



europaean network against racism

ENAR Shadow Report 2009-2010

ENAR SHADOW REPORT 2009/2010

Racism and Discrimination in the Czech Republic

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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.

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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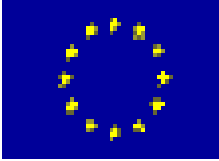
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I. Executive summary

Roma and foreigners remain the most vulnerable groups in the Czech Republic. The economic crisis together with a repressive and inadequate integration policy contributed to the increase in job losses amongst migrant workers. Many migrants' immigration status is tied to a particular job and if they are let go, they can fall very quickly into illegality. In addition, there is still lack of an efficient state response to mediation job agencies which often abuse migrant workers when they are trying to obtain an entry visa or when they are in the country. In the Czech Republic (CR) they often control migrants through debts they had to take in order to be able to live and work in the CR. In order to improve the third-country nationals' (TCN) position it is necessary to consider the following recommendations:

- The legal provisions and government agencies regulating the various residence statuses of foreigners in the CR should be clearer. In addition, the various laws applicable should be in place for longer periods of time, at present they are constantly being revised which is confusing for migrants and makes it difficult to know what are your rights and obligations. Information regarding the immigration procedure and proposed changes thereto should be given in a timely manner.
- Foreign workers should have a longer period to secure a new job, if they lose the job that was used to secure their residence permit and the one to which their residence status is tied to. This is in order to avoid an immediate fall into illegality. The legal system should prosecute and punish agencies that exploit foreign workers and function in the CR unlawfully.
- Health insurance should be expanded to all minors up to 18 years of age who are in receipt of visas issued for the period of more than 90 days. By doing so they are included into the public health system automatically.

Social exclusion faced by vulnerable groups such as the Roma continues in areas such as education, housing, employment and health. Social exclusion is also experienced by foreigners in areas such as employment and health. Therefore the following should be considered:

- Discrimination in housing especially based on ethnic and social status should be sanctioned and the municipal provision of housing should be more closely monitored by the central authorities. There should be awareness raising campaigns that it is illegal to discriminate in housing and in employment and concrete ways of how this is being done should be highlighted.
- Migrants should feature as a more prominent group in the National Plan for Social Protection and Inclusion.

Significant progress was made in the given period regarding combating discrimination. Legislation was adopted to integrate the EU anti-discrimination Directives into the national legal code. However, in practice, discrimination remains a significant problem particularly in the case of the Roma. In the field of access to employment, housing, education as well as access to goods and services Roma are regularly confronted with discrimination, particularly in so-called socially excluded locations (SEL). Roma unemployment is closely related to low qualifications, which is a direct consequence of discrimination in education. Despite the verdict of the European Court on Human Rights (ECHR) vs. CR¹, there are still no concrete measures adopted to prevent the discriminatory allocation of Roma children into special schools for children with a mild mental disability. In addition, the government has not introduced measures to deal with the forced sterilization of Roma women which happened in the past. Furthermore, although the government “expressed regret” it referred the claims of the victims for compensation to the court for decisions on an individual basis. In this context it is recommended to:

- Change anti-discrimination law in order to strengthen the authority of the Ombudsman in his role of Equality Body and to include class action (collective lawsuits) into anti-discrimination legal provisions as one of the measures to tackle discrimination.
- Carry on with the efficient implementation of systematic measures in individual fields where discrimination occurs and which have been initialized in the monitored period(2009-2010)Support financially non-governmental organizations (NGOs) active in the fight against discrimination.

In the field of racial violence in the given period we saw a stronger and a more efficient response of the state to neo-Nazi movements both in regard to their criminal and political activities including the dismissal of the neo-Nazi Workers Party. A re-codified Penal Code came into force containing stronger provisions to combat hate crimes. In practice the most serious problem remains the weak position of victims of crime, including of hate crime, both in legislation and in practice. Furthermore, inadequate statistics on hate crimes is problematic. Thus the basic recommendations are:

- Re-codification of the legal regulations strengthening the rights of victims.
- Improve the approach of police officers to victims in order to prevent secondary victimization.
- Support independent hate crime monitoring and introduce statistics according to the ethnicity of victims.

¹ Application number 57325/00 from 17 November 2007

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III. Introduction

This report covers the period from 1st January 2009 to 31st March 2010. In the given period the situation of groups vulnerable to racism and racist attacks has not changed significantly from 2008². The Roma still remain the primary target of racist violence and institutional racism, although due to the economic crisis and the constant changes in residence regulations the situation of migrant workers has become insecure and their rights severely limited. The report shows that discrimination and stratification of Roma in all monitored areas remain significant.

The situation of migrant workers in the given period was marked by the introduction of a controversial voluntary returns programme as well as problems of increasing number of migrants falling into illegality, unemployment and the worsening of the working conditions. The detailed analysis for both groups as well as others is provided in the body of this report.

We must also mention a positive development that occurred on 17 February 2010. The Supreme Administrative Court in Brno passed a decision to dissolve the Workers' Party for, according to the statement of the court, defining itself in opposition to the Jewish, Roma and Vietnamese ethnicities/nationalities, as well as in opposition to homosexuals, immigrants, and people of other skin colours in general, and for negatively referring to such people as deadbeats, inadaptable, parasites, etc and because the Party advocated neo-Nazi ideology. The other important positive development occurred in June 2009, when the Chamber of Deputies of the Czech Republic adopted the so called Anti-Discrimination Act implementing the Race Equality Directive (Council Directive 2000/43/EC)³ and Employment Equality Directive (Council Directive 2000/78/EC)⁴, outvoting a year old presidential veto of Vaclav Klaus, which became effective 1 September 2009.

In the past year, neo-Nazi activities were on the rise, especially in the form of demonstrations which were held to provoke Roma and Jews. Neo-Nazis intentionally chose municipalities and localities with a significant Roma population for their marches as well as routes along Jewish synagogues and dates connected with events and leaders of Nazi Germany. In the vast majority of cases, local municipalities were unsuccessful in their attempts to cancel the demonstration by means of a court order. The courts allowed the demonstrations on the basis of insufficient rationale for their prohibition.

² Albert, G., Redlová, P. ENAR Shadow Report 2008
<http://cms.horus.be/files/99935/MediaArchive/national/Czech%20Republic%20-%20SR%202008.pdf>,
accessed 1 September 2010

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>, accessed 8 October 2010

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>, accessed 8 October 2010

IV. Communities vulnerable to racism and discrimination

Roma continued to be the group most vulnerable to racism and discrimination in the CR (Czech Republic) in 2009. As stated in the previous ENAR report, the numbers of Roma living in the CR can only be estimated since the stigmatization they face stops them from declaring themselves as Roma. It is estimated that they account for 2.4%-3.3% of the whole population, which is 250 000-350 000 persons. However only 23 211 persons declared they spoke Romanes and only half of these declared themselves to be Roma at the last census held in 2001.⁵ The next census is due in spring 2011 and the Roma should be encouraged to declare their ethnicity.

According to the Czech Statistical Office, as of 31 May 2010 there were 426,749 foreigners living in the CR, which is approximately the same as 2008 and thus foreigners (including EU nationals) make up approximately 4% of the population. The most numerous were citizens of Ukraine followed by citizens of Slovakia, Vietnam, Russia and Poland⁶. The Czech Republic granted asylum to 75 persons in 2009, which was the lowest number since 1995, according to the Interior Ministry data. Only 1258 persons applied for asylum last year, which is the lowest number since 1994. In 2009, asylum was granted to citizens of Burma (21), Ukraine (9), Vietnam (8), Afghanistan (7) and Kazakhstan (7), among others. While 268 migrants received asylum in 2006, it was 191 in 2007 and 157 in 2008.⁷ The recognition rate for the period 2000-2007 was 2.3%.⁸

In the daily newspaper Lidové noviny, an interview with Mr. Vladislav Husák, the head of the Police for Foreigners was published under the title: 'Nobody Invited the Foreigners, They could have Stayed at Home'. In the interview Mr. Husák, when asked about the so-called job agencies' abuse of foreign workers, claimed it was the problem of the foreigners themselves and had nothing to do with the Police for Foreigners. He said that (the foreigners) made a conscious decision to pay mafia-like organizations for the papers to travel into and work in the CR and the fact that they then are abused as slaves and often left vulnerable because of the lack of documents, which is a criminal offence, has nothing to do with him. The journalist also stressed that according to magazine Respekt visas to enter and work in the CR were sold on a golf course in Vietnam, but Mr. Husák replied that the only thing that could be done to stop this practice was to stop issuing visas for Vietnamese citizens all together⁹. In this interview Mr. Husák seemed to stress that Czech and foreign workers compete for the same jobs, although very

⁵ ENAR Report 2008.

⁶ http://www.czso.cz/csu/cizinci.nsf/kapitola/ciz_pocet_cizincu, accessed 1 September 2010

⁷ Only 75 migrants granted asylum in Czech Rep. last year, <http://www.icare.to/news.php?en/2010-01#ONLY%2075%20MIGRANTS%20GRANTED%20ASYLUM%20IN%20CZECH%20REP.%20LAST%20YEAR>, accessed 20 June 2010 – from the Prague Daily Monitor

⁸ [http://www.czso.cz/csu/cizinci.nsf/t/09002E0A05/\\$File/c03r05.pdf](http://www.czso.cz/csu/cizinci.nsf/t/09002E0A05/$File/c03r05.pdf), accessed 10 October 2010.

⁹ Vidlák, M. Cizince jsme nezvali, mohli zůstat doma, říká šéf cizinecké policie Husák, 31 August 2009, http://www.lidovky.cz/cizince-jsme-nezvali-mohli-zustat-doma-rika-sef-cizinecke-policie-husak-1na-ln_domov.asp?c=A090831_105149_ln_domov_mtr, accessed 8 June 2010

often foreign workers take up the jobs that the majority population has no interest in.

The Czech Helsinki Committee (CHC) issued a statement in relation to the interview in which it said that such attitudes of highly positioned state representatives make the public believe that the state representatives are arrogant, and that they do not support cultural diversity, social solidarity or harmony in the society. The statement goes on to say that considering the desperate situation of many migrants who are abused by contemporary slave-owners who receive no help, and without the state punishing the real perpetrators of those crimes, the CHC feared that migration legislation and public policy towards migrants in this context constantly fails and called for immediate and efficient change¹⁰.

¹⁰ Stanovisko ČHV k výročkům ředitele cizinecké policie, <http://helcom.cz/view.php?cislocclanku=2009093001>, accessed 7 July 2010

V. Manifestations of racism and religious discrimination

V.i Employment

Discrimination in employment is one of the most prominent areas in which unequal treatment can be found. In 2009 an anti-discrimination regulation was implemented in the area of employment. It entered into force on 1 September 2009. The law removed the legal gap where discrimination was regulated mainly by the Labour Act No. 262/2006 Coll. The Act defined discrimination by referring to the future legal provision, however it has never been adopted.

The Roma are most at risk of employment discrimination although accessing employment is part of the complex social problems which they confront. What is characteristic for the Roma population in this field is an accumulated disadvantage consisting of low qualifications in connection with discriminatory access to education, discriminatory behaviour of employers, life in socially excluded locations located in the areas with a high unemployment rate, high level of debts and bad health conditions¹¹. Members of the Roma community are particularly affected by the economic crisis due to the fact there is less of a need for unqualified labour. In addition, low qualifications are seen as the primary cause of the high unemployment rate among Roma. It is estimated that 57% of the Roma are unemployed¹² (the same figure is quoted in the World Bank Report for 2008)¹³.

Cumulative discrimination is particularly prominent for Roma women who have difficulties in securing a job but also because of problems they face regarding maternity leave and childcare¹⁴. In addition, the unemployment rate among Roma in socially excluded locations is particularly worrying, in some instances it reaches 75-100% (according to some sources 90-100%¹⁵). The measures in this

¹¹ Zpráva o stavu romských komunit v ČR za rok 2009, p. 54, <http://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2009-73886/>, accessed 9 September 2010; Centrum pro monitoring a evaluaci veřejné politiky: Analýza potřeb integrace Romů na českém trhu práce, Katedra sociální politiky a sociální práce, FSS MU Brno 2007

¹² Rodriguez, Veronika, Diskriminace Romů stojí Česko ročně miliardy korun, 18 October 2009, <http://aktualne.centrum.cz/domaci/zivot-v-cesku/clanek.phtml?id=649333>; http://www.tyden.cz/rubriky/domaci/rasismus-v-cesku/diskriminace-romu-stoji-cesko-rocne-miliardy-korun_173236.html, accessed 9 September 2010

¹³ Czech Republic: Improving Employment Chances of Roma, Report No. 46120 CZ, Human Development Sector Unit, World Bank 2008, http://siteresources.worldbank.org/ECAEXT/Resources/258598-1224622402506/CZ_Roma_Employment_Full_Report.pdf, accessed 9 September 2010

¹⁴ Zpráva o stavu romských komunit v ČR za rok 2009, p. 54, <http://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2009-73886/>, accessed 9 September 2010

¹⁵ Agentura pro sociální začleňování v romských lokalitách, <http://www.socialni-zaclenovani.cz/zamestnanost-popis>, accessed 9 September 2010

area are inefficient or not enforced, therefore they do not prevent the current unemployment situation among Roma¹⁶

In relation to high unemployment rate of Roma it is necessary to mention their factual dependence on social benefits and their necessity to use alternative sources to secure a living, especially irregular work¹⁷. Discrimination of Roma by employers, particularly when it comes to access to jobs, persists. 33% of Roma stated that they were discriminated against¹⁸.

