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**SECOND REPORT SUBMITTED BY THE CZECH REPUBLIC
PURSUANT TO ARTICLE 25, PARAGRAPH 2
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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Table of contents:

| | |
|---|----|
| Introduction | 3 |
| PART I | 4 |
| 1. Monitoring..... | 4 |
| 2. Publicizing the results | 6 |
| 3. Participation by members of the civil society in the process of implementing the Convention | 7 |
| 4. Dialogue with the Advisory Committee..... | 7 |
| 5. Measures concerning the Roma community | 8 |
| 6. Situation of numerically small national minorities | 12 |
| PART II..... | 15 |
| A. Legislative measures | 15 |
| 1. Measures reflecting the principles set out in the Convention | 15 |
| 2. Education to human rights, tolerance and multicultural education | 16 |
| B. Comments on individual articles of the Convention..... | 18 |
| Article 1..... | 18 |
| Article 2..... | 19 |
| Article 3..... | 19 |
| Article 4..... | 20 |
| Article 5..... | 22 |
| Article 6..... | 23 |
| Article 7..... | 29 |
| Article 8..... | 30 |
| Article 9..... | 31 |
| Article 10..... | 33 |
| Article 11..... | 35 |
| Article 12..... | 36 |
| Article 13..... | 40 |
| Article 14..... | 41 |
| Article 15..... | 43 |
| Article 16..... | 43 |
| Article 17..... | 43 |
| Article 18..... | 43 |
| Article 19..... | 43 |
| Articles 20- 23..... | 43 |
| Part III | 44 |
| Specific questions..... | 44 |
| 1. The 2001 census | 44 |
| 2. The territorial public administration reform and measures concerning the rights of national minorities..... | 50 |
| 3. Current developments in the field of anti-discrimination legislation..... | 51 |
| 4. The Public Protector of Rights and the protection of the rights of persons belonging to national minorities..... | 53 |
| 5. Forced sterilizations of Roma women..... | 55 |

Annex : National minority committees/boards in municipalities, towns and regions
(available from the FCNM Secretariat)

INTRODUCTION

In accordance with Resolution ResCMN (2002)2 on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Convention") by the Czech Republic, adopted by the Committee of Ministers on 6 February 2002, and the document of the Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Advisory Committee"), approved by the Committee of Ministers on 15 January 2003, setting out a draft outline for state reports under the second monitoring cycle, the Czech Republic transmits its second periodic report on measures taken to give effect to the principles set out in the Convention under Article 25, paragraph 2.

The report covers the period between 1999 and 2003. In this period legislative as well as non-legislative steps were taken to facilitate the implementation of the principles set out in the Convention, as well as to improve the communication and cooperation between the Government and persons belonging to national minorities. Towards the close of the reporting period, in late 2003, a seminar was held on measures taken to implement the Convention in the Czech Republic (Prague-Koloděje, 2 December 2003).¹ The seminar was attended by representatives of the Advisory Committee. The participants included members of the Council for National Minorities of the Government (hereinafter referred to as "the Minorities Council") and the Council for the Roma Community Affairs (hereinafter referred to as "the Roma Affairs Council"), i.e. representatives of individual national minorities and representatives of the competent government authorities and non-governmental non-profit organizations (hereinafter referred to as the "NGOs").

¹ A report on the visit of representatives of the Advisory Committee to Prague on 1 December 2003 and proceedings of the seminar held at Praha-Koloděje on 2 December are available on the website of the Council for National Minorities, Office of the Government of the Czech Republic, <http://www.vlada.cz/1250/vkr/vkr.htm>. The proceedings of the seminar are available on the Council's website and as a printed document – internal publication of the Council Secretariat; the information is thus available to the wider public.

PART I

Practical arrangements made at national level for following up the results of the first monitoring cycle on the implementation of the Convention

1. Monitoring

1. Implementation of the Convention at the national level is monitored above all by the Minorities Council, the Czech Government's permanent advisory body, created to provide advice and recommend measures on national minorities and persons belonging to them. Through its members - representatives of individual national minorities and of the Government – the Minorities Council continuously monitors the conditions for the exercise of rights in this field. In accordance with its Charter, the Council has two committees – the Committee for Subsidy Policy and the Committee for Cooperation with Bodies of Self-governments.² It also has a Working Group on National Minority Broadcasting of the Czech Radio (an advisory body of the Czech Radio programming director) and a Working Group on National Minority Broadcasting of the Czech Television. These bodies are assisted by the Minorities Council Secretariat. The Secretariat recommends measures and policies to the Council and monitors the situation in the fields where national minorities exercise their rights.

2. An overview of national measures taken in respect of persons belonging to national minorities is provided in comprehensive annual reports on the situation of national minorities in the Czech Republic in 2001 and 2002.³ Article 2, paragraph 2 (e) of the Charter of the Minorities Council (hereinafter referred to as "the Council Charter"), approved by the Government after the adoption of Act No. 273/2001 to regulate the rights of persons belonging to national minorities as amended (hereinafter referred to as "the Minorities Act"),⁴ requires the Minorities Council to present to the Government before 31 May of each year a comprehensive annual report on the situation of national minorities in the Czech Republic in the preceding calendar year.⁵ These reports provide a comprehensive overview of legislative and non-legislative measures related to the national minority policy, including the assessment of results. Members of the Minorities Council representing individual national minorities, as well as representatives of the competent government bodies take an active part in the drafting of the reports.

3. Each competent ministry has its own independent mechanism to monitor compliance with the Convention in its area of responsibility. Preservation and development of national minority cultures falls within the responsibility of the Regional and National Cultures

² The charters and rules of procedure for both committees were approved by Minorities Council Resolution No. 8 of 5 March 2002; they are available to the public on the Minorities Council website and as printed documents (see footnote 4).

³ See Government Resolution No. 600 of 12 June 2002 to the Report on the situation of national minorities in the Czech Republic in 2001; Government Resolution No. 822 of 6 August 2003 to the Report on the situation of national minorities in the Czech Republic in 2002. The report for 2003 will be presented to the Government by 30 June 2004.

⁴ See Government Resolution No. 1034 of 10 October 2001, creating the Government Council for National Minorities. The document is available to the public, inter alia, on the website of the Minorities Council and as a printed document.

⁵ The reports are presented to a Government meeting by a member of the Government, in the present 2002-2006 election term by the Deputy Prime Minister for Research and Development, Human Rights and Human Resources, who also chairs the Minorities Council.

Department at the Ministry of Culture. Education in national minority languages falls within the responsibility of the Preschool, Primary, Primary Arts and Language Education Department at the Ministry of Education, Youth and Sports. A section created within this department in November 2003 deals with the education of national minorities and multicultural education. An important body in the broader framework of human rights protection is the Government Council for Human Rights. It annually presents to the Government a comprehensive report on the state of human rights, including the rights of persons belonging to national minorities.

4. At the regional and local levels the monitoring function is performed by local governments, in particular their national minority committees created under the Municipalities Act,⁶ Regions Act⁷ and the Capital City of Prague Act⁸. The Act amending and repealing certain acts in connection with the abolition of District Offices⁹ (legislation adopted in the second phase of the territorial administration reform, amending, inter alia, the Minorities Act) regulates the management and coordination of tasks concerning government policy for the integration of the Roma community.

5. National minority committees are set up by local governments in municipalities where at least 10% of the population reported other than Czech national identity in the last census (at the regional level and in Prague this threshold is lowered to 5%). Their function is to monitor the situation and initiate measures. They are composed of elected members and national minority delegates, if any, delegated by associations established in accordance with the Associations Act.¹⁰ In 2003 these committees existed in 39 municipalities or municipal districts, in one charter town and in four regional governments. Some local governments that do not meet the criteria for the creation of national minority committees but still need to develop communication and cooperation with organizations of persons belonging to national minorities, have set up national minority boards (Board of the Prague City Council for the National Minority Affairs, National Minority Board of the Liberec Town Council, Board of the Most City Council for National Minority Affairs).¹¹

6. According to the Municipalities Act and Regions Act, at least one half of the members of a national minority committee must be persons belonging to national minorities. In practice this enables national minority representatives to promote common positions in the committee. Though some of the committees are a mere formality, most of them perform a dual function: active work within the local community to make the life of national minorities easier, and communication with the Government's Minorities Council to assist in the monitoring of the situation of national minorities.

⁶ § 117 of Act No. 128/2000 Coll. on communities (local government), as amended by the Act No. 273/2001 Coll.

⁷ § 78, clause 2 of Act No. 129/2000 Coll., on regions (regional establishment of bodies), as amended by § 16 of Act No. 273/2001 Coll.

⁸ Act No. 131/2000 Coll., on capital Prague, as amended.

⁹ Art. LXIV of Act No. 320/2002 Coll., to amend and repeal certain acts in connection with the termination of the functions of District Offices; § 6, paragraphs 7 and 8 and § 13a) of Act No. 273/2001 Coll.

¹⁰ Act No. 83/1990 Coll., on the Association of Citizens, as amended.

¹¹ For an overview of local government bodies dealing with national minority affairs, see ANNEX.

2. Publicizing the results

7. Documents concerning the first monitoring cycle of the Convention are available on the Minorities Council website (Czech Republic Government Office server), together with other important texts concerning the work of this advisory body. Fundamental documents are available in the Czech and English languages and the Minorities Act is translated into the languages of all minorities represented on the Minorities Council. The Council has been using the Czech Government website (www.vlada.cz) to improve public awareness of national minority policies since 1998.

8. Comprehensive annual, monitoring and assessment reports on the situation of national minorities have been published and approved by the Czech government since 2001. The Prime Minister regularly distributes them to the Chairman of the Chamber of Deputies and Chairman of the Senate of the Czech Parliament for the information of the competent parliamentary committees. Information about the debates on such reports and the relevant government resolutions appear in the *Official Journal for Regional and Municipal Bodies*. The reports are distributed to public authorities and NGOs as printed documents.

In 2001-2002 the Open Society Institute monitored the protection of minorities in the Czech Republic in the context of the EU accession process. The results appeared in a separate publication,¹² widely available to NGOs and public authorities.

9. A separate publication on the national minority policy in the Czech Republic *Národnostně menšinová politika České republiky. Základní dokumenty (National Minority Policy of the Czech Republic. Key documents)*¹³ appeared in 2003. Besides others it includes the text of the Minorities Act translated into all national minority languages.

10. Information about the situation and life of national minorities and on measures affecting their rights in the context of the Convention appears in national minority periodicals, supported by annual state budget grants (see Part II B below, comments on Article 5). In the field of mass media a major role is played by the Czech Radio, broadcasting news and current affairs programmes prepared by national minority departments (programmes for the German, Polish, Roma, Slovak and other minorities). Arrangements are being made for a national minority broadcasting service on the television. Since 2003, the public service Czech Television, Ostrava studio, has been broadcasting weekly current affairs programmes for the Polish minority, prepared by editors belonging to this minority. In 2004 the same studio launched *Babylon*, a current affairs and documentary review covering all national minorities in the Czech Republic. These programmes are intended to serve the national minority, as well as to reach out to the broader majority society. The general public thus receives information about the national minority life and activities from the public service media. It is important that topics for *Babylon* are suggested by representatives of national minorities.

¹² Monitorování procesu vstupu do EU: Ochrana menšin. I. díl. Vyhodnocení vybraných koncepčních opatření v kandidátských zemích. Ochrana menšin v České republice. (Monitoring the EU accession process: minority protection., Vol. 1. Assessment of policies developed in candidate countries. Minority protection in the Czech Republic.) Prague 2002.

¹³ Publication prepared by the Minorities Council Secretariat. Published by the Czech Republic Government Office, Prague 2003, 114+42 pages.

3. Participation by members of the civil society in the process of implementing the Convention

11. The civil society participates in the implementation of the Convention chiefly through national minority representatives. The main factor is their presence and active role in the advisory bodies of public authorities: national minorities committees or boards in municipalities and regions and, at the central level, the Minorities Council, the Culture Ministry's advisory team for national minority cultures or the Education Ministry's advisory team for national minority education. In all these bodies each national minority has its representatives appointed at the suggestion of the respective national minority organization. Participation of the civil society (national minority representatives) in the conduct of public affairs affecting them is required by Article 25 of the Charter of Fundamental Rights and Freedoms (hereinafter referred to as "the Charter")¹⁴ and the Minorities Act (Section 6).

12. National minority affairs appear in the programmes of many civic associations. The Interior Ministry has so far registered over 500 such groups. Although only about one third of them function in practice, the public administration regards them as legitimate partners.

13. Various types of associations, local or nationwide, have been formed within national minority communities. There are efforts to bring them together in an umbrella organization, formal or informal, as a platform for the development of consensual positions on questions concerning the exercise of minority rights. Within the framework of civic initiatives, there are also efforts to create a common organization for all national minorities. Currently this role is played by the *Association of National Minority Organizations*, established in 2000.

4. Dialogue with the Advisory Committee

14. The Minorities Council Secretariat communicates with the Advisory Committee either directly or through the Czech Permanent Mission in Strasbourg. After the presentation of its first monitoring report, the Czech Republic was visited by an Advisory Committee delegation on 16-18 October 2000. The delegates received information about the conditions for giving effect to the principles of the Convention and about its concrete implementation from government representatives, members of the Minorities Council, as well as from non-governmental national minority organizations and other independent sources. After assessing the results, the Advisory Committee adopted an Opinion on the Czech Republic's first periodic report¹⁵ on 6 April 2001. In this context the Czech Republic was asked for additional information, in particular on the situation of the Roma minority. In accordance with Rule 27 of Committee of Ministers Resolution (97) 10, the Czech Republic submitted its comments on the Advisory Committee's Opinion to the Secretariat of the Committee of Ministers and to the Director General of the Directorate General for Human Rights of the Council of Europe on 27 August 2001.

15. In the process of monitoring compliance with the principles set out in the Convention, another meeting with representatives of the Advisory Committee took place on 1-2 December 2003 at Prague-Koloděje. On 2 December 2003, a full-day seminar on the implementation of the Convention in the Czech Republic was attended by Gáspár Bíró, Second Vice-President of the Advisory Committee, Alan Phillips, expert and former First Vice-President of the Committee,

¹⁴ Resolution of the Presidium of the Czech National Council No. 2/1993 on the promulgation of the Charter of Fundamental Rights and Freedoms as part of the constitutional legislation of the Czech Republic, as amended.

¹⁵ Opinion on the Czech Republic – ACFC/OP/I(2001)14.

and two members of the Advisory Committee Secretariat.¹⁶ On the part of the Czech Republic the seminar was attended by national minority representatives, members of the Minorities Council and its Secretariat, members of the Roma Affairs Council, representatives of the executive branch, local governments and the public service media (Czech Radio, Czech Television).

5. Measures concerning the Roma community

16. The Roma belong to groups obviously exposed to discrimination and social exclusion. Their discrimination persists in access to employment, housing, services and in other areas. Obviously, only a small proportion of these cases is effectively penalized. The Czech Government is aware that this situation gives rise to justified criticism on the part of persons belonging to Roma communities, as well as on the part of treaty-based mechanisms, such as the Committee on the Elimination of Racial Discrimination (hereinafter referred to as "CERD") and the Human Rights Committee. The Czech Government also attaches great importance to the critical views of the European Commission against Racism and Intolerance (hereinafter referred to as "ECRI") and of the Advisory Committee, as well as to the recommendations on the situation of the Roma minority, made by the Council of Europe Commissioner for Human Rights, Mr. Alvaro Gil-Robles, who visited the Czech Republic in February 2003. The Czech Republic approaches the problem openly and frankly. In its reports on compliance with the commitments arising from the Convention on the Elimination of All Forms of Racial Discrimination (2000), the International Covenant on Civil and Political Rights (2000) and the Framework Convention for the Protection of National Minorities (1999) the Government notes the existence of racial discrimination directed particularly against the Roma. It recognizes that though discrimination may be regarded as a problem of the society as a whole, the development of effective tools for protection against this phenomenon must be the subject of an active government policy.

The introduction of comprehensive anti-discrimination tools in the Czech Republic is associated with the implementation of EU Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. An Act concerning equal treatment and protection against discrimination is currently going through the legislative process and should be adopted in 2004 (for details see Part III, section 3).

17. Continuous efforts to eliminate discrimination, i.e. to ensure equal treatment, are associated with the development of affirmative action in respect of persons who are in a disadvantaged position because of various social or historically determined factors. In the field of Roma education, the objective of affirmative action is to radically change the present situation of Roma children whose education often stops at the lowest level. The Government regards the practice of referring large numbers of Roma children to special schools as untenable. The draft new Education Act brings fundamental changes to the special education system; however, a new law alone is not enough to improve the children's prospects. The children need targeted assistance in overcoming their sociocultural handicap. Time-tested forms of targeted assistance are head-start classes for children from socioculturally disadvantaged families (hereinafter referred to as "head-start classes"). Another possibility is to appoint assistant teachers (formerly known as "Roma pedagogic assistants") recruited mostly from the Roma community. The assistant teacher works according to the teacher's instructions. His/her function is to make it

¹⁶ See footnote 1.

easier for the children to get used to the school environment and to facilitate the teacher's communication with Roma pupils and parents.

18. In connection with the changes to the education system transforming "special schools" into "special primary schools", the Education Ministry plans that each special school would open a class providing instruction according to ordinary primary school programmes, and the best special school pupils would be gradually transferred to ordinary primary schools. This policy would enable special school teachers to make better use of their special expertise (especially individual approach to pupils), and children from one family would still go to school together, although one of them would be taught according to a special school programme and the other according to an ordinary school programme. At the recommendation of an educational guidance expert, individual study programmes, including remedial classes, can be organized for Roma pupils who today attend special schools.

19. Another task for the Education Ministry in the field of Roma education is to continuously intensify the support and promotion of head-start classes and the assistant teacher's function. The objective is to systematically apply this form of affirmative action in all cases where Roma pupils struggle with educational problems but their school does not offer head-start classes and assistant teachers.¹⁷ Of course, the need for affirmative action is due not only to the sociocultural handicap of Roma children (inadequate structuring of notions, poor knowledge of the language of instruction, different disciplinary standards at home and at school), but also to the nature of the whole education system, its inability to sufficiently reflect cultural differences.

20. The concept of primary school reform requires, inter alia, specialized teacher training programmes. Beside multicultural education, there will be compulsory courses providing basic information on the Roma community, its language and culture and on special approaches to communication with Roma parents. This will concern young teachers (who should learn many of these skills at the university), as well as those longer serving teachers who have so far been rarely required to deal with Roma children. A teacher who receives a new Roma pupil in his/her class should, if possible, obtain information about the pupil's family and background from a Roma advisor or assistant teacher.

