

Minority Protection in the Czech Republic

AN ASSESSMENT OF THE CONCEPT OF GOVERNMENTAL POLICY TOWARDS
MEMBERS OF THE ROMA COMMUNITY SUPPORTING
THEIR INTEGRATION INTO SOCIETY.

Table of Contents

1. Executive Summary	126
2. The Government Programme – Background	130
2.1 Background to Present Programme	130
2.2 The Programme – Process	132
2.3 The Programme – Content	133
2.4 The Programme – Administration/ Implementation/Evaluation	135
2.5 The Programme and the Public	142
2.6 The Programme and the EU	143
3. The Government Programme – Implementation	144
3.1 Stated Objectives of the Programme	144
3.2 Government Programme and Discrimination	145
3.2.1 Education	148
3.2.2 Employment	154
3.2.3 Housing and other goods and services	158
3.2.4 Healthcare and other forms of social protection	164
3.2.5 The criminal justice system	167

3.3	Protection from Racially Motivated Violence	167
3.4	Promotion of Minority Rights	171
3.4.1	Education	174
3.4.2	Language	177
3.4.3	Participation in public life	178
3.4.4	Media	179
3.4.5	Culture	181
4.	Evaluation	182
5.	Recommendations	185

1. EXECUTIVE SUMMARY

In the post-independence period, the Czech Government has developed a succession of documents intended to form the conceptual framework for the implementation of measures to promote the integration of individuals belonging to the Roma community.

The “Concept” adopted in 2000 lays out a promising trajectory for achieving meaningful improvements in the situation of Czech Roma. However, the measures implemented have not gone far enough to address the root causes of discrimination or to enact structural changes through accompanying legal reform, and their impact has been minimal to date. Implementation has been hampered by the lack of adequate comprehensive anti-discrimination legislation, lack of an evaluation mechanism, and the inability of central governmental bodies to effectively influence local policies.

Background

The Czech Republic has in recent years taken numerous steps to improve the situation of Roma. The 1997 “Bratinka Report” outlined the problems faced by Roma and has formed the basis for subsequent governmental policies.

The Concept of Governmental Policy Towards Members of the Roma Community Supporting Their Integration into Society, adopted on 14 June 2000 (hereafter, “2000 Concept”),¹ provides the framework for governmental efforts in this area. The Concept is to be updated annually to reflect new developments and experience gained from implementation.

Some efforts have been made to consult with Roma representatives, NGOs and human rights activists in developing and implementing the 2000 Concept, though there is room for improvement in this area.

Administration

The Government has developed a complex mechanism for administering and monitoring implementation of governmental policy towards Roma at the national level. Roma and civil society organisations participate in an advisory capacity at the national level, but no mechanisms to ensure their participation at the local level has been developed. There are also no legally-prescribed mechanisms for evaluation and assessment or for effectively influencing local policy.

¹ *Koncepce politiky vlády vůči příslušníkům romské komunity, napomáhající jejich integraci do společnosti* (Concept of Governmental Policy Towards Members of the Roma Community Supporting Their Integration into Society), adopted by Government Decree No. 599 (14 June 2000), <<http://www.vlada.cz/1250/vrk/vrk.htm>>, (accessed 22 August 2002) (in Czech only).

The Government's approach integrates the human rights, minority rights and social rights perspectives. Three different institutions oversee activities in these areas: the Council for Human Rights (chaired by the Commissioner for Human Rights), the Council for National Minorities, and the Council for Roma Community Issues (CRCI). The Vice Chair of the Government and Head of the Legislative Council, who also chairs the CRCI and the Council for National Minorities, bears overall responsibility for administration and implementation of the 2000 Concept. An important role in implementation at the local level is also assigned to "Roma Advisors" and their assistants.

The 2000 Concept itself does not contain specific tasks; rather, it provides a set of guiding principles as well as an overall framework within which to coordinate related activities. The implementation of specific tasks is assigned to ministries and other actors, either by the decree by which the 2000 Concept was adopted, or through separate decrees. The main actors – individual ministries – decide independently how much money to allocate for the activities within their competence.