It is necessary to mention the failures by the public administration in relation to solving the social and debt problems of the Roma community. In February 2009 the city of Chomutov started the action called "Protection Circle"¹⁹. The action consisted in taking the social benefits allocated for cases of extreme poverty in the process of liquidating debts of the social benefits recipients to the city. The debts consisted of debts for e.g. garbage removal and were approximately 300-4000CZK in individual cases (15-170EUR approximately). What was especially controversial was that the benefit checks were taken at the moment when they were actually delivered to social benefits recipients. In essence the municipality authorities confiscated the social benefits of the Roma recipients in the name of compensation of small debts to municipality. However, social benefits cannot be confiscated according to law.

This whole action was completely against the valid legal acts, the recipients were pushed into an even deeper social trap when they were deprived of the only income and in addition to their marginal debts they also had to pay the expenses of the liquidation process, which amounted to thousands of crowns. The action was directed at Roma citizens of Chomutov particularly at those living in socially excluded locations,²⁰ and it was obviously discriminatory. At the same time the city violated the right to personal data protection of its citizens when it provided the media with camera shots of the citizens whose benefits were taken during the

¹⁶ Rovné šance romských žáků ušetří státu desítky miliard ročně, 23 June 2010,

<http://socialnivevue.cz/item/rovne-sance-romskych-zaku-usetri-statu-desitky-miliard-rocne>, accessed 10 October 2010

¹⁷ <http://www.socialni-zaclenovani.cz/zamestnanost-popis>; Zpráva o stavu romských komunit v ČR za rok 2009, p. 53, <http://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2009-73886/>

¹⁸ Zpráva o stavu romských komunit v ČR za rok 2009, p. 53, <http://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2009-73886/> (dle výzkumu EU MIDIS, Šetření o menšinách a diskriminaci v Evropské unii – Romové, 2009, http://fra.europa.eu/fraWebsite/eu-midis/eumidis_roma_en.htm), both accessed 9 September 2010

¹⁹ This was the second phase of the Program whose goal, in short, was to "synchronize decisive approach of the municipal administration bodies against inadaptible citizens" while "The problems occur most frequently in some parts of Chomutov settlement units where Roma minority lives." (see for example http://www.chomutov-mesto.cz/vismo/dokumenty2.asp?id_org=5245&id=1002160&query=Z%C3%A1chrann%C3%BD+kruh&p1=36839, accessed 9 September 2010), the first phase was focused on prostitution monitoring by using cameras.

²⁰ http://www.chomutov-mesto.cz/vismo/fulltext.asp?hledani=1&id_org=5245&query=Z%C3%A1chrann%C3%BD+kruh&submit.x=41&submit.y=15, accessed 9 September 2010

action. The Ombudsman also concluded that the action was illegal²¹, as did the Minister of Human Rights (Agency for Social Inclusion provided analysis on devastating consequences on social inclusion at Roma locations)²² and the Office for Data Protection²³. In July 2009, the District Court in Ustí nad Labem stated that the social benefits execution was illegal²⁴. Regardless of the relevant condemnations, the practice directed against denizens of socially excluded locations, particularly the Roma, continued or is being considered by other municipalities, especially in north Bohemia²⁵.

According to Governmental Report on Human Rights, women tend to be discriminated in employment most frequently when being interviewed for a job by being asked about the number of children they have and who will take care of them when the woman is at work (63%). After the interview, a lot of women do not get the job due to parenthood or potential parenthood (43%). In addition, the employer often refuses to come to any arrangement other than to allow for a full time job (35%). Job discrimination can be multiple combining gender with age (50+)²⁶.

The programme of voluntary returns will be described in the section on migration and integration; here we will mention the details related to employment. In December 2009 ten activists took part in the protest held outside the Interior Ministry building in Prague. They unsuccessfully attempted to hand to the ministry officials a letter with their demand that the police investigate the mafia bosses, who contribute to the exploitation of foreigners, rather than take repressive measures against migrants. Pavel Čížinský, a lawyer from the Consulting Centre for Citizenship, Civic and Human rights (Poradna pro občanství, občanská a lidská práva), said at the meeting the Czech Police for Foreigners contributed to the situation by bullying foreigners. The migrants lose their right to stay in the Czech Republic not only if they lose their job or housing, but also if the authorities learn about any immigration laws or conditions they have broken in the past. "The state makes it clear that foreigners are bothersome and prefers to pay them to leave quickly. An impression has been unnecessarily

²¹ Motejl: Chomutov pochybil, pokud zabavil majetek vyšší než dluh, 26 August 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6675; Exekuce na dávky pomoci v hmotné nouzy, 18 February 2009, <http://www.ochrance.cz/tiskove-zpravy/tiskove-zpravy-2010/exekuce-na-davky-pomoci-v-hmotne-nouzi-v-chomutove/>, accessed 9 September 2010

²² Sociální past II. – Exekuce. Zpráva o situaci v sociálně vyloučených lokalitách města Chomutova s důrazem na exekuční praxi, Socioklub pro Agenturu pro sociální začleňování v romských komunitách, April 2009, e.g. in http://www.romea.cz/index.php?id=detail&detail=2007_7128, accessed 9 September 2010

²³ Potvrzeno: Chomutov porušil při exekucích další zákon, 15 August 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6625, accessed 9 September 2010

²⁴ Exekuce sociálních dávek v Chomutově byly nezákonné, exekutor musí vrátit peníze, 26 June 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6384, accessed 9 September 2010

²⁵ Část měst plánuje exekuce na sociálních dávek po vzoru Chomutova, 4 June 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6287, accessed 9 September 2010

²⁶ Zpráva o stavu lidských práv v České republice v roce 2009, <http://www.vlada.cz/assets/ppov/rp/dokumenty/zpravy-lidska-prava-cr/Zprava-LP-2009-final-CZE.pdf>, p.72, accessed 22 September 2010

provoked that crime is being committed [en masse by foreigners] in the Czech Republic. This is neither true, nor do the statistics indicate this. This can provoke fear and xenophobia among people," Čížinský said. Over 47,000 foreigners lost their job in the Czech Republic in 2009. About 2,000 foreigners used the government's offer of paid voluntary assistance to their homeland²⁷

Job losses suffered by migrants did not affect all the regions equally. The districts of Plzeň and Pardubice were particularly affected. The CHC in its Annual Report stated that migrants often had incomplete or no information about their situation, e.g. they didn't know what Job Offices could offer, what was the real financial fee for issuing or prolonging the job permit, etc. However in 2009 there was a decreasing trend in migrant unemployment. It is important to stress that this is partly due to the fact that migrants started changing the purpose of their residence in the CR (based on which the appropriate type of visa is issued). Therefore the decrease in unemployment is parallel to an increase in visas issued for the purpose of entrepreneurship rather than employment. The increase of the former type of visa represents 10 000 foreigners, the biggest increase was in the case of third country nationals. The important fact is that they usually continued with their previous employment (the so-called hidden employment), with the same employer only in this regime the employer is not obliged to pay their social and health insurance the migrant workers have to do it themselves²⁸.

The Czech Republic stopped issuing labour and entrepreneurship visas from 1 April 2009 to citizens of Moldavia, Mongolia, Thailand, Ukraine and Vietnam for a few months. According to the Ministry of Interior, this was due to the lack of work in the CR and the lack of willingness to return once foreigners lose their jobs. The above mentioned Mr. Husák issued a directive that Vietnamese citizens in particular, applying for the Czech visas must be thoroughly checked although in the interview he stated that he saw the biggest problem with citizens of Ukraine and Moldova and that Vietnamese community has the capacity to take care of its fellow citizens even when they become jobless. The directive for Vietnamese citizens was in force until end of May 2009²⁹.

Ethnic Friendly Employer. Since 2007 an NGO called IQ Roma Service has a project of evaluating employers who use anti-discrimination regulations and the principle of equal treatment when employing persons and in the workforce. Being

²⁷ Activists fear police repression against illegal stayers, 15 December 2009 <http://www.icare.to/news.php?en/2009-12#ACTIVISTS%20FEAR%20POLICE%20REPRESSION%20AGAINST%20ILLEGAL%20STAYERS%20%28Czech%20Rep.%29>, accessed 7 July 2010 – from the Prague Daily Monitor

²⁸ Burdová Hradečná, Pavla, Postavení cizinců, http://www.helcom.cz/download/zpravy/Postaveni_cizincu.pdf, accessed 20 August 2010

²⁹ [Policie vydala speciální pokyn vůči Vietnamcům, 14 May 2009, http://www.lidovky.cz/policie-vydala-specialni-pokyn-vuci-vietnamcum-f51-/ln_domov.asp?c=A090514_095943_ln_domov_ani](http://www.lidovky.cz/policie-vydala-specialni-pokyn-vuci-vietnamcum-f51-/ln_domov.asp?c=A090514_095943_ln_domov_ani), accessed 5 August 2010

named in this project serves as a positive example and an incentive for other employers. More at: www.ethnic-friendly.eu³⁰

Programmes focused on increase of Roma employment. At regional level several NGOs focused on helping the Roma obtain more qualifications which is usually financed by ESF or the Agency for Social Inclusion at Roma locations. An example of such a programme is a project by the NGO Slovo 21 Manušňija – which is focused on employment support for Roma women, see: <http://www.slovo21.cz/index.php?id=manusnija>.

On 2nd and 3rd of October 2009 the Association for Integration and Migration organized a **“Pilot Integration Course”** for persons with international protection in the CR. The goal of the course was to provide basic important information for the selected persons necessary for their successful integration into the Czech society but also personal meeting and sharing experiences and feelings about life in the CR³¹.

V.ii Housing

Discrimination of Roma in housing is a serious problem in the CR. Roma belong to a group most likely to be in danger of housing discrimination, their position in the housing market is extremely marginalized. At the same time they are discriminated against by private owners, in the area of public (municipality or district) housing, by the property managing associations and including so-called social housing. According to some NGOs (non-governmental organizations) such as People in Need (Člověk v tísni), discrimination in housing is much more widespread and harder to deal with than in other areas, e.g. employment.³² According to FRA (Fundamental Rights Agency) 20% of Roma faced housing discrimination in the past 5 years³³. Roma housing is characterized by an accumulation of problems: lower possibilities to acquire property for rent, inability to pay the rent due to increase in debts, extremely low quality of housing on offer to Roma, inability to keep the housing due to poverty, which makes Roma turn to informal types of housing (informal help of wider family), and particularly due to social exclusion, the establishment of ghettos and excluded localities with totally

³⁰ <http://www.feminismus.cz/fulltext.shtml?x=2227472>

³¹ Jasovská, Daniela, Pilotní integrační kurz úspěšně proběhl, 1 November 2009, http://www.uprchlici.cz/cs/aktualne/clanky/pilotni-integracni-kurz-uspesne-probeh1_0226.html, accessed 1 June 2010

³² Sociologický ústav AV: Podpora dostupnosti bydlení pro lidi akutně ohrožené sociálním vyloučením – mezinárodní perspektiva a návrhy opatření v ČR, http://www.romea.cz/index.php?id=detail&detail=2007_7922, accessed 28 July 2010

³³ Fundamental Rights Agency: Diskriminace Romů v oblasti bydlení ve vybraných členských státech EU: analýza údajů z šetření EU-MIDIS, 2010, http://fra.europa.eu/fraWebsite/attachments/090210-ROMA_Housing_EUMIDIS_CS.pdf, accessed 7 August 2010. The report states that discrimination rate should be taken cautiously since change of housing happens rarely (p.10)

inappropriate housing standards³⁴. The very poor quality of housing is seen as one of the causes of worsening health condition of Roma population³⁵.

