Roma in February 2015 in order to combat discrimination against the group and promote social cohesion. The strategy focused on improving access to education for Roma children, particularly with regard to their enrolment and attendance at primary school, and promoting their enrolment in mainstream rather than special needs schools. It also targeted the root causes of discrimination and marginalization experienced by Roma in the labour and housing markets and provided appropriate social and financial assistance in that regard.
4. Measures had been adopted to ensure that the Roma and other ethnic minorities had equal access to social and health-care services and health professionals had been provided with training in how to interact with persons from various ethnic minority groups. Particular attention had been paid to the health of Roma children in institutional care. The Government intended to monitor the health of the Roma population and compare it with that of the general population in order to identify any discrepancies and prevent any reoccurrence of unlawful sterilization cases. However, under Czech law, it was not able to collect data and create registers that included the ethnicity of individuals.
5. Under the inclusion strategy, efforts had been made to raise public awareness of the culture and history of the Roma, including the events surrounding the Roma Holocaust. Institutional arrangements had also been put in place to increase the Roma's political participation, specifically through the establishment of the Government Council for Roma Minority Affairs, which was tasked with improving dialogue between the Government and the Roma community.
6. In 2014 and 2015, the Ministry of Labour and Social Affairs had conducted an analysis of socially excluded communities with a view to combating the social exclusion and marginalization of the Roma and ethnic minority groups. Some 606 socially excluded communities had benefited from additional support and assistance as a result. The Agency for Social Inclusion also monitored the situation faced by

socially excluded Roma communities and prepared social inclusion strategies with their involvement.

7. In accordance with article 4 of the Convention, racist propaganda and racial abuse had been defined as offences in domestic legislation. The adoption of the Act on Criminal Liability of Legal Persons had been crucial in ensuring that perpetrators of racial violence were prosecuted and punished, regardless of whether they were natural persons or legal entities. All acts committed on the grounds of racial or ethnic hatred were subject to harsh penalties and victims were entitled to psychological counselling and legal assistance. Victims could also request damages for pecuniary loss or compensation for non-pecuniary loss before the courts in the event of a conviction. In addition, the Government had drafted an anti-extremism plan, which established numerous preventive measures to halt the rise and spread of extremism, and had made training in combating and identifying extremism and inter-ethnic violence available to judges, prosecutors and police officers. In 2014, it had also launched a campaign against racism and hate violence targeted at young persons, which encouraged greater tolerance towards ethnic minorities and foreign nationals. Similarly, the national police force had recently introduced an online form for reporting cases of Internet hate speech.

8. As for the situation of migrants, the Government had adopted a new migration policy strategy that promoted the positive effects of migration and guaranteed dignified treatment for asylum seekers and recognized refugees. In addition, it had developed a national inclusion plan designed to facilitate migrants' integration into society and had launched a multilingual website containing useful information on daily life in the country. Regional support and integration centres for migrants had also been established. Furthermore, the Government had taken steps to combat the multiple discrimination and gender-based marginalization faced by female migrants and Roma women in the areas of health care and employment, pursuant to its Gender Equality Strategy 2014-2020.

9. **Mr. Amir** (Country Rapporteur) commended the State party on its well-drafted report, particularly the fact that it addressed the Committee's previous concluding observations. Nevertheless, the Committee had a number of concerns. He would be interested to know what measures had been taken concerning the collection of data on the ethnic composition of the population, particularly the Roma population. There was a major discrepancy in statistics relating to the Roma and other ethnic minority groups in the State party. According to the State party report, the number of people who had identified themselves as Roma in the 2011 census was less than 13,000, whereas the number estimated by the Regional Coordinator for Roma Affairs was some 230,000. Furthermore, approximately 25 per cent of the population had not identified their ethnic origin in the 2011 census. The fact that the State party report provided disaggregated demographic statistics by nationality but not by ethnic group made it difficult for the Committee to compare the situation of individual ethnic groups, with the exception of the Roma.

10. Despite measures taken by the Government to protect foreigners in the area of employment, it appeared that some employers believed that the measures did not apply to them. Although steps were being taken for the benefit of the Roma population in the areas of employment and education, the Committee would be interested to know more about the effective implementation and results of those efforts. In particular, it would welcome information on action taken to ensure that the Roma were able to exercise their rights at the municipal level and on coordination between the central and local governments in that regard. The Government needed to take further measures to ensure that, at the legislative and judicial levels, greater account was taken of the everyday reality for foreigners in the Czech Republic, particularly asylum seekers. He

was concerned about the detention of asylum seekers, particularly children, in some cases for relatively long periods. Detention should be considered a last resort; efforts should be made to find alternative solutions.