Although the Concept incorporates a built-in mechanism for regular review of activities being implemented, the capacity to assess and evaluate their impact comprehensively and systematically is lacking. A descriptive report is compiled annually by the Vice Chair of the Government together with the Commissioner for Human Rights based on the information submitted by individual ministries. Each year an Updated Concept is prepared as a complement to (not a replacement for) the 2000 Concept.² The Commissioner for Human Rights has also prepared a short report on implementation of programmes in which the CRCI administered in 2000 and 2001.

There is no mechanism for ensuring the active involvement of the ministries and other actors involved in implementation, or for exercising effective influence over local policy. While the CRCI is entitled to request information on implementation, it has no authority to require compliance; this is the exclusive competence of the Government.

EU Support

The EU has supported the Government's initiatives through the Phare Programme. Increasing amounts of funding have been allocated to several of the Concept's most important components, including: education, media campaigns to promote tolerance, and training for Roma advisors and their assistants. The EU has also supported efforts to develop the legal and institutional framework for combating racial and ethnic

² *Koncepce romské integrace* (Concept of Roma Integration), adopted by Government Decree No. 87 (23 January 2002), <<http://www.vlada.cz/1250/vrk/vrk.htm>>, (accessed 22 August 2002) (in Czech only). The Concept is to be next updated by 28 February 2003.

discrimination. No EU funding has been allocated to improve the employment or housing situation, although the 2001 Regular Report noted that further measures are needed in these areas.³ However, the EU plans to support small-scale re-qualification and job creation activities, as well as NGO capacity building, an area which has not received sufficient attention to date.

Content and Implementation

The 2000 Concept is a comprehensive document, reflecting the principal concerns of the Roma community. However, there has been little accompanying legal reform, and measures have been implemented on an *ad hoc* basis. Thus, there has been little structural change, without which there can be little long-term impact.

The 2000 Concept is divided into twelve chapters outlining the main issues and directions for action, including racial discrimination, employment, housing, Romani language and culture, education (including multicultural education), and civil society, *inter alia*.

Combating discrimination against Roma and the promotion of tolerance are among the Concept's primary objectives. Efforts in this area have been hampered by the lack of effective anti-discrimination legislation, including legislation which would allow for the implementation of positive measures to overcome deeply-rooted disadvantages in many areas. The proposal for comprehensive anti-discrimination legislation that is expected by the end of 2002 will represent an important step forward.

Despite several initiatives in the area of education, the segregation of Roma children persists, and their educational situation has not improved as a result of Concept implementation. Structural changes to the educational system are urgently needed. Preparatory classes and Roma teacher's assistants have been successful, although additional funding is needed to expand their reach. Some support has been provided to Roma secondary school students, but no measures have been proposed at the university level.

Little has been done to address discrimination in the area of employment. Efforts to date have targeted long-term unemployment among "persons difficult to place on the labour market." The idea of an Office for Ethnic Equality has been abandoned, at least temporarily, and the 2000 Concept's remaining measures, for example re-qualification courses and "public benefit works," are widely regarded as having been minimally effective.

In the area of housing, the focus has been on the short-term solution of providing additional cheap housing rather than on addressing the root causes of segregation and

³ European Commission, *2001 Regular Report on the Czech Republic's Progress Towards Accession*, 13 November 2001, pp. 26–27, (hereafter, "2001 Regular Report").

poor housing conditions. The 2000 Concept does not address problems of racial discrimination with regard to the privatisation of flats, State-guaranteed loans to purchase housing, or access to rented housing – problems that are as much causes of the current Roma housing crisis as affordability. The Czech Trade Inspection (CTI) has attempted to monitor equal access to goods and services, including for Roma. However, though Roma consumers claim that they frequently meet with discrimination in this area, there have been few cases in which discriminatory practices by service providers have been sanctioned.

The 2000 Concept stipulates few health-related initiatives, and the issue of equal access to healthcare is not addressed. A comprehensive study on low-category flats commissioned by the Government detailed the serious health risks for inhabitants and offered a number of recommendations in the area of healthcare, including one for State construction and hygienic authorities to exercise a more vigorous control with regard to conditions in low category flats. These have not been utilised.

