

**COMMENTS BY THE CZECH REPUBLIC ON THE FOURTH OPINION OF THE
ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES REGARDING THE CZECH REPUBLIC'S
COMPLIANCE WITH OBLIGATIONS ARISING FROM THE CONVENTION
(ACFC/OP/IV(2015)004)**

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The opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities, (hereinafter referred to as the “Advisory Committee” and the “Framework Convention”) was distributed to members of the Government Council for National Minorities (an advisory body composed of representatives of government agencies and representatives of national minorities; hereinafter referred to as the “Council”). In April 2016 the Council held discussions on the opinion and on the draft comments. The views expressed during the discussion were taken into consideration during the preparation of the comments.

The comments respond to the main recommendations made by the Advisory Committee, particularly where it was necessary to add to or to clarify information contained in the report by the Czech Republic on the implementation of the Framework Convention. It follows the structure of the articles of the Framework Convention. Individual comments follow the citations from the relevant part of the opinion by the Advisory Committee (paragraph numbers).

ARTICLE 3

Personal scope of application of the Framework Convention

Recommendations

22. *The Advisory Committee encourages the authorities to continue to pursue an open and inclusive approach to the Framework Convention's personal scope of application, ensuring that no arbitrary distinction exists in the enjoyment of rights protected under the Framework Convention.*

23. *The Advisory Committee also urges them to review regularly the impact of the application of the citizenship criterion as regards access to minority rights, in order to ensure that it does not have the effect of excluding people from the scope of application of this Convention in an unjustified and arbitrary, i.e. discriminatory manner.*

Having regard to the recommendation of the Advisory Committee to extend the rights arising from the Framework Convention to persons who are not citizens of the Czech Republic, we note the following:

a) With regard to the existing legislation on this issue in Czech law (Act No. 273/2001 Coll., on the rights of national minorities and on amendments to certain Acts, as amended by Act No. 320/2002 Coll.), an ethnic minority is only constituted of Czech citizens who claim to be members of a chosen nationality/ethnicity. The Act on the rights of national minorities implements Article 25 of the Charter of Fundamental Rights and Freedoms, and this provision also envisages that the rights of national minorities will be primarily granted to citizens of the Czech Republic.

b) There is no definition of a national minority in the Framework Convention. Pragmatically, it was decided to abandon any definition of a national minority because the signatory states failed to agree on one. The individual states adopt different approaches to the definition of national minorities in their national legal systems. A number of the contractual Parties restrict this right to their own citizens in their national legislation, or in their declarations on the Framework Convention. In this respect, we refer in particular to the declarations on the Framework Convention made by Austria, Germany, Estonia, Poland and Switzerland. Other states accord the rights arising from the Framework Convention to national minorities which have historically existed on their territory and which are listed in detail in their declarations. Although it is not explicitly stated in the declarations that these are citizens of their country, this can be assumed from the historical nature of these minorities. The fact that the Czech Republic has not made a similar declaration on the Framework Convention relating to a definition of the concept of a national minority is not crucial from our point of view, because the Framework Convention itself does not assume, or require, that this type of declaration be made.

The Council Secretariat, in cooperation with the Charles University in Prague Law Faculty, organised a seminar entitled *Law and States' interest in minorities – compatriots abroad*, in the Liechtenstein Palace on 17 February 2015. This followed on from the long collaboration engaged in by the two institutions on national minority issues, which over the past two years has consistently helped to cultivate debates on topical issues such as, for example, access to new minorities, the application of minority rights or communications between traditional minority societies and newly arrived communities. Currently, during the past year, a problem has appeared concerning the understanding of the concept of a national minority/member of a national minority and the status of the mother country of the relevant minority, particularly with respect to nominations for representatives of the Russian minority to the Government Council for National Minorities. The speakers at the seminar were leading experts on national minority

issues, working both at the Charles University Law Faculty and at other institutions. Attendees included representatives from national minority organisations and representatives from the professional public, or the relevant ministries involved.

Data Collection

Recommendation

29. *The Advisory Committee invites the authorities to consider additional means of collecting information on the situation of national minorities outside the census, while fully respecting international standards in the field of personal data protection, notably those related to the protection of personal data, as laid down in the Committee of Ministers Recommendation (97)18 concerning the protection of personal data.*

See also the comments on point 96. Ethnic data is sensitive information, which is covered by the standards applying to the protection of personal data. Although the protection of privacy is clearly in the public interest, ethnic data must be processed, particularly when developing an effective approach to a minority. In October 2015, the Office of the Government of the Czech Republic, in cooperation with the Open Society Fund Prague foundation, organised a conference, with international participation, on the collection of data on equal opportunities in education. The common objective of the conference organisers was to launch an expert discussion on the possibility of collecting and using so-called data on equality in education in order to prevent discrimination against pupils. The conference was attended by representatives of the Ministry of Education, Youth and Sports, the Czech School Inspectorate, the Office of the Public Defender of Rights, the Office for Personal Data Protection, the Czech Statistical Office, the Institute for Research and Development of Education, GAC Ltd., representatives of the Roma minority, NGOs involved in the integration of physically disabled persons, Amnesty International Prague, the Ministry of Labour and Social Affairs, regional authorities and professional platforms dealing with the issue of inclusive education.

ARTICLE 4

Anti-discrimination legislation and its implementation

The Office of the Public Defender of Rights continues to enjoy public support and receives a substantial and growing number of complaints every year (8,202 in 2014, up from 6,339 in 2010).¹ The Advisory Committee notes, however, that the Ombudsperson's mandate remains limited as it does not allow the office-holder to initiate in court proceedings or to conduct investigations in individual cases. The competence of the Public Defender is limited to issuing non-binding recommendations to the authorities. Also, the Ombudsperson cannot monitor legislation or advise the authorities in the process of drafting legal acts. This significantly weakens the ability of the Public Defender of Rights to combat discrimination.

In response to the claim by the Advisory Committee that: *"The competence of the Public Defender is limited to issuing non-binding recommendations to the authorities."*, the Czech Republic comments as follows: The Public Defender does have the power to initiate legal proceedings, specifically since 2012 he has been authorised to lodge a petition to protect the public interest in accordance with Section 66 paragraph 3 of Act No. 150/2002 Coll., the Administrative Procedure Code, as amended. The Public Defender of Rights is also entitled to file a motion to the Constitutional Court of the CR to annul a sub-statutory law (Section 64 paragraph 2 (f) of Act No. 182/1993 Coll., on the Constitutional Court). The Public Defender of Rights may also have the status of an intervener in a series of proceedings held before the Constitutional Court (Section 69 paragraph 3 of the Act on the Constitutional Court). The Public Defender also has the power to intervene in the legislative process, when it is entitled to comment on draft legislation and may also submit to the Government recommendations for the issue, amendment or repeal of certain legislative regulations.

Recommendations

33. *The Advisory Committee calls on the authorities to continue to support and to co-operate with the Office of the Public Defender of Rights in order to allow it to carry out its role effectively, in particular as regards the enforcement of the Defender's recommendations.*

34. *The Advisory Committee further invites the authorities to consider expanding the powers of the Public Defender of Rights, in particular as regards the possibility of conducting its own investigations, and initiating court proceedings.*

The Defender already has powers to initiate and conduct investigations at her own initiative. The draft Act, amending Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, which underwent its 2nd reading on 13 April 2016 by the Chamber of Deputies provides that the Public Defender may delegate the power to bring an action against discrimination and could explicitly stipulate that private sector entities have an obligation to cooperate with the Public Defender (to provide information and explanations) in the area of equal treatment.²

Specific objective 9.2 d) of the Roma Integration Strategy is to extend the authority and to strengthen the capacity of the Public Defender of Rights as a body to ensure equal treatment and protection against discrimination.

38. *The Advisory Committee deplores in particular a systemic discrimination of Roma in the housing market, with many owners refusing to lease to Roma on account of their ethnicity, resulting in the vicious circle of "residential hostels" existing on the outskirts of many municipalities. These overpriced and substandard hostels, where whole families are crammed into a single small room, without adequate*

¹ See Annual Report for 2014 of the Public Defender of Rights, pg. 23. www.ochrance.cz/fileadmin/user_upload/zpraw_pro_poslaneckou_snemovnu/Reports/Annual_2014.pdf

² <http://www.psp.cz/sqw/historie.sqw?t=379&o=7>

sanitary facilities, are operated by private entrepreneurs and financed by municipal subsidies paid directly to the landlords. According to the authorities there are some 100,000 persons living in hostels of this nature. The location of such hostels, usually far from the town centres, compounded by inadequate transport facilities, increases segregation of Roma in marginalised communities, decreases prospects for employment and limits access to mainstream schools for Roma children. In this context, the Advisory Committee notes further with deep concern that according to media reports³ an amendment to the Act on Assistance in Cases of Material Need, which entered into force in May 2015, transferred the responsibility for deciding on applications for housing benefits from the Labour Offices to municipalities. Reportedly, many municipalities have begun using these new competencies and the number of rejected applications has increased substantially in recent months, threatening as many as 17,000 persons with evictions.

Although the legislation regarding the “consent of the municipality” to the grant of a housing supplement to people occupying hostels has been in effect since 1 May 2015, it has not resulted in any problems in practice. According to a statement by the Ministry of Interior, the municipality’s decision to approve or reject a housing supplement to persons occupying hostels is non-binding for the Czech Labour Office. The Czech Labour Office therefore looks upon a municipality’s decision to approve or reject this supplement as one of the important bases for its decision. Ultimately however, even if the municipality states that it will not grant its approval in the case of a particular individual, the Czech Labour Office may evaluate the overall situation and find that it is a case worthy of special consideration and grant the supplement because this particular individual has no alternative accommodation.

Despite this however, an amendment to the Act on Assistance in Cases of Material Need is currently being prepared in the Chamber of Deputies of the Parliament of the Czech Republic which proposes to repeal the provision on the “consent of the municipality”. Also because of the fact that even though this legislation has caused no problems in practice, it is unsustainable over the long term because it creates a situation where decisions taken on individual claims for social security on the part of the Government are subject to the consent of local government, which raises doubts out their constitutionality. The legislation referred to above also highlights deficiencies that are procedural and substantive in nature and is also difficult to apply within the limits of administrative law.