21. Affirmative action in the education of Roma children does not establish a separate system of Roma minority education; in fact, most representatives of the Roma minority have never called for such policy. One of the problems associated with Roma education is that the present schools catering for pupils from different sociocultural background are mostly attended by Roma children who, at least at the beginning, find it hard to communicate in the Czech language. Since most of them speak a Czech-Slovak ethnolect, it would be out of question to use the Roma language as an auxiliary language of instruction in head-start and first grade classes.

22. Major changes are necessary also in preschool education at kindergartens, where the percentage of Roma children has been very low. This means that a high percentage of Roma children are entering primary schools quite unprepared, and this again affects their school performance. A priority task is to create an early care system for children from socioculturally

¹⁷ Task entrusted to the Minister of Education, Youth and Sports under Government Resolution No. 1145 of 7 November 2001.

disadvantaged background.¹⁸ The draft new Education Act specifically provides that a child must be admitted to a kindergarten for the last preschool year free of charge.

23. Another priority is that a greater number of Roma students, including students from needy families, should be given the chance to attain secondary and university education. Within the framework of the Government's grant-making policy, the Education Ministry offers a *programme of support for Roma secondary school students*. The programme is based on affirmative action and provides financial support (school fees at private schools, travelling costs, meals and school things), making it easier for Roma students to begin or continue the studies that they would otherwise have to give up for financial reasons.¹⁹

24. The educational handicap must be overcome also in the education of adults who, due to their socioculturally disadvantaged position, attended special schools and thus were effectively barred from higher education. Today they are offered courses that should help them attain full primary education and learn some skills demanded at the labour market. In the field of employment, an example of affirmative action are occupational training and retraining courses designed to eliminate the handicap in access to public service jobs or to service in the armed and security forces. The students will acquire knowledge and skills that are quite common in the majority society, but quite uncommon in the Roma community. Other activities in this field include retraining courses for Roma assistants and advisors, preparing them for work in the public administration and local government. An example of courses specially designed for the Roma and persons belonging to other national minorities are the preparatory courses for people wishing to join the Czech Republic Police, offered since 1990. Similar courses for Roma recruits are being prepared by the Czech Republic Prison Service. In the future, preparatory programmes should be developed for those who want to join the armed forces. The army's military boarding schools are most suitably equipped for education and occupational training of men from socioculturally disadvantaged background.

25. In its strategies addressing the problem of high Roma unemployment, the Ministry of Labour and Social Affairs uses the ethnically neutral expression "persons with job placement difficulties". Employment assistance available to these persons takes into account their different sociocultural background.

26. Strategies for affirmative action in employment will include incentives for employers who take on a Roma (or a "person with job placement difficulties"). They will qualify for tax reliefs (a fixed amount per each employee deduced from the tax base) and for direct payments (a fixed amount per each employee).

27. The currently proposed change of social policies should result in a move from social benefits to social assistance, with emphasis on work within the Roma community. It requires the development of fieldwork in excluded Roma communities, using streetworkers who have recently completed their training for work with the most vulnerable Roma communities. The streetworker should analyze the social situation of a Roma family and help eliminate the undesirable factors impeding its social integration, using suitable methods and tools of social work. Posts for streetworkers were created at District Offices in 2000 and the function was gradually introduced in the local government system in 2001-2002. In 2000 streetworkers

¹⁸ See Information about the current situation in care for children with socioculturally disadvantaged background and Proposed objectives of the concept of care for children with socioculturally disadvantaging background in the field of education, noted by Government Resolution No. 323 of 7 April 2004.

¹⁹ Accepted applications for this support totalled 90 in 2000, 1,531 in 2001 and 2,500 in 2002.

functioned in 16 municipalities, in 2001 in 35 municipalities and in 2002 in 50 municipalities across the Czech Republic. The network has continued to grow after the District Offices were abolished on 31 December 2002 due to the public administration reform. Streetworkers active in Roma communities are increasingly numerous also in the non-governmental non-profit sector.

28. A specific group of social care clients are young adults, often of Roma origin, who have left institutions or foster care on reaching adulthood. Having nowhere to go, they are prone to homelessness, drug abuse or prostitution. The percentage of crime victims and offenders in this group is very high. A solution may be a *halfway house*, enabling young adults to gradually integrate in normal life. So far, the number of places offered under the "*Halfway House*" project (run by NGOs in consultation with municipalities, with the Ministry for Regional Development and the Ministry of Labour and Social Affairs) by no means meets the current demand.

29. Specific problems persist in the field of Roma housing (evicting Roma tenants for non-payment of rent, growing residential segregation).²⁰ Since housing policies are mostly within the responsibility of local governments, the Government has only limited power to influence the situation. The local government has the sole responsibility for management of municipal property, including the allocation of flats. Its conduct in connection with lease contracts and its rules for the allocation of municipal flats are outside the scope of the Government's supervisory powers. The Regional Offices or the Interior Ministry can only examine whether the municipality has violated any laws and regulations.

A form of affirmative action is the government-guaranteed Housing Support Programme, prepared by the Ministry for Regional Development in 2003. It subsidizes the construction of municipal flats for a broad target group of persons disadvantaged in access to housing. According to its terms and conditions, municipalities that receive the grants are required to build flats for people from the target group, and then to offer to the tenants social services supporting the integration of persons prone to social exclusion. By the end of 2003, grants were allocated for the construction of 456 supported dwellings, including 418 protected dwellings, 38 halfway dwellings and entry level dwellings. In the first year of the programme, municipalities mostly applied for grants to support the construction of protected dwellings. The Ministry for Regional Development expects that the numbers will rise in 2004. Though the programme is not a universal answer to the housing problem of needy Roma communities, it is highly desirable to implement it as a pilot scheme in areas affected by residential segregation and a risk of uncontrolled ghetto development.

30. In the field of Roma culture, the greatest task is to encourage active development of the culture, as well as cultural and linguistic studies. There is a real danger that the ongoing spontaneous cultural and linguistic assimilation, especially in the younger Roma generation, will wipe out Roma cultural traditions, folklore and language. Preservation and active development of the Roma culture and language are supported by grants of the Culture and Education Ministries. The rich annual programme of regional and national events, musical, literary or theatre festivals, greatly contributes to the preservation and development of Roma cultural traditions.

31. The leading centre for study of the Roma culture and language is the Roma Studies Seminar at the Faculty of Arts, Charles University, in Prague. This is the only facility in the

²⁰ For detailed description of problems with Roma housing in the Czech Republic and possible ways to address them, see "*Romové, bydlení, soužití (The Roma, housing, coexistence)*", Prague 2000. Published by "Socioklub" association supporting development of the theory and practice of social policy.

Czech Republic offering a comprehensive M.A. programme for future experts on Roma affairs. Their number is still too low, compared with the present and anticipated demand for university-educated experts in the field. So far, new students were admitted to enrol in the M.A. programme in 1991, 1996 and 2002 and a B.A. programme was opened in 2003. The seminar is merely a small section of the university's Indian Studies Department. It struggles with lack of funds and space for teaching and research work; its costs are mostly paid from grants. Another important contribution to the study of the Roma language and culture is the educational and publishing activity of the Roma Education Programme at Palacký University in Olomouc.

32. An integral part of the development of the Roma language and culture is historical research, especially Roma ethnological and ethnomusical (traditions, folklore), sociological and linguistic studies. Roma studies are developing at the Museum of Roma Culture in Brno, as well as at universities and academic institutions.

33. The updated version of the "*Concept of Roma Integration*" approved by the Czech Government in 2003,²¹ requires that the existing and successful programmes should continue and develop. This concerns above all the programme for support of Roma secondary school students, the programme of streetwork in excluded Roma communities, the programme encouraging all schools with Roma pupils to open head-start classes and take on Roma assistant teachers, the subsidized housing programme, and especially further development of measures to prevent social exclusion in Roma communities. In 2003 a total of CZK 30,000 was granted from the state budget to support programmes preventing social exclusion in Roma communities.²² These were used for specific projects, launched by local governments in an effort to address the issue of social exclusion in Roma communities. Since the prevention of social exclusion in Roma communities is obviously a crucial and long-term task, a sum of CZK 30,000 has again been earmarked in the 2004 state budget and the allocations are expected to continue in the coming years.

6. Situation of numerically small national minorities

34. Numerically small national minorities in the Czech Republic are above all the Bulgarian, Croatian, Ruthenian and Greek minorities. According to the 1991 census data, the Russian and Ukrainian minorities were also rather small. These two communities have been developing into fully-fledged national minorities since 1990. In the process, the core group seeks to define its attitudes e.g. to former Soviet citizens who settled in the Czech Lands after the Second World War or those who arrived with the post-1989 migration waves. For political and social reasons, the small original Russian and Ukrainian communities formed by migrants from the 1920's and 1930's are rather reserved about new immigrants, although the newcomers are keen on participating in the minority's programme. It is to be noted that while the Russian and Ukrainian minorities autonomously develop their own minority life, they also take part in common activities with other national minorities. An example is the civic association Ukrainian Initiative in the Czech Republic, organizing many joint events (especially literary, musical and fine arts) with other national minorities to bring together the cultures of national minorities living in the Czech Republic.

²¹ See Government Resolution No. 243 of 12 March 2003 to the Information on the implementation of Government resolutions on the integration of Roma communities and active approach of the public administration to the implementation of measures adopted under the resolutions (situation on 31 December 2002).

²² See Government Resolution No. 761 of 5 August 2002 to the Draft Plan of Action to limit the number of persons belonging to the Roma community in the Czech Republic who seek asylum in EU countries and Norway.

35. Each of the national minorities mentioned above has been represented on the Minorities Council since 2001 (the Ukrainians since 1993) and fully participates in all government-sponsored national minority programmes. Like other minorities, they are dispersed across the country's territory (the only exception being the Polish minority concentrated in the Czeszyn district of Silesia, near the Czech-Polish border and in the Moravia-Silesia region).

36. Characteristically, each national minority has a different historical background. The Croatian minority is all that remains of the compact Croatian enclave that existed in South Moravia in the 17th century. The Bulgarian minority formed in several migration waves in the late 19th and early 20th centuries, especially after the establishment of the Czechoslovak Republic in 1918. Persons belonging to the Greek minority are the descendants of political asylees from the 1940's and 1950's. The Ruthenian minority was formed by people from East Slovakia and Ruthenia who moved to the Czech Lands after the establishment of the Czechoslovak Republic in 1918 and after the Second World War. The Russian and Ukrainian national minorities stabilized in the Czech Lands in the 1920's, when the country received a wave of political emigrants from the Soviet Union.

The historical differences described above do not give rise to differences in the treatment of individual minorities on the part of the public authorities implementing the national minority policy.

37. The Jewish community is a special case among numerically small national minorities. In the Czech Republic, persons belonging to it do not define themselves as a national minority, but as a religious and cultural community. However, liberal civic associations of persons belonging to the Jewish community participate in programmes supporting national minority activities. In particular, the Jewish congregation *Bejt Simcha*, an associate member of the Federation of the Jewish Communities in the Czech Republic, takes part in the programme supporting the publication of periodical press, especially in the area of multicultural education.

38. The minority communities of migrants, especially from Asian countries, are another specific case. The most important of them is the Vietnamese community (see Part III, section 1), followed by the numerically smaller Chinese community and other groups. There are also different national groups of immigrants from the former Soviet Union, with varied social composition. These communities are the target group of the Aliens Integration Programme prepared by the Interior Ministry's Asylum and Migration Policies Department. The Interior Ministry has been entrusted with the task to coordinate the Czech Republic's integration policies; a Commission for Aliens Integration has been established to bring together the ministries, NGOs and aliens' organizations. In 1999 the Government adopted a fundamental policy document on the Aliens Integration Programme.²³ In the following years the strategy for implementing the adopted principles was adjusted in the light of the current immigration trends. In 2003 the Government also approved the principles of the Government's policy in the area of aliens' migration.²⁴ Integration policy plans have been developed for the Interior Ministry, the Ministry of Labour and Social Affairs, the Health Ministry, the Education Ministry, the Culture Ministry, the Ministry of Industry and Trade and the Ministry for Regional Development. On the basis of the adopted concept, the topics for projects supporting the integration of aliens within the scope of the grant-making policies of the competent ministries were broadly defined in 2000.

²³ Government Resolution No. 689 of 7 July 1999 to the Principles of the concept of integration of aliens in the territory of the Czech Republic, and on the preparation and implementation of this concept.

²⁴ Government Resolution No. 55 of 13 January 2003 to the effectiveness of the Concept of integration of aliens in the territory of the Czech Republic and further development of the concept after the Czech Republic's accession to the European Union.

They included the building of information systems, social and legal counselling for aliens, education, language and vocational training, job opportunities for aliens, support for cultural and religious life of aliens, education of the general public and public servants on the integration of aliens, support for the development of relations between aliens and their communities and the general public, etc. In 2003, the functions concerning coordination of the aliens' integration policy were transferred from the Interior Ministry to the Ministry of Labour and Social Affairs.

PART II

Measures taken to improve implementation of the Convention in response to the Resolution adopted by the Committee of Ministers

A. Legislative measures

1. Measures reflecting the principles set out in the Convention

39. The protection of the rights of national minorities in the Czech Republic is safeguarded by the Constitution of the Czech Republic²⁵ and by the Charter.²⁶ The Minorities Act, effective since 2 August 2001, specifies the rules for the exercise of national minority rights, taking into account the need to improve the conditions for the implementation of the Convention in the Czech Republic.

40. The Minorities Act was drafted in 1999 and 2000 with the active participation of persons belonging to national minorities – members of the then Government Council for Nationalities and of the general public. In the light of the debates that took place during the process of ratification of the Convention, the authors opted for a conceptual approach. The Government was required to analyze legal standards concerning national minorities and to suggest changes that would reflect the principles of the Convention.²⁷

41. The Minorities Act provides the legal framework for individual elements of national minority rights, and the rules for amending the laws and regulations that govern their exercise, in accordance with the Charter and the Convention. It covers the right to freely choose to be treated or not to be treated as a person belonging to a national minority, association, participating in the conduct of affairs affecting national minorities, the use of minority languages in public, in relations with the administrative authorities and in court, education and preservation of national minority cultures. The Act also creates the Government Council for National Minorities and defines its powers. Headed by a member of Government,²⁸ the Council advises the Government and proposes policies on issues concerning national minorities and persons belonging to them. The Act also provides that the Government may by directives set the conditions and regulate the procedure for awarding grants in support of national minority activities.²⁹ Individual legislative and non-legislative measures designed to improve the conditions for the implementation of the principles of the Convention are explained in more detail in commentaries on the respective articles of the Convention in B below.

²⁵ Constitutional Act No. 1/1993 Coll., Constitution of the Czech Republic, as amended. Article 6 of the Constitution provides that "political decisions shall reflect the will of the majority, expressed in a free vote. The decision-making of the majority shall take into account the protection of minorities".

²⁶ Article 24 of the Charter prohibits discrimination and Article 25 provides the basic framework for the protection of national minority rights.

²⁷ See Resolution of the Chamber of Deputies of the Parliament of the Czech Republic No. 561 of 6 November 1997 (www.psp.cz/eknih/1996ps/usneseni/u0561.htm).

²⁸ Between 1998 and the adoption of the Minorities Act in 2001 the Minorities Council was not headed by a member of Government.

²⁹ See Government Resolution No. 159 of 20 February 2002; Government Resolution No. 98/2002 setting the conditions and procedures for the award of grants from the state budget in support of the activities of persons belonging to national minorities and in support of the integration of persons belonging to the Roma community. The legislation took effect on 15 April 2002.

2. Education to human rights, tolerance and multicultural education

42. Pursuant to resolution 49/184 of the United Nations General Assembly that in 1994 declared the United Nations Decade for Human Rights Education (1995-2004), the Czech Government by Resolution No. 385 of 19 April 2000 charged its Human Rights Commissioner with the task to prepare a report on the state of human rights education. The report, based on information from the Education, Interior, Justice, Finance, Labour and Social Affairs, Defence, Foreign Affairs, and Culture Ministries, was considered by the Government on 3 January 2001.³⁰ The conclusions of the report set out procedures in the field of human rights education and identify professional groups which are most often at risk of violating human rights. These include the staff of educational institutions, personnel of the armed forces (Czech Republic Police, Czech Republic Army, Prison Service, and customs officers) judges and prosecuting attorneys, social workers and staff in the health care sector. The Government instructed the competent ministers to make organizational arrangements and provide for long-term coordination of human rights education in their areas of competence. The Government Commissioner for Human Rights was instructed to monitor compliance with the set tasks and to inform the Government about the results in his annual reports on the observation of human rights in the Czech Republic.

43. The range of tasks concerning education to human rights, tolerance and multicultural education falls within the competence of the Education Ministry. The problem is currently discussed also in the *Concept of educational activities in the field of the fight against extremism*, approved by the Government in 2002.³¹ To facilitate the fulfilment of the task, the Education Ministry has entered into an agreement with the Faculty of Humanities of Charles University for the establishment of a multicultural education centre – the Cabinet for Education to Democratic Citizenship. The Centre takes care of the tasks entrusted to the Education Ministry in this area. It prepares seminars and workshops on current issues for primary and secondary school teachers, university teachers from pedagogical faculties, the staff of guidance and training centres for teachers, the staff of psychoeducational guidance centres and the Czech Schools Inspection. It carries out analyses, inquiries, surveys and other tasks. The results of its surveys and monitoring serve as a basis for further development of the Education Ministry's concept of a cross sectional education policy, reflecting the educational needs of aliens, migrants, as well as national minorities traditionally settled in the Czech Republic.

44. Multicultural education was an important element of Phare 1999 project *Improving the relationship between the Czech and Roma communities*, implemented by the public benefit association People in Need (under the instructions and supervision of the then Interministerial Commission for the Affairs of the Roma Community) from January 2001. The project was followed up in 2002 by a similar Phare 2000 project commissioned by the Education Ministry, and by the *Variants – intercultural education* project implemented under the European Union's EQUAL programme. The objective is to create new multicultural education programmes for all types of schools, ranging from primary schools to universities. This change of educational programmes also requires that multicultural education must be established as a standard element in the training of teachers, including kindergarten teachers.

³⁰ Government Resolution No. 28 of 3 January 2001 to the Report on Human Rights Education in the Czech Republic.