Discrimination in the criminal justice system is not addressed in the 2000 Concept. The Government commissioned an analysis of judicial files concerning racially motivated crime; however, the study did not indicate the percentage of minority individuals in the surveyed group. Racially motivated violence continues to be a serious concern, and implementation of existing legislation has been minimal, though there are some signs of improvement. Efforts to evaluate the effectiveness of the criminal justice system in processing cases of racially motivated violence should be continued and extended. Substantial efforts have already been undertaken, despite limited funds, to train the police and to monitor extremism.

The 2000 Concept states the need to protect and promote the Romani language and culture, primarily through research, education and publication activities. State policy regarding minority protection is based on a new Minority Law.⁴ However, as minority groups must constitute ten percent of the population of a municipality to benefit, most Roma communities will be excluded from its provisions in practice.

Neither the 2000 Concept nor any other governmental policy establishes specific tasks to promote the participation of Roma in public life – a shortcoming which Roma representatives have criticised. Roma participate mostly in an advisory capacity through a consultative body to the Government at the national level, while the district and regional Roma Advisors are not necessarily Roma.

⁴ Law No. 273/2001 Coll. on the Rights of Members of National Minorities (entered into force 2 August 2001).

Conclusion

Despite the strong conceptual framework offered by the 2000 Concept, implementation has not been effected in a coordinated, coherent manner. Without measures to address institutional discrimination and to effect changes at the legal and structural level, the implementation of *ad hoc* projects to address deeply-rooted problems will touch only the tip of the iceberg, and will have little long-term impact. Without greater commitment of political will to the Concept, systemic changes are unlikely to occur, and bodies of national and local public administration will continue to fail to take Concept implementation seriously.

2. THE GOVERNMENT PROGRAMME – BACKGROUND

2.1 Background to Present Programme

The Czech Government has developed a succession of conceptual documents in the post-independence period, intended as strategies to promote the integration of Roma. Four such documents have been adopted since 1997 (in 1997, 1999, 2000, and 2002). Prior to these, there had been a number of partial attempts to address the integration of Roma and to develop some measures in response.⁵

The first document summarising the critical situation of the Roma community and putting forward certain proposals to address it was the so-called “Bratinka Report” from 1997.⁶ Though it presented well-known facts, the Report’s principal innovation was in its comprehensive presentation. It did not propose a coordinated governmental programme to remedy the situation. However, one concrete measure taken as a result

⁵ See the Overview of the Decrees of the Government of the Czech Republic on the Issues of Roma, Discussions of the Council of National Minorities of the Government of the Czech Republic concerning the Roma Community and Measures of Individual Departments concerning the Roma (since 1992), <<http://vlada.cz/vrk/rady/rnr/cinnost/romove/zprava/cast1/priloha2/il2.htm>>, (accessed 23 May 2002). A list of prior governmental measures concerning the Roma is also contained in Annex 2 of the 1997 “Bratinka Report” (see below).

⁶ “Report on the Situation of the Roma Community in the Czech Republic and Governmental Measures Assisting its Integration into Society,” presented to the Government by Minister without Portfolio Pavel Bratinka and taken into consideration through Government Decree No. 686 (29 October 1997), <<http://www.vlada.cz/1250/vrk/komise/krp/krp.htm>>, (accessed 22 August 2002).

of the Bratinka Report was the establishment of an Inter-Ministerial Commission for Roma Community Affairs (IMC).⁷

On 7 April 1999, the Government approved the Concept of Governmental Policy Towards Members of the Roma Community Supporting Their Integration into Society (hereafter, "1999 Concept Proposal").⁸ It was developed by an expert group consisting of specialists from different fields (academics, Roma activists, and the State administration, *inter alia*).⁹

The 1999 Concept Proposal consisted of a brief and compact political programme aimed principally at supporting the emancipation of Roma, based on respect for their traditions and culture.¹⁰ It proposed that governmental policy should be focused on the "restoration of mistakes and injustice caused by centuries of discrimination and wrong policies of previous governments."¹¹ The 1999 Concept Proposal's overriding emphasis on emancipation meant that many important issues, particularly housing, segregation and other social issues, were addressed only marginally.¹²

Nonetheless, Roma leaders have expressed appreciation for some of the measures undertaken by the Government, particularly the establishment of Roma Advisors at district offices and Roma Coordinators at the regional level, the organisation of pre-school preparatory classes and employment training for police work. However, they have emphasised that inadequate attention has been devoted to the need for improved

⁷ The IMC was established on 17 September 1997 by Government Decree No. 581 and its statutory rules were adopted by Government Decree No. 640 (15 October 1997). It had 12 Roma and 12 non-Roma members, and was chaired by the Commissioner for Human Rights. See also Decree No. 686 (29 October 1997), Sections III and IV, as well as its Annex 1 which contains the IMC's statute.