Particularly in smaller and municipality areas it is practically impossible for members of Roma community to obtain housing from private flat owners exclusively for reasons of their ethnicity³⁶, or sometimes due to indirect discrimination in the form of conditions which exclude Roma but also due to objective obstacles (inability to pay the rent because of poverty, request to pay high deposit before concluding rent contract, prices on rent market)³⁷. Despite the fact that housing is one of the areas covered by anti-discrimination law, the practical possibility to sanction those who act in a discriminatory way in this area remains low. Housing discrimination on the part of local authorities in municipalities is highly problematic in relation to the Roma. The ability of the Roma to access such flats is either difficult or completely denied to them based on conditions set by municipalities.. Such conditions, which directly or indirectly discriminate against Roma are: lower number of children as positive criterion, not obtaining social benefits on maternity leave, sometimes an unrealistically high level of income³⁸. In the majority of cases we see the accumulation of discrimination factors combined: ethnicity, sex, parenthood. Other indirectly discriminating factors are in some cases conditional upon being debt free towards the municipality³⁹. In some municipalities we also find the lack of transparency in flat distribution, which enables Roma discrimination.⁴⁰

The so-called socially excluded location (SEL), which emerged during last 15 years due to the actions of municipalities and private flat owners who tended to gather the tenants who had problems with paying rent at one place from different regions, remains a significant problem in the CR. Typical signs of the SELs are: very low housing standards, poorly furnished homes and badly equipped public spaces, poor availability and quality of services in relation to a complex of social

³⁴ Zpráva o stavu romských komunit v ČR za rok 2009, str. 59, <http://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2009-73886/>, accessed 9 September 2010

³⁵ Výzkum „Sastipen – Romská populace a zdraví“, 2009, <http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Sastipen.pdf>, accessed 9 September 2010

³⁶ Based on interviews with clients of Romea and IUSTITIA, done by František Valeš. The moment the landlord realizes the ethnicity of the party interested in renting property, s/he rejects immediately further negotiations with explanation that the flat is no longer available. Roma, having negative experience with this kind of rental, give up and don't even try to contact private landlords. For example in Nový Jičín none of 60 Roma families lives in privately owned flats.

³⁷ Valachová K.: Romové a potřeby bydlení, Zpráva Českého helsinského výboru o stavu lidských práv v ČR za rok 2008, Český helsinský výbor 2009, <http://www.helcom.cz/view.php?cisloclanku=2009042106>, accessed 9 September 2010

³⁸ Recommendation of Ombudsman in relation to implementation of right to equal treatment in case of applicants for municipal flats rental, http://www.ochrance.cz/fileadmin/user_upload/diskriminace/Obecni_byty.pdf, accessed 9 March 2010

³⁹ Interviews done by František Valeš with Romea clients, e.g. in Nový Jičín.

⁴⁰ Roudnice nad Labem: Vystěhování Romů, nátlak a podezření na korupci, 20 April 2010, http://www.romea.cz/index.php?id=detail&detail=2007_7960; Řešení bytové situace Romů v Roudnici nad Labem v letech 1988-2009. Analýza bytových politik vůči nájemníkům.., Otevřená společnost, o.p.s., http://www.rynet.cz/romea/dokumenty/os_2009_roudnice_komplet.pdf, accessed 28 July 2010

problems⁴¹. In CR there are a minimum 300 SELs⁴² particularly in north Bohemia and north Moravia regions. Larger SELs become ghettos of which there are approximately 30-40⁴³. In socially excluded enclaves we find predominantly members of Roma ethnicity while it is estimated that more than half of all Roma live at such locations⁴⁴.

The Agency for Social Inclusion at Roma Locations (www.socialni-zaclenovani.cz), in 2009 endorsed the Conception of Social Housing (supported housing)⁴⁵, which was based on international experience and was in reaction to the absence of an efficient system of social housing in the CR, both in terms of practice and legal code⁴⁶, which should eliminate discrimination in housing related to social exclusion. The Conception works on three types of housing, they are: crisis housing (asylum housing), training housing (flats with secured field social services) and long-term rent housing. In the period covered in this report implementation of the Conception has not started yet.

Housing programme with accompanying social programme – Centrom, civic association from Ostrava⁴⁷

This is an example of a social housing programme provided by an NGO. Under this scheme the clients are taught about housing conditions and habits by NGOs and they also assist them in looking for jobs. In the year 2010, 40-50 flats were on offer and the re-socializing programme lasts for a year and a half.

Helpline for Roma victims of discrimination - Zřvůle práva and CHC

A telephone helpline providing counselling to Roma citizens who became victims of discrimination (including housing) and serious criminal behaviour called Ma den pes (Don't give up – in Romany language). More at www.madenpes.cz

⁴¹ For example in <http://www.socialni-zaclenovani.cz/oblast-bydleni-popis>, <http://www.clovekvtisni.cz/index2.php?id=216> (accessed 7 August 2010)

⁴² According to GAC Ltd. research carried out in 2006, there were 310-330 such localities, in Analysis of Socially Excluded Roma Locations and Communities and Absorption Capacities of the Subjects Active in that Area – summary info of the project (Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektů působících v této oblasti – souhrnné informace o projektu), Ministry of Labor and Social Affairs of the CR 2006, <http://www.mpsv.cz/files/clanky/3048/060906b.pdf>, accessed 7 August 2010; see also Mikuš, M.: Jak bojovat proti sociální exkluzi, Člověk v tísni, o.p.s., 2006, <http://www.clovekvtisni.cz/index2.php?id=216&idArt=248>, accessed 7 August 2010, it should be taken into account that emergence of SELs has increasing tendency.

⁴³ Principles of Strategy of Combat against Social Exclusion (Východiska strategie boje proti sociálnímu vyloučení), p. 5, http://www.vlada.cz/assets/ppov/zmocnenec-vlady-pro-lidska-prava/aktuality/vychodiska_strategie.pdf (accessed 7 August 2010)

⁴⁴ Ibid., p. 4

⁴⁵ Kol. autorů: Podpora dostupnosti bydlení pro lidi akutně ohrožené sociálním vyloučením – mezinárodní perspektiva a návrhy opatření v ČR, Sociologický ústav Akademie věd, 2010, <http://www.socialni-zaclenovani.cz/dokumenty/dokumenty-k-oblasti-bydleni>, accessed 8 August 2010

⁴⁶ Lack of social housing system is continuously criticized also by experts, see for example, Valachová, K.: Romové a potřeba bydlení., Proč vytvořit zákon o sociálním bydlení?, in Zpráva Českého helsinského výboru o stavu lidských práv v ČR v roce 2008, ČHV 2009, http://www.romea.cz/index.php?id=detail&detail=2007_7922, accessed 8 August 2010

⁴⁷ <http://www.nno-centrom.cz/?p=51>, accessed 8 August 2010, see also Kol. autorů: Podpora dostupnosti bydlení pro lidi akutně ohrožené sociálním vyloučením – mezinárodní perspektiva a návrhy opatření v ČR, Sociologický ústav Akademie věd, 2010, p. 46, <http://www.socialni-zaclenovani.cz/dokumenty/dokumenty-k-oblasti-bydleni>, accessed 8 August 2010

V.iii Education

In the period covered in this report no efficient measures were taken in order to combat discrimination of Roma children in education⁴⁸ regardless of the European Court of Human Rights (ECHR) verdict in the case of *D.H. v. the Czech Republic*⁴⁹. The verdict stated that the Czech Republic violated the provision prohibiting discrimination and the right to education by placing Roma in so-called special schools. The Court stated that the state violated these provisions by insufficiently obtaining informed consent from parents to place their children in so-called special schools (see more below) and also questioned the adequacy of psychological tests by psychological-pedagogical counselling centres. The tests serve as a basis upon which children are transferred to special school and the verdict expressed doubts about the test being culturally biased which would disqualify Roma children. The CR so far has not adopted any adequate measures in reaction to the ECHR verdict. According to information from the ERRC (European Roma Rights Centre) as of March 2010 the claimants received financial compensation but their right to education was not compensated⁵⁰.

In 2005 the long declared school reform was launched (based on Act nr. 561/2004 Col., the School Act), which included inter alia the abolishment or transformation of special schools in the interest of supporting integration in education. Since the reform was conceived before the above-mentioned ECHR verdict was announced, it does not take it into consideration and in essence it only changes the name of the so-called special schools, which were renamed to practical primary schools and so-called additional schools into special primary schools. However, Roma children are still discriminated against who are placed in such schools. In March 2010 the Czech government adopted the so-called National Action Plan of Inclusive Educations (NAPIV)⁵¹, which was formulated by the Ministry of Education. Practically the NAPIV is only a conceptual plan and it is difficult to see how it will be implemented. Some experts see it as “a plan about a plan”⁵², and there has yet to be any real impact.

⁴⁸ Obrovská, L.: Dva roky od rozsudku D.H.: kvalitnější vzdělávání pro romské děti?, in Zpráva Českého helsinského výboru o stavu lidských práv v ČR v roce 2009, ČHV 2010, <http://www.helcom.cz/view.php?cisloclanku=2010051703>, accessed 9 September 2010

⁴⁹ Application number 57325/00, date 13 November 2007 See also <http://www.soros.org/initiatives/justice/litigation/czechrepublic>, accessed 14 August 2010

⁵⁰ Gall, L, Kushen, R.: What Happened to the Promise of D.H.?, in Roma Rights – Journal of the European Roma Rights Centre, Implementation of Judgments, Number 1, 2010, <http://www.errc.org/cms/upload/file/roma-rights-1-2010-implementation-of-judgments.pdf>, accessed 14 August 2010

⁵¹ See for example <http://www.ceskaskola.cz/2010/05/narodni-akcni-plan-inkluzivniho.html>, accessed 14 August 2010

⁵² See for example Současný vzdělávací model přijímá inkluzivní opatření opatrně a pomalu, Český rozhlas 6, 24 March 2010, http://www.rozhlas.cz/cro6/stop/_zprava/711636, accessed 14 August 2010

Special i.e. practical schools are designed for children with light mental disabilities and the education programme is adjusted to this especially in the sense that a lower level of knowledge and qualification is expected from the graduates of such schools. Despite the situation in which this mental disability is diagnosed in 3% of the population, according to controls carried out by the Czech School Inspection in 2009, 30% and in some districts more than 50% (e.g. in Ustecký or Karlovarský district) of all Roma children attend special schools⁵³ as opposed to 2% in the general population of non-Roma children attending special schools⁵⁴. According to Amnesty International the percentage of Roma children in some special schools is 80%⁵⁵. The Ombudsman commented on the findings of the Czech School Inspection in April 2010 and stated that the overrepresentation of Roma children is indirectly discriminatory. He also stated that the representation of almost one third of Roma children in such schools is discriminatory and it is necessary to qualify negative impacts of such unequal treatment, which has no legitimate justification⁵⁶. The findings of the Czech School Inspections showed also that 34 practical schools accepted Roma children in some cases on no legitimate ground just because they received additional funds from the state budget. Such children were not diagnosed with any mental impairment nor was informed consent given by the parents. The Inspection started administrative proceedings against the schools⁵⁷.

Discrimination of Roma children in primary education has a direct impact on the social situation of the Roma, therefore their chances to continue with higher education is thus significantly lower than in the case of non-Roma children⁵⁸. In turn their opportunity to obtain further qualifications and thus a good position on the job market is much lower. According to the World Bank Report for 2008⁵⁹ discrimination of the Roma in education is the reason for high expenses the state accumulates later through the payment of unemployment assistance and other

⁵³ Czech School Inspection - Česká školní inspekce: Tématická zpráva – Souhrnné poznatky z tématické kontrolní činnosti v bývalých zvláštních školách, Praha, March 2010, see for example <http://spolecnedoskoly.cz/wp-content/uploads/tematicka-zprava-csi.pdf>, accessed 14 August 2010

⁵⁴ See for example Institute for Information in Education - Ústav pro informace ve vzdělávání, Monitoring Rámcového vzdělávacího programu, 2009, <http://www.ferovaskola.cz/data/downloads/monitoring%20RVP.pdf>, accessed 14 August 2010

⁵⁵ Amnesty International, Zastavte umístování romských dětí do zvláštních škol, 14 January 2010, <http://www.regiony24.cz/17-75196-amnesty-international--zastavte-umistovani-romskych-deti-do-zvlastnich-skol>, accessed 14 August 2010

⁵⁶ Statement of Ombudsman in Relation to Allegations of Discrimination of Roma Children and Students – from thematic control activity of the Czech School Inspection at primary practical schools (Stanovisko veřejného ochránce práv k podezření na diskriminaci romských dětí a žáků – z tématické kontrolní činnosti České školní inspekce na základních školách praktických, 20 April 2010), <http://spolecnedoskoly.cz/wp-content/uploads/stanovisko-verejneho-ochrance-prav-k-diskriminaci-romskych-zaku.pdf>, accessed 14 August 2010

⁵⁷ Kubálková, Pavla, Třiceti zvláštním školám hrozí výmaz 2 April 2010, http://www.lidovky.cz/triceti-zvlastnim-skolam-hrozi-vymaz-ucily-zdrave-deti-jako-postizene-13w-/ln_domov.asp?c=A100402_102733_ln_domov_mk, accessed 14 August 2010

⁵⁸ http://www.gac.cz/documents/media/aktualni_zpravy/GAC_Romove_maji_polovicni_sanci.pdf, 14 August 2010

⁵⁹ Czech Republic: Improving Employment Chances of Roma, Report No. 46120 CZ, Human Development Sector Unit, World Bank 2008, http://siteresources.worldbank.org/ECAEXT/Resources/258598-1224622402506/CZ_Roma_Employment_Full_Report.pdf, accessed 14 August 2010

social contributions. Such expenses are estimated at 16 billion CZK per year (cca. 640 million EUR) but according to the Czech NGOs (associated in coalition Together to Schools⁶⁰) the expenses can be double that⁶¹. The World Bank recommended to the CR to implement measures for social inclusion of Roma particularly through education.