11. He asked what was being done at the judicial or legislative level to tackle the issue of hate speech in the media and on social networks, particularly in the light of racist, xenophobic and Islamophobic statements made by some Czech politicians. There were unfortunately many manifestations of racism against foreigners, including refugees and asylum seekers. Islamophobia was clearly a growing problem in the State party, although it was not possible to identify the size of the Muslim population on the basis of the data provided in the report.

12. **Ms. Crickley** said that, while welcome progress had been made in a number of areas, she was concerned at the general negative perception of foreigners, including refugees and asylum seekers, in the country and the fact that Muslims were now the main targets of hate speech and violence. She would be interested to know what measures the State party was taking to address that situation. She was also concerned at the way in which the burden of proof had been shifted under the Anti-Discrimination Act, which meant that the same legal protection did not apply for all forms of discrimination. She asked the delegation to comment on reports that, although foreign nationals residing in the State party had the right to vote in local elections, in practice that right was sometimes restricted to European Union citizens.

13. She asked what was being done to deal with the huge disparities in the statistics on the number of Roma in the country prior to the next census. She also wished to know what procedures were in place to ensure that the State party's Roma integration strategy was designed and developed with the full participation of the Roma community. She would welcome information on the reported decrease in the participation of Roma children in mainstream education and on discrimination against Roma in the area of employment. She asked what resources were being allocated to the implementation of the national action plan on inclusive education and what results had been achieved to date. Lastly, she would be glad to hear of any developments in the situation regarding the site of the former Roma camp in Lety.

14. On the issue of forced sterilization of Roma women, she was concerned that compensation had been granted only in the three cases that had been brought before the European Court of Human Rights and that information on sterilization was provided by default rather than through proactive engagement with women. Noting that a programme was in place to train health-care professionals on interacting with minorities, she wondered whether any training was provided to Roma women themselves to serve as health mediators.

15. **Mr. Avtonomov** asked the delegation to explain the statistical discrepancies concerning the size of the Roma population, which were a matter of concern particularly since they applied not only to figures provided by non-governmental organizations (NGOs) and the State but also to figures from different State agencies. He would be interested to know whether there had been any evaluation of the results of the Strategy for Combating Social Exclusion and how the Agency for Social Inclusion operated. He requested details on the ethnic-friendly employer project, including statistics and achievements to date. Noting that the Government had a special programme for the support of the Polish, Slovak, German and Roma languages, he asked whether it also provided different forms of support for other minority languages, such as Bulgarian, Hungarian and Russian. Lastly, he invited the delegation to comment on the reasons for the failure to establish a national human rights institute in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles).

16. **Mr. Murillo Martínez** recalled that there were a number of classic indicators that could point to a problem of discrimination against certain minority groups, including poverty, life expectancy, political participation and prison population. However, the fact that the data provided by the State party were not disaggregated meant that the Committee could not easily compare the situation of the various minorities living in the Czech Republic on the basis of such indicators. Even so, there were clear indications of disparities between the general population and the Roma population, particularly in relation to poverty and marginalization. He would welcome further information in that regard.

17. **Mr. Khalaf** said that, although considerable progress had been made in the Czech Republic, the Committee was concerned by the incidents of hate speech in which members of Parliament had made xenophobic and Islamophobic statements in public against asylum seekers and refugees. He would welcome details of whether the speakers themselves or the organizers of the events had been prosecuted for incitement to hatred. He would also be interested to know whether any general measures were being taken to prevent the stigmatization of asylum seekers and refugees and other vulnerable groups and, if so, whether they had been evaluated. With regard to the detention of asylum seekers, he requested specific information about the situation of minors and whether efforts were made to arrange family reunification. He asked whether asylum seekers and refugees were automatically entitled to any allowances. Lastly, he asked how many stateless persons there were in the Czech Republic and whether the State party had any intention of withdrawing its reservation to article 27 of the Convention relating to the Status of Stateless Persons.

18. **Mr. Kemal** said that, while the State party's efforts to meet its treaty obligations were commendable, events in and around the country were giving rise to challenges, in particular the increasing migrant crisis in Europe, which required a multidimensional solution. Historically, the Roma had suffered considerably and, despite efforts to improve their situation, problems remained. He wished to know what was being done to improve data collection and the allocation of resources to services for Roma communities. He also wondered whether any measures were being taken to counter negative stereotypes and to grant reparation to Roma women who had been subjected to forced sterilization.