³¹ Resolution No. 268 of 18 March 2002 to the draft Concept of educational activities in the field of the fight against extremism.

45. One of the categories in the Education Ministry's grant-making programme for instruction in national minority languages and multicultural education are grants supporting the production of educational programmes and teaching materials in the field of minority education. Their purpose is to teach the history and culture of other nations, to educate pupils to democratic citizenship and tolerance, to eliminate racial and national intolerance and xenophobia. Within the framework of this programme, the Education Ministry annually supports many projects. Special support is provided to university educational programmes, in particular:

- Education to democratic citizenship and multicultural tolerance (Faculty of Humanities, Charles University, Prague),
- Didactic problems in teaching the Czech language – a multiethnic class (Pedagogical Faculty, Charles University, Prague),
- Multicultural (intercultural) education as a cross sectional topic in the Framework Educational Plan (Pedagogical Faculty, Masaryk University, Brno),
- A geography teacher in a multicultural society (Pedagogical Faculty, Masaryk University, Brno),
- Pro-active methods and forms of teaching – application of the principles of multicultural education (Pedagogical Faculty, Palacký University, Olomouc),
- Multicultural education in undergraduate teacher training programmes with respect to the problems of refugees (Pedagogical Faculty, Palacký University, Olomouc),
- Supplementary course in pedagogy for professionals working with disadvantaged groups of population (Pedagogical Faculty, Jan Evangelista Purkyně University, Ústí nad Labem),
- Multicultural education course (Pedagogical Faculty, Technical University, Liberec),
- Study programmes of the Pedagogical Faculty and Faculty of Arts at Palacký University in Olomouc (Developing the social skills of pedagogy students, Undergraduate courses for teachers in the field of legal education, Undergraduate courses on the education of minority groups of the population); the Faculty of Humanities at Charles University (Education to democratic citizenship and multicultural tolerance); the Pedagogical Faculty at Charles University (Didactic problems in teaching the Czech language to a multiethnic class); Pedagogical Faculty at Masaryk University (Multicultural education as a cross sectional topic in the Framework Educational Programme); Pedagogical Faculty at the Technical University, Liberec (Multicultural education course); Social Studies Faculty at Masaryk University (Ethnic groups, minorities and marginalized groups in the Czech Republic).

46. The annual campaigns against racism in the Czech Republic are the important elements in the education. The Government Commissioner for Human Rights is entrusted with carrying out the campaigns. The funding is provided from the state budget, under various grant-making programmes. The first nationwide campaign against racism (*Tolerance Project*) took place from December 1999 to June 2000 and met with a considerable, mainly favourable response. In 2001 a follow-up campaign did not take place, but there was an anti-racist campaign covered by Phare 1999 programme, a campaign conducted by the Ethnic Minorities League and other non-governmental groups.

47. The overall trend in these campaigns, prepared in cooperation with private advertising agencies, is to create different communication strategies for different age and social groups. The campaign against racism in 2002 included four differentiated projects – *Tolerance Projects: Riding Together* for secondary school students, *Music Beats Local Nazi*, an anti-racist music festival following up a campaign that ridiculed the Nazi skinheads; *Minorities in Libraries*, a

project supplying libraries with books on minorities and intercultural coexistence; and *Support for Fieldworkers – fieldwork in socially excluded communities*, targeting local governments. The campaign received highly favourable media coverage, showing that there is a lasting interest in the issue among Czech journalists.

48. The grants provided in 2003 were smaller than in the previous years (CZK 4 million). As a result, it was possible to continue only some of the activities that scored success in the previous anti-racist campaigns (*Tolerance Project*). The focus of the campaign is broadening to include not only racism as such, but also culturally determined intolerance, which, unlike racism, is regarded in the majority society as fully legitimate and even natural. The following projects took place in 2003:

(a) *Diversity in Libraries: Public information and media campaign at the regional and local levels*. The aim was to acquire books for 500 public libraries in various parts of the Czech Republic. The main project was accompanied by multicultural events. The project is run by the civic association Multicultural Centre Prague. The participating libraries acquired books on minorities, refugees, immigrants and intercultural coexistence. The project systematically broadened the range of publications available to the general public in all age groups.

(b) *Tolerance Ride: intercultural educational campaign at primary and secondary schools*. A project developed for secondary schools and vocational schools in selected towns in the Czech Republic to follow up the *Riding Together* programme that took place in previous years. The project was run by the public benefit association Tolerance. Teams of four young people visited schools to discuss the problems of racism and xenophobia, and the positive role of tolerance towards different nations and cultures, multiculturalism, etc. The aim was to influence the attitudes of young people (16-18 years of age) towards persons belonging to minorities, refugees and racism.

B. Comments on individual articles of the Convention

49. The comments concern Section III of the Convention, in particular the articles on which the Advisory Committee has made suggestions or remarks in its Opinion on the Czech Republic's first periodic report of 6 April 2001. The present commentary also supplements the "Additional Information on Compliance with the Principles set Forth in the Framework Convention for the Protection of National Minorities under Article 25 of the Convention", submitted by the Czech Republic on 27 August 2001.

ARTICLE 1

50. The Czech Republic honours its commitments arising from the ratified international human rights treaties (see The Czech Republic; Information about Compliance with Principles set forth in the Framework Convention for the Protection of National Minorities under Article 25, Paragraph 1 of this Convention). However, as concerns the Council of Europe treaties, the Czech Republic is not yet bound by the European Charter for Regional and Minority Languages (ETS 148). This international instrument was signed by the Czech Republic on 9 November 2000 with the reservation of ratification. The steps towards ratification crucially depend on the legislative process that should create legal environment for the commitments contained in the Charter.

ARTICLE 2

51. In accordance with the principles of good neighbourhood, friendly relations and cooperation between States, the Czech Republic's bilateral treaties with the neighbouring States guarantee the protection of the rights of national minorities, support for the preservation and development of their culture, language and identity. This applies in relations with the Federal Republic of Germany,³² the Republic of Poland,³³ Slovak Republic,³⁴ as well as the Republic of Austria.³⁵ The status of minorities – communities of compatriots – is often the subject of bilateral negotiations between the senior officials in charge of different aspects of the national minority policy. So far, no major objections to the Czech Republic's policy towards persons belonging to national minorities have been raised in these negotiations.

ARTICLE 3

52. The Minorities Act adopted in the Czech Republic in 2001 defines, inter alia, the terms "national minority" and "person belonging to a national minority". The definition reflects Council of Europe Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights.³⁶ Section 2, paragraph 1 of the Minorities Act says that "A national minority is a community of citizens of the Czech Republic who live on the territory of the present Czech Republic and as a rule differ from other citizens by their common ethnic origin, language, culture and traditions; they represent a minority of citizens and at the same time they show their will to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture and at the same time express and preserve interests of their community which has been formed during history". Section 2, paragraph 2 provides that "The member of a national minority is a citizen of the Czech Republic who professes other than Czech ethnic origin and

³² The agreement between the Czech and Slovak Federal Republic and the Federal Republic of Germany on good neighbourhood and friendly cooperation (published under No. 521/1992 Coll. as Agreement between the Czech and Slovak Federal Republic and the Federal Republic of Germany on Good Neighbourhood and Friendly Cooperation). The agreement pays attention to the state of minorities in Article 20, clause 1- 5 and Article 21, clause 1 - 3. Czech - German Declaration on Mutual Relations and Their Next Development, the political document in this field, was signed on 21 January 1997. Chamber of Deputies of the Parliament of the Czech Republic approved this Declaration by Government Resolution No. 221 from 14 February 1997. Article V. of the Declaration specifies obligations concerning the support of the members of the German minority in the Czech Republic and persons of Czech origin in the Federal Republic of Germany.

³³ The agreement between the Czech and Slovak Federal Republic and the Polish Republic on good neighbourhood, solidarity and friendly cooperation (published under No. 416/1992 Coll. as Agreement between the Czech and Slovak Federal Republic and the Polish Republic on Good Neighbourhood, Solidarity and Friendly Cooperation). The state of the Polish national minority in the Czech and Slovak Federal Republic is explicated in Article 8, clause 1 - 4. Agreement Between the Government of the Czech and Slovak Federal Republic and the Government of the Polish Republic on Cultural and Scientific Cooperation (signed on 30 September 2003 but it has not come into effect yet).

³⁴ The agreement between the Czech Republic and the Slovak Republic on good neighbourhood, friendly relations and cooperation (published under No. 235/1993 Coll. as Agreement between the Czech Republic and the Slovak Republic on Good Neighbourhood, Friendly Relations and Cooperation. Article 8 guarantees both the legal protection and support of new national minorities - the Slovak minority in the Czech Republic and the Czech one in the Slovak Republic, the development of educational, cultural and association activities etc.

³⁵ Agreement between the Czechoslovak Socialist Republic and the Republic of Austria on Cooperation in the Fields of Culture, Education and Science, Vienna, 22 November 1977, Notice No. 37/1979 Coll., Negotiations on a new version of the agreement have been suspended due to the Czech Republic's accession to the EU.

³⁶ See 1403-1/2/93-17-E. Assembly debate on 1 February 1993 (22nd Siting).

wishes to be considered a member of a national minority in common with the others who profess the same ethnic origin".

53. The Minorities Act does not include a complete list of all national minorities in the Czech Republic; however, the consensual approach is to draw a distinction between national minorities traditionally living in the Czech Republic and other non-Czech groups of population, i.e. immigrants arriving since the 1970's. The number of seats allocated to each national minority on the Minorities Council is regulated by the Council's Charter, stating that the Minorities Council comprises the representatives of eleven national minorities, in particular the Bulgarian, Croatian, Hungarian, German, Polish, Roma, Ruthenian, Russian, Greek, Slovak and Ukrainian minorities (Article 3, paragraph 2 (a)). However, this number is not final. In 2004, a representative of the Serbian minority will be added to the list by an amendment to the Charter. The numerically small Serbian community, living mainly in Prague, has been building organizational structures since the late 1990's and its members are actively developing their own national minority life.

54. It is important that aliens residing in the Czech Republic take part in activities organized by national minorities of the same origin, and fully participate in some of the Government's programmes supporting the preservation and development of minority cultures and in other activities of organizations of minorities traditionally living in the Czech Republic.

55. Like in 1991, the results of the 2001 census again confirmed that some citizens living in Moravia and Silesia report "Moravian" or "Silesian" national identities (see Part III, section 1.3). Statistical data on Moravian or Silesian identities after 1989 are now the subject of historical, ethnological or sociological research in the light of demographic indicators. The present results of the research clearly show that this self-classification is a symptom of the search for historical identity of the territory in the process of the reform of territorial administrative units, and that parts of the population in Moravia and Silesia are not in the position of a national minority, distinguished from the majority population by language, culture and traditions.³⁷ There are even several streams in the "Moravist" movement seeking to revive the political ambitions of the Movement for Self-Governing Moravia, a movement that emerged in the political euphoria after November 1989 and lost all political importance in the mid 1990's. As a result, despite the census results showing that there are groups of persons belonging to Moravian and Silesian nationalities in the Czech Republic, the present report does not discuss the issue of Moravian territorial identity.

ARTICLE 4

56. The operative legislation of the Czech Republic prohibits any manifestations of discrimination and provides for the equality of all people before the law. Despite that, national minorities, especially the Roma minority, are still faced with the problem of discrimination. The socioculturally disadvantaged Roma communities are burdened with negative stereotypes that give rise to discriminatory treatment. The Roma encounter problems in the labour market due to poor education and inadequate or nonexistent qualifications, as well as in housing or social life. The steps taken by the Government in the fields of employment, social policy and education, or

³⁷ For answers to the discussed questions concerning the "Moravist" movement, see *Morava a české národní vědomí od středověku po dnešek. Sborník příspěvků z konference Češi nebo Moravané? K vývoji národního vědomí na Moravě*, konané dne 28. 2. 2001 v Brně. (*Moravia and the Czech national identity from the Middle Ages till present. Proceedings of the conference The Czechs of Moravians? The development of national identity in Moravia*, held on 28 February 2001 in Brno). Ed. Jiří Malíř a Radomír Vlček. Published by Matices moravská. Brno 2001, 234 p.

support provided under grant-making programmes do not lead to highly visible changes in the short term.

Discrimination is felt also by the older generation of the German national minority as a result of the measures adopted after the Second World War. One of the problems is that periods of forced labour in various branches of the national economy have not been included in the qualifying period for old age pensions. Another problem is the application of the post-1989 restitution legislation that does not allow the restitution of properties confiscated before February 1948, with the exception of agricultural land.

57. The Czech Republic has taken a number of measures to ensure protection against discrimination. The scope of this protection has been further expanded by new legislation regulating the work of the judicial branch,³⁸ which introduces special forms of protection against different forms of discrimination, inter alia, on the grounds of race or ethnic origin (for details see Part III, section 3.3).

58. Prevention of discrimination has been taken into account also in the amendments to mass media legislation, adopted in 2001 and 2002. Part of the public service mission of the Czech Television and Czech Radio is to offer a balanced range of programmes for all groups of the population, taking into account their ethnic or social origin and identity. The mission of the public service media is also to develop the cultural identity of the Czech Republic's population, including persons belonging to national minorities.³⁹ The Radio and Television Broadcasting Act requires radio or television broadcasters to offer a balanced range of programmes for all groups of population, taking into account their age, sex, colour, faith, religion, political or other opinion, ethnic or social origin or membership of a minority.⁴⁰ An amendment to the Radio and Television Broadcasting Act is currently in the drafting stage. It will prohibit advertisements and teleshopping spots attacking a religion or political opinion or containing elements of discrimination on the grounds of race, colour, language, ethnic or social origin or membership of a national or ethnic minority.⁴¹

59. Different national minorities have different ways of demonstrating their fear of discrimination. For example, according to representatives of the German minority, many Czech citizens belonging to German national minority did not give any specification on national identity in their census forms for fear of discrimination. In this case, the individual feeling stems from their collective experience under the totalitarian regime before November 1989. However, according to the Protection of Personal Data Act, data on a person's national, racial or ethnic origin are treated as sensitive.⁴² The census forms were therefore discarded after statistical processing.⁴³

³⁸ In particular Act No. 151/2002 Coll., to amend certain acts in connection with the adoption of the Code of Administrative Procedure and of an amendment to Act No. 501/1992 Coll., Code of Civil Procedure, as amended. The Act took effect on 1 January 2003.

³⁹ See § 2, paragraph 2 (c) and (d) of Act No. 483/1991 Coll., on the Czech Television, as amended; § 2, paragraph 2 (c) and (d) of Act No. 484/1991 Coll., on the Czech Radio, as amended.

⁴⁰ § 31, paragraph 4 of Act No. 231/2001 Coll., on radio and television broadcasting and to amend other acts, as amended.

⁴¹ § 48, paragraph 1 of Act No. 231/2001 Coll., on radio and television broadcasting and to amend other acts, as amended.

⁴² § 4 of Act No. 101/2000 Coll., on the protection of personal data and the amendment of some acts, as amended.

⁴³ See § 13 of Act No. 158/1999 Coll., on the 2001 census.

60. Current developments in the field of legislation ensuring equal treatment and protection against discrimination are described in Part III (section 3) below.

ARTICLE 5

61. The task to facilitate preservation and development of national minority culture and languages falls within the responsibility of the Culture and Education Ministries. The Culture Ministry's approach to persons belonging to national minorities in the Czech Republic is outlined in a fundamental strategy document, approved by Government Resolution No. 40 of 10 January 2001 concerning the updated Strategy for a more effective government support to culture (cultural policy) and published as a separate publication *The Cultural Policy in the Czech Republic*.⁴⁴ The principle is stated in Article 14 of the document: "To support the cultural activities of national minorities as an expression of their identity and traditions". On the basis of this cultural policy concept, the Culture Ministry supports the activities of persons belonging to national minorities by means of (a) annual competitions for grants for projects supporting the cultural activities of persons belonging to national minorities in the Czech Republic, and (b) other grant-making programmes in different fields.

62. The awarding of state budget grants for the activities of persons belonging to national minorities is regulated by special legislation introduced in 2002.⁴⁵ It provides that state budget grants are awarded to NGOss of persons belonging to national minorities or organizations working for the benefit of national minorities or individuals who submit specific projects concerning cultural activities. The projects concern, above all:

- artistic activities,
- cultural education and other educational activities,
- study and analyses of national minority cultures and traditions,
- documentation of national minority cultures,
- publishing activities,
- spreading and receiving information in national minority languages,
- multiethnic events.

⁴⁴ Published by the Ministry of Culture of the Czech Republic, Prague, 2001.

⁴⁵ See footnote 21.

State budget grants for cultural activities of persons belonging to national minorities under the Culture Ministry's grant-making programme

| National minority | 1999 (CZK) | 2000 (CZK) | 2001 (CZK) | 2002 (CZK) | 2003 (CZK) |
|-------------------|-----------------|-----------------|-----------------|-------------|-----------------|
| Bulgarian | 0 ^{*)} | 0 ^{*)} | 0 ^{*)} | 35 000 | 0 ^{*)} |
| Croatian | 50, 000 | 40, 000 | 40, 000 | 55, 000 | 145, 000 |
| Hungarian | 440, 000 | 400, 000 | 480, 000 | 480, 000 | 543, 000 |
| German | 350, 000 | 480, 000 | 632, 000 | 573, 600 | 488, 000 |
| Polish | 2, 330, 000 | 1, 725, 000 | 1, 905, 000 | 1, 865, 000 | 2, 135, 000 |
| Roma | 2, 472, 000 | 1, 755, 000 | 2, 299, 000 | 1, 965, 000 | 4, 469, 000 |
| Ruthenian | 0 ^{*)} | 0 ^{*)} | 30, 000 | 20, 000 | 42, 000 |
| Russian | 0 ^{*)} | 0 ^{*)} | 0 ^{*)} | 20, 000 | 0 ^{*)} |
| Greek | 90, 000 | 80, 000 | 120, 000 | 120, 000 | 193, 000 |
| Slovak | 1, 840, 000 | 1, 368, 000 | 1, 721, 000 | 1, 810, 000 | 1, 980, 000 |
| Ukrainian | 430, 000 | 340, 000 | 400, 000 | 415, 000 | 510, 000 |
| Other | 1, 075, 400 | 215, 000 | 593, 000 | 230, 000 | 535, 000 |
| Total | 8, 887, 400 | 6, 403, 000 | 8, 220, 000 | 7, 588, 600 | 11, 071, 214 |

63. Other grants under the Culture Ministry's grant-making programme in the past years were awarded to publishers of minority periodicals (see comments on Article 9).