Recommendation

39. *The Advisory Committee has also learned with deep regret that ethnicity of Roma children placed in care institutions is recorded by the regional authorities, without consent of the children's parents or legal guardians, and has a discriminatory effect on the possibility of these children to find an alternative care family. In particular, the practice of arbitrary attribution of quasi-ethnic characteristic, such as "Roma", "half-Roma", "looking like a Roma" by Social workers responsible for child welfare are not acceptable and incompatible with the Framework Convention, and should be stopped.*

The Ministry of Labour and Social Affairs is attempting to eliminate practices such as recording the ethnicity of Roma children without the consent of their legal representatives or the arbitrary quasi-labelling of children as “Roma”, “half-Roma” or “looking like a Roma” during the process of arranging foster care.

In order to ensure equal access to social and legal protection, the Ministry has also standardised the provision of social and legal protection, which should help to prevent all forms of discrimination.

The aim of standardising the provision of social and legal protection for children is to ensure:

- a high-quality, efficient, transparent and non-discriminatory system of working with children at risk and their families;
- requirements for staff qualifications, operational and technical conditions for the provision of social and legal protection

³ See «Czech Labor Office says it cannot tell municipalities how to award housing benefits» www.romea.cz/en/news/czech/czech-labor-office-says-it-cannot-tell-municipalities-how-to-award-housing-benefits

- unified methods for work performed by social and legal child protection bodies across the Czech Republic.

The obligation to comply with quality standards for social and legal child protection arises from Act No. 359/1999 Coll., *on social and legal protection of children, as amended* (hereinafter referred to as Act No., 359/1999 Coll.) for all staff working in social and legal child protection organisations. Quality standards should also apply to workers in social and legal child protection organisations who are involved in the processes of arranging foster care at regional authorities. The system of operating, procedural and human resources standards by which they are bound is enshrined in Annex No. 1 to implementing Decree No. 473/2012 Coll. These are the absolute minimum standards with which a social and legal child protection agency must comply in order to guarantee equal access, quality and transparency of social and legal protection.

In connection with standardisation, social and legal child protection agencies must create and apply their own procedures and an internal guideline describing the work processes they follow when providing social and legal protection. These internal regulations must respect the principles of equal treatment and take account of the individual needs of each client. The regulations governing the provision of social and legal protection should also be published by the agency in a form that is comprehensible to the target group.

In January 2015, inspections began to be carried out, aimed at maintaining quality standards for social and legal protection. Inspections of social and legal child protection bodies at municipal authorities are carried out by the regional authorities, while the regional authorities are directly inspected by the Ministry of Labour and Social Affairs. These controls, together with the ongoing methodological guidance of regional authorities by the Ministry, should eliminate undesirable practices such as recording the ethnicity of Roma children without the consent of their legal representatives or the arbitrary quasi-labelling of children as “Roma”, “half-Roma” or “looking like a Roma”.

The Ministry also regularly organises quarterly methodological meetings for staff from regional authorities who are assigned to social and legal protection activities. The new information and guidelines the staff of the regional authorities obtain at these meetings they then pass on to staff of social and legal child protection departments at municipal authorities of municipalities with extended powers at methodological meetings. One of the topics of these meetings is the topic of equal access and non-discrimination when providing social and legal protection.

Application of the principles of equal treatment and non-discrimination with respect to the Roma

Recommendations

41. *The Advisory Committee strongly urges the authorities to make sustained and effective efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma, and to promote tolerance and anti-discriminatory attitudes throughout the population.*

The aim of the Roma Integration Strategy to 2020 (hereinafter referred to as the “Strategy”) is to ensure equal treatment of Roma and their protection against discrimination, while the specific objective is the compliance of legal regulations and their implementation with the prohibition of discrimination.⁴ The Minister for Human Rights will monitor both the legislative and non-legislative processes in the exercise of public power by the State and the activities of local authorities when exercising their independent and delegated powers in terms of compliance with the prohibition of discrimination, with specific focus on the situation of the Roma. The impact of Government policies on national and ethnic minorities, particularly the Roma, and other groups

⁴ See Roma Integration Strategy to 2020, Office of the Government of the CR, Prague 2015, pp. 71–76.

at risk of discrimination, will also be examined. The relevant data will also be collected, the case law of the judiciary will be evaluated in terms of discrimination and administrative decision-making in anti-discrimination cases, as well as other forms of control as required. The goal is to achieve a situation where none of the local or central government measures results in direct or indirect discrimination against Roma or other vulnerable groups.

Another specific objective is to provide assistance and protection to victims of discrimination. In order to achieve this, a system of free or affordable legal aid will be created, and will be spread throughout the country. At the same time, the level of court fees for anti-discrimination actions will be reduced to CZK 1,000. According to the Government's legislative timetable, both these measures are expected to be debated by the cabinet during the first half of 2016. The proposal for an Act to amend certain Acts with respect to the extension of state-guaranteed legal aid was submitted for the inter-ministerial comment procedure on 10 March 2016.

Finally, educational training courses in anti-discrimination law will be organised for judges, prosecutors, lawyers, registered mediators, civil servants and local government officials.

42. In general, Roma representatives should be closely involved in all projects and activities concerning them, such as those implemented in the framework of the Strategy for Combatting Social Exclusion 2011-2015 and the National Roma Integration Strategy 2014-2020 and others, particularly in the housing sector.

Roma are already active members of the Government's advisory bodies, particularly the Government Council for Roma Minority Affairs and the Government Council for National Minorities. The first-mentioned Council is a permanent advisory and initiating body for the Government in areas related to Roma integration. This body has the highest authority in the area and enables Roma to participate in the preparation and implementation of Roma integration policies. The Council is composed of equal number of ministers/deputy ministers and civil members, representing the Roma civil society and communities. The civil part of the Council consists of 18 Roma representatives, who actively work on Roma integration and related issues. Two committees also operate within the Council, the Committee for Cooperation with Local Government and a Monitoring Committee for the activities of the Agency for Social Inclusion. There are also a number of working groups: the Working Group on education, the Working Group on international cooperation, the Working Group on Compensation for Victims of the Holocaust and the Working Group of regional coordinators. Roma are active and irreplaceable members of all these bodies.

Active involvement of Roma must be intensified and the goal of the thirteenth chapter is therefore to promote Roma participation.⁵ The Minister for Human Rights and other ministers will regularly monitor the involvement of Roma in legislative, executive and advisory positions and greater representation of Roma men and women in all executive positions in the civil service will be continuously supported by all suitable means. Each year they carry out an analysis of Roma representation in these positions and organise informational and educational activities to inform them of the possibilities of applying for positions in the civil service. The aim is to increase the representation of members of the Roma minority in executive and legislative positions.

Another specific objective is to promote the creation of jobs in Roma civil society organisations, to enable them to meaningfully engage in dialogue and participate in the creation, implementation and monitoring of the process of Roma integration. An analysis will also be prepared of the possibilities of support for Roma civil society organisations and, following on from the completed analysis, a suitable method will be chosen to support Roma non-profit organisations in increasing the capacity of the strategic development of the Roma civil society and to promote dialogue with people living in excluded localities. Options for the wider involvement of Roma in the planning, creation and monitoring of measures funded from the

⁵ See Roma Integration Strategy to 2020 Office of the Government of the CR, Prague 2015, p. 88.

different operational programmes will also be analysed and systemic options for the involvement of Roma in areas where this has not previously been the case will be proposed.

43. *The Advisory Committee calls on the authorities to redouble their efforts to combat manifestations of intolerance, racism and xenophobia present in Czech society, to monitor the situation more effectively and to investigate and apply adequate sanctions when necessary.*

Safe coexistence is another of the Strategy's objectives, namely the protection of Roma against extremism and racially motivated crime.⁶ To this end, attention will be paid to anti-Gypsyism as a special form of racism and its manifestations during the formation and planning policy for the fight against extremism. The fulfilment indicator will be the number of papers dedicated to the phenomenon of anti-Gypsyism and the inclusion of the topic of anti-Gypsyism into papers focusing on the fight against extremism and hate violence. The result will be a reduction in hate speech against Roma.

The specific objective will be targeted at preventing criminality in excluded Roma localities and in relation to the Roma minority. Increased security for the Roma, particularly Roma living in excluded localities as a specially-vulnerable group of citizens will be the focus of conceptual material and the implementation of support measures to prevent criminality. The Crime Prevention Assistance programme will continue to be promoted and will be evaluated on an on-going basis, the number of Roma men and women involved in the programme will be increased and other options for cooperation with the Police of the Czech Republic and municipal police forces will be sought in order to increase security. The potential of the Working Group for Security in the Government Council for Roma Minority Affairs will be used in the area of security and its input on improving methods to enforce rights will be regularly submitted to the Government.

Allegations concerning the sterilisation of Roma women without their prior free and informed consent

Recommendation

46. *The Advisory Committee urges the authorities to compensate without further delay all victims of sterilisation without free and informed consent. The authorities should ensure that relevant legal provisions on prior informed consent are adhered to at all times.*

In 2009 the Government expressed its regret over individual failures which occurred when sterilisations were carried out in violation of the applicable legislation and subsequently took steps to ensure that such conduct would never again occur in the future. Victims have been able, and are still able, to apply to the courts to claim compensation for non-pecuniary damage. A three-year limitation clause applies to such cases. However, the plaintiff can raise an objection to its application and the courts have repeatedly acknowledged such an objection. In September 2015, the Government confirmed that legal action against a medical establishment provides an adequate remedy and decided not to introduce extra-judicial compensation for the reasons given by the Prime Minister in his letter to the Council of Europe's Commissioner for Human Rights.⁷ Given that the option of applying to the court with a claim for compensation for non-pecuniary damage has proved to be an effective remedy, the Government considers that the Czech Republic's international obligations in this matter have been fulfilled in full (hence only extra-judicial compensation *ex gratia* was considered).

⁶ See Roma Integration Strategy to 2020, Office of the Government of the CR, Prague 2015, pp. 78-79.