19. He asked what was being done to address overcrowding in detention facilities, which affected migrants, stateless persons and asylum seekers in particular, and how ill-treatment and violence in detention were prevented. He was concerned at the use of extraordinary rendition flights and the acceptance of diplomatic assurances in cases where returnees were likely to face torture. He was also concerned at reports of growing Islamophobia in the State party and wished to know what was being done to guarantee Muslims the right to establish places of worship. Lastly, he wondered whether any progress had been made towards setting up a national human rights institution in line with the Paris Principles.

20. **Mr. Huang Yong'an** said that, while he commended the State party's efforts to establish a firm legal framework for the prevention of discrimination, legislation must be implemented in order to be effective. While some progress had been made in that regard, challenges remained with regard to persistent xenophobia, human trafficking, extremism, racially motivated crimes and violations of the rights of Roma and other minorities. He would therefore appreciate further information on how the State party was addressing those issues and would be particularly interested to hear examples of measures that had been effective.

21. **Mr. Diaconu** requested the delegation to explain the term "socially excluded localities" in more detail and wished to know why the number of such localities had increased in recent years. He would welcome further information on segregation,

which had not been adequately addressed in the State party's report. The Committee had received worrying reports about socially marginalized children being educated in special schools for children with mental disabilities. He wished to know how that situation was being rectified. He would be interested to hear more about the system of individual employment plans for job seekers, in particular Roma.

22. He wondered why so few discrimination cases had been brought before the courts and how the State party intended to ensure that more were heard. He wished to know why the Roma were not represented in public administration and what action was taken to increase Roma employment and enrolment in education at the primary, secondary and tertiary levels. Information on the situation of other minorities with regard to access to education, employment, housing and health care would also be useful.

23. Clarification on measures taken to compensate victims of forced sterilization would be welcome. He would be interested to know how unaccompanied minors were treated, and would particularly like to hear about cases in which unaccompanied minors had been held in detention. He wished to know whether they could be enrolled in schools, since they should be allowed to enjoy their right to education, irrespective of their personal status. He wondered whether human rights were taught as an individual subject under the national curriculum. Lastly, he wished to hear about the State party's understanding of the phenomenon of extremism and asked how it was being addressed.

24. **Mr. Vázquez** said that he would welcome an explanation as to why such a low number of cases had been brought under anti-discrimination legislation, despite the high number of complaints before the Ombudsman. He was concerned that filing fees were prohibitively high and wondered if that situation was being addressed. He also wondered whether proof of discriminatory intent was required to successfully raise a claim under the law and whether free legal advice was available.

25. He asked what was being done to promote Roma employment and address negative stereotypes: high unemployment rates were interpreted as Roma being unwilling to work, with the result that that stereotype of unwillingness was used as a reason not to employ them. Such a vicious circle needed to be broken. He wondered whether, in an effort to do so, the State party would consider taking up the Ombudsman's suggestion of anonymous recruitment.

26. Reports of hate crimes targeting Roma, immigrants and Jews were worrying. He wished to know what was being done to prevent and punish those crimes, and in particular why so few resulted in the handing down of prison sentences. Regarding education, he was concerned that efforts to apply the decision issued by the European Court of Human Rights in the case of *D.H. and Others v. the Czech Republic* had not been sufficient and requested further information on measures being taken. The judgement issued by the Supreme Court in the case of *Jaroslav Suchy v. Ministry of Education* was also worrying: it stated that 40 per cent of Roma representation in a special school did not constitute a prima facie case of discrimination. He requested clarification of the reasoning behind that judgement.

27. Noting that in mainstream elementary schools Roma were educated separately from their peers and that there were separate Roma schools in many towns, he asked whether any consideration was being given to the possibility of redrawing catchment areas for schools, so that they did not coincide exclusively with Roma communities. Given the high risk of homelessness resulting from municipalities refusing to grant housing subsidies to inhabitants of residential hostels, the majority of whom were Roma, he wished to know what was being done to establish a comprehensive policy on social housing. Lastly, he wondered whether any steps could be taken to encourage

political representation of the Roma, since they accounted for 3 per cent of the national population, whereas a minimum of 5 per cent of the national vote was required for a party to be admitted to Parliament.

28. **Mr. Bossuyt** said that he was concerned about the term “communist genocide”, and particularly about the use of the word “genocide” in that context. He requested further information on the programme for the support of regional and minority languages, under which Polish, Slovak, German and Roma languages were protected in the Czech Republic. He wished to know why those languages had been selected. He also wished to know how the cultural activities of ethnic minorities were supported.

29. **Mr. Yeung Sik Yuen** asked what was being done to expedite the establishment of a national human rights institution in line with the Paris Principles. He wondered why the Roma, when asked if they identified with a nationality, tended to choose Czech rather than any of the other minority nationalities in the Czech Republic.