64. Other legislation relevant to the cultural activities of persons belonging to national minorities includes the Act to regulate libraries and the conditions for provision of public library and information services⁴⁶ that took effect on 1 January 2002. Its purpose was to facilitate the provision of information to all people, irrespective of social status. The Act thus ensures free unimpeded access to information and its democratic use in the interests of citizens, as producers and recipients of information, in the process of education, creation and use of assets of cultural and artistic value, research and development, work and production of assets of utility value.

ARTICLE 6

65. The protection of national and other minorities from attacks directed against them and against persons belonging to them is a necessary precondition for the preservation of a stable social climate. The legislation protecting minorities from discrimination falls, above all, within the area of human rights protection and covers all branches of law. The protection of national minorities in criminal law and minor offences law must reflect international instruments binding on the Czech Republic, as well as national legislation, in particular the Convention and the Charter of Fundamental Rights and Freedoms.

66. To bring Czech legislation into line with the standards of criminal law in developed European countries, the Justice Ministry drafted an amendment to the Criminal Code⁴⁷ in 2002. The amendment, introduced by Act No. 134/2002, took effect on 1 July 2002. Inter alia, it broadens the definitions of the crimes of violence against a group of inhabitants and against an

^{*)} No projects submitted.

⁴⁶ Act No. 257/2001 Coll., on libraries and the conditions for provision of public library and information services.

⁴⁷ Act No. 140/1961 Coll., Criminal Code, as amended.

individual (Sections 196 and 197a), supporting and promoting movements that seek to suppress human rights and freedoms (Sections 260, 261 and 261a), defaming a nation, race and opinion (Section 198) and inciting to hatred for a group of persons or to restriction of their rights and freedoms (Section 198a), bodily harm (Sections 221 and 222) and murder (Section 219). The new clauses provide protection against serious attacks motivated by hatred for a particular ethnic group. The amendment complies with the requirement contained in EU Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The legal protection against racial crime in the Czech Republic also complies with the International Convention on the Elimination of All Forms of Racial Discrimination.⁴⁸

67. The criminal legislation fully enables the prosecution of extremist crime. The Interior Ministry takes measures to prevent racially motivated crime under the *Programme for the prevention of crime at the local level*. It supports projects designed to overcome prejudices, suppress xenophobia and increase tolerance on the part of the majority society, to emancipate and educate the Roma minority and help it assume its rightful place in the society. The purpose is to achieve conflict-free coexistence in the local community and to suppress racial crime. The target group of these projects are potential offenders, non-delinquents or people with a history of minor offences or sociopathic conduct, rather than hardline members and active sympathizers of extremist organizations.

68. The local crime prevention programme is designed for towns with high crime rates and accumulation of other sociopathological phenomena, such as unemployment, poverty, manifestations of extremism, etc. In 2003, the programme covered 91 towns; 33 of them implemented 40 projects concerning the Roma community, subsidized by CZK 3,306,000 grant from the state budget. Between 1999 and 2003, 282 projects were implemented and the state budget grants totalled CZK 21,243,000.

The following table shows the trends in extremist crime⁴⁹

| Year | Number of crimes | Number of prosecuted persons | Trend - crimes | Trend prosecuted persons | Note |
|------|------------------|------------------------------|----------------|--------------------------|---------------------------------------|
| 1999 | 316 | 434 | +183 (137.6 %) | +250 (135.9 %) | - |
| 2000 | 364 | 449 | +48 (15.2 %) | +15 (3.5 %) | Higher clearance rate +54 (19.8 %) |
| 2001 | 452 | 506 | +88 (24.2 %) | +57 (12.7 %) | Higher clearance rate +79 (24.2 %) |
| 2002 | 473 | 483 | +21 (4.6 %) | -23 (3.9 %) | - |

⁴⁸ Published in Notice No. 95/1974 Coll., on the International Convention on the Elimination of All Forms of Racial Discrimination.

⁴⁹ See Bureš, R.: *Oblast veřejného pořádku a bezpečnosti vzhledem k implementaci Rámcové úmluvy o ochraně národnostních menšin z pohledu Ministerstva vnitra České republiky* (Issues of public order and security with regard to the implementation of the Framework Convention for the Protection of National Minorities from the Interior Ministry perspective). Remarks at a seminar on the implementation of the principles set out in the Framework Convention for the Protection of National Minorities in the Czech Republic, 2 December 2003, Koloděje. Prague 2004. The data for 2003 were not available at the time of drafting this report.

69. Important elements of effective fight against racism and extremism are independent investigation of, and strong countermeasures against, such phenomena within the police force. The independence of investigators was radically enhanced by Act No. 265/2001 amending the Code of Criminal Procedure, effective since 1 January 2002.⁵⁰ According to this amendment, crimes committed by the personnel of the Czech Republic Police are investigated by a prosecuting attorney under Section 161, paragraph 3 of the Code of Criminal Procedure. When investigating a policeman's crime, a prosecuting attorney (whose functions fall within the competence of the Justice Ministry) may ask the Interior Minister's Inspection (hereinafter referred to as the "Inspection") to obtain individual items of evidence or to perform individual investigative acts, to secure the presence of a person or to deliver a document. The Inspection must promptly execute these requests. This specific status makes the Inspection independent from police structures in organizational, economic as well as personnel matters. Impartial investigation of policemen's crimes is thus guaranteed.

70. The *Working Group of the Government's Roma Affairs Council dealing with the affairs of the Interior Ministry and the Czech Republic Police* functions at the Interior Ministry. It deals with the questions of security for the Roma, racial crime, racial discrimination, status of Roma coordinators and advisors in the public administration system, migration, etc. The Working Group is a useful platform for communication between the Government Office and representatives of the Roma community.

The statistical tables presented in the *Report on the situation in the field of public order and internal security in the territory of the Czech Republic in 2003 (compared with the situation in 2002)*⁵¹, show the following trend in the development of the rate of crimes reported and cleared in 2002 and 2003 and its year-on-year change:

| Sections of the Criminal Code (aggravated crimes) | 2002 | | 2003 | | Change | Reported % |
|--|----------|---------|----------|---------|--------|------------|
| | Reported | Cleared | Reported | Cleared | | |
| Section 198 Defaming a nation, race and opinion | 105 | 92 | 71 | 53 | -34 | -32.4 |
| Section 198a Inciting to national and racial hatred | 18 | 6 | 11 | 6 | -7 | -38.9 |

71. Since 1998, the Interior Ministry in consultation with the Justice Ministry has annually presented a report on extremism in the Czech Republic. The present continuous series of six reports covers the situation between 1996/1997 and 2002.⁵² The following achievements were recorded in this period:

⁵⁰ Act No. 141/1961 Coll., on the criminal procedure (Code of Criminal Procedure), as amended.

⁵¹ See government resolution No. 668 of 9 July 2003, on the Report on situation in the field of public policy and internal security in the area of the Czech Republic in 2002 (in comparison with 2001).

⁵² See Information on extremism in the Czech Republic in 2003, to be presented to the Government in Annex 1 to the Report on the situation in the field of public order and internal security in the territory of the Czech Republic in 2003. The Information follows up the previous reports.

- A system for monitoring extremism is in place. The central role in the system is played by the intelligence services and the Czech Republic Police;
- The system receives input from the Foreign Ministry concerning manifestations of extremism abroad. The data are based on reports from Czech diplomatic missions.
- Organizational and staffing changes to the Czech Republic Police system helped stabilize the police structures and staff dealing with extremism (Police Presidium, regional and district departments);
- Methodical guidance for the work of the Czech Republic Police in this field is provided in the Police President's Binding Instruction No. 100 of 6 June 2002;
- The Czech Republic Police are improving their capability to recognize and classify extremist crime. This fact partly accounts for the rising statistical trends in this area;
- The Czech Republic Police are more resolute in raiding the concerts of far-right music groups, a typical scene of extremist incidents. Cooperation with other structures during these operations has improved with the introduction of the Rules for cooperation between the government authorities and the Czech Republic Police in suppressing extremist rallies (approved by Government Resolution No. 994 of 14 October 2002);
- Greater success has been scored in detecting and prosecuting crimes involving publications, symbols and emblems;
- The powers of the State are being enforced with greater efficiency in the field of the right of association (Act No. 424/1991 to regulate association in political parties and in political movements, Act No. 83/1990 to regulate citizens' associations);
- A number of projects have been launched, including projects in the crucial area of continuing education of policemen. A series of projects was followed by the overall *National strategy for the work of the Czech Republic Police with respect to ethnic and national minorities*.

72. A Commission on the Fight against Extremism, Racism and Xenophobia has been created as an advisory body of the Interior Minister.⁵³ It processes information and proposals concerning coordination of the approach of government authorities to these phenomena. The Commission's responsibilities set out in its Charter, include the task to annually define the priorities in the fight against extremism, racism and xenophobia. The Commission has, inter alia, initiated the following changes:

(a) Recruitment of policemen from the ranks of persons belonging to national minorities; since 2000 the Secondary Police School in Brno has been offering preparatory courses for persons belonging to national minorities who wish to join the Czech Republic Police. The purpose is to prepare them for the police admission test. So far, seven courses have taken place and 26 persons belonging to national minorities have been accepted to serve as policemen.

⁵³ Government Resolution No. 903 of 12 September 2001 to the Report on extremism in the territory of the Czech Republic in 2000.

(b) Preparation of policemen for work with ethnic and national minorities and for protection of minority rights. The programme running from 1999 is today integrated in the curricula at secondary police schools, police training centres and the Police Academy.

73. Education to the acceptance of minorities in police work in the Czech Republic reflects the experience from the Netherlands, Canada and the United Kingdom. Intensive cooperation with the United Kingdom started in 2000. It included a series of seven three-day workshops on community policing for policemen dealing with extremist crime and for police secondary school teachers, with the participation of persons belonging to national minorities. The *British Foundation for Global Conflicts Prevention* that funded a major part of the workshop series rated it as the most successful Central European project in 2001.

74. The fundamental policy concept concerning the relationship between minorities and the Czech Republic Police is the *National strategy for the work of the Czech Republic Police with respect to ethnic and national minorities* (hereinafter referred to as "the Strategy").⁵⁴ The work on the Strategy started in 2000 and involved many civic associations of national minorities and ethnic groups in the Czech Republic. The document promotes the principles of modern police work in a multicultural society, puts into place an institutional framework for preventive police work as an equivalent of repressive approach to police work. The Strategy applies to persons belonging to national minorities and to aliens with all types of legitimate residence status.

Some of the tasks set out in the Strategy have already been completed. In the field of continuing education of policemen and other personnel of the Czech Republic Police on the issue of national and ethnic minorities, the completed tasks include:

- Courses for the Riot Police, for the Prevention and Information Group, for the Extremist Crime Group, and for senior and middle-ranking police officers in problem regions,
- Pilot course for the Riot Police on *Multicultural education – extremism – racism at Červený Hrádek*,
- Training course for the Alien and Border Police personnel serving in the Interior Ministry's aliens detention facility at Bálková,
- Since 2003, the teaching programme at secondary police schools has included case studies on corrupt behaviour of policemen. The case studies are the result of a Course on Integrity and ethics, followed by the drafting of a methodical guidance for the integration of the topic of corruption into all study curricula,
- The Secondary Police School in Brno is offering preparatory courses for persons belonging to national and ethnic minorities who wish to join the Czech Republic Police;
- Training courses for a team of police instructors specializing in work with national and ethnic minorities are under way,
- Secondary police school teachers attended a course on *Techniques and skills in managing diversity*, a course on *Integrity and ethics*, taught by an instructor from the

⁵⁴ The government took into account the Strategy draft on 22 January 2003 by the resolution No. 85.

United States, and a course on *Police ethics*, taught by instructors from Norway. The schools cooperate with the People in Need foundation that has created an excellent study programme *Multicultural education at secondary schools*, available to Interior Ministry schools. A methodology course for secondary police school teachers on *Human rights and police work in relation to minorities* will take place in April 2004,

- The project *Strategy on Policing Minorities – Twinning Light* will be implemented in the second half of 2004 and in early 2005 in cooperation with the Netherlands Centre for International Police Cooperation. The project will include four seminars for policemen (the rank and file from various services and the police management) and one study visit in the Netherlands. It will cover police ethics, minority policing, recruitment of persons belonging to national minorities for police service, preventive policing, cooperation with NGOs, strategies and trends in minority policing in European police forces, etc.
- The handbook *Policeman in a multicultural environment* will be prepared in 2004 and appear in an annex to the planned Police Ethics Code. The handbook will provide the policeman with basic information on the largest national and ethnic minorities living in the Czech Republic, their distinctive religious and cultural characteristics, customs and traditions. It will be tailored to the practical needs of police work. The handbook written by the Interior Ministry's Security Policy Department will be published in late 2004 or early 2005.

The pilot project *Assistant of the Czech Republic Police for suppressing usury in socially excluded Roma communities* was implemented at the Northern Moravia department of the Czech Republic Police, in close cooperation with the police Task Force for the suppression of usury. A brief assessment of the project is contained in the *Report on the results of the work of the Task Force for the suppression of usury in socially excluded Roma communities*, noted by the Government in Resolution No. 218 of 10 March 2004.

Two liaison officers for minorities have been appointed at two regional departments of the Czech Republic Police, the Action Plan of the Czech Republic Police in respect of national and ethnic minorities is being implemented.

75. Crucial importance is attached to the project for *Integrating human rights, respect for minorities and their protection and professional ethics* in the training of the Czech police and the work of the Czech Republic Police, implemented since 2003 in cooperation with the Netherlands Helsinki Committee. The project includes the building of a *Human Rights and Professional Ethics Centre* for the Czech Republic Police, to deal with issues related to human rights, minority rights and their protection and professional ethics. The project is focused on the integration of human rights and professional ethics in the work of the Czech Republic Police by means of basic and continuing education, and on practical implementation of international and national standards in the work and professional training of Czech policemen. Educational programmes are designed for rank and file policemen as well as medium ranking and senior police management, and their purpose is to promote changes to the existing practice. The Centre also produces publications, teaching materials, establishes contacts with NGOs and generally seeks to improve human rights awareness in the police force.

76. Between 1999 and 2003 the Interior Ministry published a number of publications on this topic: *Policie a lidská práva* (*The police and human rights*, Prague 2000), *Policie a sociální radikalismus* (*The police and social radicalism*, 2001), *Dodržování lidských práv orgány*

činnými v trestním řízení (Observance of human rights by law enforcement authorities, Amnesty International, 2002), Chránit a sloužit (To protect and to serve, 2003), Policie v multikulturní společnosti (The police in a multicultural society, Prague 2003), Průvodce rasistickou a extremistickou symbolikou (Guide to racist and extremist symbols, Prague 2003).

ARTICLE 7

77. According to the operative legislation concerning the right of association⁵⁵, persons belonging to national minorities are free to form organizations (civic associations) without any limitation, to function as national minority NGOs. These organizations can also be formed under the Public Benefit Associations Act,⁵⁶ or the Foundations Act.⁵⁷ The operative Associations Act is obsolete, in particular because in setting the conditions for association it differentiates between Czech citizens and permanent residents. The task to draft an amendment to this Act has been included in the Interior Ministry's plan of legislative work for the first half of 2004.

78. On 31 December 2003, the Interior Ministry's register included 538 civic associations that, according to their constitutions, functioned as organizations of persons belonging to national minorities or organizations working for the benefit of national minorities. The largest number of associations functions within the Roma (375), German (55), Polish (27) and Slovak (22) communities. Civic associations of other national minorities are less numerous; however, as a rule only about a third of registered organizations are really active. The fact that about ten new organizations get registered each year only proves that persons belonging to national minorities are genuinely keen on building formal and informal structures. There are organizations with a collective membership within a minority, as well as common organizations of several national minorities – the *Association of National Minority Organizations*, bringing together the German, Polish, Roma, Greek, Slovak and Ukrainian minorities.

79. The register of political parties and political movements in the Czech Republic, regulated by the Political Parties Act⁵⁸, includes political parties and movements with national orientation: on the one hand, the political movement *Coexistentia*, on the other hand, the ever-changing scene of Roma political parties and movements. Among the ten formal and inactive Roma political parties and movements created in the past years, the currently most active group is the *Roma Civic Initiative*. Other national minorities do not at present have the ambition to establish themselves in public life as a political force.

80. The political movement *Coexistentia* functions above all as a political representation of the Polish national minority and often appears under its Polish name: *Coexistentia- Wspólnota*. The movement, with limited membership, is not much visible on the national political scene and has no seats in the Parliament. In local political life its position is quite different. In the Czeszyn district of Silesia in the Moravia-Silesia region where the Polish national minority is concentrated, Polish candidates of *Coexistentia-Wspólnota* won tens of mandates in the 2002 local elections.

81. After several failed attempts to contest the elections alone, Roma political parties and movements sought to form coalitions with strong political parties, rightist and leftist, for the

⁵⁵ Act No. 83/1990 Coll., on the Association of Citizens, as amended.

⁵⁶ Act No. 248/1995 Coll., on public benefit associations of citizens and to amend certain acts, as amended.

⁵⁷ Act No. 227/1997 Coll., on foundations and benevolent funds and amend certain acts, as amended.

⁵⁸ Act No. 424/1991 Coll., on Association in Political Parties and Movements, as amended.

2000 local and parliamentary elections. However, the majority parties are not interested in cooperating with Roma groups due to certain reservations about some Roma leaders, and above all for fear that anti-Roma voters might abandon them. For these reasons, cooperation has been established on an individual basis with selected Roma representatives. For example, in the 1998 parliamentary elections the Roma activist Monika Horáková won a seat as a candidate of the Freedom Union party (but did not go on to contest the 2002 parliamentary elections). However, in the 2002 local elections Roma activists scored a success in several regions.

82. In the opinion of some national minority representatives, the absence of official representation in the Czech Parliament is a major drawback. Although several members of the Parliament describe themselves as persons belonging to national minorities, their mandates stem from membership of a political party.