⁷ <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2859787&SecMode=1&DocId=2340688&Usage=2>

ARTICLE 5

Support for the cultural activities of persons belonging to national minorities

The main body responsible for implementing cultural policy is the Ministry of Culture. The three programmes which have been developed to support cultural activities are: the Programme of Support for Disseminating and Receiving Information in Languages of National Minorities – support for periodical press, radio and television broadcasting, Programme of Support for Cultural Activities of National Minority Members - support for artistic, cultural and educational activities, research and analysis of national culture and folk traditions, documentation of national cultures, editorial activity, and multi-ethnic cultural events aiming to combat intolerance and xenophobia, and the Programme of Support for the Roma Community Integration which focuses on creating equal conditions for members of the Roma community, especially support for Social and cultural activities carried out by Roma community organisations.⁸

This is a programme to support the integration of members of the Roma minority and can cover artistic, cultural and educational activities, expert studies extending knowledge and promoting research of Roma culture, traditions and history, the documentation of Roma culture, editorial activities (non-periodical publications), cultural events aims at combating negative manifestations of extremism, racial and ethnic intolerance and xenophobia.

Recommendation

50. *The Museum of Roma Culture in Brno and the Jewish Museum in Prague, subsidised by the Ministry of Culture provide invaluable information on the history, traditions and culture of the Roma and Jews respectively and serve as a focal point for cultural and awareness-raising projects reaching a wide audience, beyond the minorities concerned. The Ministry of Culture also supports Terezín Memorial, which carries out research and educational activities on the Holocaust. The Advisory Committee is pleased to note that, in 2014, the Ministry provided funding to purchase a suitable building in Jevišovka which will house a Croat museum dedicated to preserve the culture of Croats in southern Moravia.*

In terms of updating information, it should be noted that in 2014 the Ministry of Culture (Department for the protection of movable cultural heritage, museums and galleries) provided the Museum of Roma Culture with targeted funding amounting to CZK 120,000 for two cultural activities involving projects relating to the Roma minority and in 2015 awarded it funding amounting to CZK 280,000 for a total of three cultural activities in this area. The Department therefore significantly increased the funding for these activities.

In accordance with Government Resolution No. 847 of 15 October 2014, point II. 1.1, which required the Ministry of Finance, on the basis of a request by the Ministry of Culture, to transfer funds from the *General Treasury Administration* chapter to the Ministry of Culture budget to provide a grant to the *Association of Croats in the Czech Republic* for part of the first stage of reconstruction of the *Museum of Moravian Croats* in the municipality of Jevišovka, and in 2015 expenditure from Chapter 334 – of the Ministry of Culture budget was increased by CZK 8 million to complete the second part of the first stage of this project. In 2014, on the basis of the abovementioned Resolution, the Ministry of Finance transferred funds to support the reconstruction of the Museum of Moravian Croats in Jevišovka from the General Treasury Administration chapter to the budget chapter of the Ministry of Culture (grant programme 134-D210 Support for the reproduction of property held by regional cultural facilities). The sum involved was CZK 8,351,710.⁹

⁸ See the Council of Europe/ERICarts, *Compendium of Cultural Policies and Trends in Europe*, 17th edition, 2015. www.culturalpolicies.net/web/countries-profiles-download.php

⁹ <http://www.vlada.cz/cz/ppov/mmm/aktuality/prevod-financnich-prostredku-na-podporu-rekonstrukce-muzea-moravskych-chorvatu-v-jevisevce-123529/>

The subject-matter of the project is to build a museum and center for Moravian Croats. It is intended to document their history, among other things, and to provide the necessary support for those interested in this issue. The general public will have access to a specialised library. Given the complexity of its implementation, the project has been divided into two separate stages. Total costs should amount to around CZK 24,986,233, which are allocated to Ministry of Culture budget chapter 334 for the implementation of the aforementioned project under the sub-programme referred to above.¹⁰

Recommendation

51. According to the State Report, funding for cultural projects has been decreasing every year in the period under consideration (2009 - 2013) and amounted to 6,3 million Kč¹¹ in 2013 (latest available figures). While noting that state funding is substantially supplemented at the regional and municipal levels, the Advisory Committee regrets this trend which has also been deplored by the representatives of national minorities. In this context, the Advisory Committee notes that various interlocutors raised concern, not only about the scarcity of funds, but also about the procedure according to which the budgets are allocated on an annual basis which does not allow the organisations of national minorities to draw up long-term plans. The Advisory Committee agrees with many of its interlocutors that moving towards pluri-annual budgetary plans would resolve this issue. In addition, the fact that subsidies are paid upon presentation of proof of expenditure creates difficulties in particular for small organisations which find it difficult to advance the necessary financial resources.

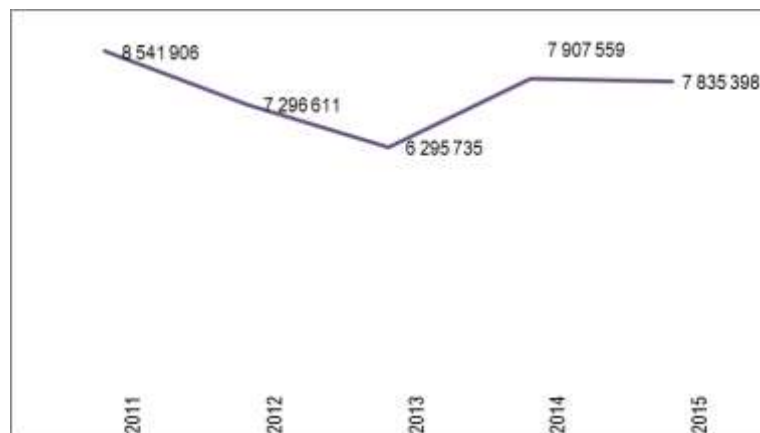
The allocation of funding for any subsequent calendar year to the grant beneficiary, who applies for financial support every year, is dependent on timely submission and correct accounting – in accordance with the applicable legislation in the CR. Discussions are taking place regarding the possibility of pluri-annual financing.

Recommendation

52. The Advisory Committee calls on the authorities to pursue and strengthen their efforts to provide adequate financial support, in particular by making it more accessible to national minorities, including the numerically smaller ones, for their cultural initiatives and museums.

In its two grant programmes, the Ministry of Culture has stabilised the total level of subsidies for national minority organisations, as can be seen in the graphs:

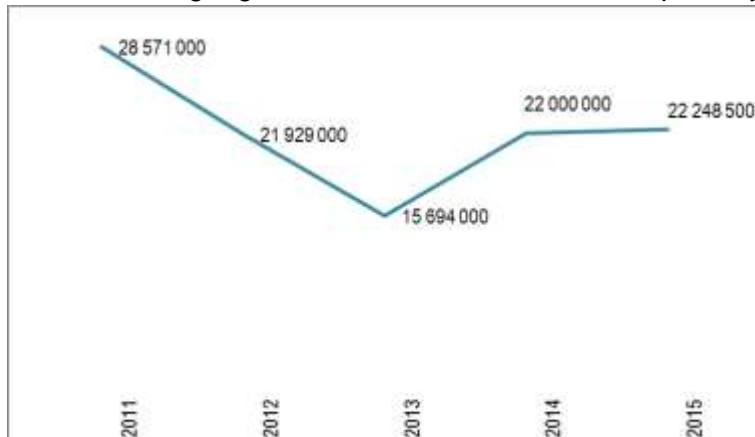
Graph 1 Grants for the cultural activity support programme for the past 5 years



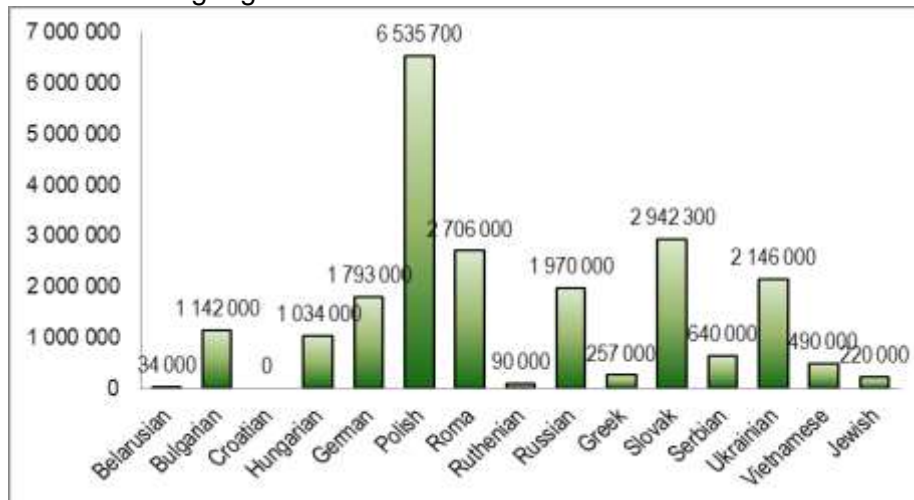
¹⁰ Para 50 of the Opinion states that in 2014 the ministry (meaning the Ministry of Culture) provided funding for the purchase of a suitable building in Jevišovka, where the Croatian museum will be located. In fact, the Croatian House in Jevišovka was purchased by the Government of the Croatian Republic in 2008. The Czech Republic made a significant contribution through the Ministry of Culture to the reconstruction of the building and the establishment of the Croatian museum.

¹¹ The average exchange rate in 2013-2014 of the Czech Crown to the Euro was approximately 26,5 Kč to 1 €.

