



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
18 August 2015

Original: English

Committee on the Elimination of Racial Discrimination Eighty-seventh session

Summary record of the 2368th meeting

Held at the Palais des Nations, Geneva, on Thursday, 13 August 2015, at 10 a.m.

Chairperson: Mr. Calí Tzay

Contents

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 (continued)


This record is subject to correction.

Corrections should be submitted in one of the working languages. They 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 document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-13867 (E) 170815 180815



Please recycle 



The meeting was called to order at 10.10 a.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 (continued)
(CERD/C/CZE/10-11; CERD/C/CZE/Q/10-11)

1. *At the invitation of the Chairperson, the members of the delegation of the Czech Republic took places at the Committee table.*
2. **The Chairperson** invited the delegation to continue responding to questions raised at the previous meeting.
3. **Mr. Martínek** (Czech Republic), commenting on a video clip illustrating the Government's "HateFree" campaign, said that the initiative focused on hateful conduct vis-à-vis the Roma and other ethnic minorities, the LGBT community and immigrants. A map of HateFree zones in the Czech Republic had been produced with the aim of promoting tolerance and intercultural understanding. The campaign also resisted the propagation of fraudulent reports and disinformation, such as claims that the Roma obtained huge welfare benefits for housing, food, education and home appliances, by posting counterbalancing facts on the Internet. The campaign's Facebook page was visited by about 30,000 people each day and many photographs, videos and articles were posted by fans, the majority of whom were young people.
4. The Government Council for Roma Minority Affairs was an expert advisory body. Roma representatives were proposed by the Minister for Human Rights, Equal Opportunities and Legislation on the basis of consultations with Roma leaders and their appointment was approved by the Government.
5. The Roma community had been continuously consulted during the drafting of the National Strategy for Roma Integration. The first draft had been published on the Government's website in 2014. A meeting had subsequently been held to discuss the many comments received from Roma leaders, NGO representatives and other stakeholders. Seminars had been held on equal access to quality education for Roma children, the National Strategy for Roma Integration in the context of European Structural and Investment Funds, and community-led local development. During a visit to the country, Council of Europe experts had discussed preschool education for Roma children. The National Strategy addressed issues relating to Romani culture and history and proposed improvements in the administration of memorial sites.
6. An evaluation in 2014 of the Strategy for the Fight against Social Exclusion 2012-2015 had found that 16 of the planned measures had been fully implemented, 37 had been partially implemented and 6 had not been implemented. In some cases the requisite synergies among stakeholders had not been achieved, a shortcoming that would be addressed in the follow-up strategy that was currently being prepared. A coordinated approach was required in socially excluded localities.
7. The legislation on the protection of national minority rights took into account the provisions of the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. In municipalities where national minorities accounted for more than 10 per cent of the population, the Ministry of the Interior published documents concerning elections in all 14 minority languages. The documents were also available on its website.
8. Legislation based on article 7 of the European Charter for Regional or Minority Languages protected the rights of the Polish, Slovak, German and Roma minorities, which had a long history of residence in the Czech Republic. It focused on protection

of their languages and culture, bilingual education in primary and secondary schools, and bilingual signage in municipalities.

9. **Ms. Jamborová** (Czech Republic) said that extremism was not a legal concept. However, the Ministry of the Interior had defined extremist offences, in a report prepared in 2002, as offences that could reasonably be deemed to have been motivated by extremist attitudes. Such offences accounted for about 0.1 per cent of all offences committed in the country. In most cases they involved verbal attacks such as hate speech rather than physical assaults.

10. Investigations were conducted jointly by the Ministry of the Interior, the police and the intelligence services. There had been several arson attacks in recent years on members of the Roma community. All incidents had been investigated and the offenders had been brought to justice. The perpetrators of the notorious Vítkov attack in 2009 had been sentenced to lengthy terms of imprisonment.

11. Hate speech in the social media was a widespread phenomenon. The police cooperated closely with private sector companies such as Facebook, but investigations were sometimes complicated by the unwillingness of authorities in other countries to communicate information. The police had set up a hotline that could be used by the general public to report hate crimes.

12. When an offence was committed, the police made no distinction between perpetrators. A member of the Czech Parliament had been convicted of hate speech against Roma on Facebook and the judgement had been endorsed by the Constitutional Court. The police were currently investigating another member of Parliament for a similar offence.

13. With regard to Islamophobia, there were fewer than 10,000 Muslims in the Czech Republic and no major problems had occurred to date. There had been no physical assaults against Muslims. However, two participants at a rally in July 2015 were being investigated for hate speech against migrants and a participant at a rally the previous week was being investigated for hate speech against Muslims.