ARTICLE 8

83. Persons belonging to national minorities are members of the Roman Catholic Church, Greek Catholic Church, evangelical churches, the Orthodox Church and other religious societies. The freedom of religion and conscience, as well as the freedom of assembly and association are respected. New Act No. 3/2002 to regulate the freedom of religion and the status of churches and religious societies (hereinafter referred to as "the Churches and Religious Societies Act"), introduced in 2002, liberalizes the access of numerically small churches and religious societies to recognition as legal entities. Unlike the previous legislation, according to which a church had to prove a membership of at least 10,000 persons to qualify for registration, the new Act permits the competent government authority (the Culture Ministry) to register a church or religious society with a proved membership of at least 300 adult Czech citizens or permanent residents, subject to conditions set by law. However, the new Churches and Religious Societies Act, in particular its rules for the recognition of religious societies as legal entities, has received a controversial reception chiefly among the representatives of the Roman Catholic Church. The question was referred to the Constitutional Court. On 27 November 2002, a Constitutional Court ruling repealed the provisions concerning the activities, structure and financing of churches and religious societies.⁵⁹

84. In terms of ethnicity and territory, distinct groups are formed by evangelical congregations, such as the Silesian Evangelical Church of the Augsburg Confession with a high percentage of members belonging to the Polish minority in Silesia, or the Slovak Evangelical Congregation of the Augsburg Confession in Prague. Members of the the Ruthenian national minority mostly belong to Greek Catholic Church, while persons belonging to the Bulgarian, Russian, Ukrainian and Greek national minorities are mostly members of the Orthodox Church.

85. The State by no means restricts the religious life of persons belonging to national minorities. One outstanding problem concerns the registration of the "Ukrainian Greek Catholic Church in the Czech Republic". The issue has been open since 2003 when the Culture Ministry refused to register the church, inter alia, because its membership list did not include 300 names and because the registration of an autocephalous Ukrainian Greek Catholic Church is not approved by the Vatican. To justify the project, Ukrainian minority representatives point out that some members of their community have been concerned about the loss of their religious tradition since the Slovak priest Ladislav Hučko, the new Apostolic Exarch, was ordained as

⁵⁹ Constitutional Court Ruling No. 4/2003 Coll., on a motion of a group of senators for the repeal of Act No. 3/2002 Coll., on the freedom of religion and the status of churches and religious societies and to amend certain acts (Churches and Religious Societies Act), or for a repeal of certain provisions of the Act.

bishop in Prague in 2003 despite the protests of some members of the Ukrainian congregation. However, canon law obviously does not permit the registration of a new church established within the Catholic Church on the basis of a request of a group of private citizens. The position of the Czech Episcopal Conference confirmed that nothing in the present canon law can be construed as permitting the registration of an autocephalous Greek Catholic Church and the registration would thus break the law.

ARTICLE 9

86. In the field of the mass media, national minority affairs are covered by legislation on the public service media. The operative legislation: The 2002 amendment to the Czech Radio Act⁶⁰ redefined the term "public service in the field of radio broadcasting", to correspond with the definition of "public service in the field of television broadcasting".⁶¹ The mission of public service media is, inter alia, to create and distribute programmes and to offer a balanced range of programmes for all groups of the population, taking into account their ethnic origin and identity, and to develop the cultural identity of the Czech Republic's population, including persons belonging to national minorities.

87. The amendment to the Radio and Television Broadcasting Act⁶² explicitly prohibits programmes inciting to hatred for or violence against a group of population on the grounds of race, sex, religion, etc. According to Section 17 of this Act, one of the criteria for the award of a broadcasting licence is the applicant's capability to contribute to the development of the culture of national, ethnic and other minorities in the Czech Republic. Section 31 requires the broadcaster to offer a balanced range of programmes for all groups of the population, taking into account their age, sex, colour, faith, religion, political or other opinion, national, ethnic or social origin and membership of minorities. In creating a balanced range of programmes, the Czech Radio programming director is assisted by an advisory team for national minority radio broadcasting. The team comprises national minority representatives appointed at the suggestion of the Minorities Council. The Czech Television is assisted by a similar advisory team for national minority television broadcasting, also appointed at the suggestion of the Minorities Council. The television advisory team cooperates especially with the Czech Television's studio in Ostrava, which has been offering national minority programmes since 2003.

88. The amended Act regulating the rights and obligations of publishers of periodical press⁶³ contains safeguards against the publication of statements adversely affecting natural persons, their personal integrity, dignity or privacy, in connection with their ethnic or national origin. These safeguards exist also in the operative Radio and Television Broadcasting Act.

89. The right to receive and impart information and ideas in the minority language is exercised by persons belonging to national minorities without limitation, subject to the Act regulating the rights and obligations of publishers of periodical press. National minority organizations publish dozens of non-periodical and periodical publications in their minority languages. In fact, periodicals are one of the priorities of national minority activities. They

⁶⁰ Act No. 192/2002 Coll., amending Act No. 484/1991 Coll., on the Czech Radio, as amended.

⁶¹ § 2 of Act No. 483/1991 Coll., on the Czech Television, as amended.

⁶² Act No. 231/2001 Coll., on the operation of radio and television broadcasting and to amend other acts, as amended by Act No. 309/2002 Coll.

⁶³ Act No. 46/2000 Coll., on rights and duties relating to the issuance of periodical publications and the amendment of some other acts (Press Act), as amended by Act No. 320/2002 Coll.

receive extensive support under the Culture Ministry's programme of state budget grants designed to encourage the imparting and receiving of information and ideas, wholly or predominantly, in national minority languages:

| Minority periodicals | 1999 (CZK) | 2000 (CZK) | 2001 (CZK) | 2002 (CZK) | 2003 (CZK) |
|------------------------|---------------|---------------|---------------|---------------|---------------------------|
| Bulgarian | - | - | - | 574, 000 | 550, 000 |
| Croatian ⁶⁴ | - | - | - | - | - |
| Hungarian | 1, 100, 000 | 1, 100, 000 | 1, 135, 000 | 1, 135, 000 | 1, 135, 000 |
| German | 4, 600, 000 | 4, 400, 000 | 4, 438, 000 | 4, 300, 000 | 4, 100, 000 |
| Polish | 6, 890, 000 | 6, 800, 000 | 7, 316, 000 | 7, 316, 000 | 7, 431, 000 |
| Roma | 5, 750, 000 | 5, 900, 000 | 6, 380, 000 | 6, 380, 000 | 5, 142, 000 ⁶⁵ |
| Ruthenian | - | - | - | - | 38, 000 |
| Russian | - | - | - | 574, 000 | 574, 000 |
| Greek | - | - | 230, 000 | - | - |
| Slovak | 8, 500, 000 | 8, 500, 000 | 8, 908, 000 | 8, 908, 000 | 8, 940, 000 |
| Ukrainian | 576, 000 | 576, 000 | 650, 000 | 650, 000 | 720, 000 |
| Jewish community | - | - | 400, 000 | - | 400, 000 |
| Total | 27, 416, 000 | 27, 276, 000 | 29, 457, 000 | 29, 837, 000 | 29, 030, 000 |

The periodicals include, in particular:

- - Polish minority: daily (issued every other day) *Głos Ludu - Gazeta Polaków w Republice Czeskiej*,
 - o bi-weekly *Nasza Gazetka*,
 - o monthlies *Zwrot* and *Kurier Praski*,
- - Roma minority: formerly, weekly *Romano kurko* (published until 2002),
 - o bi-weekly *Romano hangos*,
 - o monthlies *Amaro gendalos* (published until 2003), *Romano vodi*
 - o (published until 2003) and *Kereka*,
- - German minority: bi-weeklies *Landes-Zeitung* and *Prager Volkszeitung*,
- - Slovak minority: monthlies *Listy*, *Slovenské dotyky* and *Korene*,
- - Bulgarian minority: monthlies *Roden glas* and *Balgary* (issued irregularly),
- - Russian minority: monthlies *Vesti* (in 2002) and *Ruskoye slovo* (since 2003),
- - Greek minority: monthly *Kalimera* (issued irregularly),
- - Hungarian minority: quarterly *Prágai Tükör*,
- - Ukrainian minority: quarterly *Porohy*,
- - Ruthenian minority: newsletter *Podkarpatská Rus*,
- - Jewish community: monthlies *Hatikva* (issued in 2001) and *Maskil* (in 2003).

90. So far, the public service Czech Television has used national minority languages on a very limited scale. Its presentation of the life and cultures of national minorities has been criticized by national minority representatives. Proposals how to make the Czech Television's

⁶⁴ The Croatian minority has not applied for grants to support its own periodical. The Culture Ministry's programme of grants for the preservation and development of national minority cultures supports *Slovanský jih* (*The Slavonic South*) newsletter published by the Society of Friends of the Southern Slavs in the Czech Republic.

⁶⁵ CZK 1,000,000 for the children's magazine *Kereka* was contributed from the Education Ministry's appropriation (therefore it does not appear in the table and is not included in the sum total).

national minority programmes better and more effective have been repeatedly raised in the Minorities Council. A change for the better came in 2003, when the Czech Television's studio in Ostrava launched a regular news and current affairs weekly in the Polish minority language (on 1 September) and a current affairs and documentary review *Babylon* covering all national minorities in the Czech Republic (on 1 January 2004). The Czech Television also continues the broadcasting of its multiethnic cycles *Svět bez hranic* (World without Frontiers) and *Velký vůz* (The Great Bear – or the "Great Wagon", as it is called in Czech), informing about the life of national minorities in the Czech Republic.

91. In the public service Czech Radio, national minority languages are used in programmes prepared by minority editorial staffs (German, Polish, Roma and Slovak). The question is how to ensure the right balance in the use of national minority languages. According to the Radio and Television Broadcasting Act⁶⁶, the broadcaster must offer a balanced range of programmes for all groups of the population, taking into account their age, sex, colour, faith, religion, political and other opinion, ethnic and social origin and membership of a minority (see 87 above).

92. Within the framework of support for the preservation and development of minority cultures, an important development is represented by the draft Act establishing the Museum of Roma Culture in Brno as an organization partly funded by state budget grants and partly by income from commercial activities.⁶⁷ The legislative process should be completed in the first half of 2004, so that the new institution can be fully operational from 2005.

ARTICLE 10

93. The right of national and ethnic minorities to use their languages when dealing with the administrative authorities is safeguarded by Article 25, paragraph 2 (b) of the Charter. The Czech Republic's legislation does not explicitly define the official language. It only provides that the Czech language should be used in official communications, subject to special laws that regulate the use of minority languages. Actually, the question of languages used in contacts with the administrative authorities falls within the scope of the Administrative Procedure Act (Code of Administrative Procedure);⁶⁸ however, this legislation contains no reference to the right to use national minority languages in contacts with the authorities. The gap will be closed by the Government's amendment to the Code of Administrative Procedure that is currently going through the legislative process (approved by the Chamber of Deputies of the Czech Parliament on 23 March 2004). The amendment provides, inter alia, that a Czech citizen belonging to a national minority that has traditionally and for a long time lived in the Czech Republic⁶⁹ has the right to submit documents and communicate with the administrative authorities in the language of his/her national minority. If the administrative authority's staff does not speak the language, the citizen must hire an official interpreter. In such case, the administrative authority pays the cost of the interpreting and translation service. The draft amendment to the Code of Administrative Procedure also requires that, if a public regulation affects the rights of persons

⁶⁶ See § 31, paragraph 4 of Act No. 231/2001 Coll., on radio and television broadcasting and to amend certain other acts.

⁶⁷ On the basis of Government Resolution No. 822 of 6 August 2003 to the Report on the situation of national minorities in the Czech Republic in 2003. The draft Act was presented by the Culture Minister in consultation with the Deputy Prime Minister for Research and Development, Human Rights and Human Resources and the Chairman of the Minorities Council.

⁶⁸ Act No. 71/1967 Coll., on the administrative procedure (Code of Administrative Procedure), as amended.

⁶⁹ Act No. 273/2001 Coll., on rights of members of national minorities and amendment of some acts, as amended by Act No. 320/2002 Coll.

belonging to national minorities and a national minority committee or other body dealing with national minorities exists in the administrative authority's district, the administrative authority should publish the regulation also in the language of the national minority concerned. The amendment also provides that the administrative authority should pay for the translation of a public contract, in case that the administrative authority requires the translation and that the public contract affects the life of persons belonging to national minorities.

94. The existing laws and regulations provide different rules for the use of minority languages in judicial procedure, in administrative procedure, in communications concerning elections and generally in public, in particular:

(a) The use of mother language in judicial procedure is regulated by the Code of Civil Procedure,⁷⁰ the Courts and Judges Act,⁷¹ the Constitutional Court Act⁷² and the Code of Criminal Procedure.⁷³ According to Section 2, paragraph 14 of the Code of Criminal Procedure, persons who declare that they do not understand and speak the Czech language have the right to use their mother language or a language that they claim to understand and speak. Conditions for the use of mother language in criminal procedure are further specified in Act No. 265/2001 amending the Code of Criminal Procedure (effective since 1 January 2002). Section 28 of the Code of Criminal Procedure regulates the assistance of an interpreter.

(b) The use of mother language in administrative procedure is regulated by the Accounting Act⁷⁴ (Section 12 concerns the use of foreign languages in texts on vouchers and receipts); the Lotteries and Similar Games Act⁷⁵ (according to Section 46a persons belonging to national minorities may communicate with the licensing authority through an interpreter hired by them); the Taxes and Fees Administration Act⁷⁶ (according to Section 3 citizens belonging to national minorities may communicate with the tax administrator in their mother language). The use of mother language in contacts with the Trades Licensing Authority is regulated by the Trades Licensing Act.⁷⁷

(c) The use of national minority languages in communications concerning elections is regulated by the Municipal Elections Act.⁷⁸ In municipalities where a national minority committee has been set up the Municipalities Act, the information about the date, hour and place of voting in the municipality and about the obligation to present identity and citizenship documents must be published also in the language of the national minority concerned. Analogous rules are provided in Section 27, paragraph 3 of Act No. 130/2000 to regulate elections to regional councils and to amend certain acts, as amended, in Section 15, paragraph 4 of Act No. 247/1995 to regulate elections to the Parliament of the Czech Republic and to amend

⁷⁰ § 18 of Act No. 99/1963 Coll., on the Rules of Civil Procedure, as amended by the Act No. 30/2000 Coll.

⁷¹ § 7 of Act No. 335/1991 Coll., on courts and judges, as amended.

⁷² § 33 of Act No. 182/1993 Coll., on the Constitutional Court, as amended.

⁷³ § 2 of Act No. 141/1961 Coll., on judicial criminal proceedings (Rules of Criminal Procedure), as amended.

⁷⁴ § 4 of Act No. 563/1991 Coll., on accounting, as amended.

⁷⁵ § 46a) of Act No. 202/1990 Coll., on lotteries and similar games, as amended by Act No. 63/1999 Coll.

⁷⁶ § 3 of Act No. 337/1992 Coll., on the administration of taxes and charges, as amended.

⁷⁷ § 71, paragraph 3 of Act No. 455/1991 Coll., on trades (Trades Licensing Act), as amended. The provision runs as follows: "Citizens of the Czech Republic belonging to national and ethnic minorities may communicate with the Trades Licensing Authority in their language; however, they must hire an official interpreter at the expense of the Trades Licensing Authority".

⁷⁸ § 29, paragraph 3 of Act No. 491/2001 Coll., on elections to municipal councils and to amend certain acts.

certain other acts, as amended, and in Section 32, paragraph 4 of Act No. 62/2003 to regulate elections to the European Parliament and to amend certain acts. Section 21, paragraph 4 of Act No. 114/2003 to regulate the referendum on the Czech Republic's accession to the European Union and to amend certain acts (Referendum Act) provides that in municipalities where at least 10% of the population have reported other than Czech national identity in the last census and a national minority committee has been set up under the Municipalities Act, the information must be published also in the language of the national minority concerned.

ARTICLE 11

95. Persons belonging to national minorities have the right to use their first names and surnames in a minority language, in the form required by its usage. This right is safeguarded by Section 7 of the Minorities Act, subject to conditions set by the Registries Act.⁷⁹ This concerns, inter alia, the registration of female names in the masculine form (i.e. not as feminine derivatives from masculine names that is in accordance with standards of Czech grammar) and the changing of registered female names from the derived feminine form to the masculine form.

96. The last amendment to the Registries Act (introduced by Act No. 165/2004) introduced into Section 69 (registrar's practice) the rule that a registrar of marriages may, at the bride's request, enter in the registry her married name in the masculine form, if she is (a) an alien, (b) a Czech citizen who permanently resides, or will reside, abroad, (c) a Czech citizen whose husband is an alien, (d) a Czech citizen of other than Czech national identity. The same rule can be applied by a registrar of births at the request of the child's parents. The name of a female child can be registered in the masculine form, if the child is an alien or a Czech citizen of other than Czech national identity or if one of the parents is an alien. If the child is over 15 years old, the application must be accompanied by the child's consent; otherwise the name cannot be changed.

An application for the registration of a surname in the masculine form can be lodged by a female Czech citizen (or by her guardian, if she is a minor) of other than Czech national identity, who declares that she belongs to a national minority in the Czech Republic and that for this reason she applies for the registration of her name in the masculine form. After making an additional entry in the register, the registry issues a new document (a birth or marriage certificate), with a note showing the date from which the applicant uses the masculine form of her surname. No fee is charged for the entry.

97. Although the amended Registries Act has been welcomed by persons belonging to national minorities, Polish and German minority representatives have criticized the administrative procedure. In their opinion, it is very similar to the procedure applied to all other citizens (i.e. lack of reflexion on grammar rules of respective languages). Moreover, the present Registries Act does not permit a person to apply for a copy of a registry entry giving his/her name in the mother language, if the name has previously been entered in the Czech language. In addition, the Act does not set special rules for the transcription of names of persons belonging to national minorities.

98. In municipalities inhabited by persons belonging to national minorities, the names of the municipality, its parts, streets and other public areas, as well as inscriptions identifying the buildings of the administrative authorities and local government bodies, are to be displayed also

⁷⁹ Act No. 301/2000 Coll., on registers, first name and surname and amendment of some related acts, as amended.

in the language of the national minority to which at least 10% of inhabitants belong according to the latest census results, on the basis of a petition signed by at least 40% of adult inhabitants belonging to the minority.⁸⁰ Since the last census in 2001, the right to display the names of municipalities, their parts, streets and other public areas, as well as inscriptions identifying buildings in a minority language has been asserted only in the Czeszyn district of Silesia in the Moravia-Silesia region, where the Polish minority is concentrated. Three municipalities (Chotěbuz, Petrovice and Návsi) met the statutory conditions for bilingual Czech-Polish local names in late 2003 and early 2004, and some other are preparing for the change.