⁸ Approved by Government Decree No. 279 (7 April 1999).

⁹ The list of all the persons who contributed is contained in Annex A of the 1999 Concept Proposal. They contributed either orally, through working meetings, or in written form to the IMC Office.

¹⁰ 1999 Concept Proposal, Part 1.4.

¹¹ 1999 Concept Proposal, Part 1.6.

¹² See A. Baršová, *Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice* (Problems of Housing of Ethnic Minorities and Residential Segregation Trends in the Czech Republic), LGI, Open Society Institute, Budapest/Prague, 2001.

legislation to fight racially motivated violence and racial discrimination, particularly regarding access to goods and services.¹³

2.2 The Programme – Process

This report shall focus on the Concept of Governmental Policy Towards Members of the Roma Community Supporting Their Integration into Society – adopted on 14 June 2000 (hereafter, “2000 Concept”),¹⁴ together with the 2002 Updated Concept – adopted on 23 January 2002,¹⁵ highlighting new proposals where relevant. It will analyse not only the implementation of tasks assigned under the Concept,¹⁶ but also tasks assigned by additional decrees based on the directions for action established by the 2000 Concept or earlier documents, such as the 1997 Bratinka Report and the 1999 Concept Proposal.¹⁷

The 2000 Concept was elaborated on the basis of the 1999 Concept Proposal,¹⁸ with the participation of some of the same experts.¹⁹ Relevant ministries were also consulted.

¹³ These opinions regarding governmental policy towards the Roma generally were collected from the Roma members of the Council for National Minorities and presented in: Secretariat of the Council for National Minorities, *Report on the Situation of National Minorities in the Czech Republic in 2001*, Report No. 731/02, May 2002, approved by Government Decree No. 600 (12 June 2002), p. 72, <http://wtd.vlada.cz/files/rvk/rnm/zprava_mensiny_2001.pdf>, (accessed 22 August 2002) (in Czech).

¹⁴ *Koncepce politiky vlády vůči příslušníkům romské komunity, napomáhající jejich integraci do společnosti* (Concept of Governmental Policy Towards Members of the Roma Community Supporting Their Integration into Society), adopted by Government Decree No. 599 (14 June 2000), <<http://www.vlada.cz/1250/vrk/vrk.htm>>, (accessed 22 August 2002) (in Czech only) (hereafter, “2000 Concept”).

¹⁵ *Koncepce romské integrace* (Concept of Roma Integration), adopted by Government Decree No. 87 (23 January 2002), <<http://www.vlada.cz/1250/vrk/vrk.htm>>, (accessed 22 August 2002) (in Czech only) (hereafter, “2000 Updated Concept”).

¹⁶ Tasks were assigned to various actors by Decree No. 599 (14 June 2000) by which the 2000 Concept was adopted.

¹⁷ As its name suggests, the 2000 Concept itself does not establish concrete tasks but rather seeks to provide a framework for the strategy of the Government.

¹⁸ See the task of the Commissioner for Human Rights and Chairman of the IMC (a position occupied by the same person at the time), assigned by Government Decree No. 279 (7 April 1999), Parts II.1.a and II.1.b.

¹⁹ See e.g. Introductory Report to the 1999 Concept Proposal, Appendix II to the proposal of the Vice Chair and Head of the Legislative Council of the Government, No. 3533/00 LRV (24 May 2000).

A draft was presented to the Government in December 1999, together with the main objections of the Ministry of Interior concerning the proposal to establish an Office for Ethnic Equality. The 2000 Concept was finally adopted on 14 June 2000, after several working versions had been circulated.