14. The Jewish community in Prague worked closely with the law-enforcement authorities on security issues. While no physical assaults had occurred, there had been a certain amount of hate speech in the social media and a Jewish cemetery had been attacked. Fewer than 50 anti-Semitic offences had been reported in 2014.

15. Twenty-six anti-Roma rallies and marches had been organized in 2013, mostly by right-wing extremists. The number had declined in 2014 because local residents had realized that the organizers were merely seeking publicity. The municipalities in which such gatherings were organized received support from the Ministry of the Interior. The Supreme Administrative Court had endorsed a ban imposed on a planned anti-Roma rally in České Budějovice.

16. A police database on hate crimes, racism and xenophobia contained expert opinions, judgements and examples of good practices. Guidelines reflecting recent jurisprudence would be issued in autumn 2015.

17. Some police officers had supported right-wing extremists in the past. Nowadays, persons applying for employment in the police, the armed forces, the prison system, and fire and rescue services were screened for extremist attitudes.

18. The Czech Republic was primarily a transit country for migrants to other European Union countries. A substantial proportion of detained foreigners were persons who had applied for asylum in Hungary and had left that country illegally in an attempt to reach Germany or some other Western country. They were detained with a view to being returned to Hungary under the Dublin III Regulation.

19. There were three detention centres for foreigners. They complied with the applicable legislation, in both legal and material terms, and were regularly visited by representatives of the Office of the Ombudsman and of national and international governmental and non-governmental organizations. Families with children had recently been transferred from the Bela pod Bezdzem refugee detention centre to a centre with better facilities for children. The maximum detention period of 180 days had been reduced to 90 days for families. Very strict legal conditions were applicable to the detention of unaccompanied minors, who were normally transferred to educational facilities. In practice, they were detained only when medical experts needed to confirm that they were in fact minors.

20. Non-citizens could vote in municipal elections if they had temporary or permanent residence status and if they were covered by the provisions of the Treaty of Accession of the Czech Republic to the European Union.

21. The National Strategy for Combating Trafficking in Human Beings established priorities with respect to preventive activities, support for victims and prosecution of perpetrators. Support was not dependent on a victim's residential status. Housing, health care, legal assistance, psychological care and retraining programmes were offered free of charge through NGOs. Special protection was provided for victims who were witnesses in criminal proceedings. Forty-three victims had been provided with support in 2014 and 186 victims had received support since the launching of the programme.

22. **Ms. Habrnálová** (Czech Republic) said that, according to article 10 of the Constitution, ratified international treaties formed part of the legal order and prevailed over domestic law. International treaties were therefore self-executing.

23. The Czech Republic was in the process of ratifying the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The latter Convention only required the President's signature.

24. Section 405 of the Criminal Code stipulated that anyone who publicly denied, approved or attempted to justify Nazi, communist or any other form of genocide, or other crimes against humanity committed by Nazis or communists, was liable to imprisonment for a period of between 6 months and 3 years. "Communist genocide" denoted crimes committed by the Stalinist regime, such as the artificially caused famine in Ukraine during the 1930s, and the crimes committed by the Khmer Rouge in Cambodia. It did not denote any crimes committed in the Czech Republic. The justice system also took into account the judgements handed down by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court. The Czech Republic firmly believed that the conduct referred to in section 405 should not be tolerated under any circumstances.

25. Measures to ensure better access to the courts and justice, including through free legal aid, were being discussed by the Ministry of Justice and the Ombudsman. Discussions were also ongoing within the Ministry of Justice on the problem of high filing fees, and the Ministry was currently drafting a specific law on free legal aid. In any case, the Czech Bar Association provided free legal aid to persons who were unable to pay.

26. **Ms. Veselá** (Czech Republic) said that the Ministry of Labour and Social Affairs had active employment policy programmes to promote equal access to the labour market for all, including Roma. Job centres drew up individual action plans for jobseekers who had been registered continuously for five months, taking into account their specific needs. The Ministry had been taking steps since 2011 to ensure the social

inclusion of specific groups, including the Roma and other minorities, through a number of projects supported by the European Social Fund. The emphasis was on enhancing the employability of those groups, and the Ministry worked closely with NGOs to provide practical advice and training and raise awareness among employers, including through databases and websites focusing on the employment of ethnic minorities. The Ministry was also considering introducing quotas to require employers to hire a certain percentage of long-term unemployed, including Roma and members of other vulnerable groups such as mothers returning to work or persons with disabilities. Foreign nationals could enter the labour market without difficulty, but asylum seekers only had the right to work after 12 months. However, a legislative amendment had been drafted that would shorten that period to six months.

