



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined tenth and eleventh periodic reports of the Czech Republic*

1. The Committee considered the combined tenth and eleventh periodic reports of the Czech Republic (CERD/C/CZE/10-11), submitted in one document at its 2367th and 2368th meetings (CERD/C/SR.2367 and CERD/C/SR.2368), held on 12 and 13 August 2015. At its 2383rd meeting, held on 24 August 2015, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the combined tenth and eleventh periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee also welcomes the oral presentation, taking into account the list of themes prepared by the Rapporteur, given by the State party's delegation, which consisted of representatives of various executive bodies. The Committee also appreciates the open and constructive dialogue held with the State party.

B. Positive aspects

3. The Committee welcomes the State party's accession to the Optional Protocol to the Convention on the Rights of Persons with Disabilities in September 2014.

4. The Committee also welcomes:

- (a) The adoption of the Roma Integration Strategy 2014-2020 (2015);
- (b) The adoption of the Inclusive Education Action Plan for 2016-2018 (2015);
- (c) The enactment of an amendment to the School Act (2015);
- (d) The adoption of the Migration Policy Strategy (2015);
- (e) The re-establishment of the position of the Minister for Human Rights, Equal Opportunities and Legislation (2014);
- (f) The launch of the Campaign against Racism and Hate Violence (2014);

* Adopted by the Committee at its eighty-seventh session (3-28 August 2015).



- (g) The enactment of the Act on the Protection of Victims of Crime (2013).

C. Concerns and recommendations

Data collection

5. The Committee is concerned at the lack of reliable socioeconomic data on ethnic minorities and non-citizens, including statistics disaggregated by gender and national or ethnic origin, particularly in the areas of employment, housing, health services, social protection and education. The Committee regrets that the data collected through the 2011 census was not sufficient to present an accurate picture of the ethnic composition of the State party's population.

6. **The Committee recommends that the State party take all measures necessary to improve its data collection system, including the national census, which would enable the State party to analyse the situation of ethnic minorities and non-citizens, to develop concrete and targeted policies and to enhance the effectiveness and efficiency of such policies. It also recommends that the State party provide precise information on the ethnic composition of its population and statistical data disaggregated by national or ethnic origin in the areas of employment, housing, health-care services, social protection and education in its next periodic report.**

National human rights institutions

7. While noting that the State party's plan to take steps to have the Public Defender of Rights accredited as a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) by the International Coordinating Committee of National Human Rights Institutions, the Committee regrets that the State party has not yet taken concrete steps to establish such an institution in line with the Paris Principles (art. 2).

8. **The Committee recommends that the State party intensify its efforts to transform the Public Defender of Rights into a national human rights institution, fully independent in accordance with the Paris Principles, particularly by expanding and strengthening the mandate of the Public Defender of Rights, including by amending the Anti-Discrimination Act and allocating sufficient human and financial resources to the Public Defender's Office to fulfil its mandate.**

Policy measures concerning Roma

9. The Committee is concerned that strategies adopted to combat social exclusion of Roma, such as the Concept for Roma Integration 2010-2013 and the Strategy for Combating Social Exclusion 2011-2015, have not been properly implemented due to the lack of sufficient funding and of full consultation and participation of the affected Roma communities in developing and implementing specific programmes at the local level (art. 2).

10. **Taking into account its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party take all measures necessary to ensure the direct involvement of Roma in the development of strategies and implementation of plans, with a view to maximizing the direct impact of the policies on the affected communities, and to allocate sufficient resources for their implementation.**

Social segregation of Roma

11. The Committee is concerned at the significant increase in the number of so-called socially excluded localities with a majority Roma population. This number has grown from 330 localities with a population of 60,000 to 80,000 in 167 municipalities in 2005 to 606 localities with a population of 95,000 to 115,000 in 297 municipalities in 2014. Living in such socially excluded localities has a hugely negative impact on all aspects of life for Roma, particularly in the areas of employment, housing, health care and other public services, and education. The Committee is also concerned at the report that some municipalities refuse to rent municipal housing to Roma and support segregation as a way to expel Roma from their municipalities and that the central Government does not have appropriate measures to sanction them (arts. 3 and 5).

12. In the light of its general recommendation No. 19 (1995) on article 3 of the Convention, the Committee recommends that the State party take administrative measures in order to restructure the socially excluded localities and to alleviate disadvantages facing people living there, particularly Roma, in accessing employment, adequate housing, health-care services and education. It urges the State party to take all measures necessary to sanction municipalities that discriminate and/or segregate Roma.

Racial hatred, racist hate speeches and racially motivated violence

13. The Committee is concerned at the continuing racial hatred and racially motivated violence against Roma. The Committee is particularly concerned at:

(a) The spreading of prejudice and stereotypes about refugees and asylum seekers among the general public, particularly young people, through websites and social media, as well as increased attacks through e-mails or on social networks on people who defend the rights of foreign nationals, including activists from non-governmental organizations;

(b) The increase in expression of Islamophobia in the State party by anti-Muslim groups such as “No to Islam in the Czech Republic!”, which is openly supported by some politicians, including members of parliament, as well as the increase in racially motivated violence against Muslim communities;

(c) The media’s excessive highlighting of the ethnic origin and the nationality of non-citizens in the reporting of criminal offences (arts. 2, 4, 6 and 7).