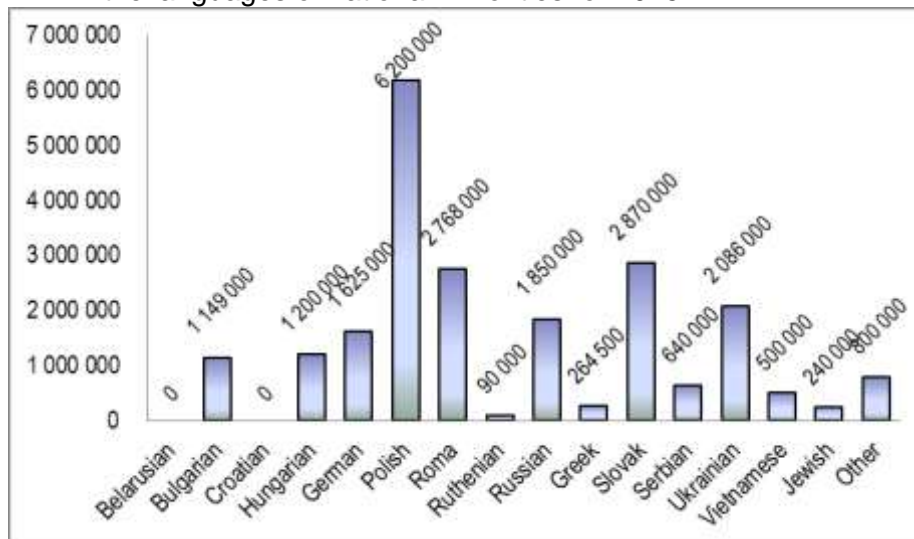
Graph 2 Grants for the programme to support the acquisition and dissemination of information in the languages of national minorities for the past 5 years



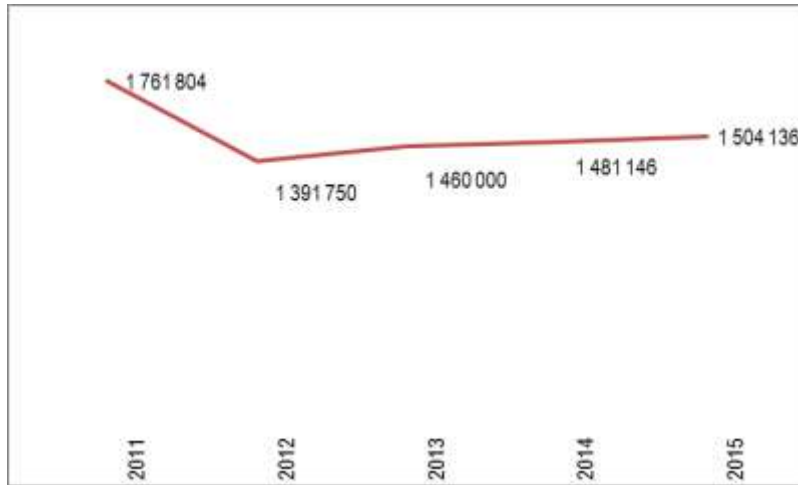
Graph 3 Grants for the programme to support the acquisition and dissemination of information in the languages of national minorities for 2014



Graph 4 Grants for the programme to support the acquisition and dissemination of information in the languages of national minorities for 2015



Graph 5 Grants for the programme to support the integration of the Roma minority for the past 5 years



ARTICLE 6

Tolerance and intercultural dialogue

Recommendations

55. *The Advisory Committee urges the authorities to condemn systematically and in a timely fashion all instances of anti-Roma and anti-immigrant rhetoric in public discourse, particularly in the political arena and in the media, in the spirit of Recommendation N° R (97) 20 of the Committee of Ministers to member states on "Hate Speech".*

56. *The Advisory Committee further calls on the authorities to intensify their efforts to promote respect and intercultural understanding among the different groups in society overall, including through comprehensive measures that target the majority population.*

57. *Urgent steps need to be taken by the authorities to combat stereotypes and prejudice in political discourse and to promote tolerance and inter-cultural dialogue throughout society as a whole. It is essential that specific targeted measures such as awareness-raising campaigns involving, among others, the media, be implemented without delay to counteract the mounting anti-Gypsyism and xenophobia in society which has a direct negative impact on the access to rights.*

At this point we will inform you of the following projects (Office of the Government, Ministry of Interior):

- Strategy

One of the Strategy's specific objectives is a tolerant society respecting its diversity and enabling the development of all its components.¹² To this end, the relevant guarantors will continue to educate pupils and students to accept greater tolerance and diversity, the number of courses and teaching modules to familiarise pupils with issues such as tolerance of differences and the lives of minority communities will be monitored. At the same time, the theme of education to encourage tolerance and equal treatment is highlighted in individual subjects such as civics, social sciences, etc. Certain standards will be introduced for information on minorities, recommendations and the provisions of codes of ethics etc. will be applied. This objective also covers the organisation of public campaigns and seminars against hate and to promote broadmindedness and tolerance to encourage particularly young people to be accepting and open to minorities and differences and to prepare them to live in today's global society.¹³ Society's increased tolerance towards minorities and otherness and its readiness for their successful integration will be monitored through public opinion polls.

Intensive cooperation will also be initiated with the media to create a tolerant society, which respects equal rights for all, where the indicator will be the number of meetings with media representatives, or the number of thematic meetings with Governmental advisory bodies and the number of programmes focusing on objective information on the status of minorities in society, which provide sufficient information on their lives.

- Fight against extremism strategy for 2015

The fight against extremism strategy for 2015 was approved on 21 May 2015 by Government Resolution No. 389. It proposed a wide range of measures related to anti-Gypsyism. We can mention, for example, a measure falling under the communication strategy of the Ministry of

¹² See Roma Integration Strategy to 2020, Office of the Government of the CR, Prague 2015, p. 74.

¹³ eg. www.hatefree.cz

Interior and the Police of the CR (accurate information on ethnicity), to combat hateful content on the Internet, educational and awareness activities, crime prevention activities related to socially excluded localities, training courses for criminal justice agencies and tasks related to providing assistance to victims of crimes of an extremist nature. It should be noted that anti-Gypsy speeches by extremists tended to be on the decline in 2015. They were replaced by speeches against Islam or against immigrants. Despite this, the updated Fight against extremism strategy for 2016 will continue to emphasise the topic of anti-Gypsyism, because we cannot rule out the possibility of right-wing extremists or populists resuming their attacks.

- Strategy for the work of the Police of the CR in relation to minorities

In accordance with the *Strategy for the work of the Police of the CR in relation to minorities for the period from 2013-2014*, a project entitled *Introducing specialised police officers to police minority groups of Roma in socially excluded localities*, was launched in 2014 under the management of the Public Order Police Directorate of the Police Presidium of the CR. The project responds to the need to address current security risks in socially excluded localities (ranging from real threats from organised crime, through petty crime to the serious risk of a growth in xenophobia, extremist activities and manifestations of racism, anti-Gypsyism, etc.). The expected outcomes of the project include an improvement in the quality and effectiveness of police work in socially excluded localities, increased powers for police to work with minorities (primarily with the Roma minority) and improved conditions for preventing and combating specific crimes linked to socially excluded localities. The project will run until 2016.

- Programme to prevent criminality and extremism

Since 2009 the Ministry of Interior has been running a specific *Programme to prevent criminality and extremism - Dawn*, which applies a partnership, multi-disciplinary approach and a combination of support, preventative, educational and repressive measures. The main sub-project implemented under the above-mentioned programme is the ongoing Crime Prevention Assistant (APK) project, which attempts both to employ and educate people from socially excluded localities and also to improve the security situation. An APK is an employee assigned to the municipal police pursuant to Act No. 553/1991 Coll., on the municipal police, as amended (not a police officer or a trainee). They participate in preventing crime in the municipality, contribute to the protection and safety of persons and property, prevent possible illegal conduct through their presence and, in particular, through their abilities to communicate, act as mediators for possible neighbourly disputes, check that public spaces are kept clean and generally assist other residents of socially excluded localities. They work under the supervision of a specific police officer who acts as mentor and with whom they are in close contact. Individual PCR police stations in the relevant areas have contributed to the success of this project, particularly in the Ústí, Moravia-Silesia, Karlovy Vary, South Bohemia, Pardubice and Hradec Králové regions.

- Crime Prevention Assistant

In 2013 148 assistants from 67 municipalities participated in the project, (now in 17 municipalities). In 2014 the APK project was implemented in a total of 53 municipalities, in which a total of 170 assistants were employed by the municipal or city police or by the municipality. One mentor position was created in each municipality – a municipal police officer – who assigns tasks to the assistants, monitors their performance, and assists them in carrying out the tasks and in dealing with problems. In places where there is no municipal police force, the Police of the CR or the municipal police from a neighbouring town will provide a mentor. The Police of the CR work with the assistants and their mentors in the relevant localities. The project has been highly praised, has increased the level of security and maintained public order and has

motivated the long-term unemployed. In 2015 extensive “Guidelines for the selection, preparation and activities of Crime Prevention Assistants” were drafted, a concise form of which is published on the ministry’s website.¹⁴

Memorial site at Lety

Recommendation

59. *The Advisory Committee reiterates its call on the authorities to remove the pig farm as a matter of priority from the site of the former concentration camp at Lety.*¹⁵

One of the goals of the Strategy is also to preserve a permanent and dignified memory of the Roma Holocaust victims at Lety, Písek.¹⁶ Regarding this, the Government has pledged to take measures which would lead to the closure of the pig farm in the immediate vicinity of the memorial site. An amendment should be made to Government Resolution No. 158 of 2 March 2011 amending Government Resolution No. 589 of 4 May 2009, to modify the use of memorial sites at Lety, Písek.

All previous efforts to close the pig farm, or to purchase the site have been thwarted due to the high financial costs and the potential loss of jobs by a large number of the farm workers. Despite this, consultations are taking place at the level of the Minister for Human Rights, Equal Opportunities and Legislation and the Minister of Culture with representatives of AGPI Ltd. on the options for closing the pig farm.

Efforts to combat hostility or violence on ethnic or racial grounds

65. *The Advisory Committee calls on the authorities to ensure that more vigorous, speedy and effective action be taken to prevent, investigate and prosecute offences committed with racial or xenophobic motives, and to provide for constant monitoring of this phenomenon within the society.*

Within the framework of training for the judiciary, the Judicial Academy has prepared special seminars for judges, prosecutors, as well as other persons involved in the judiciary (such as trainees and assistants), on the specific topics, Introduction to Roma Studies, (which has been organised on several occasions in Prague and in Brno), Extremism and Hate Crimes. These should help to raise awareness of both the target group, national minorities, and also of the nature of extremist activities. They should also contribute to effective and timely punishments for the above-mentioned crimes.

¹⁴ <http://www.mvcr.cz/clanek/metodika-vvberu-pripravv-a-cinnosti-asistentu-prevence-kriminality.aspx>.

¹⁵ In the Czech Republic, „former Gypsy camp“ has been used as a historically accurate term for the camp at Lety.

¹⁶ See Roma Integration Strategy to 2020, Office of the Government of the CR, Prague 2015, p. 39.