27. **Ms. Sokačová** (Czech Republic) said that the term “socially excluded localities” had been defined by social scientists, in consultation with government and civil society experts, to mean buildings, streets or areas where more than 20 persons lived in inadequate conditions, segregated and excluded from mainstream society. There had been an increase in the number of socially excluded localities, from 310 in 2006 to 606 in 2014, but they were now smaller and contained fewer people. Most were situated on the outskirts of towns or in rural areas with high unemployment and poor infrastructure.

28. A new national strategy on social housing for 2015 to 2025 would be discussed in September 2015. It would establish a comprehensive system of social housing, which would tackle the problem of segregation by promoting desegregated living. The strategy would be implemented by the municipalities and financed by the Government. As to the risk that thousands of people might find themselves homeless because municipalities refused to grant housing subsidies to persons living in hostel accommodation, she said that in reality only 946 applications for subsidies had been refused. Nevertheless, a new amendment to the Act on Assistance in Material Need was being drafted, which would contain provisions to address the problem.

29. **Mr. Machačka** (Czech Republic) said that the Government was debating a proposal to introduce a mechanism allowing the victims of forced sterilization to apply directly to the State for compensation, without the need to go to court.

30. The Ombudsman’s Office was the main institution for the protection of human rights. It was independent and its human rights portfolio and functions had expanded over the years, so it already met most of the criteria for accreditation as a national human rights institution in line with the Paris Principles.

31. Given that the Anti-Discrimination Act was only six years old, jurisprudence in that area was still evolving. It would become an effective tool over time.

32. **Mr. Černíkovský** (Czech Republic) said that addressing the remaining inequalities in the Czech education system was a top priority for the Government. Progress had been made in recent years to end the inappropriate placement of Roma children in special schools, including through legislative measures. One such measure was the 2014 amendment to the decree on the education of children with special needs, which had already resulted in an overall decrease in the number of students segregated into special schools or classes. In addition, a major amendment to the School Act had recently been approved that would lead to a paradigm shift in provision for special educational needs. Under the Act, the categorization of students with disabilities or health and social disadvantages would be abolished and replaced by support measures based on individual needs.

33. Extra resources had been allocated to promoting inclusive education, and they had been directed into a number of development programmes that focused on integrating Roma children into mainstream education and providing support for

socially disadvantaged children, notably by increasing the number of classroom teaching assistants.

34. There was no State policy on Roma students and higher education, but individual universities and civil society organizations provided support and scholarship programmes for Roma students. There would also be substantial support for disadvantaged students under the new European Structural and Investment Funds 2014-2020.

35. Education was compulsory for the children of immigrants and asylum seekers, and they were allocated to schools immediately on arrival in the country. Development programmes also targeted those children, the aim being to integrate them into mainstream schools.

36. Human rights were not taught as an individual subject because there was no centralized curriculum; schools in the Czech Republic managed their own individual curricula. However, human rights education was covered in the Framework Programme as a cross-cutting subject at primary and lower secondary level.

37. **Mr. Avtonomov** asked whether the State party had planned any activities to celebrate the International Decade for People of African Descent. He welcomed the State party's intention to adopt a law on free legal advice and understood that it had not yet been decided how or through what bodies that advice would be provided. He stressed the need for accurate, official statistics on the number of Roma in the country. Low figures from the census could indicate discrimination, as some Roma might be ashamed to admit that they belonged to that group.

38. **Ms. Crickley** suggested that, as a way of addressing the problem of hate speech by politicians, the Government should consider implementing the Council of Europe Charter of European Political Parties for a Non-Racist Society. She asked what spending provisions the Government would make under the European Social Fund to address discrimination against the Roma.

39. The issue of compensation for forced sterilization had been raised with the State party a number of times over the past decade, and it was time to take action. She wished to know more about the implementation of the Special Health Services Act and how the principle of informed consent was applied. She also requested further information on the use of sterilization as a method of contraception, both within the Roma community and among the general population. She asked what specific measures were being taken to reduce the number of Roma children placed in institutional care. Lastly, she expressed concern about the situation of stateless children in the State party.

40. **Ms. Baršová** (Czech Republic) said that persons of African descent did not constitute a very large percentage of the country's population, though that did not mean that their concerns should not be addressed. Her Government would take into consideration the Committee's comments in that regard.

41. **Ms. Habrnálová** (Czech Republic) said that no further information was currently available on the proposed bill on free legal advice, as it had not yet been finalized.