99. Local governments are rather reluctant about the installation of bilingual signs on roads entering and leaving the municipality, in its parts and streets. It is true that persons belonging to the Polish minority commonly use the Polish forms of local names in their periodical and non-periodical press, in the media and in contacts with the public authorities. However, the Czech majority population is doubtful or even negative about bilingual Czech-Polish inscriptions. Although ever since the Second World War Polish shop signs have been a familiar sight in areas inhabited by substantial numbers of persons belonging to the Polish minority, inscriptions indicating the public authorities or other institutions, names of municipalities and public areas have always been displayed only in the Czech language. The fact that the Polish minority language will officially appear on signs indicating the names of municipalities is a breakthrough, changing the practice established after the Second World War. The perception of bilingual signs in the Czech majority society is mostly negative, due to the history of Czech-Polish relations in the Czeszyn area (problems with demarcation of the border in 1918-1920, Polish annexation of the territory in 1938, development of Czech-Polish relations after the Second World War).

100. The dispersed German national minority does not meet the conditions for the display of bilingual Czech-German signs. German forms of local names in areas formerly inhabited by the German minority are commonly used in the German minority press. The use of Czech-German local names in areas inhabited by the German minority until the Second World War is currently a politicized problem. German minority representatives require that bilingual Czech-German signs should be used to indicate historical monuments and sights in areas formerly inhabited by the German minority, as a proof that the German minority's historical tradition has been preserved.

ARTICLE 12

101. Despite the Education Ministry's policy concepts with elements promoting the knowledge of national minority cultures, history and languages, there are still gaps in the education system. The education system reform seeks to close these gaps by means of multicultural education. Its main objective is to promote respect for and protection of minorities by helping them to attain adequate education, and thus also social status. Elements of multicultural education should permeate the education process, especially in developing children's creative and communication competences. The ultimate aim of the project is to create and implement a model multicultural curriculum at primary schools.

102. The multicultural education project was launched in October 2002 and should last 16 months. The contractor is German Education and Training GmbH (GET), working in consultation with Czech universities – the Faculty of Humanities at Charles University, Prague, the Faculty of

⁸⁰ § 29, paragraph 2 of Act No. 128/2000 Coll., on municipalities (system of municipal government), as amended by Act No. 273/2001 Coll.

Social Studies at Masaryk University, Brno, the Human Rights Education Centre at Charles University, Prague and the civic associations Humanitas Profes and Partners Czech.

103. The results of the multicultural education project will be reflected in the new *Framework programme for primary education*. The effectiveness of the whole multicultural education system will be assessed during comprehensive inspections carried out by the Czech Schools Inspection. The following objectives have been set for the project:

- to conduct a survey into the changes and attitudes of the present population and to use the results in developing a model multicultural education curriculum;
- to develop a multicultural education curriculum and to test it at 50 pilot schools;
- to create a system for monitoring and assessment in the field of primary education;
- to develop a training manual for the training of 50 trainers-multiplicators (trainers will be recruited from the staff of teacher training centres, from the ranks of university teachers and teachers' professional associations);
- to train 50 trainers-multiplicators to work with the model primary school curriculum;
- the trainers-multiplicators will train 2,000 primary school teachers to work with the model curriculum and to adjust the instruction programme to the new needs.

The project is implemented by teams of Czech and foreign experts. International cooperation makes it easier to combine the Czech Republic's experience and the successful solutions and positive experience of foreign countries.

104. An important contribution is the project *Support for Roma integration*, funded by the Phare programme and the Education Ministry's grants. The project was launched in November 2002 to educate teachers, heads of schools and assistant teachers at primary schools and head-start classes on the issue of multiculturalism, and to create specific conditions for the education of Roma pupils. The project thus works with teachers, but eventually benefits the pupils. It has the following three objectives:

- a) to chart the situation in Roma education at primary schools,
- b) to develop teaching materials and plans designed to improve Roma education,
- c) to train teachers and assistant teachers working with Roma pupils.

One of the results of the project has been the Teacher training manual (2002). The project should train 500 teachers and 100 assistant teachers.

105. Within the framework of the *Support for Roma integration* project, the Education Ministry launched in 2002 a sub-project for equipping head-start classes, in an effort to create favourable conditions for their work. The aim of this sub-project is that all head-start classes, kindergartens, primary and special schools should be suitably equipped to fulfil the objectives of the *Framework programme of preschool education*. Together with teaching staff and curriculum, school equipment is one of the basic preconditions for effective education.

106. The Education Ministry awards grants to support programmes run by many civic associations. The grants are paid either directly from the Education Ministry funds, or transferred to the Education Ministry from public budgets on an ad hoc basis. There are three main programme groups: *Multicultural education programme*, *Programme supporting education in national minority languages* and the *Programme for Roma integration/Multicultural education reform*.

- In 2003, grants worth CZK 8,177,650 were awarded to 48 projects under the *Programme supporting education in national minority languages*.
- The *Programme supporting education in national minority languages and multicultural education* is designed for all national minorities living in the Czech Republic. Its purpose is to increase the general feeling of belonging, to educate to mutual tolerance and against racism and xenophobia.
- The *Programme of government support for NGOss working with children and young people*: 9 Roma civic associations received grants totalling CZK 1,100,000 and additional 7 associations working with national minorities received a total of CZK 3,000,000. Most of the grants were allocated to support leisure time activities, such as clubs, summer camps, weekend stays or leisure time equipment.
- The *Roma community integration programme*, launched in accordance with Government Resolution No. 98/2002, supports education, multiethnic cultural events, treatment of sociopathological phenomena, leisure time activities, summer and winter camps, weekend stays, trips, sports, etc. In 2003, grants totalling CZK 6,000,000 were awarded to 49 projects.
- *Programme of support for Roma secondary school students* (e.g. in the first half of 2003 grants totalling CZK 5,250,000 were awarded to 1,136 students, in the second half of the year 1,443 students received CZK 4,745,000).
- Equipping head-start classes and broadening their network (currently there are 177 classes with 350 assistant teachers) – approximately CZK 40,000,000.
- Specific grants to Romas – the Education Ministry transferred to the Culture Ministry CZK 1,000,000 to support the Roma children's magazine *Kereka* and CZK 1,100,000 to support the Museum of Roma Culture in Brno.

107. In 2002 the Education Ministry prepared a document entitled *Proposed ways to solve the problem of education of children of the Roma minority by means of special preschool preparation and affirmative action*,⁸¹ reflecting the concept of Roma integration in the field of education. The document describes the individual elements of the Czech Republic's school system, assesses the results achieved to date and identifies the obstacles impeding improvement in this area.

One of the main problems facing a Roma first-former is poor knowledge of the Czech language. Since system-wide policies have failed to eliminate the problem, the Education Ministry has opted for a non-systemic, but very successful (and in fact the only feasible) solution: head-start classes, available to children from socioculturally disadvantaged background since 1997/98 as a specific form of affirmative action.

⁸¹ Approved by Government Resolution No. 394 of 17 April 2002 to the ways to solve the problem of education of children of the Roma minority or other minorities by means of special preschool preparation and affirmative action.

108. An important role in the education of Roma pupils is played by assistant teachers,⁸² who help prevent adaptation and communication problems and other difficulties facing Roma pupils. Assistant teachers, themselves mostly of Roma origin, are a source of encouragement and also role models for their pupils. At present there are 312 assistant teachers working in schools and educational facilities, and the number is expected to grow. They receive long-term systematic support from the Education Ministry; above all, they are included in the continuing education programme for teachers. Assistant teachers also attend courses organized by teacher training and guidance centres and non-governmental educational organizations accredited by the Education Ministry.

109. The criticism of foreign institutions and local activists has been mainly directed against the unreasonable number of Roma children referred to special schools. For this reason, in 1999 the Education Ministry contracted out to the public benefit society Step by Step Czech Republic an experimental project *Reintegrating Roma special school pupils in primary schools*. Comprehensive assessment of the experiment was carried out three years later, in November 2002. The lessons learned serve as a basis for the development of new concepts.

110. An important element of the affirmative action is direct support to schools with a high percentage of Roma pupils. Subject to the recommendation of the authority in charge of the school and the competent Regional Office, the Education Ministry may, at the school's request, grant exemptions from the prescribed quota of pupils per class. These exemptions are available to schools with predominantly Roma pupils who require intensified educational effort and individual treatment. Although the scheme is open to all schools catering for Roma pupils, only three of them have applied so far (primary school at Chánov, primary school in Prague 3, Havlíčkovo náměstí, primary school at Ústí nad Labem-Předlice).

111. An experimental project promoting an "open all-day school" (schools providing all-day programme, including meals - some of the pupils will be offered free meals - and "mothers' clubs") has been implemented in six primary schools since September 2002 in cooperation with the civic association Community Schools League. The project has run on an experimental basis in the 2002/03 and 2003/04 academic years.

112. The Framework primary education programme that is currently in its trial period, takes into account of the cultural identity of Roma children, as well as children of other than Czech national identity. Unfortunately the school's efforts to improve the education of Roma pupils are often hindered by truancy and absenteeism, especially among older pupils.

113. The amended Education System Act⁸³ permits people who have not attained full primary education, i.e. those attended special schools or dropped out of a primary school, to attain full primary education. To this end, they may attend courses organized at primary, special or secondary schools.

114. Good results have been achieved in the area of secondary education. In 1998, an experimental five-year extramural study course "Social work with ethnic minorities" has been launched at the Evangelical Academy, Secondary Modern School of Law and Social Affairs and Secondary Modern School of Social Sciences in Prague 4.⁸⁴ Its purpose is to prepare adult

⁸² Post for assistant teachers are created under the Education Ministry's Methodic Instruction No. 25484/2000.

⁸³ Act No. 19/2000 to amend Act No. 29/1984 Coll., on the system of primary schools, secondary schools and secondary modern schools (Education System Act), as amended.

⁸⁴ Education Ministry Decision No. 17 929/98 Coll., of 20 April 1998.

Roma for the work of advisors and assistants of public authorities; some of them have found jobs as Roma assistants at schools. The first 26 students passed the final examination in June 2002. The results of the experiment are currently being assessed and the course is likely to appear on the list of standard secondary school courses in 2003/2004.

115. The private Romani Secondary School of Social Work in Kolín established in 1998 in Kolín offers a course on *Social work for ethnic groups*. The students attain full secondary vocational education and may find work in the public administration, as well as in social and educational institutions catering for the Roma. The first 25 students passed the final examination in June 2002. Ten of them went on to the university, one attends a higher professional school and one studies at a university in Norway.

116. In 2002 the Education Ministry launched an educational project for Roma assistants within the framework of Phare-NUTS programme. The project POSUN (Helping Schools to Teach in a New Way) was prepared by the Higher School of Law and Social Affairs, Secondary Pedagogical School and the Business Academy in Most. This new educational programme gives Roma assistants the chance to attain full secondary professional education and teaching qualifications.

117. The public benefit corporation "Harmonie" Hussite Church Primary Arts School in Prague 6 was incorporated in the school network in 2002.⁸⁵ The school receives grants from the Education Ministry. At present it has forty pupils and five teachers (including one teacher of Roma origin and one Roma assistant teacher).

ARTICLE 13

118. Persons belonging to national minorities are free to establish their own educational facilities and to apply for their incorporation in the network of schools, preschool and educational facilities without any limitations, on equal terms with other citizens. The right to open a private school providing instruction in a minority language or teaching a minority language is explicitly safeguarded by Section 11 of the Minorities Act. Persons belonging to the German minority have already taken advantage of this legislation, and efforts to set up a new school have started also within the Russian community.

119. In 1996 the Education Ministry incorporated in the school network the Private Primary School of Czech-German Understanding and the First Thomas Mann Grammar School in Prague. The Education Ministry's grants cover 100% of the primary school's costs and 90% of the grammar school's costs. The Bernard Bolzano Primary School was opened in Tábor in 1997. It is incorporated in the school network and receives state budget grants covering 60% of its costs. The Education Ministry has also been supporting the establishment of bilingual Czech-German grammar schools in Prague and Liberec.

120. An important contribution to educational activities in general is the programme *Youth Exchanges-Germany* of the Czech-German Future Fund. Totally 55 projects were implemented under the programme in 2001. Other important educational activities of the German national minority include the network of fourteen regional meeting centres -*Begegnungszentren* (in Brno, Havířov, Hlučín, Horní Slavkov, Cheb, Chomutov, Kravaře, Liberec, Moravská Třebová,

⁸⁵ See Education Ministry Decision No. 25112/02-22-education concept of the school.

Opava, Plzeň, Smržovce, Šumperk and Trutnov), fully financed by the Federal Republic of Germany.

ARTICLE 14

121. The right of pupils belonging to national minorities to receive instruction in their mother language is regulated by the operative Education System Act (Section 3). This obviously obsolete clause has been criticized by national minority representatives who, in particular, require that classes or schools providing instruction in a minority language should have a lower quota of pupils per class, and that some subjects should (wholly or in part) be taught bilingually, etc.

The changes to the national minority education policy, reflecting the needs of minority schools, depend on the passage of a new legislation. The government draft of a new Act regulating preschool, primary, secondary, higher professional and other education (Education Act) regulates national minority education in more specific terms than the previous legislation. It is currently going through the Czech Parliament and, according to the timetable of the legislative process, should take effect on 1 September 2004 (except for several clauses). Once it is passed, other related regulations will follow. The draft Act declares that all people must have equal access to education and that their individual educational needs must be respected. It contains special provisions on the right of persons belonging to national minorities to receive instruction in their mother language, on religious instruction and on the education of pupils with special educational needs or exceptionally gifted pupils. It newly defines the basic principles of education as a public service (e.g. equal access to education, access to lifelong education) and the general aims of the education process. The draft Act changes the treatment of pupils with special educational needs, i.e. it permits the opening of head-start classes for socially immature children and children with communicational deficits, in order to help them catch up and keep pace with their peers at school without major problems. A fundamental systemic change is the introduction of a new scheme for final examinations at secondary schools. This change will also effect national minority education at schools providing instruction in the Polish language.

122. New legislation on institutional and protective care in educational facilities took effect on 1 July 2002.⁸⁶ It is closely related to the Family Act, the Criminal Code, the Act concerning Social and Legal Protection of Children, the Code of Civil Procedure, the Civil Code and other legislation falling within the competence of the Labour and Social Affairs, Justice, Health and Interior Ministries. Its application concerns socially excluded children from socioculturally disadvantaged backgrounds.

123. Special needs of pupils from Roma communities are reflected in the Education Ministry's Directive concerning the integration of children and pupils with special educational needs in schools and educational facilities.⁸⁷ The directive introduces a new definition of "integration", determines the structure of an individual education programme and instructs the heads of schools, in cooperation with the authorities in charge of the schools, to facilitate the integration of pupils and to involve parents and/or adult handicapped pupils in decisions on the programmes and methods of education.⁸⁸ The directive was followed up with the Education

⁸⁶ Act No. 109/2002 on institutional education or protective education in educational institutions and preventive educational care in educational institutions and to amend other acts.

⁸⁷ No. 13 710/2001-24. In: Věstník vlády pro orgány krajů, okresní úřady a orgány obcí (Government Journal for Regional Authorities, District Offices and Municipal Bodies), Part 4, 20002.

⁸⁸ Relevant measures in the field of education are discussed in great detail in the Information about the implementation of government resolutions on the integration of Roma communities and the active approach of the

Ministry's Methodic Instruction on the education of pupils with specific learning or behavioural difficulties,⁸⁹ specifying the organizational arrangements and strategies for the target group's education at primary schools, in specialized primary school classes, at special schools, secondary schools and secondary professional schools.

124. Schools providing instruction in the Polish language are attended by almost 4,000 pupils, including 700 children at kindergartens, 2,300 primary school pupils and almost 500 secondary school students. In Polish minority education, an important role is played by the Pedagogical Centre for Polish minority schools, opened at Český Těšín in 1995. The authority in charge of the centre is the Education Ministry. The centre provides continuing education courses for teachers and creates and distributes methodic guidance handbooks, teaching material and teaching aids. A special inspector has been appointed for Polish language schools.

Since 1994, the Education Ministry has annually supported the production of special teaching tools for Polish language primary schools (the magazines *Jutrzenka* for first to fifth formers and *Ogniwo* for sixth to ninth formers), as well as publications (*Proceedings of the conference "The past and the present of national minorities in Cieszyn area, Polish national minority in Cieszyn area*), etc.

125. Cooperation with Slovakia in the field of education is developing well above the common standard. Since 1998, the Czech and Slovak Education Ministers have been meeting twice a year for consultations and discussion on topical issues in their field. According to the Universities Act,⁹⁰ an alien able to follow a study programme in the Czech language is admitted to study in the Czech Republic on equal terms with Czech citizens. Reciprocal treatment of Czech students in Slovakia is guaranteed by the *Protocol between the Ministry of Education, Youth and Sports of the Czech Republic and the Ministry of Education of the Slovak Republic concerning Cooperation in the Field of Education, Youth, Physical Education and Sports in the Years 2002-2006*. At the request of the Slovak side, the Protocol includes a clause that permits the one country's citizens to use their mother language in admission examinations and during academic courses in the other country (i.e. the Czech language can be used at Slovak universities and vice versa, unless the course or examination is directly related to the study of the language concerned). In the borderland areas, very few pupils from one country attend primary and secondary schools in the other country. The school departments of the local authorities have not identified any problems with primary and secondary school pupils daily crossing the border on their way to school. Children and parents belonging to the Slovak national minority mostly opt for primary schools providing instruction in the Czech language; because they account on their children will attend higher Czech schools and could have problems with Czech language then.

126. In the field of German minority education, with special regard to Czech-German relations, the Education Ministry has supported a number of seminars for teachers in borderland areas, as well as the publication of information material for teachers. German minority representatives recognize that since the minority is dispersed across the whole country, the number of pupils per municipality would be too low to justify the opening of separate minority classes or schools providing instruction in the German language. The resolution of this urgent problem depends on the respective changes of the Education System Act. As the present

government authorities to the implementation of measures adopted under these resolutions (situation on 31 December 2002) – see Government Resolution No. 243 of 12 March 2003.

⁸⁹ See footnote 86 above.

⁹⁰ Act No. 111/1998 on Universities and to amend other acts (Universities Act) as amended.

educational system does not take into account the presence of pupils belonging to the German national minority and their specific requirements, the legislative measures will be required to enable bilingual instruction in the near future. In particular, specific teaching programmes using the minority language (in this case German) will have to be developed and applied at the primary schools concerned in accordance with local needs, and the quota of pupils per class/school will have to be redefined.

