



european network against racism

ENAR Shadow Report 2006

ENAR SHADOW REPORT 2006

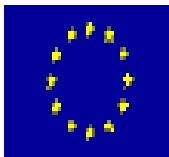
RACISM IN THE CZECH REPUBLIC

Gwendolyn Albert

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Executive summary

This report on racism in the Czech Republic aims to document the contention that the situation in the Czech Republic with regard to racism in general and the Romani minority in particular unfortunately took more than a few steps backward during 2006, as can be expected during an election year. 2006 was marked by the all but total silence of the Czech Government on the matter of the coercive sterilisation of Romani women; by outrageous treatment of Romani persons forcibly evicted from their homes at the behest of municipalities; and by a disappointing decision by the European Court of Human Rights in the matter of segregated education, a decision which is now being reviewed by the Grand Chamber. The year 2006 also saw the resurgence of extreme right-wing political parties and, for the first time ever, denial of the WWII-era Romani Holocaust as a political strategy aimed at generating electoral support. Perhaps most importantly, the EU Race Directive remained unimplemented in the Czech legal code at year-end.

The report describes the communities vulnerable to racism in the country; manifestations of racism; the overall political and legal context impacting racism; and makes recommendations to policy makers regarding discrimination in health care, migration and integration, necessary improvements to the policing of racist crime and general police oversight, and many other areas related to social inclusion.

Several examples of good practice are listed in this report, by either NGO or government agencies. In this regard, the author would like to emphasise that **it is not appropriate for the burden of protecting citizens against racism – an international legal obligation of the Czech Republic – to be shifted onto the NGO sector**. For its part, Czech civil society needs to decide whether it wants to primarily become involved in the provision of publicly-funded services or do the more unpleasant and certainly less remunerative work of pressuring politicians for change in the area of protection against racist treatment and punishment of perpetrators. Lastly, it is clear that despite public outcry against some instances of racism, there is still not enough education in the Czech Republic on crucial matters such as the Holocaust, the Romani Holocaust, and the danger that racism poses to any democratic society. A societal consensus on racism similar to that existing in some Western European states has not yet developed since the transition to democracy in 1989.

For more than a decade now, a common refrain in the Czech Republic has been: 'I'm not a racist, but...', followed by a statement (usually about the Roma), that is racist through and through. Civil society should above all aim for a transformation of Czech society that makes such commonplace rhetorical denials of obvious racism socially unacceptable.

2. Introduction

The year 2006 saw a worsening of the situation in the Czech Republic with regard to racism in general and against the Romani minority in particular. A significant development occurred in October 2006: the mass forced eviction of several hundreds of Romani people living in the town of Vsetín, some to the town outskirts and some to a completely different administrative region. The politician who engineered the eviction, Jiří Čunek, made anti-Roma statements which were quite popular, as evidenced by his dramatic political rise during the subsequent months from small-town mayor to Senator, head of the Christian Democratic Party, and first Deputy Prime Minister in charge of the Regional Development Ministry, which allocates EU Structural Funds. At the time this was written, he was still in office despite being under investigation for corruption.

The Vsetín evictions were notable both for the public outcry they generated and for the fundamental violation of human rights and democratic principles which they represent. The greatest harms occurred to people who, under threat of having their children institutionalised if they did not comply, signed contracts to purchase properties sight unseen (with loans from the town). They were then 'deported' by bus in the middle of the night hundreds of kilometres away and dropped off in front of their new 'homes', properties unfit for human habitation. Black mould covering the walls, no potable water and dangerous electrical wiring are only some of the difficulties these people have lived with ever since.

Also during 2006, the Group of Women Harmed by Sterilisation, a group of Romani women who seek justice for having been sterilised without their informed consent over a time span ranging from the late 1950s until 2004, were active in the wake of a report by the Czech Public Defender of Rights (the ombudsman). In the report, the ombudsman concluded that all of the coercive sterilisation complaints he had reviewed were justified and the sterilisations had been illegal due to lack of informed consent. The ombudsman recommended legislative and methodological changes and compensation to the victims. A representative of the Group testified to the Committee for the Elimination of All Forms of Discrimination against Women (CEDAW Committee) in August 2006 in New York; on that same day in the Czech Republic, the Group held a demonstration in front of one of the hospitals involved. CEDAW issued an urgent recommendation to the Czech Government to implement the ombudsman's recommendations, but so far the Government has not even deigned to comment on the matter.

Lastly, anti-discrimination legislation required under the terms of the Czech Republic's EU accession in 2004 still has yet to be adopted in order to bring the country into compliance with the Race Directive. Key Czech politicians, including Czech President Klaus, have actively opposed this legislation and compared it to a return to communism.

3. Communities vulnerable to racism

The community most vulnerable to racism in the Czech Republic is indisputably the **Romani** minority, which occupies a 'pariah' niche. Racist speech or actions concerning this minority whether by politicians or by private persons, are not only broadly tolerated but are somewhat of a cultural touchstone. In 2006, representatives of the Roma community reported that the Roma continued to be strongly stigmatised and to face discriminatory treatment in all areas of their daily lives. Young Romani women are particularly vulnerable to **multiple discrimination**. They are almost four times more likely to be unemployed than non-Romani women and are 50 % more unemployed than Romani men. Romani women 24 years of age and younger face the highest rates of unemployment.¹ This renders them particularly vulnerable to trafficking for sex or other work.²

The Romani minority includes the sub-groupings of: Czech Roma, Slovak Roma, Hungarian Roma, Sinti and Olah/Vlach Roma. Romani political unity in the Czech Republic is therefore difficult. For example, the victims of the WWII-era concentration camp for Roma at Lety by Písek in South Bohemia were Czech Roma, 95 % of whom perished during the Holocaust. The former concentration camp site has been occupied by a pig farm since the 1970s, and survivors of the camp have called for the farm to be moved for more than a decade. Despite specific mention of Lety in a 2005 European Parliament resolution on the Roma and a 2007 visit by Lety survivors to the United Nations, the Czech Government is determined not to move the farm, and unity on the issue is also lacking from the larger Roma community. A contributing factor is the fact that, numerically speaking, the **Czech Roma are a minority within a minority**.

Third Country Nationals (TCNs): Of a total population of 10.2 million, 295,955 people (or 2.9 percent) in the Czech Republic in 2006 (as of June 30) were legal immigrants; 57 % were economic migrants and 43 % came because of family reunification or family creation. The main non-EU countries of origin in 2006 were Ukraine (93,466), Vietnam (38,566), Russia (16,906), Moldova (5,352), and Bulgaria (4,610).³ The number of illegal TCN immigrants, mostly labour migrants, is estimated at between 40,000 and 350,000. Prague, other big cities, and border areas attract the most migrants.

The Vietnamese minority is more or less assimilated in the Czech Republic and has established an economic niche in small-scale food and clothing retail, with which it is more or less identified. Vietnamese are sometimes also the targets of

¹ 'Romani Women's Employment in the Czech Republic', Fact Sheet 2006, Open Society Institute Network Women's Program, http://64.233.183.104/search?q=cache:IEsbovE4i2MJ:www.soros.org/initiatives/women/news/genderequality_20060503/czech_factsheet.pdf+2006+Czech+multiple+discrimination&hl=cs&ct=clnk&cd=2, Accessed 28 June 2007.

² 'Local sex trafficking victims were generally young women between 18 and 29 years of age from areas of high unemployment. Romani women were at the highest risk of being trafficked internally, often by a friend or relative. Girls raised in state-run homes, such as orphanages, were also at particular risk.' U.S. State Department Country Report on Human Rights, Czech Republic 2006, at <http://www.state.gov/g/drl/rls/hrrpt/2006/78808.htm>, Accessed 25 June 2007.

³ Bulgaria joined the EU on 1 January 2007.

racism.⁴ Vietnamese parents were among the first to complain of discrimination in the provision of preschool education when fees for attendance were introduced for TCNs in 2006.⁵ Isolation due to lack of language skills leads to Eastern European or CIS⁶ nationals being easily exploited in the Czech Republic, such as the Ukrainian minority by the construction industry or various other nationals by the sex work industry. In 2006 there were also continued reports of North Korean seamstresses working in near-slavery conditions.⁷

Migrant EU Nationals: As of June 30, 2006, the following numbers of EU nationals were recorded as legal immigrants: Slovakia (54,201), Poland (18,386), and Germany (8,116).⁸ In terms of minorities from the country's immediate neighbours (Austria, Germany, Poland, Slovakia), while relationships with the governments of Austria and Germany are historically fraught and politically tense even today, discrimination of the German-speaking minority in the Czech Republic cannot really be said to occur. Slovaks constitute the country's largest minority and cannot be said to experience any significant discrimination compared to the groups mentioned above – unless they are of Romani origin.⁹

Gender and racism: 1) Romani women fought for recognition of coercive sterilisation during 2006; while media accounts and officials claim these abuses were also committed against non-Romani women, no non-Romani women have joined the call for redress of these harms; 2) Nine Romani women underwent half a year of training for future work in politics in 2006, with three running in local elections in October and one being elected.