ARTICLE 9

Access of persons belonging to national minorities to the media

Recommendations

74. *The Advisory Committee asks the authorities to continue supporting radio and television broadcasting programmes by, for and about national minorities, and in their languages. The authorities are invited to reconsider the criteria used for disbursement of grants to meet the demands of the digital age.*

The grant programme depends on the options available within the given legal framework and these currently only allow for support for standard forms of television or radio broadcast. There has been no demand for digital media from the national minorities.

75. *The authorities should also ensure that national minorities are regularly consulted and encouraged to take an active role in producing programmes destined for them through the recruitment of journalists belonging to national minorities into staff of radio and TV stations broadcasting programmes on minorities, especially in those regions where persons belonging to national minorities live in substantial numbers.*

See also the comments to point 52. In 2014 and 2015 the grant programme to support the reception and dissemination of information in national minority languages was expanded to a value of CZK 22,000,000, and 23 and 24 projects received support in these years. Most print media outlets are also in internet form and available on the project managers' websites. Under this programme, media projects were also supported. In both years the Slovak Mosaic (Slovenská mozaika) project received support, this is a radio programme in Slovak, with 48 premieres and reruns, 4x11 minutes each month, broadcast by Radio ZET. Programmes can subsequently be retrieved from the radio archives and the www.bonafide.cz association. In 2015 funding was provided for the creation of short programmes on personalities from national minorities, produced by CZ Regional Television, which also broadcasts the programmes. 6 15-minute programmes have been produced and they can be accessed on the internet after their broadcast.¹⁷

During 2015 intensive negotiations took place between the Working Group for national minority broadcasts (a Council advisory board) with representatives from Czech Radio (Český rozhlas). The initiative for this came from the Deputy Chairman of the Council to the Director-Generals of Czech Television and Czech Radio in a letter inviting the public media to take a more active approach towards national minorities. The Working Group held a total of five meetings on this issue in 2015.

The outcome from these meetings is the new broadcasting schedule for Czech Radio. On 2 November 2015 broadcasts of a new programme entitled *Among Us (Mezi námi)* were launched on the ČRo Plus station targeting ten national minorities living in the Czech Republic (Belarussian, Bulgarian, Croatian, Serbian – and other minorities from the former Yugoslavia, Hungarian, Ruthenian, Russian, Greek, Ukrainian and Vietnamese). A new element in the preparation of this programme is the cooperation between selected representatives of national minorities and Czech Radio journalists. The working network of professionally trained contact people from the national minorities provides the journalists with current information on the life of these minorities and new programming ideas. Czech Radio regularly broadcasts the following national minority programmes:

¹⁷ www.regionalnitemlevize.cz

Tab. 1 National minority programmes on ČRo in 2015

- **Slovak:**

STRETNUTIE (A news, current affairs and socio-cultural magazine in Slovak)	
	<p>Once a week (Sundays from 20:05.)</p> <p>Length 55 minutes</p> <p>ČRo Radiožurnál</p> <p>Broadcast (since April 1993) not only for Slovak citizens, but for all those who do not want to lose contact with Slovakia and the Slovak language. It provides information on what is happening in Slovakia. It introduces Czech Slovaks, experts in various professions and adopts positions on everyday events in the Czech Republic.</p>
http://www.rozhlas.cz/radiozurnal/porady/_porad/137	

- **Polish:**

WYDARZENIA (A news, current affairs and socio-cultural magazine in Polish)	
	<p>Daily on working days (from 19:04.)</p> <p>Length 26 minutes</p> <p>ČRo Ostrava</p> <p>Current affairs in Polish; news on organisations, institutions and citizens belonging to the Polish minority in the CR. It reports news and coverage of current events, speaks Polish with and about Poles, provides information on Polish regional history, literature, events taking place in the CR and in Poland, particularly in Těšín Silesia.</p>
http://www.rozhlas.cz/ostrava/porady/_porad/101184	

- **German:**

NEIGHBOURS (SOUSEDÉ) (Current affairs and socio-cultural magazine in Czech and German)	
	<p>Once a week (Fridays from 19:45.)</p> <p>Length 15 minutes</p> <p>ČRo Rádio Vašeho Kraje – Sever</p> <p>Magazine for the German minority in the CR and those interested in Czech Germans, the German language and Czech-German relations. Interviews with representatives of the German minority, reports on their current situation and past history, news, invitations for cultural and social events. Originally in Czech and German, but lately there is less German input.</p>
http://www.rozhlas.cz/kraje/sousedede	

- **Romani:**

O ROMA VAKEREN (Roma talks; news and current affairs magazine for Roma, broadcast in Romani and Czech)	
	Once a week (Saturdays from 20:05.) Length 55 minutes ČRo Radiožurnál
	Broadcast on Roma for Roma, as well as for the general public, information on the life of Roma living in the CR and abroad. It is the only radio broadcast for the Roma minority, on the coexistence of the Roma and the majority population, providing up-to-date information on the most important issues that have a direct impact on the Roma community.
http://www.rozhlas.cz/radiozurnal/porady/_porad/114	

- **Other minority languages / minorities**

AMONG US (MEZI NÁMI) (News, current affairs and socio-cultural magazine)	
	Once a week (Saturdays at 15:10.) Length 20 minutes ČRo Plus
	A programme on national minorities in the CR, providing information on exceptional personalities, their cultural traditions and the activities of their associations. The programme does not only present associations and personalities, but reports on exhibitions, signings, concerts, festivals, interesting get-togethers and festivals organised by the different minority groups.
http://www.rozhlas.cz/plus/porady/_porad/101655	

- **Other related programmes**

WE AND THEM (MY A ONI) (News, current affairs and socio-cultural magazine in Czech)	
	Once a week (Saturdays at 19:45.) Length 15 minutes ČRo Rádio Vašeho Kraje
	A programme that gives a picture of the coexistence of foreigners with Czechs in the form of interviews and reports. Reports on the activities of civil societies dealing with the problem of migration and the cultural integration of people who come from elsewhere. The programme won first prize from the United Nations High Commissioner for Refugees (UNHCR) in the journalism competition Refugee Story (Příběh uprchlíka).
http://www.rozhlas.cz/kraje/porady/_porad/101666	

Discussions on a more active approach to public service broadcasting for national minorities have also taken place with Czech Television. To date, two debates between the Working Group for National Minority Broadcasts and statutory representatives of Czech Television have resulted in a promise to create a new information programme for national minorities. This should be a current affairs magazine 26 minutes long, to be broadcast once a month on ČT 2, during prime time at weekends after 7 p.m.. The programme should consist of five main sections (a summary of the news during the previous month from the perspective of national minorities; a presentation of a specific national minority in connection with previous cultural events; information on a specific topical issue; information about holidays celebrated by the different minority communities; information on planned minority events). Discussions on these issues are currently being held with the top management of Czech Television. The broadcasts should begin towards September this year.

In addition to this change in the approach adopted by the management of Czech Television, we have also managed to change the broadcasting schedule for the regular weekly regional news programme from Ostrava, where news is also broadcast in Polish. The initial programme will now be broadcast on Sundays, from 6 p.m.

ARTICLE 10

The use of minority languages in dealings with administrative authorities

76. *The Advisory Committee notes that in principle persons belonging to national minorities have the right to address local administrative authorities in their minority language. It notes, however, with regret that in practice it is only in the municipalities where committees for national minorities have been established that this right is implemented, and in a very limited scope. In fact, in such municipalities, the municipal authority (mayor) is only obliged to publish regulations which affect the rights of persons belonging to national minorities in the language of the national minority concerned (in addition to the Czech language). In this context, the Advisory Committee welcomes amendments to the Municipalities Act adopted in 2012 which simplified the procedure for establishing committees for national minorities and introduced the rule that the 10% threshold of the proportion of persons belonging to national minorities within the whole municipal population triggering the obligation to set up such a committee, needs to be attained by all national minorities cumulatively and not by one minority as before.*

77. *The Advisory Committee regrets that, according to information provided by the Government Council for National Minorities, following the release of the census data gathered in 2011, and given the general decrease in the number of persons declaring their ethnic affiliation, the number of municipalities required by law to establish committees for national minorities has decreased to 51 (as compared to 283 municipalities meeting the threshold prior to the census). This situation is particularly worrisome given that thresholds are only based on the census results. The Advisory Committee regrets again the lack of information on the practical implementation of the right to use minority languages in dealings with administrative authorities even in such municipalities where the committees for national minorities have been established.*

Recommendations

78. *The Advisory Committee asks the authorities again to review the legislation, policies and any other measure related to the practical situation of the use of minority languages in relations with administrative authorities.*

79. *The authorities are urged in particular to ensure that the right to use a minority language in relations with administrative authorities be respected in all municipalities where the law is applicable. In particular, the Advisory Committee encourages the authorities to pursue a flexible and pragmatic approach with regard to the application of the law and not to exclusively rely on the census. Close consultations with representatives of all national minorities should be maintained to regularly establish the existing demands and needs pertaining to the use of national minority languages in dealings with administrative authorities.*

Czech citizens belonging to a national minority which has had a long tradition of living on the territory of the Czech Republic have the right to make submissions and to deal with administrative authorities in the language of that national minority. If the administrative authority does not have an official who speaks the language of the national minority, it must procure for the citizen an interpreter registered in the list of interpreters. In this case, the cost of the interpreter and the cost of procuring a translation are borne by the administrative authority. (See Section 16 paragraph 4 of the Administrative Code.) Members of these specific national minorities may exercise this right anywhere in the country, regardless of whether a certain number of people claiming a nationality other than Czech live in the municipality, or whether there is a committee for national minorities at that location. The options for members of national minorities with Czech citizenship to deal with administrative authorities in their minority language are therefore much broader than indicated by the Advisory Committee.

Members of national minorities also have similar rights in other types of official action – particularly in proceedings before the courts (see for example Section 18 of Act No. 99/1963 Coll., the Civil Procedure Code, Section 33 paragraph 1 of Act No. 182/1993 Coll., on the Constitutional Court, etc.). Somewhat different provisions apply to criminal proceedings (Section 12 paragraph 4 of Act No. 141/1961 Coll., the Code of Criminal Procedure). This provision applies to the entire territory of the CR, not only to a selected municipality.