42. **Ms. Baršová** (Czech Republic) said that the Government was working to resolve the situation regarding the pig farm on the site of the former Roma camp in Lety and that any progress made would be mentioned in the next periodic report. Her Government would make every effort to promote the adoption of a law granting compensation to victims of forced sterilization, though it might be difficult to pass such a law in parliament.

43. **Mr. Martínek** (Czech Republic) said that there were two operational programmes that targeted the Roma under the European Social Fund. One promoted their integration at all levels of education, while the other focused on the construction and refurbishment of schools and other facilities. Implementation of the Strategy for Roma Integration to 2020 was a precondition for accessing financing through the European Social Fund. In cooperation with various ministries, a methodology was being worked out for analysing and monitoring the implementation of the Strategy.

44. **Ms. Brzková** (Czech Republic) said that, since 2011, health-care providers had been required to obtain the informed consent of their patients before performing a procedure such as sterilization, though the manner in which that consent was obtained was left to the discretion of each health-care facility.

45. **Ms. Sokačová** (Czech Republic) said that in the recent past a number of children had been removed from their families and placed in institutional care for social and economic reasons. The current policy, however, focused on prevention by increasing financial and human resources for social work so as to tackle those social and economic problems.

46. **Ms. Baršová** (Czech Republic) said that, as far as her Government was aware, the statelessness of children was not a major problem in the country.

47. **Ms. Jamborová** (Czech Republic) said that children born in the Czech Republic to two stateless parents could obtain Czech citizenship if at least one parent had legal standing in the country.

48. **Ms. Baršová** (Czech Republic) said that further information on that subject would be provided in writing.

49. **Mr. Amir** (Country Rapporteur) requested information about measures taken to investigate, prosecute and punish those involved in the 2013 anti-Roma protests and to provide compensation to the affected individuals. He wished to know about the actions taken by the General Inspectorate of Security Forces to combat racial discrimination and about action taken against members of the armed forces who engaged in hate speech. He asked how the Government intended to ensure that the reforms concerning representation within the public administration benefited the Roma. He wished to know about social security coverage for refugees and other non-nationals.

50. He wished to know the outcome of a petition to ban the opening of Islamic schools or the teaching of Islam in public schools. Lastly, he asked what was being done to improve the housing situation for Roma and other ethnic minorities living in poor conditions.

51. **Mr. Vázquez** reminded the delegation that, under the Convention, discrimination was not limited to actions carried out with discriminatory intent. Given the status of international treaties in the Czech legal system, he asked whether the Supreme Court had taken the Convention into consideration when issuing decisions on such cases. He asked whether affirmative action measures were permitted under Czech law, and in that regard he encouraged the State party to consult the Committee's general recommendation No. 32. In relation to the denial of genocide, it would also be useful to consult the Committee's general recommendation No. 35 on combating racist hate speech. He commended the campaign being conducted to combat hate speech and asked whether media other than the Internet were being used in that campaign.

52. There was a link between hate speech and segregation in schools, so educating Roma and non-Roma children together was an effective way of promoting tolerance. He wondered whether there had been any attempts to address such segregation. The rise in the number of socially excluded areas was troubling, and the problem seemed

to be exacerbated by the 2014 amendments to the Civil Code limiting the rights of tenants. The delegation should provide further information on that matter.

53. **Ms. Baršová** (Czech Republic) said that, to a certain extent, it was true that tenant rights had been restricted by those amendments. However, prior to their adoption the State had been sued on several occasions for failure to protect property rights. It had therefore been necessary to reach a balance between the rights of tenants and those of landlords. Parents were free to choose the school they wished their children to attend, which might go some way towards addressing the problem of segregation.

54. The campaign against hate speech was conducted not only via the Internet and social media but also through television and radio spots, round-table discussions, and specific measures targeting schools and the police force. Affirmative action measures were permitted by law, though it was generally believed that it was more effective to take measures targeting an entire socially excluded area rather than only the Roma living in that area, so as not to create tensions among different groups.

55. In reply to Mr. Amir's question about a petition, she said that in 2014, a petition had been filed asking the Government not to grant special rights to the Centre of Muslim Communities. The petition had been merely symbolic, as in reality the Centre had not applied for any such rights. If Mr. Amir had been referring to a different petition, her delegation would require more information to be able to respond.

56. **Ms. Jamborová** (Czech Republic) said that, of the 31 religious communities in the Czech Republic, 21 did not enjoy special rights. The requirements for registering as a religious community, and thus becoming eligible for special rights, were stipulated by law. The petition had been intended as a political statement and carried no legal consequences.

57. There were few cases of hate crimes committed by the security forces. Some cases had been prosecuted, others dismissed for lack of proof. The General Inspectorate of Security Forces was an independent body established in 2012 to investigate crimes committed by members of the police, the prison service and the customs administration. It was attached to the Office of the Prime Minister, not the Ministry of the Interior.