Youth and racism: Romani children remain at risk of being overrepresented in schools for the mentally disabled; youth in general are also targets of police brutality.

Incidents of both **anti-Semitism** and **anti-Islamism** were reported in the Czech Republic in 2006.

⁴ Christian Democratic candidate for the lower house František Straka dropped out of the race in March 2006 after making racist comments about people of Vietnamese origin ('It is immeasurably important for us to keep our [Czech] entrepreneurs in the region. The abuse that goes on here, including the person who was appointed by the Vietnamese, etc – this shouldn't be here, we should get rid of it.') 'Čunek rozdělil lidovce', 4.11.2006, *Právo*, pg. 4.

⁵ <http://archiv.newton.cz/tvr/2006/05/11/3426cc784999a0758d7ff073ada8e4bb.asp> Accessed 6 June 2006.

⁶ CIS refers to the Commonwealth of Independent States - the international organization, or alliance, consisting of eleven former Soviet Republics: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine, and Uzbekistan.

⁷ <http://www.iht.com/articles/2006/11/08/news/czech.php> Accessed 6 June 2007.

http://launch.praguemonitor.com/en/102/czech_national_news/7889/ Accessed 8 June 2007.

⁸ <http://www.migrationeducation.org/21.0.html> Accessed 8 June 2007.

⁹ For the history of attempts by the Czech Republic to assign Slovak citizenship to ethnic Roma during the separation of Czechoslovakia into two states in 1993, see Beata Struhárová's article *Disparate impact: removing Roma from the Czech Republic*, at <http://www.errc.org/cikk.php?cikk=549&archiv=1>, Accessed 9 June 2007.

4. Manifestations of racism and religious discrimination

4.1 Employment

Problem areas

Unemployment in 2006 was officially reported at 7.1%; 55 % of the population was employed.¹⁰ The unemployment rate for the Roma, as assessed by civil society, is 74 %.¹¹ Racial discrimination of the Roma in employment is rampant.

Developments in 2006:

Research in the Czech Republic and other countries in the region¹² found the following:

- 64 % of working-age Roma have experienced discrimination, with 49 % being told by a prospective employer they would not be hired because of their ethnicity. Those so rejected were visibly identifiable as Roma.
- Many firms have a total exclusion policy concerning Roma hires. In the Czech Republic, researchers were unable to even get a meeting with as high-profile a firm as Tesco to discuss its employment policy.
- Educated Roma are restrained by the 'glass box' – unable to progress in employment that is not connected to the delivery of either NGO or government services for other Romani people.
- The ethos of equal opportunity in employment is almost totally absent from the Czech private sector.

Legislation of discrimination in employment remains distributed amongst various laws.¹³ The previous Labour Code expired at the end of 2006, and the new Labour Code has complicated employment for Romani persons heretofore employed as social workers, as they are now required to have college degrees.

Statistics:

No official employment statistics disaggregated by ethnicity are kept.

Good practices:

Four branches of the Citizen's Advice Bureau NGO in East Bohemia ran a project during 2006 in which 45 lectures were planned at workplaces to inform employers about their obligation not to discriminate. The results of the Bureau's

¹⁰<http://64.233.183.104/search?q=cache:O-KUpo6TViJ:www.amcham.cz/downloads/CR.pdf+average+unemployment+in+Czech+Republic+for+2006&hl=cs&ct=clnk&cd=9>. Accessed 25 June 2007.

¹¹http://64.233.183.104/search?q=cache:H09RCd6vgXcJ:eumc.europa.eu/eumc/material/pub/ar06/Dir_speech_annual_report_2006_en.pdf+Czech+racist+violence+crime+2006&hl=cs&ct=clnk&cd=7. Accessed 26 June 2007.

¹² *The Glass Box: Exclusion of Roma from Employment*, European Roma Rights Centre 2007

¹³<http://www.antidiskriminace.romea.cz/view.php?nazevclanku=pravni-uprava-diskriminace-v-zamestnani&cislocclanku=2007030004>. Accessed 25 June 2007.

handling of employment complaints were to be communicated to those involved in drafting the Antidiscrimination Law.¹⁴

4.2 Housing

Problem areas:

The Czech Labour and Social Affairs Ministry published a report in 2006 identifying over 300 socially excluded locations where Romani people live in sufficient isolation to be considered 'ghettos.' These segregated communities have developed over the last decade as local municipalities have evicted tenants from real estate slated for renovation; a third of these ghettos were created during the past five years. Some of the last remaining 'brakes' on this process were removed in 2006 with the weakening of tenant protections.¹⁵

Developments in 2006:

In 2006, legislation on rental housing reduced tenant protections through Law No. 107/2006 Coll., 'on the unilateral increase of rents on flats' and an amendment to Law No. 40/1964 Civil Code. Law No. 107 says certain evictions may occur without court approval, opening the way for arbitrary behaviour on the part of landlords.¹⁶ As has been documented by the Czech media¹⁷, Romani tenants have faced discrimination by both public and private landlords for years.

Prior to the adoption of Law No. 107 there was little public debate on the changes or how tenants could access legal aid. For socially marginalised families with young children (and Romani families are disproportionately represented among these), housing deemed 'inadequate' by child welfare authorities can be a serious threat to family cohesion and can result in children being institutionalised.

In 2006, forced evictions of Romani tenants occurred which were alarming in the number of tenants removed *en masse* from rental housing and because local politicians exploited the evictions for political gain using racist language. Tenants who had always met their payment obligations were treated in the same manner by these municipal landlords as tenants who were in arrears. In the case of evictions in Bohumín, Romani tenants who took legal action were harassed by the town: mail was not delivered to them, which had serious consequences for their legal defence, and private security guards were posted at the buildings

¹⁴ <http://www.antidiskriminace.romea.cz/search.php?rsvelikost=sab&rstext=all-phpRS-all&rstema=2&stromhmenu=2>
Accessed 29 June 2007.

¹⁵ The existence of such ghettos as documented by sociologists contracted by the Czech Labour and Social Affairs Ministry is available in an interactive map at http://www.esfcr.cz/mapa/int_CR.html.

¹⁶ 'Tenants are now required to inform landlords in writing of any changes in the number of persons residing in a rented flat and to provide information on the name, surname, birth date, and citizenship of those persons, a measure arguably infringing on the privacy of the persons concerned beyond a limit allowed under international law, as well as raising questions concerning discrimination against non-citizens, an issue of recent CERD attention.' From the December 12, 2006, WRITTEN COMMENTS OF THE EUROPEAN ROMA RIGHTS CENTRE AND VZÁJEMNÉ SOUŽITÍ CONCERNING THE CZECH REPUBLIC FOR CONSIDERATION BY THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION AT ITS 70th SESSION, pg. 13.

¹⁷ See inter alia archived material at: http://romea.cz/index.php?id=aktuality_arch

preventing visits to the tenants even by their relatives; the families were then billed for the security 'service'.¹⁸ Czech authorities have contributed to intensifying the trend of evictions of Romani tenants from municipally-owned housing and there are no plans to ameliorate this trend.

The most egregious eviction in 2006 was from the town of Vsetín,¹⁹ affecting more than 600 people. On 5 October 2006, the town held a 'grand opening' for its 'new Roma ghetto', as the media referred to 'container' apartment buildings built on the site of a former garbage dump, and Mayor Jiří Čunek made racist statements about the Roma. The new buildings did not provide sufficient housing for all the tenants. On Friday 13 October 2006, 100 Romani people who were characterised in the media by Čunek as 'the most problematic' were sent by bus into the neighbouring administrative region of Olomouc in the middle of the night, some as far as 230 km from Vsetín. Olomouc officials were not notified of their arrival; the region suffers from high unemployment. The families had been told by social workers that if they did not agree to purchase properties, *sight unseen*, with money borrowed from the town of Vsetín, their children would be institutionalised. The properties were unfit for human habitation, with black mould on the walls, exposed wiring and no potable drinking water.