The use of national minority languages is also addressed by Act No. 280/2009 Coll., the Tax Code, as amended, which was submitted by the Ministry of Finance. Section 76 paragraph 4 of the Act states that “A citizen of the Czech Republic who belongs to a national minority which has traditionally and historically lived on the territory of the Czech Republic has the right to make submissions and to deal with the tax administration in the language of his/her national minority. If the tax administration does not have an official who speaks the language of the national minority, it must procure for this citizen an interpreter registered in the list of interpreters. In this case, the cost of the interpreter and the costs of procuring a translation are borne by the tax administration”.

The standardisation of social and legal protection has helped to fulfil the rights of members of national minorities to use minority languages. In this regard, agencies involved in social and legal protection of children should respect the unique and specific needs of each client. In accordance with the requirements of Act No. 359/1999 Coll., agencies for the social and legal protection of children should also ensure social and legal protection for clients whose specific needs may arise from their membership of a national minority. Employees of these agencies should be prepared to communicate with people with special needs and should also work together with external suppliers to enable them to communicate with clients who speak a language other than Czech (i.e. providers of translation and interpreting services).

ARTICLE 11

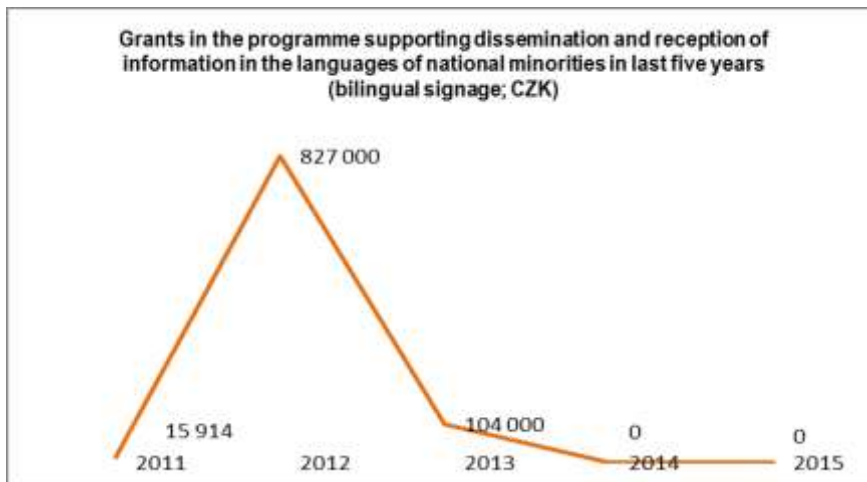
Bilingual signs and place-names

Recommendations

86. *The Advisory Committee invites the authorities to continue to encourage local authorities in those districts where the right to display bilingual signs and indications of place-names is not implemented in practice, to take measures in order to ensure that the provisions of Article 11, paragraph 3 of the Framework Convention are effectively implemented.*

Since 2007, the grant programme to Support the Implementation of the European Charter for Regional or Minority Languages has focused on supporting project activities associated with the German, Polish (the Těšín dialect as its regional variant), Romani and Slovak languages. In 2014, the Croatian spoken by the Moravian Croats was also approved as a language targeted by the grant programme.¹⁸ One of the three thematic areas is the Support for the use of traditional and correct forms of local place names in minority languages. As can be seen from the graph, the requirements for this theme (area) have been almost completely fulfilled:

Graph 6 Grant programme to support the implementation of the Charter (bilingual signs)



The Government bill on municipalities also amends provisions regulating that the names of municipalities, their parts, streets and other public spaces and signs on the buildings of state and local government authorities be in the language of the national minority:

Section 29 paragraph 2 of the Act on Municipalities states:

“Where a municipality is inhabited by national minorities, the name of the municipality, its parts, streets and other public places, and the labelling of the buildings of state authorities and territorial self-governing units shall also be stated in the language of the national minority on condition that at least 10% of the citizens of the municipality declared themselves members of this nationality during the last of the last two censuses, provided this is requested by representatives of the relevant national minority through the committee for the national minority

¹⁸ Council debate on 20 May 2014 (Resolution No. 146) with effect from 1 January 2015. This was supported by the Council of Experts of the Council of Europe for the European Charter for Regional or Minority Languages, which recommended that the Czech Republic increase its support for Croatian in its statement on the Second Monitoring Report on the fulfilment of commitments arising from the Charter.

(Section 117 paragraph 3) and provided it recommends this proposal in its resolution, or if this is requested in writing by an association which, according to its statutes, represents the interests of the relevant national minority^{4a*} and which, on the date of submission of the application has been active on the territory of the municipality for at least 5 years.”

^{4a} Section 5 of Act No. 273/2001 Coll., on the rights of members of national minorities and on amendments to certain Acts. Section 214 of the Civil Code.

The Explanatory Memorandum states that the proposed amendments modify the conditions for labelling a municipality, its parts, streets and other public places and for labelling the buildings of state authorities and territorial self-governing units in the language of the national minority on the basis of practical experience. Until now municipalities have only been obliged to provide names in the language of the national minority in response to a recommendation from the national minority committee on the basis of an application by representatives of the relevant national minority. The new provision will also impose this obligation on a municipality on the basis of a written request by an association which represents the interests of the relevant national minority and which, on the date of submission of the application has been active on the territory of the municipality for at least 5 years. The fundamental condition is obviously maintained in both cases, that at least 10% of the inhabitants of the municipality declare themselves members of the given nationality. However, this condition must now be met after two previous censuses.

As has been the case to date in relation to the recommendation from the national minority committee, it will continue to be the case as regards the application from an association that the municipality is obliged to display names in the language of the national minority in order to meet all the additional conditions arising from Section 29 paragraph 2 of the Act on municipalities [it is therefore not the authority that decides to display names in the language of the national minority pursuant to Section 84 paragraph 2 (r) of the Municipal Order because it is not a decision on a name, but simply the displaying of an already existing name in the language of the national minority]. Should the municipality fail to comply with the committee's request, the committee may submit a request to verify the exercise of independent powers to the Ministry of Interior in accordance with the Municipal Order.

An association that submits an application must meet two conditions: it must represent the interests of the national minority and it must have been active on the territory of the municipality for at least 5 years. *The first condition* may be met if the statutes of the association state that it represents the interests of the national minority in whose language the signs are to be displayed, in other words in the language of a national minority which represents at least 10% of the population of the municipality, as recorded in the previous two municipal censuses. The statutes may state directly that the given association represents the interests of the given national minority, but they may also state this in more general terms in the case of an association that deals with general issues concerning national minorities. However, in this case the association will have to show that its activities demonstrably and factually deal with the relevant national minority. It is also essential that the association has represented the interests of the national minority for the entirety of the statutory period (5 years) of its required activity in the municipality. *The second condition*, its operation on the territory of the municipality for at least 5 years, must be met continually prior to the submission of the application (obviously the period before this amendment entered into force can also be counted). However, it will not be necessary for the association to have its registered office on the territory of the municipality, provided it has a branch there, or provided it actually carries out a certain activity on the territory of the municipality. At the same time, its “activities” on the territory of the municipality must relate to national minorities (the aforementioned condition will not be deemed to have been met if the association has been active on the territory of the municipality for more than 5 years, but has only addressed issues concerning national minorities for a shorter period). This activity must be real, and not merely formal; the association must prove that it does carry out activities on the territory of the

municipality that support national minorities. This also means that *the first condition*, representing the interests of a national minority, must also be met for the entire statutory period (this will prevent situations where an association's statutes are deliberately altered).

A written application will be submitted on behalf of the association by the person authorised to act on its behalf in external relations. Because this is not a submission pursuant to the Code of Administrative Procedure, the application will not be dealt with in administrative proceedings or by the procedure set out in Part Four of the Code of Administrative Procedure. The practical experience of the Government Council for National Minorities was needed for these changes because, according to its findings (see the Report on the Situation of National Minorities in the Czech Republic for 2008, approved by Resolution No. 845, dated 29 June 2009) national minority committees do not always approve applications by representatives of the relevant national minority, even though they have no legitimate reasons for this rejection. The amendment is intended to respond to these situations by introducing the possibility of a direct application by the association. However, the conditions still remain such that a request by representatives of a national minority, submitted by the national minority committee, will continue to be the main method of promoting multilingual place names and the submission of a "qualified" application by an association will be an exceptional solution in cases where the committee fails to fulfil its role of representing the interests of the national minority. The requirement that the association represent the interests of a national minority (for the entire statutory five-year period of its activity in the municipality) and also that it continue to be active on the territory of the municipality after this period is intended to prevent the *ad hoc* establishment of associations simply in order to promote multi-lingual place names.

Both the conditions referred to above should therefore ensure that only an association well-established in the municipality can promote multi-lingual place names.

The bill also contains new restrictions, limiting the compulsory naming of streets in the language of the national minority to places where at least 10% of the population have declared themselves members of the national minority at the previous *two* censuses. This emphasises the fact that only minorities that have been established in a given municipality (on a given territory) for a long period are entitled to label the streets in the language of that national minority. This condition must be met both in the case of an application by an association representing the interests of a national minority and also in the case of a request (initiative) by a national minority committee.

The Act was published in the Official Gazette on 6 April 2016 as Act No. 106/2016 Coll., amending Act No. 128/2000 Coll., on municipalities (the Municipal Order), as amended, Act No. 129/2000 Coll., on regions (the Regional Order), as amended, Act No. 131/2000 Coll., on the Capital City of Prague, as amended, and Act No. 256/2013 Coll., on Land Registry (the Cadastral Act); it will enter into force on 1 July 2016.

ARTICLE 12

Intercultural dimension of education

Recommendations

89. *The Advisory Committee encourages the Czech authorities to continue their efforts to develop civic and intercultural contents in textbooks and curricula and to ensure that history teaching contains adequate coverage of the 20th century.*

The educational area Man and Society in the Framework Educational Programme for basic education contains an educational field entitled History and one entitled Citizenship Education. The Ministry of Education, Youth and Sports supports the development of activities announced in grant and development programmes in these fields. These are programmes: to promote the activities of NGOs working in the area of pre-school, basic, secondary and basic art education and the experimental verification of systemic support for civic education at schools. The Ministry continuously updates its Recommendation for the teaching of 20th century history.