127. In the field of Jewish community education, public budget grants are provided to the Lauder Kindergarten Prague. The Lauder Gur Aryeh Jewish Community Elementary School has been incorporated in the school network since 1998. This private primary school teaches the Hebrew language, Jewish history and culture. The Lauder Ohr Chadash Jewish Community High School was incorporated in the school network in 1999.

ARTICLE 15

128. Participation of persons belonging to national minorities in advisory bodies is covered by Part I, section 1 above.

ARTICLE 16

129. No measures concerning the country's territorial and administrative division have altered the proportions of the population in areas inhabited by persons belonging to national minorities.

ARTICLE 17

130. Persons belonging to national minorities and their organizations maintain and develop free contacts across borders. Minority organizations cooperate with their counterparts in Europe and other parts of the world. They are also active in the Federal Union of European National Minorities.

ARTICLE 18

131. The Czech Republic is a party to a number of bilateral agreements with its neighbours – Poland, Slovakia, Austria and the Federal Republic of Germany. These instruments cover, inter alia, protection of the rights of persons belonging to national minorities. National minority representatives and organizations are involved in the Czech Republic's intensive cross-border cooperation with all neighbouring countries, especially in cultural projects (for more information see section 2 of this Part).

ARTICLE 19

132. The principles stipulated in the Convention form the basic framework of the Czech Republic's national minority policies; no restrictions or derogations have been made.

ARTICLES 20- 23

133. The Czech Republic seeks to fully implement the principles stipulated in the Convention; there are no restrictions.

PART III

Specific questions

1. The 2001 census

134. The 2001 census, reflecting the situation on 1 March 2001, was carried out under Act No. 158/1999 to regulate the 2001 census. It was preceded by debates, inter alia, on the method of obtaining data on nationality (i.e. national identity) and mother language. Finally, in the "Nationality" section of the census form no list of nationalities was included. There was only a blank box in which each person could write a nationality (i.e. national identity) of his/her own choice. The methodic instruction determined that the decisive factor is the person's own choice, and not his/her mother language, the language that he/she mostly uses or the language in which he/she is proficient. If the person had identified with more nationalities or preferred not to report any nationality, the fact was recorded. The nationality of children under 15 years of age followed that of their parents. On the other hand, in the "Mother language" section of the census form the person was asked to state the language talked to him/her in childhood by his/her mother or other people who brought him/her up. There were several examples (the Czech, Slovak, Roma, Polish, German or other languages) and a blank box in which any other language could be written. National minority representatives paid special attention to the questions in the census form. National minority periodicals regularly published information about the census and urged persons belonging to national minorities to report their national identity.

135. The Czech Statistical Office, in cooperation with the Minorities Council Secretariat, had the census forms and methodic instructions printed in minority languages (Polish, German, Roma, Ukrainian and Russian). The forms were printed also in the English, French, Vietnamese, Arabic and Chinese languages. Persons belonging to national minorities, especially the Roma minority, served as assistants or census officers. There were 143 Roma assistants selected by the then Interministerial Commission for the Affairs of the Roma Community. The Czech Statistical Office was mostly satisfied with their cooperation. On the other hand, national minority representatives on the Minorities Council (e.g. the Polish minority) complained that the availability of census forms in minority languages was not publicized enough and that the selection of national minority census officers, carried out by municipal bodies, was not transparent. The strongest criticism was directed against the media, in particular the repeated reports that personal data entered in the census forms might be misused. National minority representatives believe that this negative publicity lowered the number of persons who choose to report other than Czech national identity.⁹¹

136. According to the results of the 2001 census (situation on 1 March 2001), other than Czech national identity was reported by 980,283 persons (9.4% of the population) in the Czech Republic. This figure includes 391,352 persons who reported Moravian or Silesian national identity (3.8%). As a result, there were 588,931 persons (5.6%) who did not classify themselves as Czech, Moravian or Silesian. The figure includes citizens – persons belonging to national minorities, as well as permanent residents.

⁹¹ In accordance with Act No. 158/1999 on the 2001 Census, all primary documents (census forms with personal data) were discarded after statistical processing. Therefore there was no reason to fear that the reported personal data, such as national identity, would be published.

Population of the Czech Republic, by nationality
 Final results of the 2001 census (situation on 1 March 2001⁹²)

| Nationality | | Total population | | Men | | Women | |
|------------------|------------|-------------------|---------|-------------------|---------|-------------------|-------|
| | | In absolute terms | % | In absolute terms | % | In absolute terms | % |
| Total population | | 10, 230, 060 | 100.0 | 4, 982, 071 | 100.0 | 5, 247, 989 | 100.0 |
| Nationality: | Czech | 9, 249, 777 | 90.4 | 4, 475, 817 | 89.8 | 4, 773, 960 | 91.0 |
| | Moravian | 380, 474 | 3.7 | 203, 624 | 4.1 | 176, 850 | 3.4 |
| | Silesian | 10, 878 | 0.1 | 6, 578 | 0.1 | 4, 300 | 0.1 |
| | Slovak | 193, 190 | 1.9 | 94, 744 | 1.9 | 98, 446 | 1.9 |
| | Polish | 51, 968 | 0.5 | 21, 571 | 0.4 | 30, 397 | 0.6 |
| | German | 39, 106 | 0.4 | 18, 391 | 0.4 | 20, 715 | 0.4 |
| | Roma | 11, 746 | 0.1 | 6, 149 | 0.1 | 5, 597 | 0.1 |
| | Hungarian | 14, 672 | 0.1 | 7, 711 | 0.2 | 6, 961 | 0.1 |
| | Ukrainian | 22, 112 | 0.2 | 9, 943 | 0.2 | 12, 169 | 0.2 |
| | Russian | 12, 369 | 0.1 | 4, 634 | 0.1 | 7, 735 | 0.1 |
| | Ruthenian | 1, 106 | 0.0 | 529 | 0.0 | 577 | 0.0 |
| | Bulgarian | 4, 363 | 0.0 | 2, 711 | 0.1 | 1, 652 | 0.0 |
| | Romanian | 1, 238 | 0.0 | 667 | 0.0 | 571 | 0.0 |
| | Greek | 3, 219 | 0.0 | 1, 671 | 0.0 | 1, 548 | 0.0 |
| | Vietnamese | 17, 462 | 0.2 | 10, 775 | 0.2 | 6, 687 | 0.1 |
| | Albanian | 690 | 0.0 | 500 | 0.0 | 190 | 0.0 |
| | Croatian | 1, 585 | 0.0 | 886 | 0.0 | 699 | 0.0 |
| | Serbian | 1, 801 | 0.0 | 1, 138 | 0.0 | 663 | 0.0 |
| Other | 39, 477 | 0.4 | 23, 588 | 0.5 | 15, 889 | 0.3 | |
| Unknown | 172, 827 | 1.7 | 90, 444 | 1.8 | 82, 383 | 1.6 | |

⁹² Sčítání lidu, domů a bytů 2001 (2001 Census), Czech Statistical Office, Prague, 2002.

137. Compared with the results of the 1991 census, the above figures show great intercensal changes. The following comparison of data for the largest national minorities was presented by the Czech Statistical Office in its summary of the 2001 census results:

| Census | Total population | Nationality | | | | | | | |
|--------|--------------------------|--------------------------|-----------------------|----------------------|-----------------------|----------------------|----------------------|----------------------|------------------------|
| | | Czech | Moravian | Silesian | Slovak | German | Polish | Roma | Other and unknown |
| 1991 | 10, 302, 215 | 8, 363, 768 | 1, 362, 313 | 44, 446 | 314, 877 | 48, 556 | 59, 383 | 32, 903 | 73, 732 |
| 2001 | 10, 292, 933 (- 0.1%) | 9, 249, 777 (+ 10.8%) | 380, 474 (- 72.6%) | 10, 878 (- 74.7%) | 193, 190 (- 41.6%) | 39, 106 (- 21.1%) | 51, 968 (- 14.2%) | 11, 746 (- 64.4%) | 212, 304 (+ 364.4%) |

138. According to analyses of the 2001 census results, the declining numbers of people reporting other than Czech national identity may suggest that, on the whole, the feeling of self-identification with a particular minority group is now weaker than before. Hypothetically, this may be due to a combination of several factors, such as (a) language confusing "nationality" with "citizenship", (b) increasing homogeneity of the population after the split of the Czechoslovak federation, (c) the "Nationality" section in the census form was optional, (d) reluctance or fear to report a other than Czech national identity, (e) advancing integration or assimilation of persons belonging to national minorities, etc.

139. The discrepancy between the 2001 census results and the real size of a minority group is very obvious in the case of the Roma community. According to informed estimates there are about 200,000 Roma in the Czech Republic; however, only 11,746 of them reported Roma national identity in their census forms. The declining number of persons who report it may reflect the minority's progressive social, economic and cultural integration and increasing sense of belonging to the Czech linguistic and national environment. This may be the reason why a large number of the Roma classified themselves as Czechs speaking the Czech language. On the basis of a sociological analysis of the 2001 census results⁹³ (it is impossible to establish beyond all doubt whether the available data are truly representative of the entire Roma population in the Czech Republic) it can be assumed, hypothetically, that the Roma language is actually spoken by about one half of the Roma population. Judging from the data on mother languages, the 2001 census may have covered roughly 72,000 Roma. This figure is suggested by informed estimates based on a statistically non-representative sociological survey.

140. According to national minority representatives, persons belonging to national minorities were grossly underenumerated in the 2001 census. Nevertheless, it is to be stressed that although census results are treated as official data on the demographic composition of the population, their value is not absolute. Like other sets of demographic data, they are simply one of the

⁹³ Report on the analyses carried out by Gabal, Analysis&Consulting „Kvalifikovaný odhad počtu příslušníků národnostních menšin, se specifickým zřetelem k početnosti romské menšiny“ ("Informed estimate of the numbers of persons belonging to national minorities, with special regard to the size of the Roma minority"). Prague 2002, p 15.

indicators for the purposes of the Government's minority policy. Census results alone cannot be invoked to justify specific measures in the field of minority policy.

141. Mother languages spoken in the Czech Republic, according to the final results of the 2001 census:

| Mother language | Total | | Men | | Women | |
|-----------------|-------------------|-------|-------------------|-------|-------------------|-------|
| | In absolute terms | % | In absolute terms | % | In absolute terms | % |
| Czech | 9, 707, 397 | 94.9 | 4, 729, 948 | 94.9 | 4, 977, 449 | 94.8 |
| Slovak | 208, 723 | 2.0 | 97, 439 | 2.0 | 111, 284 | 2.1 |
| Roma | 23, 211 | 0.2 | 11, 896 | 0.2 | 11, 315 | 0.2 |
| Polish | 50, 738 | 0.5 | 20, 199 | 0.4 | 30, 539 | 0.6 |
| German | 41, 328 | 0.4 | 17, 020 | 0.3 | 24, 308 | 0.5 |
| English | 3, 791 | 0.0 | 2, 410 | 0.0 | 1, 381 | 0.0 |
| Russian | 18, 746 | 0.2 | 7, 097 | 0.1 | 11, 649 | 0.2 |
| Other | 99, 258 | 1.0 | 53, 720 | 1.1 | 45, 538 | 0.9 |
| Unknown | 76, 868 | 0.7 | 42, 342 | 0.8 | 34, 526 | 0.7 |
| Total | 10, 230, 060 | 100.0 | 4, 982, 071 | 100.0 | 5, 247, 989 | 100.0 |

Combinations of two mother languages in selected minorities, according to the 2001 census results:

| Mother language | Total | | Men | | Women | |
|--------------------|-------------------|-----|-------------------|-----|-------------------|-----|
| | In absolute terms | % | In absolute terms | % | In absolute terms | % |
| Czech and Slovak | 14, 109 | 0.1 | 6, 966 | 0.1 | 7, 143 | 0.1 |
| Czech and Roma | 12, 970 | 0.1 | 6, 558 | 0.1 | 6, 412 | 0.1 |
| Czech and Polish | 2, 552 | 0.0 | 1, 217 | 0.0 | 1, 335 | 0.0 |
| Czech and German | 11, 061 | 0.1 | 5, 562 | 0.1 | 5, 499 | 0.1 |
| Czech and English | 733 | 0.0 | 358 | 0.0 | 375 | 0.0 |
| Czech and Russian | 670 | 0.0 | 288 | 0.0 | 382 | 0.0 |
| Czech and other | 4, 074 | 0.0 | 2, 077 | 0.0 | 1, 997 | 0.0 |
| Other combinations | 3, 240 | 0.0 | 1, 616 | 0.0 | 1, 624 | 0.0 |
| Total | 49, 409 | 0.5 | 24, 642 | 0.5 | 24, 767 | 0.5 |

142. Compared with the situation in 1991, geographical distribution of national minorities has not changed. According to the 2001 census results the following regions are inhabited by substantial numbers of persons belonging to national minorities:

| Region | Total population | Nationality | | | | | | | |
|------------------------|------------------|-------------|----------|----------|----------|---------|---------|---------|-------------------|
| | | Czech | Moravian | Silesian | Slovak | Polish | German | Roma | Other and unknown |
| Czech Republic, total | 10, 230, 060 | 9, 249, 777 | 380, 474 | 10, 878 | 193, 190 | 51, 968 | 39, 106 | 11, 746 | 292, 921 |
| Capital City of Prague | 1, 169, 106 | 1, 088, 814 | 2, 567 | 161 | 19, 275 | 1, 486 | 1, 791 | 653 | 54, 359 |
| Central Bohemia | 1, 122, 473 | 1, 074, 360 | 1, 536 | 89 | 15, 287 | 2, 144 | 1, 110 | 1, 416 | 26, 531 |
| South Bohemia | 625, 267 | 594, 992 | 1, 318 | 40 | 9, 025 | 459 | 1, 423 | 613 | 17, 397 |
| Plzeň Region | 550, 688 | 524, 396 | 880 | 48 | 7, 773 | 327 | 2, 040 | 599 | 14, 625 |
| Karlovy Vary Region | 304, 343 | 266, 054 | 439 | 25 | 14, 079 | 357 | 8, 925 | 753 | 13, 711 |
| Ústí nad Labem Region | 820, 219 | 755, 603 | 1, 080 | 65 | 22, 214 | 1, 665 | 9, 478 | 1, 905 | 28, 209 |
| Liberec Region | 428, 184 | 399, 917 | 573 | 41 | 8, 743 | 1, 924 | 3, 722 | 615 | 12, 649 |
| Hradec Králové Region | 550, 724 | 523, 783 | 736 | 44 | 8, 518 | 1, 844 | 2, 601 | 722 | 12, 476 |
| Pardubice Region | 508, 281 | 489, 142 | 3, 132 | 37 | 5, 932 | 677 | 603 | 477 | 8, 281 |
| Vysočina Region | 519, 211 | 475, 954 | 26, 145 | 42 | 3, 732 | 258 | 319 | 258 | 12, 503 |
| South Moravia | 1, 127, 718 | 881, 046 | 198, 657 | 230 | 16, 029 | 757 | 900 | 631 | 29, 468 |
| Olomouc Region | 639, 369 | 561, 063 | 49, 431 | 202 | 11, 233 | 726 | 1, 721 | 868 | 14, 125 |
| Zlín Region | 595, 010 | 508, 037 | 65, 048 | 101 | 7, 713 | 436 | 218 | 439 | 13, 018 |
| Moravia Silesia | 1, 269, 467 | 1, 106, 616 | 28, 932 | 9, 753 | 43, 637 | 38, 908 | 4, 255 | 1, 797 | 35, 569 |

143. The largest number of persons belonging to the Slovak minority live in Moravia-Silesia (43,637 persons, mostly concentrated in Karviná and Ostrava districts), followed by Ústí nad Labem Region (22,214), Prague (19,275), South Moravia (16,029), Central Bohemia (15,287) and Karlovy Vary Region (14,079).

144. The Germans live mostly in borderland districts (9,478 persons in the Ústí nad Labem Region, 8,925 in the Karlovy Vary Region, 4,255 in Moravia-Silesia, 3,722 in the Liberec Region, 2,601 in the Hradec Králové Region, 2,040 in the Plzeň Region, 1,721 in the Olomouc Region), followed by Prague, Central Bohemia and South Moravia.

145. The majority of the Poles (about 75%) live in Moravia-Silesia (38,908 persons), in the Czeszyn area of Silesia and in Karviná and Frýdek-Místek districts; another statistically significant group lives in Prague.

146. Roma national identity was reported by 11,746 persons, mostly in Central Bohemia, in Moravia-Silesia and in the Ústí nad Labem Region. This figure obviously does not reflect the real size of the Roma community in the Czech Republic, generally estimated at 150,000-200,000. The concentrations are greatest in Moravia-Silesia (Ostrava-Karviná agglomeration) and in the Ústí nad Labem Region (Ústí nad Labem, Děčín, Most, Chomutov), followed by Central Bohemia, the Olomouc Region and Prague.

147. The Ukrainians (22,112 persons) live predominantly in towns: Prague, Karlovy Vary, Děčín, Brno, Přešov and Ostrava. According to Ukrainian minority representatives, there is a community of roughly 30,000 persons formed in several migration waves, historical as well as recent. In addition there are about 50,000 migrant workers from Ukraine.

148. The Hungarian minority is settled mostly in North Bohemia, Moravia-Silesia and in Prague, followed by the Plzeň Region, East Bohemia, South Moravia and South Bohemia. 14,672 persons reported Hungarian national identity in the census.

149. Russian national identity was reported by 12,369 persons living mostly in Prague, in the Pardubice Region, Karlovy Vary, Olomouc, Brno, Ústí nad Labem and Jičín.

150. The Bulgarians (4,363 persons) are concentrated in larger towns (Prague – about 1,500 persons, Brno – about 500 persons, Ostrava – about 500 persons, Ústí nad Labem and neighbouring districts – about 200 persons, Plzeň and neighbouring districts – about 200 persons, Chomutov and neighbouring districts – about 200 persons, Olomouc and neighbouring districts – about 100 persons, Kladno and neighbouring districts – about 100 persons, Most and neighbouring districts – about 100 persons, Mladá Boleslav and neighbouring districts -100 persons). The remaining approximately 1,000 Bulgarians live in smaller municipalities.

151. The Croats who until 1948 formed a compact enclave in South Moravian municipalities (Jevišovka, Nový Přešov and Dobré Pole) were recorded in the census as a community totalling 1,585 persons in 34 districts, mostly located in South Moravia and in the Olomouc Region.