There was extensive media coverage of the evictions, protests by Roma and human rights organizations, and visits to the families concerned by the Czech Senate Human Rights Committee and the ombudsman's office. The speaker of the lower house of the Czech Parliament initiated an investigation into the legality of the purchase agreements.²⁰ No cabinet officials took action to rectify the situation or call on the criminal justice or health authorities to intervene. To his credit, then Government Council for Roma Community Affairs Secretary Czeslaw Walek observed that the timing of the 'grand opening' of the 'ghetto' coincided with the run-up to municipal and Senate elections on 20 October. Several individuals and organizations filed charges against Mayor Čunek, who was repeatedly called upon to resign.

On 20 October 2006, elections were held. The Christian Democrats won the Vsetín municipal elections with 26.01%; candidate Čunek won the most preferential votes. He then won the first round of the Senate elections with 44%. On 9 December 2006, he secured the national leadership of the party and was subsequently appointed First Deputy Prime Minister as well as Regional Development Minister in charge of overseeing European Structural Funds.

Statistics: there are no official statistics on housing disaggregated by ethnicity.

¹⁸ December 12, 2006, WRITTEN COMMENTS OF THE EUROPEAN ROMA RIGHTS CENTRE AND VZÁJEMNÉ SOUŽITÍ CONCERNING THE CZECH REPUBLIC FOR CONSIDERATION BY THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION AT ITS 70th SESSION, pp 14-15.

¹⁹ Ibid, pp. 16-18.

²⁰ 'Šéf sněmovny zjišťoval situaci Romů vystěhovaných ze Vsetína', Olomouc, 6. 11. 2006, 14:15, (ČTK), http://romea.cz/index.php?id=servis/z2006_0730.

Good practices:

The Government Council on Roma Community Affairs commissioned an investigation by Masaryk University's Faculty of Social Studies (Department of Sociology, social anthropology division), on the background to the Vsetin evictions. The report is a rare and commendable example of Czech scholarship responding to an issue of immediate contemporary significance and providing much-needed context. The report describes the historical developments that led to the Roma becoming housed primarily in the central location from which they were evicted in 2006, and describes the municipality's role in neglecting the housing.²¹

4.3 Education**Problem areas:**

Despite legislation introduced in 2005, which redesigned the provision of 'special education' for the mentally disabled, to which more than half of all Romani pupils continue to be sent in numbers out of all proportion to their representation in the population, meaningful desegregation of the Czech school system has yet to occur. The authorities tenaciously resist acknowledging that the overrepresentation of Romani children in such schools has any cause other than the desire of Romani parents to send their children to such institutions.

NGOs note the new legislation is problematic on the following grounds:²²

- 1) There are no implementing regulations requiring school officials to desegregate schools;
- 2) There are no effective control mechanisms to monitor racial segregation;
- 3) School directors are responsible for ensuring non-discrimination at the school, but the law as drafted ignores the possibility that the directors themselves might be agents of discrimination;
- 4) There are no checks to ensure that school directors are not influenced by racial prejudice when deciding either to open a 'special education' class in a school or to open an entire facility devoted to 'special education'.

Developments in 2006:

In February the European Court of Human Rights ruled against a complaint by 18 young Roma alleging the Czech Republic discriminated against them by placing them in special education. The plaintiffs claim the verdict's view of discrimination was not consonant with EU law and appealed to the Grand Chamber, which announced on 17 July 2006 that it would review the appeal. The Grand Chamber is set to issue a verdict during 2007.²³

²¹ *Příčiny a souvislosti stěhování vstřínských Romů z pavlačového domu č.p. 1336 v říjnu 2006. Zpráva z šetření*, Grygar, J. and Stöckleová, T., Katedra Sociologie, Fakulta Sociálních Studií, Masarykova Univerzita, 2007.

²² December 12, 2006, WRITTEN COMMENTS OF THE EUROPEAN ROMA RIGHTS CENTRE AND VZÁJEMNÉ SOUŽITÍ CONCERNING THE CZECH REPUBLIC FOR CONSIDERATION BY THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION AT ITS 70th SESSION, pp 18-21.

²³ http://www.romea.cz/english/index.php?id=servis/z_en_2006_0167. Accessed 25 June 2007

Statistics:

There are no official statistics on education disaggregated by ethnicity.

Good practices:

For 10 years the **Step By Step** organisation has attempted to improve both Czech pedagogy and access to education for minorities by training assistant teachers in methods aimed at assisting the educationally disadvantaged to more easily participate in mainstream education. Including classroom assistants from the Roma community in mainstream education has been identified as key to assisting their integration. Step By Step offered a 'Re-qualification Course for Work with Children and Youth in Extracurricular Activities' in the Central Bohemian region in 2006, funded by the regional coordinator for Roma Community Affairs. Two-thirds of those so trained were subsequently able to find work as 'extracurricular lecturers'.²⁴

Athinganoi is a Roma student organisation which brings together Romani students from high schools and universities to work on breaking down stereotypes and demonstrating that Roma who make it to higher education can fully participate as professionals in their chosen fields.

A small but growing number of high schools and training colleges offering social work degrees actively recruit and cater to Romani students. Private universities such as **Anglo-American College** also make a point of offering scholarships to Romani undergraduates.

4.4 Health

Problem areas:

In the area of racism and health care, the issue of coercive sterilisations of Romani women was the dominant issue of 2006. Additionally, abortion services are not available to foreign nationals who are only temporarily resident on Czech territory.²⁵

Developments in 2006:

On 29 December 2005, the Czech Public Defender of Rights (the ombudsman) issued his 'Final Statement of the Czech Public Defender of Rights on the Matter

²⁴ http://www.romea.cz/index.php?id=servis/z2006_0153, Accessed 10 June 2007, personal communication of the author with the Step By Step director.

²⁵ Law on abortion, 20 October 1986: '10. Artificial termination of pregnancy in accordance with Section 4 shall not be performed in the case of aliens who are resident only temporarily in the Czech socialist Republic.' Notification of the Ministry of Health of the Czech Socialist Republic of 7 November 1986 on the implementation of the Law No. 66/1986 on abortion. '10. Abortions for foreigners. (1) The residence of foreign women who work in organs and organizations with their headquarters in the Czech Socialist Republic or of their family members shall not be considered as temporary residence; the same is true with respect to the residence of students and other foreign women who possess a residence permit for foreigners according to international agreements. The health establishment has a duty to demand the presentation of the corresponding documents.' English translation cited at <http://annualreview.law.harvard.edu/population/abortion/CZECH%20REPUBLIC.abo.htm> Accessed June 12, 2007

of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures'²⁶ which concluded that 'the problem of sexual sterilisation carried out in the Czech Republic either with improper motivation or illegally, exists, and Czech society has to come to terms with this.' The vast majority of the victims who have come forward are Romani women.

At the time this was written, the Czech Government had not indicated that it is prepared to offer redress to victims of coercive sterilisations as the ombudsman recommends. The ombudsman's report prompted media coverage of the decades of allegations that Romani women have been coercively sterilised by medical professionals in the former Czechoslovakia, as well as allegations that the practice has continued to the present. While the exact number of victims has not been determined due to the existing state of scholarship on the matter, it is clear that hundreds and perhaps thousands of victims have been subjected to this treatment since the late 1950s. The most recent allegations date from 2004. Under communism, coercion involved provision of incentives or threats by the state through social workers; post-1989, coercion involved opportunistically sterilising women giving birth or requiring other reproductive health services.

In August 2006 coercive sterilisation survivor Elena Gorolová of the Group of Women Harmed by Sterilisation testified to the Committee for the Elimination of Discrimination against Women (CEDAW Committee) in New York on her experience and the ombudsman's report. Simultaneously in the Czech Republic, the Group demonstrated outside one of the hospitals involved. Local print media coverage subsequently targeted individual demonstrators with hearsay information allegedly provided by neighbours in a clumsy attempt to smear them. Ms Gorolová's case was compared to that of an 'anonymous non-Romani woman' who was portrayed as having had the foresight to refuse sterilisation when it was offered, while Ms Gorolová was portrayed as having thoughtlessly agreed to it. The article also inadvertently makes the 'anonymous' woman strangely claim that, even though her situation was 'exactly the same' as Ms Gorolová's – i.e., she was delivering a second child by caesarian section - she was never given anaesthetic(!). The articles were clearly a malicious attempt to discredit the women who had taken the risk of speaking out.

Other issues:

Romani infant mortality in Ostrava: On 21 November 2006, two Romani women residing on the same street in Ostrava gave birth to stillborn infants at the same hospital. The subsequent criminal investigation found no wrongdoing by the hospital, but the occurrence was alarming in a country which prides itself on an infant mortality rate just behind that of Norway.²⁷

Statistics:

There are no official statistics on health disaggregated by ethnicity.

