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**Advance unedited version**Distr.: General  
29 August 2015

Original: English

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**Committee on the Elimination of Racial Discrimination****Concluding observations on the 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 2367<sup>th</sup> and 2368<sup>th</sup> meetings (CERD/C/SR.2367, CERD/C/SR.2368), held on 12 and 13 August 2015. At its 2383<sup>rd</sup> 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 given by the State party's delegation consisting of representatives of various executive bodies, taking into account the list of themes prepared by the Rapporteur. The Committee also appreciates the open and constructive dialogue held with the State party.

**B. Positive aspects**

3. The Committee welcomes the ratification by the State party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2013.

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 a Campaign Against Racism and Hate Violence (2014); and

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\* 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. Concern and recommendations

### Data collection

5. The Committee is concerned at the lack of reliable socio-economic 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 necessary measures 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 as well as statistical data disaggregated by national or ethnic origin in the areas of employment, housing, healthcare services, social protection and education in its next period report.**

### National human rights institutions (NHRIs)

7. While noting that the State party's plan to take steps to achieve accreditation of the Public Defender of Rights as a national human rights institution (NHRI) in compliance with the Principles relating to the Status of National Institutions (the Paris Principles) from the International Coordinating Committee of National Human Rights Institutions (ICC), the Committee regrets that the State party has not yet taken concrete steps to establish a NHRI 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 NHRI, fully independent in compliance with the Paris Principles, particularly by expanding and strengthening the mandate of the Public Defender of Rights, including through amendment to 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 concrete programs at the local level. (art. 2)

**10. Taking into account its general recommendation No. 27 on discrimination against Roma (2000), the Committee recommends that the State party take all necessary measures 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 Roma majority population. They have 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, and have a huge negative impact on all aspects of life of Roma, particularly in the areas of employment, housing, healthcare and other public services, and education. It 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 light of its general recommendation No. 19 (1995) on article 3 of the Convention, the Committee recommends that the State party take administrative measures to reorganize social housing in order to address the issue of socially excluded localities and alleviate disadvantages facing people living there, particularly Roma, in accessing employment, adequate housing, healthcare services and education. It urges that the State party take all necessary measures 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 via emails or on social networks on people who are defending the rights of foreign nationals, including NGO activists,;

(b) The increase in expression of Islamophobia in the State party by anti-Muslim groups such as “Islám v České republice nechceme!” (“No to Islam in the Czech Republic!”), which is openly supported by some politicians, including Members of Parliament, as well as increased racially motivated violence against Muslim communities; and

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

**14. In light of its General Recommendation No. 35 on Combating racist hate speech (2013), 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) **Carry out awareness raising of the public on respect for diversity and elimination of racial discrimination; and**

(c) **Adopt appropriate legislation for the media in line 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 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 hinder them in accessing employment, health and other public services, and education ; and

(c) The limited access of Roma to healthcare services, despite the support provided by the Roma Health Assistants, which is not sufficient to meet the healthcare 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 CVs and targeted assistance with job seeking in the mainstream labour market as well as 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 necessary measures to ensure that evictions are carried out in line with international standards and that adequate alternative housing is provided to those affected in case of evictions; and**

**(c) Expand the Roma Health Assistants programme and continue training medical professionals on effective interaction with people from different cultural background 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 (NAPIE, 2010), an amendment to the School Act (2015) and free pre-schooling, and the decrease in 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 reduced curriculum in 2014 remains at 32.4 per cent, the same level as in 2008 and their proportion in mainstream education has decreased from 10.3 per cent in the 2013-2014 school year to 9.5 per cent in the 2014-2015 school year;

(b) Roma children continue being segregated in mainstream education with many of them ending in entirely or almost Roma-only schools due 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 pre-school education remains low;

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

(e) Insufficient resources have been allocated for the implementation of the National Action Plan on Inclusive Education (NAPIE) 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 laws; and

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

**18. The Committee recommends that, in light of the Committee's general recommendation No. 27 (2000), 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 necessary measures to support Roma children to keep up with other students in mainstream schools, and to counter negative perceptions against 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 necessary measures to facilitate access to pre-school 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 vs. the Czech Republic*.**

#### **Over-representation of Roma children under 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 the situation of homelessness (arts. 2 and 5).

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

#### **Forced sterilization of Roma women**

21. While noting the adoption of the Law on Specific Health Care Services, which requires free, prior and informed consent with regard to sterilizations, and the preparation of a bill which 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 went through 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 seeking compensation for forced sterilization; and

(d) Sterilization continues to be used as one of 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 Law on Specific Health Care Services 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; and

(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 regarding the number of victims identified and of perpetrators convicted in recent years, as well as the lack of updated information on the implementation of measures undertaken, 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 under poor living conditions and that the alternative arrangements to detention are not applied, despite being provided 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 the conditions of all immigration detention and reception centres to be in conformity with international standards, and end the practice of issuing expulsion orders prior to registering asylum applications.**

#### **The stateless**

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 the stateless in the State party (art. 5).

**28. The Committee recommends that the State party take all necessary measures 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 as well as before the courts due to

the low level of knowledge of relevant legislation, including the Anti-Discrimination Act, among law enforcement and judicial officials, 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 and 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 as well as 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.**

## **C. 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 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 (1990), and the ILO Convention No. 189 on Domestic Workers.

### **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 back 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, paragraph 1, of the Convention and rule 65 of its amended 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 also 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 to 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.

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