152. Ruthenian national identity (before November 1989 the Ruthenians were included in the Ukrainian minority) was reported by 1,106 persons, mostly in combination with either Czech or Ukrainian ones. The minority lives in Prague, in South Moravia, North Bohemia and in Moravia-Silesia.

153. The Greeks concentrate in large cities (Prague and Brno) and in North Moravia, but there are also groups and individuals dispersed across the country. In the census Greek national identity was reported by a total of 3,219 persons, but the Association of Greek Communities in the Czech Republic estimates that there are about 7,000 Greeks in the Czech Republic.

154. In the 1991 and 2001 censuses, significant numbers of people reported Moravian or Silesian national identity. Although these two groups show the greatest intercensal decline (Moravian national identity was reported by 13.2% of the covered population in 1991 and by only 3.6% in 2001), there is still a substantial number of people in Moravia describing themselves as Moravians or Silesians:

| | Total population | Moravian nationality | | Silesian nationality | | Moravian and Silesian nationality | |
|-------------------------------------|------------------|----------------------|------|----------------------|------|-----------------------------------|------|
| | | In absolute terms | % | In absolute terms | % | In absolute terms | % |
| South Moravia | 1, 127, 718 | 198, 657 | 17.6 | 230 | 0.02 | 198, 887 | 17.6 |
| Brno-urban area | 376, 172 | 70, 258 | 18.7 | 95 | 0.00 | 706,343 | 18.3 |
| Brno-rural portion of extended city | 159, 169 | 34, 049 | 21.4 | 29 | 0.00 | 34, 078 | 21.4 |
| Hodonín | 159, 886 | 24, 186 | 15.1 | 14 | 0.00 | 24, 200 | 15.1 |
| Olomouc Region | 639, 369 | 49, 431 | 7.7 | 202 | 0.00 | 49, 633 | 7.7 |
| Moravia-Silesia | 1, 269, 467 | 28, 932 | 2.3 | 9, 753 | 0.80 | 38, 685 | 3.1 |
| Zlín Region | 595, 010 | 65, 048 | 10.9 | 101 | 0.0 | 65, 149 | 10.9 |

The reporting of Moravian and Silesian national identity for census purposes is clearly one of the phenomena that have accompanied the post-1989 political changes. It may be understood as an expression of the Moravian historical identity, but it does not imply that parts of the population in Moravia and Silesia constitute a national minority distinguished from the majority population by ethnic origin, language and culture.

155. Unlike 1991, the number of people classifying themselves as Jewish is not shown in the 2001 census results. In 1991, Jewish identity was reported by 218 persons, whereas in 2001 the Jewish community appeared only in the "Religions" section. In 2001, a total of 1,515 persons reported that they belong to the Federation of the Jewish Communities in the Czech Republic as a religious society. According to informed estimates there may be about 3,500 Jews living in the Czech Republic.

2. The territorial public administration reform and measures concerning the rights of national minorities

156. The Minorities Act was amended in the second stage of the territorial administration reform (by Act No. 320/2002 to amend and repeal certain acts in connection with the termination of the functions of District Offices). The amendment added two new paragraphs to Section 6 and introduced new Section 13a:

- Section 6, paragraph 7 provides that Regional Offices manage and coordinate, within their areas of competence, the tasks arising from the Government's policy supporting the integration of persons belonging to the Roma community into the society;
- Section 6, paragraph 8 charges the Municipal Offices with the task to perform, within their areas of competence, the tasks facilitating the exercise of the rights of persons belonging to the Roma community and their integration into the society.
- Section 13a provides that the competences entrusted to Regional or Municipal Offices with Enlarged Competencies under the Minorities Act function as Transferred Competencies.

In this context, in late 2002 many municipalities entered into public contracts to ensure the performance of their newly acquired competences in respect of persons belonging to national minorities. The purpose of the contracts is to guarantee the functioning of the public administration system, in particular of the Roma coordinators who should cooperate with Roma advisors in the region, coordinate the work of assistant teachers, fieldworkers, NGOs, social workers at Municipal Offices, teachers and policemen dealing with Roma affairs. Each contract must be approved by the Interior Ministry, subject to the consent of the Minorities Council Secretariat. The fulfilment of the obligations arising from the contract is supervised by the Interior Ministry in cooperation with Regional Offices, with the Minorities Council Secretariat and the Office of the Council for Roma Community Affairs.

157. In the context of the public administration reform, an outstanding question is how to ensure the participation of Roma minority representatives in the tasks supporting their integration. The public administration reform has disturbed the previous network of Roma advisors (public servants in charge of Roma integration) working at District Offices. After 1 January 2003 the network had to be rebuilt and is not yet stabilized. In late 2002 there were 76 Roma advisors at District Offices, but only 32 of them joined the Municipal Offices to serve in the same function. The rest found jobs with other public authorities or left public service altogether. Another drawback is that the terms and conditions of their employment vary considerably and only some of them serve as full-time advisors. In many cases the job involves many other duties and Roma affairs are considered a marginal task.

158. The Roma coordinator is a new function created at each Regional Office. All 14 coordinators have already been appointed (partly from the ranks of former district Roma advisors). Their existence may greatly improve the communication between the government authorities and local governments concerning policies designed for the Roma community.

159. As a result of the territorial administration reform and decentralization, the government authorities have less power over local governments. In practice this means that the enforcement of government policies, such as the Roma integration concept, is becoming rather more difficult. The extent and quality of measures against social exclusion in Roma communities may vary from municipality to municipality or from region to region.

160. Long-term and short-term measures have been introduced to support the public administration reform and the building of a new administrative structure. Analyses of the progress of the public administration reform in the past period highlight the important role of cooperation with EU Member States under the Phare programme. The Phare projects in the field of public administration concentrated on overall public administration reform and the building of administrative capacities in connection with the Czech Republic's accession to the European Union.⁹⁴ A model programme has been developed for continuing education of Roma coordinators in regions and municipalities, as the first step towards a comprehensive project for the training of this group of public servants.

3. Current developments in the field of anti-discrimination legislation

161. The operative legislation prohibits and penalizes manifestations of discrimination. However, the anti-discrimination clauses are scattered across a large body of legislation,

⁹⁴ Currently the twinning project Phare 2001 CZ01/IB/OT-06 "Coordinating the work of local governments at the regional and local levels" or Phare 2002 CZ 0209.2 "General education system for local government officials".

including some laws that are either inadequate or rarely enforced by the executive power. Among national minorities, discrimination pervading many aspects of life is typically the problem of the Roma community. A new Act concerning equal treatment and the protection against discrimination (Anti-Discrimination Act) is currently going through the legislative process that should be completed in 2004. The Act is to take effect on 1 January 2005. It will safeguard equal treatment and protection against discrimination on the grounds of race or ethnic origin, sex, sexual orientation, age, disability, religion or faith or on the ground that a person is nondenominational, on the grounds of language, political and other opinion, national identity, membership or activity in political parties or political movements, trade unions and other associations, social origin, property, birth, marital and family status, family obligations or other status. The scope of the duty to ensure equal treatment and protection against discrimination is defined in terms of Article 3 of Council Directive 2000/43/EC. In particular, the Act applies in matters relating to employment and access to employment, self-employment, occupation, service and profession. It identifies cases where differences in treatment are legitimate, provides the legal framework for the application of affirmative action, and describes the remedies available to victims of discrimination.

162. The draft Anti-Discrimination Act implements a number of EC directives, namely Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Directive 2002/73/EC amending Directive 76/706/EEC, Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. For the time being there are two alternative proposals concerning the institutional framework for the enforcement of equal treatment, both included in the draft Act according to the Government's decision of 22 September 2003. The first alternative is to create a new body – an Equal Treatment Centre, specializing in equal treatment and discrimination and providing guidance, information and public awareness services in this field. The other alternative is to entrust the matter to the Public Protector of Rights.

163. In parallel with the legislative processes concerning the Anti-Discrimination Act, clauses penalizing discrimination have been incorporated in some other acts. In particular, Act No. 151/2002 amending certain acts in connection with the adoption of the Code of Administrative Procedure, effective since 1 January 2003, introduces into the Code of Civil Procedure some provisions to make it compatible with Community law (*acquis communautaire*). Above all, it broadens the scope of special protection to cover discrimination on the grounds of race or ethnic origin, religion, faith, world outlook, disability, age or sexual orientation. The protection is provided not only in employment, but also in access to education, to health care and social welfare services, to public contracts, to membership in employee/employer unions and in professional and other associations, in the sale of goods in shops or the provision of services. According to Section 35, paragraph 4 of the Code of Administrative Procedure, a party seeking judicial protection against discrimination on racial or ethnic grounds may be represented by a legal entity established to provide protection against such discrimination. The amended Section 133a of the Code of Civil Procedure⁹⁵ provides that in disputes concerning employment, discrimination on racial or ethnic grounds is deemed to be proved unless there is evidence to the contrary. The same applies to disputes concerning access to education and training, health care and social welfare services, public contracts, membership in employee/employer unions and in professional and other associations, the sale of goods in shops or the provision of services.

⁹⁵ Act No. 99/1963, Code of Civil Procedure, as amended.

164. General prohibition of discrimination in the labour market is enshrined in the Labour Code.⁹⁶ Section 1 explicitly bans discrimination in employment: "In employment relations any discrimination of employees on the grounds of race, colour, sex, sexual orientation, language, faith and religion, political or other opinion, membership or activity in political parties or political movements, trade unions and other associations, nationality, ethnic or social origin, property, birth, health condition, age, marital and family status or family obligations shall be prohibited". Any employer's actions that do not amount to direct discrimination, but lead to discriminatory consequences, are prohibited as well. Discrimination does not include cases where differences of treatment are required by the Labour Code or by special legislation, or justified by a necessary occupational requirement due to the nature of the work carried out by the employee. Special legislation includes e.g. Act No. 312/2002 to regulate local government officials and to amend certain acts. Section 38, paragraph 2 of this Act provides that measures adopted by a competent local government body that would otherwise constitute sex discrimination are not considered discriminatory if they are justified by unequal representation of either sex among the staff at a particular level of management. However, the adopted measures must not be to the disadvantage of a person of the opposite sex who is better qualified for the job than other people recruited or appointed together with him/her. In Section 16, paragraph 1 (f) of the Local Government Officials Act, officials are required to act and decide impartially, irrespective of their personal opinion, and to refrain from any actions that would undermine the confidence in the impartiality of their decisions.⁹⁷ The Local Government Officials Act deviates from the Labour Code on several minor issues, but the employment of local government officials falls within the scope of the general anti-discrimination clause contained in the Labour Code. There is also a special anti-discrimination clause in the Employment Act.⁹⁸

165. Another comprehensive anti-discrimination clause can be found in the Act concerning the service of the personnel of security structures.⁹⁹ Section 77, paragraph 2 prohibits direct and indirect discrimination in service relations on the grounds of sex, sexual orientation, language, religion and faith, political or other opinion, membership of trade unions and other associations, property, birth, race, colour, nationality, ethnic or social origin, age, pregnancy and motherhood, marital and family status, family obligations. Regular soldiers are protected by a separate act.¹⁰⁰

4. The Public Protector of Rights and the protection of the rights of persons belonging to national minorities

166. The work of the Public Protector of Rights in the Czech Republic is governed by Act No. 349/1999 concerning the Public Protector of Rights. His mission is to protect individuals against the actions of public authorities and institutions, whenever they violate the law or the principles of the democratic rule of law and good governance, as well as against the inaction of such authorities and institutions. Since the opening of his office, the Public Protector has been contacted by 15,000 individuals. The complaints concern all aspects of legal and social relations involving natural and legal persons or affecting them, whether for objective or subjective reasons.

⁹⁶ Act No. 65/1965, Labour Code, as amended.

⁹⁷ Act No. 312/2002 on local government officials and to amend certain acts.

⁹⁸ § 1 of Act No. 1/1991 on Employment, as amended.

⁹⁹ Act No. 361/2003 on the service of the personnes of security structures.

¹⁰⁰ § 2, paragraphs 3, 4, 5, 6 and 7 of Act No. 221/1999 on regular soldiers, as amended.

167. The Public Protector of Rights communicates, to a varying extent, with national minority representatives and organizations. The communication concerns his official duties, as well as educational and cultural activities. The Public Protector has established contacts with independent human rights institutions, including Ombudsmen in European countries.

The Public Protector's mission is not to protect national minorities as a whole, but to protect individuals. He acts on the basis of individual communications. His office does not routinely record whether the complainant belongs to a national minority in terms of the Minorities Act. The fact is noted down only if the complainant mentions it of his/her own accord. The Public Protector may sometimes act on his own initiative, e.g. when alerted by a fieldworker or NGO. Again, even in these situations membership of a national minority is not recorded.

168 So far, no person belonging to a national minority has contacted the Public Protector about a special problem arising from membership of a minority. Complaints falling within the Public Protector's competence concern mostly social security, social law, protection of children and the problems of prisoners. Complaints that he receives but is not competent to handle mostly concern the autonomous functions of municipalities (i.e. municipal housing policies, allocation of municipal flats, unpaid rent, evicted tenants), property and family problems, civil and criminal cases.

169. The provisions of the Municipalities Act (No. 128/2000) concerning the role of municipalities in the field of housing are vague and have been found inadequate in practice. The vague language makes it difficult to decide what should a municipality do in the field of housing and whether its actions are reasonable and correct. In many cases, discriminatory practices can be identified in procedures implementing the municipal housing policy and there may even be good reasons to doubt whether the municipality really performs the functions entrusted to it under the Municipalities Act. However, beside the Municipalities Act, there are also Civil Code provisions on tenants and housing. The misuse of law combined with inconsistent application of the civil regulations enhances the social exclusion of vulnerable groups of population. Nevertheless, the Municipalities Act effectively precludes the supervising authority from checking the observation of civil (and commercial and labour) law in areas falling within municipal competence. As a consequence, no device, including the supervision of a higher authority, can be used as an effective tool for protection.

170. The Public Protector of Rights has very limited power to intervene in these cases. The Municipalities Act gives each municipality an "exclusive competence" to take steps to satisfy the housing needs of its inhabitants, i.e. the municipality is independent of the Government and its bodies in this respect. However, the Public Protector can act only in situations where the municipality performs "transferred competences", i.e. competences transferred from government bodies. Although the Public Protector has no right to intervene in specific cases concerning municipal housing policies, he still considers it necessary to express concern about some tendencies he has noted in this regard. Despite the existence of governmental Housing Support Programme for needy tenants, the housing situation of low income groups is getting worse because there are no mechanisms to control the municipal housing policy. Due to on-going transformation in the field of housing (rent regulation, tenant-landlord relations), there can be no discussion about the definition, nature, function and eventually about the creation of a social housing sector, despite the generally accepted fact that government (public, municipal) assistance to certain groups of population will always be necessary in the interests of social cohesion.

171. The Public Protector rarely receives communications from persons belonging to other national minorities. For example, several people belonging to German national minority contacted him about the wrongs suffered after the Second World War. They sought unspecified compensations or at least recognition of the fact that they suffered because of their German national identity. Another communication was received from a person of Polish national minority complaining that banns in his local parish were not read in Polish. In his opinion this practice was inconsistent with the Constitution and with the Minorities Act. In this case the Public Protector contacted the parish priest and mediated the dispute. The fact is that in the Czeszyn area of Silesia, in places inhabited by substantial numbers of persons belonging to the Polish minority, the mass is commonly celebrated in Polish.

172. The Public Protector pays special attention to issues raised by the Assembly of Germans in Bohemia, Moravia and Silesia. One of his recent cases, initiated by a communication with a citizen of the Federal Republic of Germany permanently residing in the Czech Republic, concerns the possibility to communicate in the German language with the administrative authorities dealing with social security and state social support. In this case, the Public Protector examined the problem of communication with the authorities in the person's mother language and found that the rights safeguarded by Article 37, paragraph 4 of the Charter ("a person who declares that he/she does not speak and understand the language in which the procedure is conducted has the right to the assistance of an interpreter") is not executed in practice. Act No. 117/1995 to regulate state social support explicitly provides that all communications concerning benefits must be in the Czech language. The applicants are mostly from low-income groups and, in cases where the administrative authorities require them to pay the interpreter's fee, simply cannot afford to bear the costs of communication in their mother language. Since there are no comprehensive rules for the use of mother languages (there is no definition of the right to the assistance of an interpreter and no regulations on the terms, conditions and costs of the interpreting service), the Public Protector has brought the matter to the attention of the competent public authorities.

5. Forced sterilizations of Roma women

173. One of the measures introduced by the communist regime in post-war Czechoslovakia in relation to the Roma community was the forced sterilization of Roma women in specific cases. Sterilization in general was regulated by the relevant legislation, in particular Act No. 20/1966 concerning the care for health of the population, as amended. The details were regulated by guidelines issued by "republic" Health Ministries (each republic constituting the Czechoslovak federation had its own Health Ministry). From 1970 the guidelines in the Czech Republic and in Slovakia differed, and the government social policy even set different amounts of the benefit payable to sterilized women in each republic. For example, from 1986 the lump-sum benefit in the Czech Republic was CZK 2,000-10,000. It was described as financial assistance to help the family deal with the problems caused by the mother's hospitalization and was payable to people below the poverty threshold. The target group were not Roma women (although they accounted for a vast majority of cases) but all women with three or more children, in particular if the sterilization was required by health risks on the part of parents or the risk that a handicapped child might be born. Comprehensive statistical data on forced sterilizations of Roma women are not available, but according to some sources 290 Roma women were sterilized in 1986, and in

1987 there were 235 Roma women out of the total number of 864 sterilizations.¹⁰¹ The policies leading to forced sterilization of Roma women as well as any financial incentives in this regard were abolished in 1990.

174. Since 1990 the issue of forced sterilizations of Roma women in former Czechoslovakia has been repeatedly raised by NGOs in the Czech Republic and by international human rights organizations. It is to be stressed that since 1989 there has been no policy leading to the sterilization of Roma women. Any cases of forced sterilizations would be found totally inadmissible and subjected to a strict scrutiny. The international NGO European Roma Rights Centre claims that it has received information about isolated cases of forced sterilization after 1989, but so far it has neither pointed to a concrete case in the Czech Republic, nor asked for an investigation.

¹⁰¹ See e.g. Romové v České republice (1945-1998) (The Roma in the Czech Republic (1945-1998)). Prague 1999, p. 204