²⁶ <http://www.ochrance.cz/en/dokumenty/dokument.php?doc=400>, hereafter 'Final Statement'.

²⁷ The Czech Republic reported 3.9 deaths per 1 000 births in 2006.

Source: <http://www.infoplease.com/ipa/A0762380.html> Accessed 26 June 2007.

Complaints/litigation:

During the course of 2005, the ombudsman received almost 90 complaints of coercive sterilisation which he forwarded to the Health Ministry for review. His Final Statement was published after the ministry reviewed 50 of those complaints. Other complaints filed with the ombudsman during 2006 were passed directly to the Health Ministry for review

Civil claims: To date, only one coercive sterilisation victim has been awarded compensation by the courts in a civil complaint dating from the late 1990s. At the end of 2006, another civil complaint was pending on appeal and two other complaints had not yet reached the first instance.

Criminal claims: The ombudsman filed requests with the state prosecutor to open criminal investigations into the complaints. Most of these complaints have been shelved by the police, even in cases which are *prima facie* illegal, in that consent signatures are either missing or post-date the date of surgery (the law has always required consent prior to surgery). Police failure to properly investigate these allegations could rise to the level of failure to investigate allegations of torture or cruel and inhumane treatment under Article 3 of the European Convention.²⁸

Good practices:

The establishment of the **Group of Women Harmed by Sterilisation** is an example of good practice for persons fighting discriminatory treatment. The Group has empowered the victims of these violations to speak out about their treatment and demand justice. Assisted by the Vzajemné soužití organization, this informal association of Romani women who have survived coercive sterilisation created a photography exhibit of pictures of their families to bring the human side of their story to public attention. During 2006 the exhibit was shown in Brno, Ostrava, and in Prague at the Czech Parliament under the auspices of Green Party MP Kateřina Jacques. Despite hostile local media coverage and governmental silence, the Group has helped its members maintain pressure on officials to address the grave injustice they have suffered.

4.5 Policing and racial profiling**Problem areas:**

Problems in the area of policing and racial profiling include: insufficiently robust policing of far-right nationalists violating the law against spreading hatred and intolerance of certain groups or their members, including denial of the Romani Holocaust and exploitation of that denial for political gain; light sentences given to those convicted of expressing support for the Holocaust; police harassment of

²⁸ Personal communication with the plaintiff's lawyer, May 2007.

minorities; and insufficiently independent supervision of prosecutions of police officers accused of crimes.

Developments in 2006:

In January 2006, the National Party²⁹ held a demonstration at the site of the former World War II concentration camp for Roma at Lety by Písek. At the demonstration, speakers said the 'real victims' of WWII were ethnic Czechs; that Roma who died at Lety were responsible for their own deaths due to their 'poor hygiene'; and that removing the pig farm located on the site in order to better honour the dead was not worth the expenditure. Speakers and participants also engaged in other acts of racist hate speech.³⁰ Private security guards also assaulted two counter-demonstrators who shouted 'Down with Nazism'.³¹ The counter-demonstrators were then arrested by the police for allegedly having committed the misdemeanour of 'verbally disrupting' the demonstration.³² The counter-demonstrators and other observers filed charges against the National Party, but the police subsequently found no crime had been committed, referring to an expert opinion from the Czech Academy of Sciences which claimed that the camp at Lety 'could not be recognized as either a concentration or extermination camp' and that the police recordings of the speeches did not discover 'an open declaration of ideas which would support, question, or try to justify genocide.'³³

On 1 May 2006, National Party members marched in Prague and a conflict ensued between them and civil society observers videotaping the procession. A separate demonstration on the same day convened by the extreme right National Resistance (Národní odpor) organization in Prague led human rights observers to call on the Interior Ministry to ban the organisation due to the racist views aired there.³⁴ Ms Kateřina Jacques, then a Green Party candidate for Parliament and member of the Czech Government's Human Rights Council, was assaulted by a police officer at the National Resistance demonstration after being accused of 'disturbing' the gathering.³⁵ Police also detained a journalist who photographed the incident.³⁶ NGOs, the Green Party, then-PM Paroubek and former Czech

²⁹ In Czech, 'Národní strana'. The party had been previously rejected for registration five times during 2000 and 2001 and was only registered after it won before the Supreme Administrative Court.

http://romea.cz/index.php?id=servis/z2006_0058. Accessed 29 June 2007.

³⁰ 'Ultrapracovní NS pořádá akci na místě bývalého romského koncentračního tábora v Letech u Písku', Praha, 12. 1. 2006, 11:43 (ROMEIA/ČTK), http://www.romea.cz/index.php?id=servis/z2006_0009; 'Skandální výroky předsedkyně Národní strany přesahují všechny meze. Edelmannová: Romové si za svou smrt mohou sami', Praha, 13. 1. 2006, 11:20 (ROMEIA) AKTUALIZOVANO http://www.romea.cz/index.php?id=servis/z2006_0012. Accessed December 2006

³¹ 'Chronologický vývoj skandálu kolem aktivity Národní strany v Letech u Písku', Praha, 20.1.2006, 13:30 (ROMEIA), http://www.romea.cz/index.php?id=servis/z2006_0053. Accessed December 2006

³² 'Policie zadržela v Letech dva proromské aktivisty.' Lety u Písku, 21.1.2006, 13:41 (ČTK) http://www.romea.cz/index.php?id=servis/z2006_0056. Accessed December 2006

³³ 'Policie: Členové Národní strany neporušili v Letech zákon', Písek, 16.6.2006, 10:36 (ČTK), http://www.romea.cz/index.php?id=servis/z2006_0393. Accessed December 2006

³⁴ 'Čakl: Ministerstvo vnitra by mělo Národní odpor zakázat', Praha, 1.5.2006, 17:11 (ČTK), http://www.romea.cz/index.php?id=servis/z2006_0286. Accessed December 2006

³⁵ 'Policie zbilá kandidátku zelených Kateřinu Jacques', Praha, 1.5.2006, 16:15 - 2.5.2006, 10:30 AKTUALIZOVÁNO (ROMEIA), http://www.romea.cz/index.php?id=servis/z2006_0280. Accessed December 2006.

³⁶ 'Police president says action against Jacques inappropriate', Prague, 3.5.2006, 7:37 (ČTK) http://www.romea.cz/english/index.php?id=servis/z_en_2006_0160.

President Václav Havel spoke out against the police attack.³⁷ In November 2006 the State Prosecutor dropped charges against the police officer who assaulted Jacques, concluding that his behaviour 'constituted no crime'.³⁸

Statistics:

Official crime statistics are not disaggregated by ethnicity with respect to either perpetrators or victims.

Complaints/litigation:

In April 2006 a 17-year-old student of African origin who had been residing in Ústí nad Labem for years filed assault with racial intent charges against local police. The young man was riding on the bus without a ticket; ticket collectors summoned police to the scene. When one of the officers tried to photograph him, he placed his hand in front of the camera; police claim he then attacked them. The youth says he was photographed by the police after being wrestled to the ground and suffering injuries. He was taken to the station and then released after confirming his identity; the police filed assault charges against him.³⁹

On 6 June 2006, Roma from Nový Bor in the České Lipy region alleged local police beat them up for not having identification on them. The police officers claimed they had been attacked by the Roma first. The State Prosecutor opened an investigation.⁴⁰

Good practices:

In September 2006, the Czech Police began a campaign to attract Roma, Ukrainians and Vietnamese to the police force.

4.6 Racist violence and crime

Problem areas:

Amnesty International's 2006 Annual Report lists violent racial attacks against the Roma as one of the country's greatest challenges. At least 25 violent attacks, mostly against Romani victims, were reported by NGOs and the media in 2006.⁴¹ In addition to attacks perpetrated by individuals, vigilante 'militia' activity by organised, armed skinheads or neo-Nazis is also a problem.

Developments in 2006:

³⁷ 'Havel pokládá zákrok proti Jacques za nedobré znamení', Praha, 6.5.2006, 12:33 (ČTK) http://www.romea.cz/index.php?id=servis/z2006_0304, 'Paroubek calls police treatment of Jacques inexcusable', Prague, 2.5.2006, 16:14 (ČTK), http://www.romea.cz/english/index.php?id=servis/z_en_2006_0158.

³⁸ <http://www.state.gov/q/drl/rls/hrrpt/2006/78808.htm>. Accessed 26 June 2007.

³⁹ http://www.romea.cz/index.php?id=servis/z2006_0266. Accessed 26 June 2007. Police in the same town had been accused of assaulting young Roma in 2005.

⁴⁰ http://www.romea.cz/index.php?id=servis/z2006_0379. Accessed 26 June 2007.