Segregation of Roma in education is still one of the main causes of emigration from the CR. According to research of Roma communities from new EU states who now live in England, which was carried out by British NGO European Dialogue in 2009, 22% of the respondents stated they emigrated because they wanted non-segregated education for their children⁶².

In January 2010 a Czech TV journalist carried out a test at the Primary School Antonínská in Brno (primary school with extra foreign language curriculum), it showed that Roma children were discriminated against due to their ethnicity⁶³. In January 2010 the Minister of Education sent a letter to all primary school principals in which she asked them to take ensure to only enrol into special schools children with mental disabilities and to include Roma children into mainstream education. Her letter provoked passionate criticism particularly by teachers in practical schools⁶⁴.

In March 2010 in relation to the adopted NAPIV, the Ministry of Education offered Romany language at primary and secondary schools as a non-compulsory or optional subject. The General Framework for Teaching of Romany Language was prepared and in 2010 the first phase was supposed to start consisting of preparation of schools and teachers to teach Romany language in schools with a high representation of Roma. The goal of the project was to improve access of Roma children to the general educational system⁶⁵.

The conditions for acquiring permanent residence for third country nationals (TCN) from 1 January 2009 include a Czech language exam. The required level is an A1 according to the EU classification, which is the lowest possible level, and the first exam for applicants is paid by the state, it costs 1500CZK (app. 60EUR) if repeated. Among those who are exempt from this requirement are foreigners who graduated from universities in the CR. There were 4,100

⁶⁰ www.spolecnedoskoly.cz.

⁶¹ <http://spolecnedoskoly.cz/tiskova-zprava-koalice-spolecne-do-skoly-rovne-sance-romskych-zaku-usetri-statu-desitky-miliard-rocne/>, accessed 14 August 2010

⁶² Fremlová L.: Dva roky poté aneb segregace v českém školství jako motiv odchodu romské komunity z České republiky do Anglie, in Zpráva Českého helsinského výboru o stavu lidských práv v ČR v roce 2009, ČHV 2010, <http://www.helcom.cz/download/zpravy/Dvarokypote.pdf>, accessed 14 August 2010

⁶³ ČT, 168 hodin: Romům vstup zakázán aneb ZŠ Antoniska, Brno – diskriminace romských dětí v praxi, 1 January 2010, http://www.romea.cz/index.php?id=detail&detail=2007_7467, accessed 14 August 2010

⁶⁴ Komárek, Michal, Tyhle školy nejsou pro Romy, 11 February 2010, http://www.romea.cz/index.php?id=detail&detail=2007_7536, accessed 15 August 2010

⁶⁵ For example in Kuálková, Pavla, Ministerstvo školství plánuje na školách vyučovat romštinu, 17 March 2010, http://www.lidovky.cz/ministerstvo-skolstvi-planuje-na-skolach-vyucovat-romstinu-ptb-/ln_domov.asp?c=A100316_220515_ln_domov_tai, accessed 14 August 2010

applicants in 2009 and 20% were unsuccessful. EU nationals are not required to take the language exam⁶⁶.

A Fair School

Since 2009, the Human Rights League (NGO) issued certificates entitled Fair Primary School to schools based on a just and inclusive approach to education, more at www.ferovaskola.cz.

Dža dureder – Continue

This is a project of the NGO Slovo 21, which focused on providing support and training for Roma high school students, which allowed them to study at its faculties. The programme has been in operation since 2004, app. 100 students take part in it every year and their success rate is approximately. 50%.

http://www.slovo21.cz/index.php?id=dza%20dureder_pokracuj%20II

V.iv Health

In 2009 and in the first half of 2010 saw significant success concerning the forced sterilization of Roma women⁶⁷. Sterilizations were carried out systematically during communism to “control of unhealthy high birth rates among Roma women”⁶⁸ but individual cases of sterilization happened after 1989⁶⁹. The state is obliged to carry out systematic measures for compensation of the victims of sterilizations mainly based on the Public Defender’s opinion in 2005⁷⁰. In April 2009 E. Grolová, spokeswoman of the Association of Women Affected by Unauthorized Sterilization spoke at the UN Durban Review Conference⁷¹. In July 2009, the Minister for Human Rights Kocáb introduced the interim government to the issue of involuntary sterilization in the context of international criticism and necessity to introduce measures to compensate victims⁷². Based on the suggestion by the Czech Governmental Commission for Human Rights, the government on 23 November 2009 “expressed regrets over individual

⁶⁶ http://www.helcom.cz/download/zpravy/Postaveni_cizincu.pdf, accessed 4 July 2010

⁶⁷ In relation to forced sterilizations in the CR see for example: Kopalová, M., Kopal, J., Kratochvíl, J.: Právní protipatření proti protiprávní sterilizaci, Liga lidských práv 2007, <http://www.llp.cz/files/file/publikace/bro%C5%BEura%20Sterilizace%20pro%20web.pdf>, accessed 15 August 2010

⁶⁸ In <http://www.llp.cz/cz/tiskove-zpravy/nucene-sterilizace-romskych-zen-nevladni-organizace-vitaji-zpravu-ombudsmana-z58>, accessed 15 August 2010

⁶⁹ According to Association of Women Affected by Forced Sterilization active within civic association Living Together the last detected case of forced sterilization happened in 2007.

⁷⁰ Final Statement of the Ombudsman in the Cause of Forced Sterilizations carried out in Violation of Law and Suggestions for Regulations on Compensations (Závěrečné stanovisko veřejného ochránce práv ve věci sterilizací prováděných v rozporu s právem a návrhy opatření k nápravě, 2005), for example. in <http://www.llp.cz/cz/tiskove-zpravy/nucene-sterilizace-romskych-zen-nevladni-organizace-vitaji-zpravu-ombudsmana-z58>, 15 August 2010

⁷¹ <http://www.llp.cz/cz/liga-v-mediich/svedectvi-eleny-gorolove-na-konferenci-osn-v-zeneve-z295>, accessed 15 August 2010

⁷² Kocáb upozornil na sterilizace Romek, 20 July 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6507, accessed 15 August 2010

mistakes⁷³, but has not taken responsibility for the complex resolution of the compensation problems⁷⁴. The government resigned its efforts to investigate the events properly and to establish a compensation mechanism for sterilized women⁷⁵. Therefore the victims have to seek compensation individually or with the help of NGOs who continuously follow this issue (e.g. Human Rights League – Liga lidských práv, Living Together – Vzájemné soužití, ERRC). The government also demanded from the Minister of Health that the Ministry “accepts measures to explain the practice of illegal sterilizations and to take steps to preclude the repetition of similar cases in the future”⁷⁶. In January 2010 the minister informed the government about detected deficiencies in the legal regulation (Act on Public Health No. 20/1966 Coll.) regarding informed consent and the absence of an obligation to provide patients with enough time before giving consent⁷⁷. Concrete measures to eliminate the deficiencies were not adopted.

In the course of 2009 the Higher Court in Prague found that two women were illegally sterilized who were represented by the Human Rights League and were given a relatively large amount of compensation for an intrusion on their bodily integrity,(they received 200 000 and 150 000CZK, which is app. 8000 and 6000EUR)⁷⁸. On October 2009, however, the Constitutional Court rejected the constitutional complaint against the decision of the lower courts, which despite the illegality of sterilization and the order to apologize to the victims, it rejected their right to compensation since the period of time which they were allowed to claim for it elapsed. The Human Rights League will lodge complaint with the ECtHR against the Constitutional Court decision.⁷⁹

In September 2009 research on health in Roma communities was presented which was carried out by the Governmental Commission for Roma Community and the association Living Together (Vzájemné soužití) within an EU-wide project financed by the EU⁸⁰. A national report was published under the title Sastipen:

⁷³ Vláda vyjádřila politování nad nezákonými sterilizacemi Romek, 23 November 2009, http://www.romea.cz/index.php?id=detail&detail=2007_7126, accessed 15 August 2010

⁷⁴ Government Commissioner for Human Rights Jan Litomiský explicitly said: “This is not an apology because the government refuses to take responsibility for individual mistakes, which it no way initiated.” http://www.romea.cz/index.php?id=detail&detail=2007_7126, accessed 15 August 2010

⁷⁵ Human Rights League: For unlawful sterilizations the government has only apologized: does it mean not a single woman will receive compensation by the Czech authorities? (Liga lidských práv: Za protiprávní sterilizace se vláda pouze omluvila: znamená to, že českými orgány bude odškodněna jediná žena?), 23 November 2009, <http://www.llp.cz/cz/tiskove-zpravy/za-protipravni-sterilizace-se-vlada-pouze-omluvila-znamenato-ze-ceskymi-organy-bude-odskodnena-jedina-zena--z366>, accessed 15 August 2010

⁷⁶ Report on State of Affairs in the Roma Communities in CR for 2009 (Zpráva o stavu romských komunit v ČR za rok 2009), p. 70-71, <http://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2009-73886/>, accessed 15 August 2010

⁷⁷ Ibid.

⁷⁸ <http://www.llp.cz/cz/tiskove-zpravy/sance-pacientu-na-spravedlive-odskodneni-se-zvysuji-z380>, accessed 15 August 2010

⁷⁹ Soud přiznal dvěma ženám stotisícové odškodné za sterilizaci, 7 January 2010, http://www.romea.cz/index.php?id=detail&detail=2007_7342, accessed 15 August 2010

⁸⁰ Sastipen: Romská populace a zdraví, 24 September 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6833, accessed 15 August 2010

Roma Population and Health, the Czech Republic – National Report 2009.⁸¹ According to the Report the health situation in Roma communities is relatively favourable although the fundamental causes of bad health conditions are phenomena related to social exclusion such as poor accommodation, illegal work in medically harmful conditions and other⁸² socio-pathological issues related to social exclusion. The report also refers to other socio-cultural conditions which contribute to bad health and stresses the necessity to raise awareness in the Roma community in relation to health prevention.

The Public Defender of Rights (Czech Ombudsman) pointed out that some foreigners are at a disadvantage when accessing the public health care system. Family members of Czech citizens who are third country nationals must pay for health care or have commercial insurance for the first two years of his/her stay as a family member in the Czech Republic, while the family members of EU citizens have access to the public health care system immediately. The Ombudsman suggested an early adoption of the new law or a change of the existing law in case the changes are not done in the short-term⁸³. Until foreigners obtain permanent residence, they participate in the public health care system as employees but their family members have to obtain commercial insurance. However commercial insurance is voluntary for both parties, which leads in some instances to companies not awarding health insurance. Therefore, if a sick or disabled child is born, it might be uninsurable. That's why Pavla Burdová Hradečná in her contribution to the CHC Annual Report on the State of Human Rights in the CR in 2009 suggested that all minors up to 18 years of age who have a valid visa issued for more than 90 days be included into the public health system automatically⁸⁴.

Pavel Čížinský in his presentation entitled 'Health Insurance of Foreigners – an Example of Inadequacy of Security-Humanitarian Discourse on Migration' stresses the following disadvantages of the current health care system for TCN without permanent residence: the range of health services paid by the commercial service is narrower than in the public one, they have fewer rights, the insurance is paid in advance and if not used is not returned to the client and typically commercial health insurance is more expensive. He also mentions that insurance companies are not obliged to conclude the insurance agreement. He goes on to explain the risks associated with such a system and found that foreigners are at risk of neglecting their health; due to the current situation they might present risk for public health protection (e.g. AIDS treatment is not covered by such insurance), when in need of health assistance the uninsured foreigners leave debts in health institutions and the situation is good for those who trade in false health insurance, which means they sell health social insurance to

⁸¹ Roman Population and Health – National Report 2009 (Kol. autorů: Romská populace a zdraví, Česká republika – Národní zpráva 2009), <http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Sastipen.pdf>, accessed 15 August 2010

⁸² Ibid., p. 69

⁸³ <http://infoportal.fra.europa.eu/InfoPortal/infobaseShowContent.do> (accessed 1 June 2010)

⁸⁴ See footnote 27.

foreigners although they have no license to do so or no agreements with medical institutions.