14. In the light of its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:

(a) **Firmly condemn hate speech by public officials and politicians, effectively investigate racist hate speech and racially motivated violence and prosecute perpetrators, where appropriate;**

(b) **Raise the awareness of the public of respect for diversity and elimination of racial discrimination;**

(c) **Adopt appropriate legislation for the media, in accordance with international standards, to promote informed, ethical and objective media and to encourage the public and private media to adopt codes of professional ethics and/or press codes that incorporate respect for the principles of the Convention and human rights standards.**

Discrimination against Roma in their enjoyment of economic social and cultural rights

15. The Committee is concerned at the continuing discrimination facing Roma in their enjoyment of economic, social and cultural rights. It is particularly concerned at:

(a) The disproportionately high unemployment rate among the Roma population, particularly Roma women and Roma youth, and the fact that the measures adopted to facilitate the recruitment of Roma both in the public and private sectors have not been effective due to a lack of funding and coordination among relevant authorities, and the reliance on voluntary measures rather than special measures facilitating Roma employment;

(b) The absence of legislation or policy on social housing and the fact that Roma continue to be denied access to adequate housing, particularly social housing, and to face forced evictions, which have led them to live in ruined houses and privately or municipally owned residential hostels in socially excluded localities, which hinders them in accessing employment, health and other public services, and education;

(c) The limited access of Roma to health-care services, despite the support provided by the Roma health assistants, which is not sufficient to meet the health-care needs of Roma communities (arts. 2 and 5).

16. **The Committee recommends that the State party:**

(a) **Take effective measures to facilitate the employment of Roma, particularly women and young people, including through adoption or expansion of effective measures, such as the use of anonymized curricula vitae, targeted assistance with job-seeking in the mainstream labour market and special measures for employment in the public sector and incentives for employment in the private sector;**

(b) **Expediently adopt a social housing law and establish a comprehensive social housing system with a special focus on Roma and other ethnic minorities, and take all measures necessary to ensure that evictions are carried out in accordance with international standards and that adequate alternative housing is provided to those affected in case of evictions;**

(c) **Expand the Roma health assistants programme and continue training medical professionals in effective interaction with people from different cultural backgrounds and raising awareness of Roma on health issues.**

Segregation of Roma children in education

17. The Committee notes the measures taken to address the segregation of Roma children in education, including the National Action Plan on Inclusive Education (2010), an amendment to the School Act (2015) and free pre-schooling, and the decrease in the number of Roma children in special schools between 2008 and 2014. The Committee, however, remains concerned that:

(a) The proportion of Roma children in special schools or classes with a curtailed curriculum in 2014 remains at 32.4 per cent, the same level as in 2008, and that their proportion in mainstream education has decreased from 10.3 per cent in the 2013/14 school year to 9.5 per cent in the 2014/15 school year;

(b) Roma children continue to be segregated in mainstream education, with many of them ending in entirely or almost Roma-only schools owing to the deeply rooted negative prejudice against them and the reluctance of school authorities and non-Roma parents to enrol their children in a school with Roma children;

(c) The level of Roma children's participation in preschool education remains low;

(d) The State party continues to fail to comply with the judgement of the European Court of Human Rights in the case of *D.H and others v. the Czech Republic*;

(e) Insufficient resources have been allocated for the implementation of the National Action Plan on Inclusive Education or for the newly adopted legislative and policy measures;

(f) The concept of inclusive education is not fully incorporated as a guiding principle in legislation and policies, including the amendment to the School Act (2015), as prescribed in international human rights law;

(g) The number of Roma students enrolled in higher education is very small and they remains unsupported (arts. 2, 3 and 5).

18. In the light of the Committee's general recommendation No. 27 (2000), the Committee recommends that the State party incorporate inclusive education as a guiding principle of the education system in the relevant legislation and policies, and allocate sufficient funding for the implementation of the amendment to the School Act (2015) and the Inclusive Education Action Plan for 2016-2018. It also recommends that the State party take all measures necessary to help Roma children to keep up with other students in mainstream schools, and to counter negative perceptions of Roma children among teachers and school authorities, as well as non-Roma children and their parents. It further recommends that the State party take all measures necessary to facilitate access to preschool and higher education for Roma children and fully comply with the judgement of the European Court of Human Rights in the case of *D.H and others v. the Czech Republic*.

Overrepresentation of Roma children in institutional care

19. The Committee is concerned that Roma children are disproportionately represented in institutional care settings and that many children leaving institutional care face homelessness (arts. 2 and 5).

20. The Committee recommends that the State party take all measures necessary to reduce the number of Roma children in institutional care, including by providing financial and social support to families facing economic hardship and alternative care options for those without parental care.