⁴¹ International Helsinki Federation, Human Rights Report on the OSCE Area 2007, http://64.233.183.104/search?q=cache:90B19Um1pK4J:www.ihf-hr.org/viewbinary/viewdocument.php%3Fdownload%3D1%26doc_id%3D7398+2006+illegal+racism+Czech&hl=cs&ct=cin&k&cd=4 Accessed 30 June 2007.

In December 2005, in the aftermath of evictions of Romani tenants from the town of Bohumín (see housing section above) robberies were reported in the nearby town of Orlova following an influx of former Bohumin residents seeking housing with relatives. Even though police made arrests in the robbery cases, members of the neo-Nazi 'National Resistance of Silesia' (whose representative was under criminal investigation at the time) organised armed 'militias' to 'patrol' what the press identified as the 'Romani quarter' of Orlova, citing the robberies as the excuse. The 'militias' were active for about three weeks and then 'disbanded', only to resurface in September 2006 when a group of 20 skinheads (including young women) armed with tonfas, chains, brass knuckles, baseball bats and axes attacked six Romani youths in that same part of town.⁴² Police reported that the Romani youths were similarly armed.

In January 2006, non-Romani residents of the town of Usti nad Labem, famous for attempting to erect a wall between themselves and their Romani neighbours in Matiční Street in the late 1990s, also threatened to arm themselves and form militias if the town did not do more to secure the neighbourhood.⁴³ In May 2006, the extreme-right National Corporativism association announced its intention to hold a 'march against affirmative action' in the town.⁴⁴

In July 2006, approximately 90 members of the vigilante racist 'skinhead movement' and others participated in a protest march through the town of Svitavy to draw attention to their contention that Vlastimil Pechanec, sentenced to 17 years in prison three years ago for the racially motivated murder of a Romani man, Mr. Ota Absolon, is serving time for a murder he did not commit.⁴⁵ Pechanec's mother was among the demonstrators. The marchers chanted 'Retrial', 'Free Pechanec' and 'The Murderer is Elsewhere'. Roma in Svitavy left town that day out of concern for their safety and took refuge with relatives in other towns.

Also in July 2006, an unidentified perpetrator shot and wounded four Roma, two of them children, at České Budějovice's largest housing estate. The assaults with an air rifle lasted over the course of a month. Municipal authorities told the press they could 'not afford' to increase police presence at the estate.⁴⁶ Six weeks after the media covered the shootings, no suspects had yet been identified.

On 28 October 2006, the anniversary of the founding of independent Czechoslovakia, police arrested National Party leader Petra Edelmannová, four other National Party members and another participant as they began a demonstration under a banner reading 'Let's Incinerate Muslim Hatred'. The arrests were made on the grounds that the demonstrators intended to set

⁴² http://www.romea.cz/index.php?id=detail&detail=2007_2103. Accessed 27 June 2007.

⁴³ http://romea.cz/index.php?id=servis/z2006_0028. Accessed 27 June 2007.

⁴⁴ http://romea.cz/index.php?id=servis/z2006_0361 Accessed 29 June 2007.

⁴⁵ 'Skinheadi pochodovali Svitavami', Svitavy, 22.7.2006, 14:35 (ČTK), http://www.romea.cz/index.php?id=servis/z2006_0442. Accessed 9 June 2007.

⁴⁶ 'Unidentified perpetrator shoots at Romanies from airgun', Ceske Budejovice, 28.7.2006, 9:22 (ČTK) http://www.romea.cz/english/index.php?id=servis/z_en_2006_0218.

something on fire.⁴⁷ Skinhead demonstrations convened by other organisers also took place in the town of Ostrava that day.

Finally, in November 2006, demonstrations ostensibly to mark the anniversary of the death of Franco were held by 'skinheads' on the same day as the anniversary of Kristallnacht.

The Permanent Mission of the Czech Republic to the Organisation for Security and Cooperation in Europe (OSCE) reported to the Office for Democratic Institutions and Human Rights (ODIHR) that 10 hate crimes of an anti-Semitic nature were committed during the first half of 2006 alone, five of which met the legal definition of the crime of 'promotion of a movement that seeks to suppress human freedom.'⁴⁸

The International Helsinki Federation's 2007 report, reviewing the year 2006, summed up the situation as follows:

"Incitement of hatred against specific ethnic groups was a common component of neo-Nazi actions, and in most cases, authorities, including the police, turned a blind eye to such activities. While government officials usually clearly denounced violent and criminal acts, their statements rung hollow as no concrete measures were taken to prevent such acts. Sometimes police even appeared to offer protection to neo-Nazis in confrontation with anti-Fascist demonstrators".⁴⁹

Statistics:

The Czech Republic's official system of data collection on racist violence and crime was evaluated as 'good' in the Annual Report released in 2006 by the European Monitoring Centre on Racism and Xenophobia (EUMC).⁵⁰ Statistics for the year 2006 are available on the Interior Ministry's website at <http://www.mvcr.cz/dokument/2007/extrem06.pdf>. Statistics concerning crimes with an extremist undertone showed that the racist crime rate in the Czech Republic has been stable for the past decade and that a moderate downward trend may be developing. In 2006, 248 such crimes were officially recorded, the lowest figure in eight years.⁵¹

Good practices:

In an effort to combat ignorance about the Holocaust, the Czech Association of Jewish Youth organised a public reading in Prague of victims' names on Holocaust Remembrance Day in April 2006, the first time the ceremony was held

⁴⁷ 'Policie zadržela předsedkyni Národní strany', Praha, 28.10.2006, 18:25, (ČTK) http://www.romea.cz/index.php?id=servis/z2006_0689.

⁴⁸ HDIM.ODIHR/465/06, 11 October 2006, Challenges and Responses to Hate-Motivated Incidents in the OSCE Region for the period Jan-June 2006, at http://www.osce.org/documents/odihr/2006/10/21496_en.pdf, accessed 6 June 2007.

⁴⁹ <http://www.eumc.europa.eu/eumc/material/pub/ar06/AR06-P2-EN.pdf>, pg. 96-97. Accessed 28 August.

⁵⁰ <http://www.humanrightsfirst.org/discrimination/reports.asp?country=multi&id=12&misc1=survey3>. Accessed 26 June 2007.

⁵¹ [http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/CE22E2C31C4108A4C1257292004DF066?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/CE22E2C31C4108A4C1257292004DF066?OpenDocument) Accessed 30 June 2007.

in the open in a public square. The organisers said the open venue emphasised that the commemoration was not the private concern of the Jewish community and Holocaust survivors, but was meant to address the general public. Given ongoing incidents of anti-Semitism in the Czech Republic, such actions are courageous and extremely necessary.

In May 2006, the Committee for the Redress of the Romani Holocaust⁵² opened an exhibition at the National Gallery in Prague entitled 'The Romani Holocaust' which mapped the origins of the Romani Holocaust from the early 20th century up through the post-war period. The exhibition was attended by middle school students from around the country and was also shown in other European venues and at the United Nations in early 2007.

4.7 Access to goods and services in the public and private sector

Problem areas:

Problems in access to goods and services in the public and private sector include: Romani persons denied service in restaurants or discotheques; and Romani children discriminated against in adoption.

Developments in 2006:

On 26 April 2006, the Constitutional Court ruled in a case of discrimination in private service provision that those accused of discrimination in such cases bear the burden of proof before the courts. In its ruling the Court said legislators should consider formulating discrimination provisions even more explicitly.⁵³

In April 2006, the "Rozum a cit" Foundation released the results of research conducted by the STEM opinion poll agency according to which more people in the Czech Republic (slightly less than 25 % of respondents) would prefer to adopt a slightly handicapped non-Romani child than a Romani child (12 %). The foundation estimated that roughly 20,000 children were being raised in institutions throughout the Czech Republic; 64 % of respondents considered the number of institutionalised children to be a big problem.⁵⁴ Romani children are generally known to be overrepresented in institutional care.

Statistics:

The Czech Trade Inspection Authority does monitor racial discrimination in the provision of services and whether consumer protection legislation is upheld, either on its own initiative or at the instigation of consumers, who complain they have been discriminated against on the grounds of race or ethnicity. Data on the

⁵² In Czech, Výbor pro odškodnění romského holokaustu. <http://www.cestiromove.ecn.cz/crrheng.htm>

⁵³ http://www.romea.cz/english/index.php?id=servis/z_en_2006_0153. Accessed 25 June 2007.