Equal access to education, the situation of the Roma

96. *The Advisory Committee urges the authorities to ensure access to pre-school facilities for all Roma children and guarantee that the curriculum in such kindergartens correspond to the diverse needs and multi-lingual composition of the groups concerned.*

Until 2023 all pupils will be taught using a single curriculum. The Annex to the Framework Educational Programme for basic education, regulating the education of pupils with minor mental disabilities, has been repealed by a Measure issued by the Minister of Education, Youth and Sports on 22 February 2016, which, in accordance with Section 4 paragraph 4 of Act No. 561/2004 Coll., on pre-school, basic, secondary, higher professional and other education (the Education Act), amends the Framework Educational Programme for basic education.

Within the framework of the objective to “Increase the access of Roma children to high-quality early childhood education and care” an accessible infrastructure has been provided for the pre-school education of children in kindergartens in order to prevent the segregation of Roma children and more information has been provided to regions and municipalities concerning the availability of support to increase the capacity of pre-school facilities. The percentage increase in the capacity of these facilities compared to the current situation will be monitored. An amendment to the Education Act will introduce mandatory pre-school education for children from the age of 5.¹⁹ Professional guidance, training and support for all school staff will be provided for the integration of Roma children in pre-school education and increased professional support will be provided to teaching staff when Roma children are integrated into pre-school education. The strategy also aims to increase the awareness of Roma parents of the opportunities and benefits of pre-school education (the priority placement of children in kindergartens before their first grade of school) and to secure parents’ support for the placement of their children in pre-school education, both by systemic measures and through cooperation with NGOs, municipalities and parents from the early age of the child. The goal is to increase the number of Roma children (from the age of 5) in kindergartens compared to the previous year.

Another of the Strategy’s goals is to provide basic conditions to promote the integration of Roma pupils in mainstream education and to develop an inclusive educational system. This is a comprehensive objective, aiming at the full integration of Roma children.

¹⁹ <http://www.psp.cz/sqw/historie.sqw?o=7&t=611>

Initially, professional guidance, training and support will be provided for all school staff in order to include Roma children in basic education and increased professional support for teaching staff when Roma children are included in basic education. The increasing number of teaching staff who apply these skills in practice when integrating Roma children into education will be monitored.

Motivational holiday programmes and activities will be provided for Roma children, particularly to bridge the sensitive period when pupils are transferring from the first stage of basic school to the second and the transition from kindergarten to the first stage of basic school and, at the same time, cooperation between the school and the family will be reinforced, primarily through trained teachers, assistant teachers, institutions providing informal education and social protection and protection of the legitimate interests of the child, social workers operating at municipal authorities of municipalities with extended powers and providers of social prevention services. To this end, a support system will be created to provide free-time education and programmes for Roma children and pupils during the holidays and the increasing number of schools cooperating with families with the help of the aforementioned experts will be monitored). The impact of the amended Education Act on equal access to education for Roma children will also be monitored, as well as the involvement of organisations and institutions working with Roma children in the establishment of a suitable method of implementing regulations and a new system for setting the level of aid for funding regional education.

The amended Education Act No. 82/2015 Coll., entered into force on 1 September 2015 and introduced the option of education in preparatory classes for all pupils. One of the effects expected from this measure is the exclusion of the risk of segregation of Roma pupils in pre-school education.

In 2015, the Ministry of Education, Youth and Sports prepared an amendment to the Education Act targeting the introduction of a mandatory final year of kindergarten for all pupils. At the same time, the rule that the final year of kindergarten is already free of charge will be conserved. The aim is to ensure that all children enjoy a successful start to basic education. The amendment is currently being debated in the Czech Senate.

The mandatory final year of pre-school education is due to be introduced from 1 September 2017. It depends on the creation of sufficient capacity to ensure this measure can be implemented. To this end in 2014 the Ministry of Education, Youth and Sports established a Fund to expand the capacity of kindergartens and basic schools, to which municipalities and associations of municipalities establishing kindergartens and basic schools could apply for a grant. In 2014, 10 projects to expand the capacity of kindergartens and basic schools were approved, to a total of € 2.8 million and in 2015 a further 40 projects totalling € 12 million were approved. It is expected that the Ministry's chapter in the state budget will contribute a total of € 55.6 million.

The aim of mandatory pre-school education is to ensure that in their final year before starting school, all children in kindergartens obtain the best quality preparation for a successful start to the first year of school. School attendance for children during the mandatory period of pre-school education will primarily be ensured in kindergartens, where they will be entered in the register of schools and educational facilities. Given that every child will be under an obligation to attend kindergarten, the necessary conditions for this must be created.

ARTICLE 14

Teaching off/in minority languages and instruction in these languages

Recommendations

101. *The Advisory Committee calls on the authorities to continue monitoring the situation, in consultation with the representatives of national minorities, to assess whether the framework for teaching of and in minority languages corresponds to actual needs and, where appropriate, take the necessary steps to address any shortcomings.*

102. *The authorities should increase their efforts to provide persons belonging to the Roma minority with better opportunities to receive teaching in their language, according to the demand.*

Teaching of members of national minorities is regulated by Act No. 561/2004 Coll., on pre-school, basic, secondary, higher professional and other education (the Education Act). The issue of the instruction of national minorities is contained in the provisions of Sections 13 and 14 of the Act, below:

Section 13 Language of Instruction

- (1) The language of instruction shall be the Czech language.
- (2) Members of national minorities shall have the right to be educated in the language of the relevant national minority under conditions stipulated in Section 1.
- (3) The Ministry may permit the teaching of some subjects in a foreign language.
- (4) In fields of secondary education completed by a school leaving examination, for which the Framework Educational Programme requires that certain subjects be taught in a foreign language, the languages of instruction are the Czech language and the relevant foreign language.
- (5) A foreign language may be the language of instruction at tertiary professional schools.

Section 14 Education of Members of National Minorities

- (1) A municipality, a region or the Ministry shall ensure education for members of national minorities in the language of the relevant minority at nursery, basic and secondary schools, namely in the municipalities where, in compliance with a special legal regulation, a Committee for National Minorities has been established and if conditions stipulated herein are satisfied.
- (2) Should at least eight (8) children claim to be members of a national minority a class of the relevant grade of nursery school may be set up; should at least ten (10) pupils claim to be members of a national minority a class of the relevant grade of basic school may be set up. A nursery school or basic school with the language of the national minority may be established provided that all classes have on average at least twelve (12) children or pupils who claim to be members of the national minority in one class.
- (3) Should at least twelve (12) pupils claim to be members of a national minority a class of the relevant grade of secondary school may be set up; a secondary school with the language of the national minority as a language of instruction may be established provided that all classes have on average at least fifteen (15) pupils who claim to be members of the national minority.
- (4) In organising education in the language of a national minority, municipalities, regions or the Ministry shall take into account the accessibility of this education. Education in the language of a national minority may be also organised by a union of municipalities or municipalities, or a municipality and a region may mutually agree on the manner of organisation, including funding.
- (5) At schools with instruction in the language of the relevant national minority, school reports, apprenticeship certificates, and diplomas on completion of education shall be issued bilingually, both in the Czech language and in the language of the relevant national minority.

The Romani language may be taught at basic schools as another foreign language or as an optional subject. Extra-curricular instruction in the Romani language is also provided by NGOs,

supported under a grant programme to promote education in the languages of national minorities and multicultural education.

The Ministry of Education, Youth and Sports grant programme to promote education in the language of national minorities and multicultural education is divided into two modules:

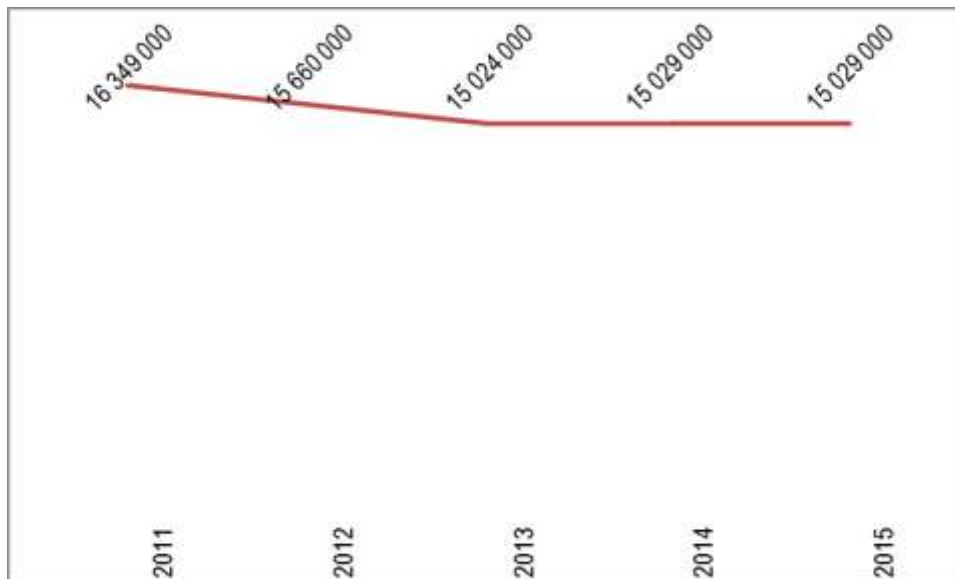
- Education in the languages of national minorities

Promotes educational projects for minorities living in the Czech Republic. Aid is provided in accordance with the legislation, e.g. Section 11 of Act No. 273/2001 Coll., on the rights of members of national minorities and on amendments to certain Acts, or Section 14 of the Education Act.

- Support for multicultural education

Supports educational projects aimed at combating racial and ethnic hatred, anti-Semitism, extremism, xenophobia etc. The grant programme complies with a series of international treaties and Government resolutions – e.g. the Strategy for Combatting Extremism, the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities, the International Phenomenon Holocaust Conference, etc.