Health and Social Help – Drom (NGO)

Since 2006, Drom has been implementing a project of “field social work” in excluded locations which focuses on the health and social needs for citizens of excluded locations who are in danger of neglecting their health either because of lack of information, risky lifestyle or inaccessibility of health care. The social workers thus focus on awareness raising, help solve health problems and their prevention, and mediate on their behalf with health institutions. The project is carried out in Moravia and South-Moravian district. In 2009, 400 clients received help. More at:

<http://www.drom.cz/cs/drom-romske-stredisko/socialni-sluzby/zdravotne-socialni-pomoc/>

V.v Policing and ethnic profiling

There is no hard data on ethnic profiling available but in many situations we can guess that such profiling takes place. There is no research which highlights or detects ethnic profiling amongst the police. According to FRA research, 52% of respondents stated they had experienced ethnic profiling when dealing with the police and 48% of the respondents stated they had experienced ethnic profiling with border controllers⁸⁵. Ethnic profiling is prominent in the area of criminalization in the sense that it is automatically assumed that the perpetrator of a criminal act is Roma but also in the sense that Roma receive stricter sentences. According to some data estimates, 30% of prisoners in the CR are Roma⁸⁶. Another area where it is presumed that ethnic profiling takes place is the inadequate investigation of criminal acts involving Roma victims or secondary victimization of Roma victims based on assumption that they committed the criminal act or provoked it with their behaviour. This is particularly prominent in cases of hate crimes, for example many arson attacks on Roma families were not investigated or the investigation was adjourned⁸⁷.

⁸⁵ EU-MIDIS Research on Minorities and Discrimination in the EU (Šetření o menšinách a diskriminaci v Evropské unii, Zpráva Zaměřeno na údaje 1: Romové, FRA 2009), http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_CS.pdf p. 10 (accessed 15 August 2010)

⁸⁶ Based on František Valeš's observations and CHC material which carried out a project in years 2002-2009 focused on human rights monitoring in prisons, see. <http://www.helcom.cz/search.php?rsvelikost=sab&rstext=all-phpRS-all&rstema=15&stromhlmenu=1:7:15>

⁸⁷ For example in Kostlán, F.: Kdo nese spoluodpovědnost za žhářský útok ve Vítkově?, www.romea.cz, 12 May 2010, http://www.romea.cz/index.php?id=detail&detail=2007_8047, accessed 15 August 2010; based also on František Valeš's interviews with hate crime victims within his work in IUSTITIA civic association, more in: Valeš, F.: Postavení obětí trestných činů motivovaných nenávistí, in Kol. autorů: Zapomenuté oběti. Násilí z nenávisti a poradenství pro jeho oběti v ČR. Závěrečná zpráva projektu Hate Crime – Zapomenuté oběti, Stiftung EVZ, Kulturburo Sachsen e.V., Praha 2010 (forthcoming).

V.vi Racist violence and crime

In 2009 and the first half of 2010, there has been a significant increase in the activities of the extreme right, particularly neo-Nazi groups. In the first half of 2009 neo-Nazis were prominent both in the public arena, in the political sphere and in cases of racially motivated criminal acts and attacks. In the second half of 2009 and the first months of 2010 we saw the effects of measures taken against neo-Nazis by the state institutions in order to repress unlawful activities of the neo-Nazis. The measures significantly weakened neo-Nazi and other extreme right movements.

On 19th of April 2009 neo-Nazi activists committed a brutal arson attack on the home of Roma family in Vítkov in the Opava district⁸⁸. As a consequence a two year old girl was very seriously burnt with burns on 80% of her body and suffered 3rd degree burns on 60% of her body. She was in hospital in a serious condition until December 2009. The parents were also burnt and their house was completely devastated. Four men, active members of a neo-Nazi movement, were identified as the perpetrators, who before and after the attack actively participated in public activities of neo-Nazi groups such as National Resistance, National Corporatism or Workers Party⁸⁹. In some cases they were also the organizers,⁹⁰ and one of the perpetrators was even convicted and received a suspended sentence for attacking participants at a heavy metal concert with hate motivation⁹¹. The case is still ongoing; they are accused of multiple attempts of murder with hate motivation. It is necessary to stress that there was a public collection of financial support. Czech citizens out of solidarity with the Roma family sent 900000CZK (app. 35000EUR) to their account by November 2009. From that money the family bought a new house⁹².

In reaction to the attack and because of the radicalization of neo-Nazis in the public space, the wave of resistance towards neo-Nazi activities rose among politicians, the subject of “combat against extremism” became one of the top political priorities and even the interim government of the Prime Minister Fischer saw it as a priority. Political declarations rejecting extremism and racism were

⁸⁸ For example in Útočníci na romskou rodinu křičeli: “Tady si klidně shořte, Cikáni!”, 20 April 2009, http://www.romea.cz/index.php?id=detail&detail=2007_5969, accessed 9 September 2010. Summary of information about the attack and course of investigation can be found here: <http://www.romea.cz/index.php?id=rubrika&rubrika=%DAtok%20ve%20V%EDtkov%EC>, accessed 9 September 2010

⁸⁹ Neonacisé byli odsouzeni za napadení koncertu v Rýmařově, 4 November 2009, http://www.romea.cz/index.php?id=detail&detail=2007_7022, Lukeš hazel výbušky v Přerově, 21 August 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6645, both accessed 9 September 2010

⁹⁰ For example Vaculík at the gathering of the Workers Party in Brno on 1 May 2009, Žhář z Vítkova byl pořadatelem na prvomájovém shromaždění Dělnické strany, 22 December 2009, http://www.romea.cz/index.php?id=detail&detail=2007_7277, accessed 9 September 2010

⁹¹ http://www.romea.cz/index.php?id=detail&detail=2007_7022, accessed 9 September 2010 (see footnote 89)

⁹² Baďura, Jaroslav, Překvapilo mě, kolik lidí poslalo vypálené rodině peníze, říká starosta, 5 September 2010, http://zpravy.idnes.cz/prekvapilo-me-kolik-lidi-poslalo-vypalene-rodine-penize-rika-starosta-1zn-domaci.asp?c=A090905_141721_domaci_lpo, accessed 15 September 2010

issued. The Minister for Human Rights and National Minorities Michal Kocáb initiated an Agreement on a Joint Course of Action against Increasing Extremism and Racism (Dohoda o společném postupu proti nárůstu extremismu a rasismu), which was signed by all government officials, political parties leaders, and prominent public personalities such as Václav Havel. The Agreement certainly had symbolic value, however it remained a declaration. In July the counselling body of the Minister for Human Rights established the so-called SOPPRAN – the Permanent Expert Panel against Racism and Violence (Stálý odborný panel proti rasismu a násilí)⁹³. Many prominent Czech intellectuals and experts on extremism joined. The goal of the body was particularly to discuss the subjects of racism and tolerance in the CR, however its impact is dubious also because it was criticized for not having a single Roma member⁹⁴. In addition, in May 2009 the government adopted a strategic document the Conception of Combat against Extremism.⁹⁵ The counselling body of the deputy of the Minister of Interior called Task Force was established to implement the Conception (subgroup C also included NGOs)⁹⁶.

On the other hand numerous NGOs and experts warned that had the attack not taken place, the state would have most probably remained passive in its tendency to marginalize the risk of neo-Nazism or in neglecting this issue altogether⁹⁷. There seems to have been a lot of declarations and political proclamations but their efficiency was seriously questioned by. Jan Charvát, political scientist who said “I am very sceptical towards such declarations. They tend to be repeated with strong regularity but I don’t see any effective interventions at all”⁹⁸. The experts also stressed that the state institutions with their passivity contributed to the escalation of neo-Nazi and racist attacks. Thus Klára Kalibová, lawyer, thinks that the state does not put any significant obstacles in the way of neo-Nazis which “creates a feeling of impunity in the groups that nobody notices. Even if someone does notice, s/he has not efficient instrument to stop their activities.”⁹⁹ At the same time it is necessary to stress that according to NGO sources and persons who follow neo-Nazi activities and provide help to victims (e.g. Romea, Markus Pape who is also attorney of the victims of the Vítkov arson attack) in last few years dozens of Molotov cocktails were thrown at Roma houses mainly in the region of northern Bohemia while most of these cases have not been investigated by the police as criminal acts

⁹³ Poprvé se sešel Kocábův SOPPRAN, 18 July 2010,

http://www.romea.cz/index.php?id=detail&detail=2007_6499, accessed 9 September 2010

⁹⁴ For example Banga, Patrik, Tak se nám objevil SOPPRAN, ovšem kde jsou Romové?, 20 July 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6506, accessed 9 September 2010

⁹⁵ <http://www.vlada.cz/cz/media-centrum/aktualne/vlada-projedna-koncepci-boje-proti-extremismu-56839/>, accessed 9 September 2010

⁹⁶ http://www.portal.gov.cz/wps/portal/_th/1001/_lpid.698/699/_l/cs_CZ/_lp.698/0/_s.155/6966/_ps.2145/M-X/_s.155/10202?docid=126880, accessed 9 September 2010

⁹⁷ Některé politiky z ignorace nárůstu neonacismu probudil až pokus o upálení dvouletého děvčátka, 19 April 2009, http://www.romea.cz/index.php?id=detail&detail=2007_5973, accessed 9 September 2010

⁹⁸ Politolog: Postup proti krajní pravici je nekoncepční, www.romea.cz, 20 April 2009 http://www.romea.cz/index.php?id=detail&detail=2007_5982, accessed 9 September 2010

⁹⁹ Ibid.

and if they were, the investigation has been adjourned¹⁰⁰. Even those accused in the Vítkov case are suspected of carrying out previous arson attacks¹⁰¹.

According to statistical data from the Ministry of Interior (MI) in relation to the Strategy of Combat against Extremism for 2009,¹⁰² 265 criminal acts of extremist nature were committed in 2009 and there was an increase in the number of such acts detected (217 in 2008 and 196 in 2007)¹⁰³. NGOs (particularly Tolerance a občanská společnost, In IUSTITIA, Romea) have been continuously criticizing the lack of an independent monitoring system and the ambiguity of official statistics (the so-called ESSK: filing statistical system of monitoring crime) and claim that the number of hate crimes is much higher¹⁰⁴. The main reasons why statistical data collection currently fails are: the majority of cases are not reported by victims or the prosecutors do not qualify them as hate crimes; not only in cases of hate crime but also generally in relation to racism and racial discrimination the problem is that the monitored data is not sorted by ethnicity, which was repeatedly criticized also by the ECRI¹⁰⁵. However FRA, in its report before the European Parliament from 10 June 2010 stated that in CR there was a decrease in number of criminal acts motivated by racism; the report was criticized in CR since it only included data until 2008 without taking into account changes in 2009¹⁰⁶. This approach is confirmed also in Report EU-MIDIS 2009, according to which 36% of respondents in the CR felt they were hate crime victims¹⁰⁷.

The most significant example of inadequate investigation of criminal hate crimes (and also proof that we cannot rely on official data) is that in 2009 none of the

¹⁰⁰ For example in Kostlán, F.: Kdo nese spoluodpovědnost za žhářský útok ve Vítkově?, 12. May 2010, http://www.romea.cz/index.php?id=detail&detail=2007_8047, accessed 9 September 2010

¹⁰¹ http://www.romea.cz/index.php?id=detail&detail=2007_6897, accessed 9 September 2010

¹⁰² Strategie boje proti extremismu v roce 2009, Ministerstvo vnitra ČR, Praha 2010, p. 24 an., <http://www.mvcr.cz/clanek/extremismus-vyrocní-zpravy-o-extremismu-a-strategie-boje-proti-extremismu.aspx>, accessed 9 September 2010

¹⁰³ The following criminal acts qualify as hate crime: support and propagation of movements directed at oppression of rights and freedoms (168 acts, 194 persons prosecuted), defamation of race, nation and conviction (25 acts, 20 persons pros.), violence against group of citizens and individuals (23 acts, 32 persons pros.), health injuries (5 acts, 11 persons pros.), incitement to hatred (16 acts, 13 persons pros.), murder (1 act).

¹⁰⁴ For example Kalibová, K.: Rasové násilí a násilí páchané pravicovými extremisty – situace v ČR po roce 1989, in Nebezpečné známosti: Pravicový extremismus v malém příhraničním styku, Kulturbuero Sachsen e.V. a Heinrich Boll Stiftung, Drážďany 2009, <http://www.nebezpecne-znamosti.info/assets/Nebezpecne%20znamosti.pdf>, accessed 11 September 2010; Kalibová, K.: Neonacismus a radikální nacionalismus, in Zpráva Českého helsinského výboru o stavu lidských práv v ČR za rok 2008, <http://www.helcom.cz/view.php?cisloclanku=2009042101>, accessed 11 September 2010; Conference Forgotten Victims: International Conference on the Situation of Victims of Hate Crimes/Hate Violence and Victim Assistance in the Czech Republic, for summary see <http://www.forum2000.cz/cz/projekty/forgotten-victims/shrnuti/>, accessed 11 September 2010; also in Kol. autorů: Zapomenuté oběti. Násilí z nenávisli a poradenství pro jeho oběti v ČR. Závěrečná zpráva projektu Hate Crime – Zapomenuté oběti, Stiftung EVZ, Kulturburo Sachsen e.V., Praha 2010 (forthcoming)

¹⁰⁵ http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/czech_republic/CZE-CbC-IV-2009-030-CZE.pdf, accessed 11 September 2010

¹⁰⁶ For example Kalibová, Klára http://www.ceskenoviny.cz/zpravy/eu-v-cr-ubyva-rasisticky-motivovanych-trestnych-cinu/489424&id_seznam=442, accessed 11 September 2010

¹⁰⁷ http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_CS.pdf, accessed 11 September 2010

participants of the neo-Nazi incident (see the ENAR 2008¹⁰⁸ report) in the Litvínov Janov from the end of 2008 were criminally prosecuted. Although we may say that on 17 November 2008 there was a pogrom attempt in Litvínov settlement unit where mostly Roma live and it is estimated that 700 neo-Nazis took part¹⁰⁹, only 12 participants were criminally prosecuted and mostly for rioting. In January 2009 the public attorney stopped their criminal prosecution and the incident was investigated as an administrative offence. None of the other participants or organizers of demonstrations were charged. The only two persons convicted were Roma. Only in the end of 2009, two neo-Nazis were charged because they physically attacked Ondřej Cakl, a prominent anti-racist activist from NGO Tolerance a občanská společnost during the march¹¹⁰.