30. **Mr. Lindgren Alves** asked to what the State party attributed the surge in anti-Gypsyism in Europe, whether the socially excluded Roma localities referred to in paragraph 27 of its report were camping sites or established communities within municipalities and whether Roma living in settled communities were viewed with the same mistrust as travelling Roma. He would be grateful for clarification concerning the “ethnic aspect of social exclusion” mentioned in the same paragraph, particularly insofar as it related to Roma populations. The popularity of anti-Roma rhetoric on the theme of jobs being “taken” from other groups was perplexing, given the very small percentage of Roma within the State party’s population, and he would welcome the delegation’s views on the subject. Lastly, he enquired about the nature of extremism in the State party: there seemed to be a growing tendency to target Muslims, though there was nothing in the statistics provided to indicate the size of the Muslim community.

31. **Mr. Amir** said that he was concerned at reports that some municipalities refused to rent housing to Roma or people belonging to other minority groups and that the Government seemed to have no way of tackling what amounted to segregation. Negative attitudes towards foreigners, including asylum seekers and refugees seemed to be openly expounded by users of the Internet and social media and even by some public officials and politicians. With regard to trafficking in human beings, which the State party had taken a number of measures to combat, he requested information on the current situation, including the number of victims identified and the number of people prosecuted for and convicted of offences, and an update on the implementation of policies in areas such as training and support for the prosecution services and other relevant authorities. The Committee had received information that requests for asylum were not always acted upon and that some individuals were removed from the country before they could even request asylum. Given that the State party had not made a declaration under article 14 of the Convention, the Committee would not be able to receive individual communications concerning such cases or other potential rights violations. Making such a declaration would enable the Committee to assist the State party in its laudable endeavours to eliminate racial discrimination.

32. **The Chairperson**, speaking in his capacity as a member of the Committee, asked which groups in the State party were considered disadvantaged. Despite having ratified numerous international human rights instruments, the State party had yet to pass legislation that would allow them to apply directly in its territory. In that regard, he asked what position such treaties occupied in the State party’s legislative hierarchy and whether they could be cited directly in legal proceedings, including by victims of racial discrimination. He asked what results had been achieved through the State party’s policies and programmes to benefit the Roma in areas such as housing, education, health and employment. In view of the State party’s efforts to combat racist and xenophobic extremism in the security forces and other public services, he would

be grateful for further information on the incidence of such extremist behaviour, any prosecutions brought and other activities carried out to prevent extremism in society.

33. **Ms. Crickley** recalled that the Committee had issued a statement in 2011 reflecting its concern at developments regarding the situation of the Roma in Europe and had forwarded it to the Council of Europe and the European Union for their consideration.

34. **Ms. Baršová** (Czech Republic) said that the State party had tended to focus on the situation of certain minority groups, particularly the Roma, because others were not considered marginalized, but she acknowledged that the situation might be evolving. The State party's understanding of nationality and ethnicity stemmed from its history as a multinational country that was home to various ethnic, national and linguistic groups, and that was reflected in its Constitution and other legislation. It was a point of principle for the State party that identifying oneself as a member of a national or ethnic group was entirely a matter of individual choice and national or ethnic affiliation could not be imposed on anyone. Moreover, individuals were free to identify with more than one national or ethnic group. National minority groups were recognized as such at their own instigation.

35. The historical misuse of data on ethnicity, particularly with regard to the Roma during and immediately after the Second World War, had influenced the State party's approach to data collection. State authorities were prohibited from collecting data on ethnicity that could be linked to an individual and registers of ethnic data were not kept. As a result, the State party had to rely on other ways of estimating the ethnic make-up of the population. Censuses were usually conducted every 10 years; the next was expected to be in 2020. Participation was compulsory, but certain questions, for example those concerning religion, were optional. Each census was regulated by a specific act passed for the purpose, so the methods used could be adapted to take account of concerns raised and the evolving situation. Replies to questions on mother tongue, which were regularly included, could give some indication of the country's ethnic composition. The Government hoped to find ways of obtaining more precise data, within the confines of legislation and the position outlined, not least so that it could assess the impact of its policies on different sectors of the population. One option was to work more closely with researchers so that anonymous ethnic data collection could be incorporated into project design.

36. **Mr. Martínek** (Czech Republic) said that the Agency for Social Inclusion, run by the Office of the Government, had been active in 50 municipalities up to 2013. Some partnerships had continued into 2014, when 9 new localities had been selected for cooperation; a further 10 localities had been added the following year. From 2015, the Agency would pursue a coordinated approach to its work in socially excluded localities. Altogether, more than 1.2 billion koruna (approximately €46 million) had been invested in the Agency's activities, which had supported more than 27,000 people through 125 projects.

The meeting rose at 6 p.m.