⁵⁴ http://romea.cz/index.php?id=servis/z2006_0238 Accessed 29 June 2007.

number of complaints filed, the number of inspections performed, and their results are included in the annual Government Human Rights Report.⁵⁵

Complaints/litigation:

The Regional Court in Usti nad Labem handled a suit brought by four Romani persons against a restaurant where staff refused to serve them, claiming the restaurant was a club for members only. Three non-Roma were served immediately afterwards. The Romani persons filed racial discrimination charges seeking an apology and compensation. The Constitutional Court verdict of 26 April 2006 referred to above placed the burden of proof on the restaurant, requiring the Regional Court to review the case again.

4.8 Media, including the internet

Problem areas:

Problems in the area of media, including the internet include: reporting on interethnic relations which exaggerates tensions, particularly where children are concerned; far-right political parties running internet radio broadcasting music by neo-Nazi groups; racism on internet discussion fora; and use of the internet to disseminate extremism in the Czech language on domains registered outside of the country.

Print media and radio in the Czech Republic are fairly diverse and open; print journalism is responsible for much of the best domestic political reporting and exposing political corruption.⁵⁶ Television, however, is quite politicised. The lower house of Parliament is legally vested with influence over the country's regulating authority and over public service broadcaster Czech TV. There are only two commercial television channels and two public broadcasting channels, although cable broadcasting has recently affected the Czech market and features more diversity in its programming.⁵⁷

The International Helsinki Federation reported that 'the work of the "internet police", an official police body established to look for websites inciting intolerance, xenophobia and hate speech, was not transparent and its effectiveness doubtful.'⁵⁸

Developments in 2006:

⁵⁵http://64.233.183.104/search?q=cache:UauuLny4KG4J:www.diskriminace.info/dt-publikace/diskriminace_jeji_hodnoceni_a_dokazovani_prostrednictvim_statistickych_udaju.pdf+Ceska+obchodni+inspekce+rasismus+statistiky&hl=cs&ct=clnk&cd=2&lr=lang_cs . Accessed 26 June 2007.

⁵⁶ http://www.eumap.org/topics/media/television_europe/national/czech/media_cze1.pdf , pg. 548. Accessed 27 June 2007.

⁵⁷ <http://www.eumap.org/reports/2005/media/czech> Accessed 27 June 2007.

⁵⁸ Human Rights in the OSCE Region IHF Report 2007, http://64.233.183.104/search?q=cache:90BI9Um1pK4J:www.ihf-hr.org/viewbinary/viewdocument.php%3Fdownload%3D1%26doc_id%3D7398+2006+illegal+racism+Czech&hl=cs&ct=clnk&cd=4 Accessed 30 June 2007.

The deportation of Romani families from Vsetín (see housing section above) prompted a wave of racist discussions on the internet. In the Discussion section on the Aktualně.cz server, which reported on the situation, contributions were posted calling for the physical destruction of the Roma. For example: 'In my experience I can say there is no such thing as a decent gypsy and the only thing that works with them is to give them a beating the minute they open their eyes.'⁵⁹

Please also see the above health section for a description of local media coverage of coercive sterilisation survivors who demonstrated in Ostrava.

Complaints:

A complaint was filed with the Czech Broadcasting Council regarding coverage on private television channel TV Nova of alleged attacks by Romani children on non-Romani children travelling to school by bus in the town of Kladno. The broadcast included claims that police had arranged with child welfare professionals to institutionalise children caught committing such acts and concluded by broadcasting the number of a hotline for people to call. While the Council acknowledged the sensationalist nature of the broadcast, it did not find that the law on broadcasting had been violated.

Good practices:

Non-profit media run by Romani organisations have developed to a great extent in the Czech Republic, with several internet sites, magazines, newspapers, as well as internet-based television and radio being offered in both Czech and Romani. There is also Roma-themed broadcasting on Czech radio, accompanied by a website which offers news about Roma from around Europe in Czech, English, French and German.

⁵⁹ http://www.romea.cz/index.php?id=servis/z2006_0659 Accessed 27 June 2007.

5. Political and legal context

General information for 2006

There was a 64.5 % turnout for the **2006 elections** to the Czech Chamber of Deputies, which delivered the following results: the centre-right Civic Democratic Party (ODS) won 35.4 % of the vote; Social Democrats 32.3 %; Communist Party 12.8 %; Christian Democrats 7.2 %; and Green Party 6.3 %. Elections to the Czech Senate in 2006 (and the subsequent 2007 by-election in two constituencies) resulted in the Senate having the current composition: ODS 41 seats; Social Democrats 13 seats; Christian Democrats 11 seats; SNK European Democrats Caucus 6 seats total; Open Democracy Caucus 7 seats total; and Communists 3 seats total. The overall result was a stalemate, as the right and left wings each controlled 100 parliamentary seats, and it took Czech PM Topolánek more than half a year to form a government.

The run-up to the June elections saw two scandals which reduced public confidence: then-Czech PM Paroubek shared the stage with a comedian who made jokes at the expense of the Roma (the story made front-page news), and a long-time advisor to Czech President Klaus physically assaulted the Health Minister at a conference being taped for television.

In **legal developments**, Law No. 107/2006 Coll., 'on the unilateral increase of rents on flats' was a significant change (see Housing section above). Act No. 108/2006, a new Social Service Act, was adopted, the first reworking of social services legislation since the democratic transition in 1989. The law introduces 20 new kinds of social services, funding for which is to be distributed at the local level, but the Union of Towns and Municipalities announced that Czech municipalities are understaffed for such tasks.⁶⁰ A new Labour Code, Act No 262/2006, replaced previous legislation dating from 1965. Parliament also voted to extend some legal rights to same-sex partners; adoption was not among them. An amendment to the Residence of Aliens Act, Law No. 161/2006, took effect in January, replacing previous legislation applicable to EU Member State citizens (see below). Law No 61/2006, 'on the performance of international sanctions', took effect in April; it regulates international monetary exchanges in the context of anti-terrorism.

The amended law on the Public Defender of Rights (ombudsman) came into effect on 1 January 2006, greatly expanding the responsibilities of this institution. The ombudsman is now tasked with performing regular visits to all government facilities where persons are detained in order to review their treatment.⁶¹

⁶⁰ <http://www.radio.cz/cz/clanek/84486> Accessed 29 June 2007.

⁶¹ <http://www.state.gov/g/drl/rls/hrrpt/2006/78808.htm> Accessed 30 June 2007.

5.1 Anti discrimination

Implementation of the Race Directive:

In December 2005, parliament approved a new draft Anti-Discrimination Law and forwarded it for consideration by the Czech Senate. The bill as adopted forbade discrimination based on race, ethnicity, gender, sexual orientation, age, disability, faith, religion, or because of non-religion, and covered discrimination in the workplace, social security, health care, education, access to public services, and accommodation. The Czech Senate rejected the bill in January 2006 due to its introduction of the option for affirmative action and returned it to the lower house, where supporters of the bill were unable to muster the votes required to overturn the Senate's rejection.⁶²

The position of Czech President Klaus on this issue has been extremely influential. Klaus has held high office since the transition to democracy in 1989 and is widely regarded as the face and voice of the right-wing, specifically the ODS party (even though he officially left the party leadership in order to qualify for nomination as president). Through the Centre for Economy and Policy (CEP), a think-tank on whose Board of Directors President Klaus sits, Mr Klaus has been the Czech Republic's most vocal critic of attempts to fully implement the Race Directive. In August 2006, CEP published a 90-page report of seminar proceedings entitled 'Anti-Discrimination Legislation – Aid to those Weaker, or a Reversal of the Law?' In his comments on the CEP webpage promoting this publication, Mr. Klaus makes statements such as, 'The so-called anti-discrimination legislation is...based on very disputable prohibitions and instructions. In many instances it goes against the principles of the free market, against the inviolability of private property, and against human freedom.'⁶³

Four administrative proceedings have been filed against the country for its failure to implement the Race Directive. On 27 June 2007, the Czech Republic was one of 14 Member States formally requested by the Commission to fully implement the Race Directive or face proceedings before the European Court of Justice (ECJ).

Public Defender of Rights (ombudsman) Elected to Second Term:

In December 2006, Otakar Motejl, a widely respected figure who enjoys high public approval ratings and who has managed to serve as ombudsman without either government or political party interference, was re-elected to a second six-

⁶² The bill lacked a single vote in the Senate, and when it was returned to the lower house just before the 2006 parliamentary elections, the governing coalition faced the problem that Communist Party MPs conditioned their adoption of the law on the abolition of the law on lustration (the Czech Republic's non-judicial approach to excluding former Czechoslovak Communist Party functionaries and officers of and collaborators with the Communist secret police (StB) from the high civil service, the judiciary, public prosecution, the security service (BIS), army positions requiring the rank of colonel and general, the management of state-owned enterprises, the central bank, the railways, high academic positions, and the public electronic media).