The trend of neo-Nazi activities in public spaces where they openly expressed anti-Gypsism and anti-Semitism at their gatherings in the first part of 2009 as a reaction to Janov, managed to mobilize hundreds of neo-Nazis. The reason they gave for the gatherings was to solve the problems of SELs but in fact they explicitly proclaimed their adherence to national-socialism and Nazi propaganda. This was most obvious at the gathering in Přešov on 4 April 2009¹¹¹ where under the motto “stop Gypsy terror” a few hundred neo-Nazis tried to commit a pogrom in the part of the city where Roma live. A battle between the police and neo-Nazis took place, 30 participants were detained and two neo-Nazis were charged with rioting. NGOs, particularly Tolerance a občanská společnost criticized the fact that the gathering hadn't been forbidden by municipal authorities and that the police hadn't found out that the participants hid in advance weapons and Molotov cocktails, which they later used¹¹². Other relevant neo-Nazi gatherings included: 14 March 2009 – March against Zionism in Plzeň; 18 April 2009 in Ústí nad Labem (to commemorate the day when the city was bombed in 1945 by allied forces), and other gatherings were related to Workers Party EU elections campaign and the organizers of all these activities were National Resistance, Autonomous Nationalist and Workers Party in synergy, sometimes including Working Youth.

On 4 May 2009 chain gatherings against racism took place in a few Czech cities as a reaction to the attack in Vítkov (part of these activities was the public collection of money for the Vítkov family) and the violent gatherings of neo-

¹⁰⁸ <http://cms.horus.be/files/99935/MediaArchive/national/Czech%20Republic%20-%20SR%202008.pdf>, accessed 8 October 2010

¹⁰⁹ On-line: Romové klidně demonstovali, neonacisté vyvolali bitku s policií, 17 November 2008, http://www.romea.cz/index.php?id=detail&detail=2007_5213 (accessed 11 September 2010)

¹¹⁰ See for example Valeš, F.: Aktivita neonacistických a jiných krajně pravicových skupin v ČR, in Zpráva Českého helsinského výboru o stavu lidských práv v ČR v roce 2009, <http://www.helcom.cz/view.php?cisloclanku=1970010104>, accessed 11 September 2010; Policisté obvinili druhého muže za útok na Ondřeje Cakla, 7 December 2009, http://www.romea.cz/index.php?id=detail&detail=2007_7198, accessed 11 September 2010

¹¹¹ Ozbrojení neonacisté se pokusili o pogrom na Romy v Přešově, policie zatkla 30 n4 April 2009, ácků, http://www.romea.cz/index.php?id=detail&detail=2007_5896, accessed 12 September 2010

¹¹² Tolerance: Přešovští úředníci měli pochod radikálů rozpustit, 6 April 2009, http://www.romea.cz/index.php?id=detail&detail=2007_5904, accessed 12 September 2010

Nazis¹¹³. While this peaceful action was happening in Chomutov, the participants were attacked by neo-Nazis who threw firecrackers at them but the police were unable to protect them¹¹⁴. The Mayor of the city later issued a statement which completely contradicted the legal right of assembly in which she said that the organizers are guilty for troubles and the city would no longer allow any demonstrations “for ethnic or racial reasons”. In an open letter¹¹⁵ the NGOs protested against the mayor’s statement but her office didn’t admit that they made a mistake and took no political responsibility for the statement.

The National Resistance and Autonomous Nationalist Party openly declared their loyalty to the Workers Party, on its election nomination lists there were prominent members of both movements but also the Workers Party either organized or its leaders gave speeches at most gatherings. Its ideology is based on anti-Gypsism but also its members and supporters officially declared their neo-Nazi or national-socialist ideals although it claimed it only built upon traditional the Czechoslovak First Republic national- socialism (the claim was later refuted by the Highest Administrative Court). However, the Workers Party achieved important success which invigorated the neo-Nazi movement by gaining 1.04% of the votes in European Parliament elections thus obtaining financial contribution in thousands of Euros.

After the event in Litvínov – Janov the government reacted to the obvious connection between the Workers Party and neo-Nazi movement by submitting a proposal to abolish the political party. The proposal was rejected by the Highest Administrative Court in March 2009; however the proposal should be regarded as total fiasco¹¹⁶. Despite huge implicating material the proposal was based exclusively on allegations of an ad hoc violation of assembly laws by the Workers Party and its connection to the neo-Nazi movement was not proved. The second proposal was submitted by the government in 2009¹¹⁷ and managed to show the unlawful character of the Workers Party while taking into account how sensitive interferences of the state should be when it comes to freedom of association in political parties. Based on this proposal the Workers Party was abolished by the Court in February 2010¹¹⁸ where the Court stated that the Party is racist, chauvinist, xenophobic, and homophobic but mainly a neo-Nazi party which fights to abolish the rule of law by using violence. The verdict should be seen as

¹¹³ Na demonstracích se vybralo přes 47 tisíc korun, 6 May 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6098, accessed 12 September 2010

¹¹⁴ Příznivci a členové Dělnické strany v Chomutově zaútočili na shromáždění proti neonacizmu dělobuchy, 4 May 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6078, accessed 12 September 2010

¹¹⁵ Otevřený dopis neziskových organizací v souvislosti s napadením demonstrace v Chomutově neonacisty, 7 May 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6087, accessed 12 September 2010

¹¹⁶ See for example Kalibová, K.: Neonacismus a radikální nacionalismus, in Zpráva Českého helsinského výboru o stavu lidských práv v ČR za rok 2008, <http://www.helcom.cz/view.php?cisloclanku=2009042101>, accessed 11 September 2010

¹¹⁷ The proposal was published on the web site of the Highest Administrative Court, see http://www.nssoud.cz/main.aspx?cls=art&art_id=404, accessed 12 September 2010

¹¹⁸ The verdict is available at http://www.nssoud.cz/docs/Delnicka_strana_original.pdf, accessed 12 September 2010

a crucial turning point in the political activities of neo-Nazi movements – now that they were officially labelled as neo-Nazis it can be expected that the mainstream society will be less attracted to their ideas. The Workers Party appealed against the verdict to Constitutional Court but continued its activities as a new political party under the name Workers Party of Social Justice. However neo-Nazi movements such as Autonomous Nationalist and National Resistance withdrew their support for it¹¹⁹. On 31 May 2010 the Constitutional Court rejected the appeal.

During 2009 especially in the second part of it, there were positive changes in the approach of state authorities toward neo-Nazis – in a few cases criminal proceedings were initiated for concrete hate crimes. As a consequence some of the leaders of neo-Nazi movements were charged, taken into custody or convicted which significantly weakened the movement in general. Two important police raids took place in 2009 during which some of the activists were charged in criminal proceedings, which should be regarded as significant progress in the approach of the authorities involved in criminal proceedings. In June 2009 during the raid called Power, ten persons were charged for organizing a Hate concert where they also collected money to finance the so-called P.O.W. (in their slang expression for imprisoned neo-Nazi activists)¹²⁰. In October 2009, a few persons were detained and charged in relation to operating web pages White Justice and for supporting and promoting neo-Nazism. Among them was Michaela Dupová (leader of female neo-Nazi Movement called Resistance Women Unity), Patrik Vondrák (leader of National Resistance from Prague and leader of the candidate nomination list of the Workers Party for the parliamentary elections) and Dragan Petrović (leader of Serbian branch of the Blood and Honour).¹²¹ Dupová and Vondrák still remain in custody. In April 2010 six participants of the Brno demonstration organized by the Workers Party on 1 May 2009 were charged in connection with a speech made during a demonstration including the Workers Party leader T. Vandas. In May 2010 they received suspended sentences. Although not directly related to the neo-Nazi movement, it should be mentioned that criminal proceedings were initiated against a National Party member Gaudin for hateful quasi-scientific work entitled “Final Solution of the Gypsy Question”¹²².

In November 2009 two soldiers were discharged for wearing Nazi symbols while serving in Afghanistan. This was a major scandal in the army, where two men

¹¹⁹ Neexistující členové AN se distancují od DS, antifa.cz, 10 March 2010,

<http://www.antifa.cz/content/neexistujici-clenove-se-distancuji-od-ds>, accessed 12 September 2010

¹²⁰ iDNES.cz: Neonacisté fungovali jako firma, část peněz šla na vězněné soukmenovce, ROMEA/iDNES.cz, 19 June 2009, http://www.romea.cz/index.php?id=detail&detail=2007_6369 Policejní zátah zabral. Neonacisté zrušili koncert., Týden.cz, 15 June 2009, http://www.tyden.cz/rubriky/domaci/rasismus-v-cesku/policejni-zatah-zabral-neonaciste-zrusili-koncert_124683.html, both accessed 12 September 2010

¹²¹ Policie po domovních prohlídkách obvinila 18 extrémistů, Prague, 23 October 2009, České noviny.cz, http://www.ceskenoviny.cz/zpravy/policie-po-domovnich-prohlidkach-obvinila-18-extremistu/404299&id_seznam, accessed 12 September 2010

¹²² Státní zástupce podal žalobu na autora studie o Romech, ČT24, Prague, 24 March 2010, <http://www.ct24.cz/domaci/84935-statni-zastupce-podal-zalobu-na-autora-studie-o-romech/>, accessed 12 September 2010

were photographed wearing Nazi insignia. The two men were released from the army. Their commander, who reportedly knew about their act and failed to do anything about it, was also suspended¹²³.

In October 2009, unknown vandals covered a memorial to the Holocaust victims with graffiti in Teplice. Oldřich Latál from the local Jewish community said it was shameful that the Holocaust memorial was damaged on the day when Czechs commemorate the anniversary of the establishment of the independent Czechoslovak state. He added that the memorial was damaged in a similar way in the past. North Bohemian police spokesman said the police were searching for the perpetrators and that they have not established whether it was racially motivated¹²⁴.

We Want no Nazis in Ústí

NGO People in Need (Člověk v tísni) initiated in March 2009 a civil movement whose goal was to actively express the discontent of the civil society with neo-Nazi activities by organizing events against neo-Nazi gatherings. The initiative later spread to other locations e.g. Plzeň and Přerov. More at: www.vustineonacistynechceme.cz

V.vii Access to goods and services in the public and private sector

In 2009 the Czech Trade Inspection investigated 10 complaints related to the suspicion of racial, ethnic or national discrimination. In five cases the complaints concerned a refusal or restriction to sell products or a refusal to serve the customers and in two cases it concerned double pricing. Out of all ten cases only one concerned Roma discrimination. There was no violation of laws proven in any of the ten cases¹²⁵.

The Supreme Court dealt with the so-called “case of the baseball bat” once more. It rejected the appeal against the City Court in Prague, which rejected the complaint in which the plaintiff demanded his right to personality protection (integrity and dignity) be respected. According to the plaintiff this right was violated when he visited a restaurant where there was a statue of a person holding a baseball bat with the inscription “For the Gypsies...”. Proceedings before the Municipal Court came to the conclusion that the statue was not placed in the restaurant with the intention to hurt someone but that it was conceived as a practical joke (according to the court that’s how it was also perceived by the

¹²³ Czech soldier discharged over SS symbols may return to Afghanistan, ROMEA, 9 January 2010, http://www.romea.cz/english/index.php?id=detail&detail=2007_1445, accessed 1 August 2010

¹²⁴ Vandals damage holocaust memorial in Czech town, The Prague Daily Monitor, Prague, 28 October 2009, <http://www.icare.to/news.php?en/2009-10#VANDALS%20DAMAGE%20HOLOCAUST%20MEMORIAL%20IN%20CZECH%20TOWN>, accessed 22 June 2010 – from the Prague Daily Monitor

¹²⁵ Zpráva o stavu lidských práv v České republice v roce 2009, the Government of CR, Prague, 14 June 2010, <http://www.vlada.cz/assets/ppov/rp/dokumenty/zpravy-lidska-prava-cr/Zprava-LP-2009-final-CZE.pdf> p. 77, accessed 8 September 2010

wider public). Therefore there was no illegal activity in relation to personality rights and the subjective feelings of the plaintiff were irrelevant according to the court. The Supreme Court essentially confirmed the decision of the lower court¹²⁶.