Forced sterilization of Roma women

21. While noting the adoption of the Specific Health-care Services Act, which requires free, prior and informed consent with regard to sterilizations, and the preparation of a bill that would, if enacted, enable victims who were forcibly sterilized to seek compensation through administrative proceedings, the Committee is concerned that:

(a) No effective compensation mechanism has been established for the victims and only the three victims who brought proceedings before the European Court of Human Rights have received compensation to date;

(b) No perpetrators have been brought to justice;

(c) The State party retains the three-year statute of limitations for claims for compensation for forced sterilization;

(d) Sterilization continues to be used as one of the main contraception measures for Roma women (arts. 2, 5 and 6).

22. **The Committee recommends that the State party:**

(a) **Expedite the establishment of an effective compensation mechanism with appropriate support, including free legal aid, for victims of forced sterilization, as well as the adoption of a bill on a compensation mechanism, and extend the time period for bringing claims seeking compensation for forced sterilization;**

(b) **Ensure that those responsible for forcible sterilization be brought to justice;**

(c) **Monitor the implementation of the Specific Health-care Services Act to ensure that all procedures are followed in obtaining free, prior and informed consent of women, particularly Roma women, for any procedure of sterilization at health facilities;**

(d) **Ensure that Roma women and girls have free and full access to sexual and reproductive health services, including information on contraception.**

Trafficking in human beings

23. The Committee regrets the lack of information on the current situation concerning trafficking, including on the number of victims identified and perpetrators convicted in recent years, as well as the lack of updated information on the implementation of measures taken, including the National Strategy for Combating Trafficking in Human Beings 2012-2015 (arts. 2 and 5).

24. **The Committee recommends that the State party step up its efforts to combat trafficking in persons and to improve data collection on human trafficking, including statistics on the victims of trafficking, disaggregated by gender, age, ethnicity and country of origin, and provide information on court cases and remedies provided to the victims in its next periodic report.**

Refugees and asylum seekers

25. The Committee is concerned that asylum seekers, including unaccompanied minors and families with children, are detained upon their arrival in the State party for an extensive period of time in poor living conditions and that the alternative arrangements to detention are not applied, despite being provided for in legislation. It is also concerned that the State party continues to issue expulsion orders to asylum seekers arriving with invalid travel documentation prior to registering their asylum application (arts. 2 and 5).

26. **The Committee recommends that the State party duly consider alternatives to detention of asylum seekers and use detention as a last resort and for the shortest appropriate period, avoid detention of asylum seekers under 18 years of age, ensure that the conditions of all immigration detention and reception centres are in conformity with international standards, and end the practice of issuing expulsion orders prior to registering asylum applications.**

Stateless persons

27. The Committee is concerned that children born to stateless parents and children born to a foreign mother and a Czech father out of wedlock are at high risk of being stateless and that there is a lack of information on the status of stateless persons in the State party (art. 5).

28. **The Committee recommends that the State party take all measures necessary to ensure that stateless children born in the Czech Republic obtain citizenship of the State party and collect data on the stateless in the State party.**

Right to effective remedies

29. The Committee is also concerned at the low level of complaints of racial discrimination brought before relevant public authorities and the courts, owing to the low level of knowledge of relevant legislation, including the Anti-Discrimination Act, among law enforcement and judicial officials and the low level of understanding of victims of racial discrimination about their rights and complaint mechanisms. It is also concerned at excessive delays in court proceedings, prohibitively high court fees and the lack of free legal aid for victims. It regrets a lack of consistent information on complaints of racial discrimination, including statistical data (arts. 2 and 6).

30. **The Committee recommends that the State party take effective measures to raise awareness of anti-discrimination laws, including the Anti-Discrimination Act, as well as relevant complaint mechanisms among law enforcement and judicial officials and ethnic minorities, reduce court fees, provide the victims of racial discrimination with free legal aid to lodge their complaints before relevant authorities, and collect data on complaints of racial discrimination.**

D. Other recommendations**Ratification of other treaties**

31. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties with provisions that have a direct relevance to communities that may be the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

Follow-up to the Durban Declaration and Programme of Action

32. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

33. In the light of General Assembly resolution 68/237 proclaiming 2015-2024 the International Decade for People of African Descent and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in this framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

34. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection,

in particular in combating racial discrimination, in connection with the preparation of the next periodic report and follow-up to the present concluding observations.

Dissemination

35. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the concluding observations of the Committee with respect to those reports be similarly publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

Common core document

36. The Committee encourages the State party to update its core document, which dates to 2010, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for the common core document.

Follow-up to concluding observations

37. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 8, 18 and 22 above.

Paragraphs of particular importance

38. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 12, 14, 16 and 30 above and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement those recommendations.

Preparation of the next periodic report

39. The Committee recommends that the State party submit its twelfth and thirteenth periodic reports, in a single document, by 1 January 2018, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of the General Assembly resolution 68/268, the Committee urges the State party to observe the word limit of 21,200 for periodic reports.