⁶³ <http://www.cepin.cz/cze/kniha.php?ID=69&PHPSESSID=45e9fe35bedb67df234eb8ef7714fe49>) Accessed December 2006.

year term. The ombudsman is an institution which has been reporting on shortcomings in the state administration or the ministries to higher authorities, the Chamber of Deputies, and the general public since the year 2000. During its first six years, the ombudsman received 30,000 complaints from the public. After his re-election, Motejl said his main goal is to improve the institution's system for processing complaints.⁶⁴

NGO assessment:

In June 2007, mere days before the Commission made its formal request to the Czech Government vis-à-vis the Race Directive, the Government proposed an anti-discrimination bill to guarantee equal treatment and equal access to education, work, health care, welfare and housing, and to prevent discrimination on grounds of sexual orientation, physical disability, language, religion, political conviction, property, marital status, political party or trade union membership. **NGOs and opposition politicians criticised the government-proposed bill for not defining direct as opposed to indirect discrimination, making no reference to options for affirmative action, and being extremely vaguely formulated.** The Government wants the ombudsman to supervise compliance with the law, but Ombudsman Otakar Motejl said he believed a separate institution should monitor cases of discrimination. Currently the ombudsman only reviews matters concerning the state administration and ministries, not the private sector.

5.2 Migration and integration

Politics:

During the parliamentary elections, analysts noted that Czech political parties presented immigration and asylum policies as part of the country's domestic agenda, not as a foreign policy issue.⁶⁵ Proactive immigration policies were not proposed; rather, the focus of debate was on the fight against illegal immigrants and the crime they supposedly commit. The website "Migration Online" (www.migraceonline.cz), run by the NGO Multicultural Centre (Multikulturní centrum) did print various articles in Czech translation on the 11 Common Basic Principles.⁶⁶

Exhaustive statistics on asylum proceedings in the Czech Republic can be found at <http://www.unhcr.cz/dokumenty/2006Cz.xls>. The number of asylum seekers has fallen from just over 18,000 in 2001 to just over 3,000 in 2006. No single nationality predominated among asylum seekers in 2006; 19 % of asylum seekers were from Ukraine, 14 % from Egypt, and 8 % from Kazakhstan.

In **legal developments**, an amendment to the Residence of Aliens Act No 161/2006, based on several EU directives, took effect as of 24 January 2006.

⁶⁴ <http://www.radio.cz/en/article/86248> Accessed 30 June 2007.

⁶⁵ Někavil, V. and Berdych, A., eds., ČESKÁ ZAHRANIČNÍ POLITIKA A VOLBY 2006, Asociace pro mezinárodní otázky.

⁶⁶ http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf.

The implementation of Directive 2003/109, which regulates the conditions under which an alien can apply for permanent residence, reduced the period of time for which an alien needs to have continuously resided on Czech territory from 10 to five years; introduced the concept of residency; and specifically defined the terms of residence for EU citizens and their family members.⁶⁷

NGO assessment:

In general the shortening of the time needed to gain permanent residence was considered a positive development. Unfortunately, the same amendment introduced what one social worker referred to as 'terminological chaos' (or rather, made the existing chaos 'even more acute').⁶⁸ In addition, asylum seekers must now report all changes (address, marital status, children, etc.) to two government agencies, the Aliens Police and the Department of Asylum and Migration Policy.

5.3 Criminal justice

5.3.1 Racism as a crime

Policy: The Czech Republic's Crime Prevention Strategy for 2004-2007 describes addressing racism in the context of the Ministry of Education, Youth and Sports, which is charged with 'implement[ing] structural measures and support programmes focused on prevention of violence at schools...(bullying, aggressiveness, xenophobia and racism), committed by both students and the staff.'⁶⁹ Training programmes are running on protection against racism, extremism, xenophobia, anti-Semitism, and racial discrimination in place for current employees of the police, army, schools, the judiciary, and social workers, and courses covering extremism, xenophobia and anti-Semitism are included in Police Academy degree programmes.

Legal developments:

In terms of application of the law, in verdicts where racial motive for violence is acknowledged by the court, sentences still tend to be conditional. One Romani man who successfully sued in both the civil and criminal courts after being assaulted by racists in 2003 also reported that as of the end of 2006 he had yet to receive any court-ordered financial compensation from his assailants.⁷⁰

NGO assessment:

NGOs following developments in right-wing extremism warned of the increased potential for violence to be committed by these groups and the growing risk they

⁶⁷ <http://www.en.domavcr.cz/rady.shtml?x=1919042> Accessed 30 June 2007.

⁶⁸ Lucie Ditrychova, lead social worker at the Centre for the Integration of Foreigners, www.cicpraha.org, quoted at <http://www.migrationonline.cz/e-library/?x=1977180> Accessed 30 June 2007.

⁶⁹ http://64.233.183.104/search?q=cache:zZ12f_ALr_YJ:www.eucpn.org/stratdocs/eucpn_crime_prevention_strategy_Czech_Republic.pdf+2006+is+racism+a+crime+in+the+Czech+Republic%3F&hl=cs&ct=clnk&cd=7 Accessed 30 June 2007.

⁷⁰ Personal communication of the author with the victim concerned, September 2006.

pose to Czech society, as speech and activities that are racist, xenophobic, anti-Semitic, anti-Muslim, pro-Nazi, and dismissive of the Holocaust continue to be committed by these groups without encountering sanction in the court of public opinion. In political discourse, such language was essentially tolerated by the authorities. Neo-Nazi music was played at large, ostensibly private gatherings; the Internet was used to disseminate extremism; and gatherings were organised which bordered on violations of criminal law. Despite some arrests and prosecutions, particularly where public demonstrations and 'free speech' issues are concerned, the police are perceived as generally supportive of right-wing extremism.

5.3.2 Counter terrorism

Political context:

In general, the change of government after the mid-year parliamentary elections in 2006, which marked a shift from the centre-left to the centre-right, coincided with a pronounced increase both in counter-terrorism security measures being taken in high-profile locations in Prague and in politicians referring to the 'war on terror' as part of political discourse. In its 2006 profile of the country's counter-terrorism capability, the Council of Europe noted that there was an 'absence of evidence of activities connected to the threat from international and domestic terrorism' on Czech territory, but that the country was paying 'great attention' to the issue. The Government's National Action Plan (NAP) to Combat Terrorism for 2004-2007 refers to the need to tighten customs and visa policies and to improve the system for controlling points of entry into the country. The fight against 'radicalisation and terrorist recruitment' is also considered an aspect of migration and asylum policy. There has not been a specific minister formally appointed to co-ordinate counter-terrorism on Czech territory; rather, all ministries participate in the NAP.⁷¹

Legal framework:

In 2006 there was no special 'anti-terrorism law in place, but Law No 61/2006, on the performance of international sanctions, took effect in April. The legislation was a marked change in how the Czech Republic monitors international financial activity for possible terrorist links.⁷²

NGO assessment:

The danger of counter-terrorism measures (such as the monitoring of international monetary exchange) being abused to monitor civil society in general was raised with the Interior Ministry in 2006 by representatives of foundations,

⁷¹ [http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/country_profiles/CODEXTER%20Profiles%20\(2006\)%20Czech%20Republ%20E.pdf](http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/country_profiles/CODEXTER%20Profiles%20(2006)%20Czech%20Republ%20E.pdf) Accessed 30 June 2007.

⁷² Krousalová, Princová, Krulík, *Česká republika a jiné země v boji proti terorismu*, Contemporary Aspects of Terrorism, 7, Charles University's Information Centre for Questions on the War Against Terrorism, European Information Centre (Praha: 2006), pg 11.

environmental groups and human rights organizations. NGOs have also warned against the implication for civil liberties of the use of biometric data collection.

5.3.3 Racial profiling

Policy:

The 'Strategy for the Work of the Police of the Czech Republic in Relation to Minorities for 2006-2007' indirectly admits that Roma-police relations are the most problematic that the police experience in comparison to other minorities. There is no question that Roma, especially visibly identifiable Roma, experience 'racial profiling' not only by police, but by almost every other public or private entity with whom they interact in Czech society, from shop owners to social workers.

In 2006 there were very few discussions at the political level or legislative changes proposed to address racial profiling by authorities or even discussions about its desirability as a technique. In general, the meaning of the concept has not filtered through to the general public discourse. Even in the face of such events as the Vsetín evictions outlined above and the total failure of the national authorities to prevent these local occurrences, there is such an entrenched opposition to acknowledging that discrimination against the Roma even exists that refinements such as 'racial profiling' are simply not yet current in the Czech Republic (indeed, there is not yet a Czech-language term in common usage for this idea). The concept received the greatest coverage some ten years ago, when UK customs officials at Ruzyně airport were turning away Roma seeking to depart the Czech Republic for the UK, but has not been much in currency in political discourse since then.