According to NGOs, discrimination in access to goods and services is a regular occurrence for Roma persons and persons with non-white skin colour. It is striking that such data are nowhere to be found in the statistics of the state institutions as well as that all complaints to the Czech Trade Inspection were proclaimed to be unjustified.

V.viii Media, including the internet

The Open Society Fund together with Newton Media, corp. carried out an analysis on Right Wing Extremism Images in the Czech media from 1 July 2008 to 31 March 2010, this also included online and regional media. The main conclusion of this analysis is that the media reported on right wing extremism frequently and that the initial neutral coverage on this subject became more negative due to political events mainly during and after the arson attack on Roma family in Vítkov¹²⁷.

Sensationalism is a charge that the country's top daily newspaper, Mladá fronta Dnes, has been battling since it published a prominent interview with a leading figure in the neo-Nazi movement. The interview, conducted by the paper's deputy editor-in-chief, was sharply criticized for essentially providing unchecked advertising space for the promotion of racism. The newspaper argued their intent was to give equal ground to everyone. Political scientist Jan Charvát, an expert on issues involving extremism, believes the media is feeding the fire by providing them with the media attention the radicals are seeking. "I think the problem is that the extremists know very well how to make the media talk about them. This is exactly what they want. A classic example is the National Party; they have probably less than 30 members but even with this small number of people they are often in the media. They know how to medialize themselves very well. This is the problem: the media – even if they don't want to – actually work for the extremists"¹²⁸.

During the European Parliament Election campaign, Czech TV and Czech Radio decided not to broadcast the racist campaigns of the National Party and Workers Party. The campaign of the National Party included the idea of the "Final Solution of the Roma Issue," the slogan "Stop Black Racism" and showed pictures of Roma and ruined houses. Radio spots for the Workers' Party included the

¹²⁶ Ibid., <http://www.vlada.cz/assets/ppov/rjp/dokumenty/zpravy-lidska-prava-cr/Zprava-LP-2009-final-CZE.pdf> p. 78, accessed 28 August 2010

¹²⁷ *Obraz pravicového extremismu v českých médiích*, NEWTON Media a.s., Prague, 2010, <http://osf.cz/cz/o-nadaci/publikace/>, accessed 11 September 2010

¹²⁸ Falvey, Ch.: Experts believe extremism is fed by media attention, Český rozhlas, Prague, 29 May 2009, <http://www.radio.cz/en/article/116773>, accessed 25 June 2010

slogan: "We request that the law is applied equally to everyone, regardless of the colour of their skin. We refuse the government's policy of Gypsy racism when we pay Gypsies with our taxes so they do not have to work and can spend their free time bothering good people." Both institutions also filed lawsuits. The TV programme was also strongly condemned by the Terry Davis, Secretary General of the Council of Europe.¹²⁹

It is important to stress that although the Internet has become the most often used propaganda medium by neo-Nazis, the CR has not yet ratified Additional Protocol to the Convention on Cyber Crime.

A group that disagrees with the decision to introduce Romany language instruction in Czech schools was established on the social networking site Facebook in March 2010 and it had more than 40 000 fans, according to Lidové noviny (LN). Shortly thereafter, a group entitled "Petition against teaching Romany at Czech schools" was created on the internet. Strong racist and xenophobic comments on the idea are cropping up on the internet. LN reported the group included mostly high school students and youth. According to Gabriela Hrabanová, director of the Czech Government Council for Roma Community Affairs this group corresponds to the society-wide anti-Roma mood. General awareness about the Roma could be changed if teachers were to speak about Roma culture and history with children in schools¹³⁰.

¹²⁹ Council of Europe General Secretary outraged at Czech Party's television spot, The Prague Daily Monitor, Prague, 22 May 2009 <http://www.icare.to/news.php?en/2009-05#COUNCIL%20OF%20EUROPE%20GENERAL%20SECRETARY%20OUTRAGED%20AT%20CZECH%20PARTY%27S%20TELEVISION%20SPOT>, accessed 12 July 2010 – form the Prague Daily Monitor

¹³⁰ Facebook group against Romanes language in Czech schools: 40000 strong., ROMEA, Prague, 24 March 2010, http://www.romea.cz/english/index.php?id=detail&detail=2007_1571, accessed 18 July 2010

VI. Political and legal context

The long-term strategies necessary to tackle the problems of Roma discrimination in virtually all areas as well as the establishment of fair treatment of migrants are very hard to pursue due to the instability of the government. The government elected in 2007 was overthrown in March 2009 by the opposition and in the middle of the Czech EU presidency. In May 2009 an interim government was appointed with a limited mandate until the general elections, which took place in May 2010 and the new government was established in July 2010. The new government immediately questioned the office and representative of the Czech Human Rights Minister M. Kocáb therefore also putting into question the good work done by the office over the past number of years. This can lead to the weakening of the role of the state in monitoring and tackling human rights violations in general, which is justified by saving money and implementing economic reforms. This is especially worrying because during the EU Parliament election campaign, the National Party published a video clip in which it advocated for “final solution to the Gypsy question, to be adopted by all European nations” and pictured Roma as dangerous parasites. The Czech TV refused to show the clip (after showing it a few times before that) and filed criminal charges. The equally hostile Workers Party won over 1% of votes at these elections. It shows that it is necessary to continue with institutional monitoring.

VI.i Anti discrimination

In June 2009, the Chamber of Deputies of the Czech Republic adopted the so called Anti-Discrimination Act implementing the Race Equality Directive (Council Directive 2000/43/EC) and Employment Equality Directive (Council Directive 2000/78/EC), outvoting a year old presidential veto of Vaclav Klaus. The Act was published as No. 198/2009 Coll., and, with the exception of provisions regarding the Public Defender of Rights (further in the text Ombudsperson) who is to function as the Equality Body, became effective as of 1 September 2009. The provisions related to Ombudsman became effective on 1 December 2009. The quality of the act was criticized from all parts of the political spectrum as well as by non-governmental organizations. The Czech Republic was the last EU Member State to adopt the Anti-Discrimination Act¹³¹. From 1 December 2009 all those who believe that they were victims of discrimination can turn to the Ombudsperson and ask for methodical help in starting legal proceedings. The authority of the Ombudsperson is thanks to the new law which expanded the Ombudsman's remit to issues regulating private matters whereas before he could only help in cases of problems with state administration. His role is now to assess the applicant's claim and if he finds it justified he can provide him/her with

¹³¹ <http://infoportal.fra.europa.eu/InfoPortal/infobaseShowContent.do>, accessed 15 May 2010

a legal analysis and recommend further steps. In the first three months in his new role, the Ombudsperson dealt most frequently in the area of discrimination with cases related to issues of employment. Other cases concerned equal access to goods and services and equal access to education. Those who complained most frequently quoted sex, age and ethnicity as reasons for being discriminated. According to the relevant Act (No. 349/1999 Coll., on the Public Defender of Rights, § 21b section c), the Ombudsman has an obligation to publish reports on subjects related to discrimination and to issue recommendations.

According to Michal Čermák from the Office of the Public Defender of Rights who contributed to the CHC Annual Report on Human Rights, the subject of discrimination is automatically and wrongly associated with discrimination of the Roma, although in the CR as well as in the whole of the EU, discrimination based on sex and age is just as frequent as discrimination based on ethnicity. However, he agrees that discrimination of Roma in employment and job relations are the hottest issues in Czech society¹³². In an email communication with Selma Muhič Dizdarevič, Mr. Čermák reported the Office had 157 discrimination complaints¹³³ and that the Department for Equal Treatment within the Ombudsman's Office, which deals with discrimination, has 6 employees.

According to the findings of the MIGPOL group published in their report entitled "Developing Anti-Discrimination Law in Europe, The 27 EU Member States Compared", the Czech Republic's anti-discrimination acts cover more than the Directives,¹³⁴ as they cover work and employment relations, access to employment, self-employment and occupation, health care, education, social security and social protection, and services including housing for all grounds in the same scope.¹³⁵

The Czech Republic has only four women among its newly elected 22 MEPs and has one of the lowest number of female representatives in the European Parliament. It is just above Malta who has no female representatives at all. In the previous election term, five women represented the Czech Republic in the European Parliament among its 23 MEPs. The percentage of women among MEPs has thus fallen from the original 20.8% to 18.2%¹³⁶.

¹³² Čermák, M.: Diskriminace, in the Report of CHC on the State of Human Rights in the CR in 2009, Czech Helsinki Committee, Prague, 2010, <http://helcom.cz/view.php?cisloclanku=1970010105> , accessed 4 August 2010

¹³³ This is just number of complains not number of cases judged by the Office to be related to discrimination.

¹³⁴ http://www.migpolgroup.com/public/docs/180.DevelopingAntiDiscinEurope_Comparativeanalysis_IV_EN_11.09.pdf, p. 15 accessed 8 September 2010. The directives in question are: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. See footnote 2 and 3.

¹³⁵ Ibid. p. 42.

¹³⁶ NGO: Czechs with one of lowest women representation in EP, The Prague Daily Monitor, 18 June 2009, <http://www.icare.to/news.php?en/2009-06#NGO:%20CZECHS%20WITH%20ONE%20OF%20LOWEST%20WOMEN%27S%20REPRESENTATIO%20IN%20EP> , accessed 14 July 2010 – from the Prague Daily Monitor. In the newly elected

VI.ii Migration and integration

The programme of so-called voluntary returns was conceived as a reaction to the economic crisis in which foreigners were particularly at risk of losing jobs since their job contracts were typically short-term, often negotiated through various agencies, with a lower level of employment protection. Since their residence permit was directly related to their job permit, many migrants fell into sudden illegality or had to re-legalize their residence through other types of residence permits – typically through becoming entrepreneurs. Voluntary returns started in February 2009 and lasted until December 2009. But the response of foreigners was rather lukewarm. Many of them had to pay significant sums in order to come to the Czech Republic, therefore they were already in-debt upon arrival. Usually whole families had to contribute to the initial payment and were now dependent financially on the family member working in the CR. Initially only foreigners with residence permits or so-called ‘directive to leave’ (after the foreigners’ residence permit expires this administrative measure requires them to leave in a stated period of e.g. one month) qualified for the programme, which was counter-productive for those who became illegal due to the fact they had lost their jobs, which their residence permit was tied to. The programme was later expanded to also include irregular migrants who were not under an administrative order to leave. According to La Strada who had been doing research on labour abuse of foreigners, specifically in the Vietnamese community, found that some foreigners during 2009 and at the beginning of 2010 after losing job for which they got the initial permission to live legally in the Czech republic were willing to accept any job under any conditions just to pay their debts. One of their respondents was quoted as saying: “I just want to earn enough to pay my debt and go home”¹³⁷.

The programme had three phases, two for legal migrants and one for irregular migrants. The first phase started on 16 February 2009 and was supposed to last for 8 months or until there were 2000 applicants who wanted to take advantage of the scheme. For the first phase, the applicants had to reside in the CR legally, had to be unable to pay for the return trip with their own means and not to have received an administrative decision of deportation. They would receive 500EUR and their children 250EUR. Until end of July 2009 1,871 migrants applied and 97% of them left the country. They were provided with accommodation and food until they left. In May the second phase started at the end of July until December or until 2000 migrants applied but the financial motivation was reduced to 300 EUR (150EUR for a child), and were not offered accommodation except for the night before departure. Only 218 persons applied in this phase. In total 2,089

government formed in April 2010 although number of women MP’s rose there is not a single woman holding a ministerial post.

¹³⁷ Pracovní vykořisťování cizinců a cizinek – pohled zblízka, La Strada, Prague, 27 January 2010, http://www.strada.cz/cz/tiskove-centrum/tiskove-zpravy/pracovni-vykoristovani-cizincu/ci_147/221.html, accessed 1 August 2010. The research was done in cooperation with Klub Hanoi.

persons applied, 64% from Mongolia, 15% from Uzbekistan and 13.5% from Vietnam (others included citizens of Moldova, Ukraine and Indonesia)¹³⁸. The third phase, which also included irregular migrants, started on 15 September 2009 and was to last for three months without a limit on the number of applicants. According to the statement of the Minister of Interior, this was a once off project not to be repeated in the future. Only 169 persons applied which is, according to the CHC Annual Report, due to the fact that each migrant who applied was given administrative deportation (which differed in length according to length of previous irregular residence and according to whether applicants were able to pay for the trip back themselves or not). Another problem to which Burdová Hradečná pointed was that when Police for Foreigners controlled the residence permits of foreigners who at the time of control were residing in the CR they also checked the permits retroactively and could establish if the foreigner had lost his/her job and accordingly lost their right to reside in the country, however s/he legalized their residence later. In such instances the Police tried to cancel or not to renew their residence permits. The NGOs questioned this approach because it gives too much administrative power to police officers, which creates the atmosphere for corruption. It also creates uncertainty among foreigners and shows an unnecessary repressive approach of the state without clear reasons as to why this should be done.¹³⁹

In case of unaccompanied minors, although it can be said that they are treated relatively well, it should be mentioned that according to the CHC Annual Report on Human Rights in the CR for 2009, the main problem is that the minors are sometimes detained in detention centres when applying for international protection instead of in a specialized institution for children who are third country nationals. In addition, although the Act on Aliens nr. 428/2005 Col. states that such children should be assigned a representative; it does not say anything about when this should be done. Consequently, some children are assigned a representative after they sign the documents related to their status (for example a deportation order or a statement that they give up their rights to appeal) when they are represented by no guardian ad litem¹⁴⁰.