Graph 7 Grant programme to promote education in the languages of national minorities and multicultural education over the past 5 years



ARTICLE 15

Participation of persons belonging to national minorities in the decision-making process

Recommendation

106. *The Advisory Committee again calls on the authorities to review, in consultation with representatives of national minorities, legal provisions and administrative policies and practice regulating the establishment, appointment and functioning of the Committees for National Minorities with a view to eliminating the identified shortcomings.*

107. *It also asks the authorities to review the procedures for appointment of members of committees for national minorities to ensure greater involvement of national minority organisations in the process and to ensure that appointed representatives enjoy the confidence and support of the national minority they represent.*

The process of preparing the draft amendment to Act No. 128/2000 Coll., on municipalities, as amended (hereinafter referred to as the “Law on Municipalities”) continued as per the information made available in previous Reports. In the Government Resolution on the Report for 2008 (dated 29 June 2009 No. 845) the Ministry of Interior was tasked with proposing a change initiated by the Council in the amendment to the aforementioned Act. The amendment affects national minorities in two points: changes to the rules for establishing a committee for a national minority and for naming streets and other public spaces in the language of the national minority. The proposed change, based on practical experience of establishing committees and naming public spaces had already been approved by the Council in May 2009. The Ministry of Interior, in cooperation with the Council Secretariat, then prepared a legislative proposal for the relevant legal provision, which was approved by the Government on 9 January 2013 (by Resolution No. 1) and was assigned to the debate process of the Chamber of Deputies of the Czech Parliament as paper 904/0 (timetabled for the 54th meeting from 11 June 2013).²⁰ Subsequently however, after the Chamber of Deputies was dissolved in August 2013, the entire legislative process was restarted from the beginning. For this reason, the Resolution on the Report for 2013 tasked the Ministry of Interior again with presenting a new bill to the Government.²¹ After completing the inter-ministerial comment procedure, the proposed amendment to the Act on Municipalities was approved by the Government on 8 April 2015 and was debated by the Chamber of Deputies (parliamentary paper no. 454). The third reading took place on 10 February 2016 and the bill was approved by the Chamber of Deputies (No. 106/2016 Coll.). The Senate then approved the bill on 16 March 2016 and on 22 March of the same year it was signed by the President of the Republic. It was published in the Official Gazette on 6 April 2016 as Act No. 106/2016 Coll., amending Act No. 128/2000 Coll., on municipalities (the Municipal Order), as amended, Act No. 129/2000 Coll., on regions (the Regional Order), as amended, Act No. 131/2000 Coll., on the Capital City of Prague, as amended, and Act No. 256/2013 Coll., on Land Registry (the Cadastral Act); it will enter into force on 1 July 2016.

We should like to clarify, with regard to this recommendation, that a *draft Act, amending Act No. 128/2000 Coll., on municipalities (the Municipal Order), as amended, Act No. 129/2000 Coll., on regions (the Regional Order), as amended, Act No. 131/2000 Coll., on the Capital City of Prague, as amended, and Act No. 256/2013 Coll., on Land Registry (the Cadastral Act)*, is currently being debated by the Senate of the Czech Parliament, available as parliamentary paper no. 454 – see also the comment to point 76.

We note that the Government bill cited above introduces new legislation regulating committees for national minorities at the level of territorial self-governing authorities, as follows:

²⁰ <http://www.psp.cz/sqw/text/tiskt.sqw?O=6&CT=904&CT1=0>

²¹ Government Resolution No. 455 of 16 June 2014.

- Section 117 paragraph 3 of the Act on Municipalities states *“A municipality in whose territorial jurisdiction reside at least 10% percent of residents of the municipality declaring themselves as a nationality other than Czech according to the latest census, shall establish a committee for a national minority provided this is requested in writing by an association representing the interests of the national minority. At least half of the members of the committee must be members of the national minorities unless this condition cannot be met due to a lack of candidates from the national minorities.”*
- Section 78 paragraph 2, including footnote no. 31 of the Act on Municipalities states: *“A region in whose territorial jurisdiction reside at least 5% of the residents of the region declaring themselves as a nationality other than Czech according to the last census, shall establish a committee for a national minority, provided this is requested in writing by an association representing the interests of the national minority^{**}. At least half of the members of the committee must be members of the national minorities unless this condition cannot be met due to a lack of candidates from the national minorities.”*

^{31**} Section 5 of Act No. 273/2001 Coll., on the rights of members of national minorities and on amendments to certain Acts. Section 214 of the Civil Code.

Section 78 paragraph 2, including footnote no. 33 of the Act on the Capital City of Prague states: *“If at least 5% of the residents of the Capital City of Prague declaring themselves as a national minority other than Czech according to the last census, reside in the territorial jurisdiction of the Capital City of Prague, the Prague City Council shall establish a committee for a national minority, provided this is requested in writing by an association representing the interests of the national minority^{33*}. At least half of the members of the committee must be members of the national minorities unless this condition cannot be met due to a lack of candidates from the national minorities.”*

^{33*} Section 5 of Act No. 273/2001 Coll., on the rights of members of national minorities and on amendments to certain Acts. Section 214 of the Civil Code.

The Explanatory Memorandum states that, on the basis of practical experience with establishing committees for national minorities (and based on instructions from the Government arising from its Resolution No 845 of 29 June 2009), the proposed provisions regulate a new mechanism for their establishment. In particular, the Act now requires that a committee be established not only when more than 10% of the residents of the municipality declare themselves to have a nationality other than Czech at the last census (it is not necessary for a single nationality to exist in the municipality with over 10% of the residents of the municipality, it is enough for a total of 10% of all the residents of the municipality to declare a nationality other than Czech) but also that an association representing the interests of the national minority submit a written application for the establishment of a committee. This change responds to practical needs, because a census is generally carried out at ten-year intervals and the presence of a national minority in the municipality may change without the municipality being placed under any obligation to establish a committee. Situations also occur in practice where, after the last census, the national minority in a municipality gradually disappears, while the municipality still remains under an obligation to support a committee for a national minority.

The Act is intended to restrict the occurrence of this type of situation by requiring that the mandatory establishment of a committee rely on an initiative, an *interest* on the part of the national minorities themselves. A written application may be submitted by an association which, according to its statutes, represents the interests of certain of the national minorities present in the given municipality. The effects of the application only apply to the functional term of the municipal authority itself, because at the end of its mandate any committees established by the municipal authority will terminate their activities.

The amendment retains the condition that the members of the committee must be members of the national minorities, but removes the requirement that they should be candidates delegated by an association established according to a special Act, because this requirement would restrict the wishes of the municipal authority to freely decide on the composition of the committees in a fairly problematic manner (in this case the municipal authority could only select from those proposed from an association).

This type of construction would also be questionable in terms of access to the committee by other members of national minorities, who were never organised into an association. On the contrary, the text of the Act explicitly adds a solution to a situation where conditions for the establishment of a committee are met (the existence of national minorities and a written application by an association), but there is no interest in becoming a member of the committee in the municipality. In such a case, the obligation to establish a committee does not expire, but it is no longer necessary for at least half of it to consist of members of national minorities. Associations obviously do not lose their entitlement to propose members of the committee to the municipal authority, but will implement this right under “general” petition law. Members of national minorities may be selected by the authority not only from the members of the authority or from residents of the municipality, but any member of a national minority may be a member of the committee (according to Section 2 paragraph 2 of Act No. 273/2001 Coll., on the rights of members of national minorities and on amendments to certain Acts, a member of a national minority is a citizen of the Czech Republic who declares a nationality other than the Czech nationality and expresses a wish to be considered as a member of a national minority together with other individuals who declare themselves members of the same nationality; according to Section 2 paragraph 1 of the same Act, a national minority is a society of citizens of the Czech Republic living on the territory of the present Czech Republic, who differentiate themselves from other citizens generally on the basis of a common ethnic origin, language, culture and traditions, make up a large minority of the population and also express a wish to be considered as a national minority in order to make a common effort to preserve and develop their own identity, language and culture and, at the same time, to express and preserve the interests of their society, which has been created over time).

A municipal authority may also establish a committee for a national minority in a situation where the legal conditions have not been met, if the number of residents of the municipality declaring themselves members of a nationality other than Czech does not exceed 10% or if it exceeds this limit but the requirements for the establishment of a committee do not apply. In this case however, the municipal authority is not bound by the condition that at least half the members of the committee are members of the national minorities.

A similar situation may also occur in connection with a new census. If the municipal authority has established a committee for a national minority in accordance with the results of the census and a new census shows that the municipality no longer meets the condition for the mandatory establishment of this committee (10% of members of national minorities), the municipal authority may decide to abolish it. However, if it fails to do so the committee will continue to exist until a new municipal authority is elected.

The conclusions set out above also apply to the regions and to the Capital City of Prague.

Participation of Roma

Recommendation

112. *The authorities need to take steps to improve the living conditions of the Roma, in particular by creating conditions which would allow moving residents of "residential hostels" to adequate Social housing.*

Another objective of the Strategy focuses on ensuring equal access to decent housing for the Roma. The specific objective is to support non-discriminatory access to housing by Roma.²² Barriers and discriminatory circumstances preventing Roma from accessing housing (particularly social / municipal and market rental) will be monitored and evaluated, as well as requests for remedies submitted to the competent agencies. An analysis will be drawn up aimed at mapping barriers and discriminatory circumstances which prevent Roma from access to housing.

²² Roma Integration Strategy to 2020, Office of the Government of the CR, Prague 2015, p. 61.

When formulating policies for social and subsidised housing and other measures in this area, account will be taken of the situation of Roma families, primarily families with a number of children, respecting the principle that families with children should always live in flats and that no child should grow up in a hostel. The Act on social housing should be submitted to the Ministry of Labour and Social Affairs in mid-2016.²³ Roma must have equal access to social or subsidised housing.

In all housing support instruments, the impacts on the Roma are monitored and changes to the criteria and programmes are proposed to prevent Roma being excluded from support.

The Strategy's specific objective aims to systematically remove the use of sub-standard housing, particularly hostels, for the purpose of permanent accommodation. Interventions made in the area of housing will be evaluated in terms of their compliance with basic housing standards, functionality, but also the rights of the people affected, particularly in terms of the rights of children. This will result in a reduction in the number of children under the age of 15 in households jointly assessed for beneficiaries of housing allowances in residential hostels and non-residential premises.

We will also ensure that emergency assistance and shelters for families with children who are at risk of losing their homes respect the principle that families should not be divided. This should result in an overall decrease in the number of Roma families living in hostels.

Each of the measures intended (programme, project, support) for planned interventions in the area of housing will be evaluated beforehand in terms of their potential segregational and desegregational impacts on Roma and other minorities in the given area or locality. No intervention will promote segregation in the area of housing.

²³ <http://www.mpsv.cz/cs/22524>