NGO assessment:

NGOs have repeatedly pointed out that, in general, police tend to identify the Roma or foreigners with the perpetration of crime, and the severity of incidents of non-Romani assailants perpetrating crime especially against Romani victims tends to be downplayed both by the authorities and the general public.

5.4 Social inclusion

Policy:

The Czech Republic announced in March 2006 that it would contribute EUR 20,000 to the fund of the **Decade of Roma Inclusion**, which aims to improve social inclusion of the Roma minority by 2015, and stated its intention to improve the educational attainment, employment rate, housing situation and overall health of the Roma minority. A major aim of the Decade is to increase Roma

employment by 50 % in socially excluded locations and to use social assistants in the field to help Romani families resolve their housing problems.⁷³

The Czech National Action Plan (NAP) on Social Inclusion 2004-2006 can largely be considered to have failed quite dramatically during 2006 as far as the Roma are concerned.

NGO assessment:

The Dženo Association (Dženo), an organisation devoted to reviving Roma culture, assesses social inclusion of the Romani minority and their 'socio-structural position'⁷⁴ as primarily depending on education. Romani children need access to elementary education, young adults need opportunities to learn skills, and older adults need to be willing to pursue lifelong learning in the context of the changing conditions of the labour market. Progress in levels of education attained is inevitably the prime condition for improving the overall standard of living for the Roma (including their housing conditions); creating a 'positive relationship' between Roma communities and the social welfare system; and overcoming the current tendency for social problems such as usury to develop within Roma communities. In the view of Dženo, since the EU understands that it needs to invest more into 'human capital', support for education in the Czech Republic should include a focus on providing access to entrepreneurial skills for the Roma.

One of the biggest social problems facing the Roma is that of usury.⁷⁵ In the view of Dženo, it is highly probable that this problem will spread to other socially disadvantaged groups in the Czech Republic if measures are not taken to prevent it. Currently, welfare benefits reflect the minimum living standards and make the creation of financial reserves all but impossible. Families which borrow from usurers to meet some extraordinary expenditure can pay interest as high as 100% and then are under permanent pressure to repay, including the use of violence. In addition to illegal usury by individual 'loan sharks', private firms providing loans also (legally) exploit poor families' desperation and make use of predatory practices. Communities in which many families resort to these loans gradually become ruled by an atmosphere of 'fear and helplessness'.

Martin Potůček of the Centre for Social and Economic Strategy at Charles University argues that real decision-making in the Czech Republic was unaffected by the NAP on social inclusion and, by extension, that use of 'soft instruments such as the 'Open Method of Coordination' to fulfil the Lisbon strategy in the EU is not producing results.⁷⁶

⁷³ http://romea.cz/index.php?id=sevis/z2006_0159. Accessed 29 June 2007.

⁷⁴ Dženo Association, *Roma and the Economy: The Case of Czech Republic*, (Praha: 2006), pg. 40.

⁷⁵ *Ibid*, pg. 80.

⁷⁶ Potůček, Martin 'Czech National Action Plan on Social Inclusion 2004-2006: Did it Matter?' Paper for the conference 'Changing European Employment and Welfare Regimes: The Impact of the Open Method of Coordination on National Labour Market and Welfare Reforms', University of Bamberg, 23 and 24 February 2007.

6. National recommendations

6.1 General

Given the extreme nature of the harms involved and the still-unheeded calls by both CEDAW and CERD in 2006 and 2007 for the Czech Government to urgently address the issue of coercive sterilisations, the Government should prioritise resolution of these matters as follows:

- The Czech Prime Minister should issue, as a 'Decision of Government', a public apology to the victims of coercive sterilisation.
- The Czech Legislature should act without delay to adopt legislative changes necessary to establish criteria for informed consent in the context of sterilisation.
- The Ministry of Health should act without delay to implement in full the recommendations on 'Methodological measures' set out in section B of the ombudsman's Final Statement.
- The Czech Legislature should act without delay to establish by law a compensation mechanism for all victims regardless of when they were coercively sterilised.
- The Government should seek expert legal opinion as to the best method for providing compensation to victims of coercive sterilisation practices such that the Government is in full compliance with its obligations under the European Convention on Human Rights and under international law.
- In cases in which hospital records of relevance to establishing claims of coercive sterilisation have been destroyed, the Government should make public the criteria by which individuals shall establish the veracity of claims for compensation for practices of coercive sterilisation.
- The General Prosecutor should monitor investigative proceedings in the matter of criminal complaints filed in the course of the Ombudsman's investigation into these practices, and report to the public the findings of these investigations.
- The Czech Ministry of Foreign Affairs should raise with the Slovak Government the issue of compensation for persons who are currently Czech citizens but who were coercively sterilised in the Slovak Republic.

Also as a matter of general policy and as an expression of its commitment to honouring the memory of those who perished during the Holocaust, the Czech Government should make it a priority to resolve the issue of the pig farm on the Roma Holocaust site in Lety by Pisek in a dignified manner to the satisfaction of the survivors.

6.2 Anti discrimination

- Fully implement the Race Directive in legislation clearly defining direct as opposed to indirect discrimination and options for affirmative action.

- Designate a supervision body to provide independent assistance to victims of discrimination in pursuing their complaints.
- Implement a state-sponsored legal aid programme to provide access to justice for indigent victims of discrimination.

6.3 Migration and integration

- In light of the Czech Republic's anticipated accession to Schengen, improve coordination of immigration and asylum policy particularly with all Central and Eastern European countries so as to safeguard dignified treatment of migrants and asylum seekers.
- Require the Czech School Inspection to monitor the ethnic composition of schools. Provide financial incentives to schools with ethnically diverse student bodies and policies/curricula which actively promote tolerance.

6.4 Criminal justice

- Create an independent monitoring authority to review crimes and misdemeanours alleged to have been committed by police officers, including a civilian oversight element.

6.4.1 Racism as a crime

- Heed the March 2007 CERD Committee recommendations and take measures to prevent and prosecute neo-Nazi concerts and other extremism.

6.5 Social inclusion

- Provide better legal protection to victims of and witnesses to usury, including usury by commercial entities.
- Adequately fund, for the coming decade, the consistent, systematic development of street social workers in socially excluded communities and assistant teachers in all schools.
- Systematically collect and publish statistical data, disaggregated by ethnicity, on education, employment, housing, health care, access to social services and access to justice.
- Improve legislation to correct the ongoing erosion of protections to tenants against forced eviction.
- Adopt clear regulations on social housing, giving priority to the indigent, large families, and disadvantaged people.

7. Conclusion

The three most important developments concerning racism in the Czech Republic during 2006 were as follows:

1. The ombudsman's report on the **coercive sterilisation of Romani women**, the establishment of the Group of Women Harmed by Sterilisation, and the concluding recommendations of the UN Committee for the Elimination of Discrimination Against Women on the issue, which called on the Czech Government to urgently address the matter;
2. The **Vsetin forced evictions and deportations**, the public outcry they prompted, and their highlighting of the information that there are more than 300 locations of social exclusion in the Czech Republic;
3. The February verdict of the ECHR finding for the Czech Republic in the case of D.H. and others on the issue of **segregated 'special schools'** and the decision of the **Grand Chamber** to hear an appeal on the matter.

Advisory bodies to the Czech Government, composed partly of ministry representatives and partly of independent civil society experts, have been unable to perform their assumed function of advising the Czech Government with regard to the first of these issues. The Government Human Rights Council was unable to pass recommendations regarding coercive sterilizations during 2006 due to strenuous opposition by ministry representatives on the council. In 2007, the Government Council for Romani Community Affairs adopted recommendations on the matter which the Czech Government Minister for Human Rights and National Minorities then refused to pass on to the cabinet.

In general, at best the Czech NGO sector is reactive, not proactive, and is not effectively voicing the argument in Czech society as to why racism is essentially dangerous to all in a democracy. Despite some of the examples of good practices listed above, the sector is marred by the following tendencies:

- Czech NGOs show an unfortunate tendency to compete with one another for prestige and resources, not to cooperate;
- Czech NGOs show an unfortunate tendency to emphasise the development of "expertise" over civic engagement;
- Czech NGOs tend to compartmentalise their thinking at the expense of recognising the overlap between such issues as racism, gender imbalance, and abuses of political power;
- Czech NGOs are almost entirely dependent on public or international foundation monies, as philanthropy in the Czech private sector for such causes is developing sluggishly at best.

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