According to the representative of the Muslim community in the CR Vladimír Sáška, there are more than 11 000 Muslims living in the CR but they only have two mosques available for regular prayers, one in Brno and another in Prague. The building of additional mosques is blocked by authorities and other denominations thus forcing Muslims to gather and pray in provisory prayer spaces. For example the authorities blocked the building of a mosque in the city of Teplice, where the local spa is frequently visited by Muslim patients. the

¹³⁸ <http://www.mvcr.cz/clanek/projekt-dobrovolnychnavratu-uspesne-ukoncen.aspx>, accessed 10 June 2010

¹³⁹ Burdová Hradečná, P.: Postavení cizinců, in the Report of CHC on the State of Human Rights in the CR in 2009, Czech Helsinki Committee, Prague, 2010, http://www.helcom.cz/download/zpravy/Postaveni_cizincu.pdf, accessed 20 August 2010

¹⁴⁰ Khollová, P.: Nezletilí cizinci bez doprovodu. in the Report of CHC on the State of Human Rights in the CR in 2009, Czech Helsinki Committee, Prague, 2010, <http://helcom.cz/view.php?cisloclanku=2010051401>, accessed 10 August 2010

building of a mosque was also blocked in Ostrov. Muslim communities are officially registered in Prague, Brno, Teplice and Hradec Králové. In 2006 Czech Muslims officially applied to be registered as a recognized denomination by the state but the current law requires 10 000 signatures of adult Muslims with permanent residence in the CR. According to the law the authorities can make an exception if the request is coming from the “world denomination”, but this possibility was rejected for political reasons¹⁴¹. The Czech Helsinki Committee in its Annual Report on the State of Human Rights in the CR for 2009 stated that inequality of new applications for registration continues compared to those denominations which were registered previously in the state¹⁴².

VI.iii Criminal justice

VI.iii.i Racism as a crime

On 1 January 2010 a new Penal Code came into force which inter alia regulates criminal acts motivated by hate (hate crime). The legal regulations of hate crime are complex and related to numerous criminal acts, which may now be prosecuted with regards to hate crime motivation. However the regulation is limited in relation to the conditions necessary in order for a criminal act to be qualified as hate crime. Among the conditions necessary are criminal acts motivated by someone’s race, ethnic group, nationality, political conviction and denomination but other reasons such as sexual orientation, sex, health condition or e.g. adherence to different social group are missing. If a victim happens to be a member of the latter group it is only seen as an aggravating circumstance when deciding on the magnitude of the sentence. In particular, omitting sexual orientation was criticized since it was omitted in the process of adoption in the Parliament without any previous discussion.

Another weak spot of the legal regulation is the weak position of victims of hate crime since the Czech legal code does not provide them with a strong role in the criminal justice system. Within the criminal court proceedings, the victims cannot demand compensations for moral harm caused by a criminal act. The position of victims should be strengthened on the basis of the re-codification of the Penal Code.

Implementation of legal measures tackling hate crime in practice remains ambiguous mainly due to the fact that criminal investigators do not adequately use the legal instruments particularly when it comes to identifying the hate crime motivation in criminal acts (see V.vi for more details). The position of victims of

¹⁴¹ Sářka: Muslimové mají v Česku jen dvě mešity, výstavbu dalších blokuje úřady, Islam.cz, 10 March 2010, <http://www.islamcz.cz/content/sanka-muslimove-maji-v-cesku-jen-dve-mesity-vystavbu-dalsich-blokuji-urady>, accessed 20 July 2010

¹⁴² Štampach, I.O.: Zpráva o svobodě vyznání v ČR v roce 2009, in the Report of CHC on the State of Human Rights in the CR in 2009, <http://helcom.cz/view.php?cisloclanku=1970010107>, accessed 15 August 2010

hate crime remains inadequate at the police investigation stage particularly in the case of the Roma since they very often become victims of so-called secondary victimization. The Ministry of Interior keeps statistical data on criminal acts which is published annually but this is criticized by NGOs who consider it not to be comprehensive and because of lack of statistical data on ethnicity of crime victims.

VI.iii.ii Counter terrorism

Counter terrorism in the CR is not considered in legislation or in the political domain as a significant subject therefore it does not affect the position of ethnic, national or religious communities.

VI.iii.iii Ethnic profiling

There is no relevant public discussion in the CR regarding ethnic profiling, we found no research on this issue, although there are concerns that ethnic profiling, particularly when it comes to the Roma, plays a certain role in police and prosecution procedure. The CR has been repeatedly criticized by ECRI (lastly in the report published in September 2009) for not keeping statistical data on racism and discrimination classified by ethnicity of the affected persons (see more in V.v.). There is however a general resistance in Czech society towards collecting ethnicity data in every field since it is often wrongly seen as discriminatory. An example of this is the proposal of the Ministry of Education to collect ethnicity based data at schools as an instrument to tackle Roma children discrimination in education¹⁴³. The initiative failed because the teachers were against it.

VI.iv Social inclusion

According to the Czech National Report on Strategies for Social Protection and Social Inclusion 2008-2010¹⁴⁴, groups of people that are subject to the accumulation of a variety of disadvantages, i.e. people with accumulation of the following characteristics are those with: disabilities, few qualifications or a complete lack thereof, persons younger than 25 years, unemployed for at least six months, older than 50 years of age, requiring special help (individuals that are not socially adaptable, after completion of a prison sentence, coming from a socio-culturally disadvantaged environment) are the most threatened by long-term unemployment. Furthermore, access to regular housing is burdened with a high degree of discrimination (on the basis of ethnicity and/or social status) for

¹⁴³ Lidové noviny: Spočítejte romské žáky, žádá školy ministerstvo, MŠMT, 31 March 2010, <http://www.msmt.cz/ministerstvo/lidove-noviny-spocitejte-romske-zaky-zada-skoly-ministerstvo>, accessed 12 September 2010

¹⁴⁴ http://www.mpsv.cz/files/clanky/5830/zprava_aj.pdf, accessed 4 September 2010

the socially excluded and thus stigmatized. State housing support programmes have, hitherto, been insufficiently used by municipalities as a means of ensuring access to housing for groups burdened with the stigma of problematic individuals. The principles of social inclusion mainstreaming on all levels of public administration are at present only focused on three groups: Roma, persons with disabilities and senior citizens, therefore omitting migrants. Support for migrants is included as a priority objective for social protection and social inclusion. The following measures are included: support the inclusion of foreigners into society, especially through economic sustainability, knowledge of the Czech language and for their being sufficiently informed about their rights and obligations. In this report assessment of all three areas was provided.

II. National recommendations

VII.i General

In the view of the escalation of racist violence, continuation of Roma exclusion and the deteriorating position of migrant workers, it is necessary to support financially and instructionally civil society, mainly NGOs. They should also be supported in their monitoring activities since the new government in office from July 2010 is sending ambiguous signals about its approach to human rights monitoring.

VII.ii Anti discrimination

Anti-discrimination law should be amended in line with NGOs recommendations particularly in regards to strengthening protection from discrimination by strengthening the competencies of the Ombudsman Office in its function of the Equality Body and strengthening the instrument of class action (collective lawsuit), which gives a possibility to file actions in the public interest

NGOs in the area of anti-discrimination are underfinanced, it is therefore necessary to financially support NGOs who are often the only ones who provide help and support to the victims of discrimination. This especially relevant since economic reforms carried out by the government as a response to the economic crisis already led to the suspension of some grant programmes.

In the individual domains of discrimination, it is necessary to implement consistently measures initiated in previous periods such as the concept of social/gradual housing, desegregation at schools and support for Roma employment (e.g. through social businesses).

VII.iii Migration and integration

The legal environment regulating various residence statuses of foreigners in the CR should be clearer. In addition, the various laws applicable should be in place for longer periods of time, at present they are constantly being revised which is confusing for migrants and makes it difficult to know what are your rights and obligations. Information should also be given in a timely manner.

The Police for Foreigners should focus on changing their repressive, hostile and xenophobic discourse towards the rational and efficient implementation of governmental policies in the area of migration.

Foreign workers should have longer periods to secure a new job when the one they got their permit for is lost in order to avoid an immediate fall into illegality. The legal system should prosecute and punish agencies that exploit foreign workers and function in the CR unlawfully.

Health insurance should be expanded to all minors up to 18 years of age for persons who have visa that are valid for more than 90 days which would include them into the public health system automatically.

The practice of unaccompanied minors being sometimes detained in detention centres which are used for those seeking international protection instead of a specialized institution for children from third countries should be abolished.

It is necessary to create national system of basic indicators in order to monitor integration processes of TCN. Currently for example, data on the highest level of education and level of income for TCN in CR do not exist¹⁴⁵.

VII.iv Criminal justice

VII.iv.i Racism as a crime

The Penal Code should be amended in order to include sexual orientation as a motivation for hate crimes.

Re-codification of legal measures related to the position of victims of criminal acts is highly recommended.

Independent hate crime monitoring by NGOs should be supported. The state institutions should maintain transparent statistics of racial violence including statistics on the ethnicity and other features (such as social origin) of the victims

The sensitivity of police officers and other bodies in criminal proceedings should be strengthened in relation to the specific needs of victims particularly when it comes to hate crimes. This should be achieved through education and training but also by effective implementation of hate crime laws.

¹⁴⁵ Vavrečková, J., Baštýř, I. (2010). Vytváření systému monitorování a hodnocení výsledků integrace cizinců z třetích zemí v EU a v ČR. In Fórum sociální politiky 4/2010, pp. 10-15. Praha: Výzkumný ústav práce a sociálních věcí.

VII.iv.ii Ethnic profiling

A research project should be carried out, focusing on fields in which there is a justified suspicion of ethnic profiling. Anonymous collection of ethnic data should be carried out in various fields.

VII.v Social inclusion

Discrimination in housing especially based on ethnic and social status should be sanctioned and in the case of municipal provision of housing more closely monitored by the central authorities. There should be awareness raising campaigns that it is illegal to discriminate in housing and job provisions and concrete ways of how this is being done and how it can be exposed.

Migrants should feature as a more prominent group in the National Plan for Social Protection and Inclusion.

VIII. Conclusion

Should we select the three most important developments for the relevant period, they would certainly include: the abolishment of the Workers Party, the adoption of an Anti-discrimination law and the larger scale fall into illegality for migrant workers, which was supposed to be regulated by the programme of voluntary returns.

Since the second half of 2009, state authorities began to efficiently tackle activities regarding neo-Nazi activities. This was most apparent in initiating the prosecution of leading personalities of the neo-Nazi movement which then culminated with the abolishment of the Workers Party. The tragic Vítkov attack turned public opinion against neo-Nazis and finally activated politicians to deal with this crucial social problem. It is important to stress that civil society organizations warned about the dangers of a lax approach to neo-Nazi violence, which was continuously on the rise in previous years. Therefore it would be highly advisable to follow the recommendations of the civil society organizations and focus on prevention and awareness raising.

Since CR was the last EU country to implement Equality Directives, it is of crucial importance that the relevant act was finally adopted by the Parliament although it is worrisome that it was only passed by overriding the President's veto. This law filled the legislation gap and improved the institutional setting for fighting discrimination. However, it should be stressed that civil society organizations criticized the law for its two major failures: the limited authority of the Ombudsman Office functioning as Equality Body and the lack of possibility to file a class action (collective lawsuit), which gives a possibility to file actions in the

public interest. This would provide NGOs with possibility to fight discrimination not only on case-by-case basis but also in systematic manner.

Finally, hostility towards foreigners became stronger due to the economic crisis, which left many migrant workers without jobs and therefore without residence permits. The reaction of the state in the form of the programmes for voluntary returns did not seem to be systematically implemented, although it should be appreciated that it also included irregular migrants. New amendments to the acts regulating residence of the third country nationals (TCN), which are currently underway, are proposing more restrictive measures. From the civil society perspective, regarding the integration of the TCN, this should also include significantly improved access to health care for third country nationals. Problems regarding the lack of prosecution of the job agencies abusing migrants and breaking Czech laws persist as well as suspicions of corruption surrounding issuing Czech entry and residence visas.

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X. Annex 1: List of abbreviations and terminology

CHC – Czech Helsinki Committee

CR – Czech Republic

ECHR – European Court of Human Rights

ECRI - European Commission against Racism and Intolerance

ERRC – European Roma Rights Centre

FRA – Fundamental Rights Agency

MI – Ministry of Interior

NAPIV - National Action Plan of Inclusive Educations

NGO – Non-governmental organization

SEL – Socially excluded location

TCN – Third country national



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