58. **Ms. Baršová** (Czech Republic) said that the Government was aware that not many Roma were employed in the civil service, and it was making efforts to change that situation. Those efforts were impeded by the lack of Roma university graduates, however, as many posts required a university degree.

59. Most anti-Roma rallies had not caused any damage except, of course, the moral damage done to the persons targeted by the demonstrations. It was important to strike a balance between respect for the rights to freedom of assembly and freedom of expression, on the one hand, and the protection of potential targets of the protests, on the other. The best approach was prevention through education.

60. **Ms. Jamborová** (Czech Republic) said that the organizer of the anti-Roma rally had fulfilled the legal requirements set forth in the Act on Assembly. Organizing a peaceful assembly did not constitute an offence in itself. On some occasions, however, riots had ensued after the official meeting had broken up. In 2013, a rally held in the city of Ostrava had turned violent and arrests had been made, following attacks against the police. Meetings or marches with a clear racist intent could be banned, as had been the case in České Budějovice. She was unaware of any compensation payments made to the communities targeted by anti-Roma rallies.

61. **Ms. Baršová** (Czech Republic) said that there were many categories of migrants and their social security entitlements varied depending on their legal status. The basic

premise was to ensure that every person had access to support, while at the same time discouraging welfare migration. The situation with regard to pension entitlements was also complex and depended on the nature and duration of contributions made to the pension system. More detailed information would be provided in writing.

62. **Ms. Habrnálová** (Czech Republic), referring to the issue of hate speech, said that the Czech Republic had recently ratified the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

63. The Czech Government was of the view that the new Civil Code effective from 1 January 2014 did not adversely affect the rights of tenants. It introduced a series of new provisions that strengthened the position of tenants, including a number of legal guarantees.

64. The percentage of Muslims in Czech prisons was low — according to data from February 2015, there were fewer than 100. The prison service offered courses on different religions, ethnicities and nationalities, as a means of defusing potential conflict between prisoners on grounds of religion, ethnicity or national identity.

65. **Mr. Murillo Martínez** said that the imposition of long prison sentences for the perpetrators of the arson attack in Vítkov and the proceedings brought against a member of Parliament in connection with hate speech were positive examples of State action against racial discrimination and set the political context of race relations in the State party. The recruitment policies implemented to prevent extremism in the security forces and the decline in the number of anti-Roma rallies and marches were encouraging.

66. **Ms. Hohoueto** asked what services were offered by the regional legal aid centres, who ran them and how many complaints filed by persons unable to pay had been processed.

67. She asked why sterilization was such a common practice in the State party and which population groups were most affected. Was it used as a form of contraception?

68. **Mr. Diaconu** said that he was somewhat dissatisfied with the delegation's reply to his question about human rights education. States had an obligation to provide human rights education and could not leave the decision to do so or not to the individual school or teacher.

69. He also drew attention to the danger that, in the face of serious crimes of discrimination, other offences such as defamation might not receive the attention they warranted.

70. **Ms. Habrnálová** (Czech Republic) said that statistics on the implementation of the new law on legal aid would be provided in the next report. Some regional legal aid centres were run by the Czech Bar Association, others by NGOs. Centres operated by the Bar Association provided free legal advice to all citizens; no proof of a person's financial status was required.

71. **Ms. Baršová** (Czech Republic) said that the Government Council for Human Rights had been of great help in getting the issue of forced sterilization on to the agenda. It had worked closely with NGOs on the matter.

72. **Ms. Brzková** (Czech Republic) said that the medical and other situations in which sterilization could be performed were stipulated in law, and the informed consent of the patient was required without exception. There had been no known case of unlawful sterilization since 2008. Sterilization in psychiatric hospitals was prohibited by law.

73. **Mr. Černíkovský** (Czech Republic) said that both civic education and human rights education were part of Czech school curricula, although there was no specific subject entitled “human rights education”. Teachers could choose from a wide range of textbooks on the subject.

74. **Mr. Amir** commended the delegation for the rich dialogue and its comprehensive replies to even the most difficult questions. It was clear that the State party was well aware of the challenges ahead.

75. **Ms. Baršová** (Czech Republic) said that her delegation would submit answers to outstanding questions in writing.

76. In closing, she said that the Czech Ombudsman’s Office had been one of the driving forces behind the implementation of the Anti-Discrimination Act. The institution cooperated closely with the Government Council for Human Rights and was working towards accreditation as national human rights institution in line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles).

The meeting rose at 1 p.m.