The contribution of Roma representatives and civil society to the development of the 2000 Concept was ensured through consultations with the members of the above-mentioned expert group (nearly half of whom were Roma). However, some Roma leaders believe that the Government's approach to consultation – soliciting written comments on the draft versions – was not effective in assuring broad participation from the Roma community, and that the organisation of one or more consultative roundtables would have been preferable.²⁰

The 2000 Concept, which covers the period 2001–2020, incorporates a requirement for annual updates to reflect new developments and the experience gained from implementation.²¹ The regularly updated Concept thus serves as the basis for the further development of the Government's strategy concerning Roma.

2.3 The Programme – Content

The overall aim of the 2000 Concept is “to achieve the non-conflictual co-existence of Roma communities with the rest of society.”²² Integration is presented as the primary means of achieving this objective.²³ While recognising the right of Roma to be integrated into society, the Government also states that it will support the strengthening of Roma identity, traditions and culture, as the basis for its policies.²⁴

²⁰ Others have suggested that there was insufficient time and money to organise a roundtable. OSI Roundtable, Prague, June 2002. *Explanatory note: OSI held a roundtable meeting in the Czech Republic in June 2002 to invite critique of the present report in draft form. Experts present included representatives of the Government, Roma representatives and non-governmental organisations.*

²¹ 2000 Concept, Part 12.3.

²² 2000 Concept, Part 1.7.

²³ “Integration” is defined as “the full incorporation of Roma into society while preserving the majority of the cultural specifics and differences that characterise Roma and which they wish to preserve, unless these differences are in contradiction with the laws of the Czech Republic.” 2000 Concept, Part 1.5.

²⁴ 2000 Concept, Parts 1.4, 1.9.

The 2002 Updated Concept reflects a coherent and comprehensive approach, covering both protection from discrimination and promotion of minority rights, within the context of three distinct perspectives:²⁵

- A *human rights perspective*, aiming to enable all citizens, including Roma, to enjoy fully and without any discrimination all individual human rights;
- A *national (ethnic) perspective*, relying on the specific rights of members of national minorities;
- A *broader socio-cultural perspective*, based on the concept of “Roma community” which only partially overlaps with the concept of “Roma national minority,”²⁶ and problems faced by this socially disadvantaged group.

The 2000 Concept acknowledges the existence of frequent discrimination against Roma in employment, housing, the provision of services, and other areas. The Government also expresses its will to “remedy the injustice of centuries of discrimination and damages caused before 1989 by the policy of forced assimilation.”²⁷ The minority rights dimension receives somewhat more attention in the 2002 Updated Concept than in the 2000 Concept as it is given equal weight as the human rights and socio-cultural perspectives. However, perhaps the Concept’s most significant gap lies in its lack of concrete measures to promote the effective participation of Roma in public life.²⁸

The 2000 Concept principally provides a set of guiding principles for the integration of Roma as well as an overall framework for the coordination of various activities conducted in pursuit of this aim. It consists of twelve chapters:

- Basic Premises
- Racial Discrimination
- Institutions
- Compensatory Measures – Employment, “Re-qualification” (Training) and Housing
- Romani Language and Culture
- Schools (Education)
- Multicultural Education

²⁵ 2002 Updated Concept, Part 1.1.

²⁶ See Section 3.4 of this report.

²⁷ 2002 Updated Concept, Part 1.10.

²⁸ Some observers have suggested that a section on Roma participation and democratic representation should be added. OSI Roundtable, Prague, June 2002.

- Increasing the Security of Roma
- Research on the Co-existence of Various Ethnic Groups
- Civic Counselling Centres
- NGOs
- Conclusions

The 2002 Updated Concept consolidates the issue areas identified in the 2000 Concept into eight chapters.²⁹

There have also been complementary governmental initiatives to ensure minority protection more broadly. A Minority Law was adopted in 2001 (see Section 3.4); a proposal for comprehensive anti-discrimination legislation is expected by the end of 2002 (see Section 3.2).

2.4 The Programme – Administration/Implementation/Evaluation

The Government has developed a complex mechanism for administering and monitoring implementation of the 2000 Concept and governmental policy towards Roma in general, with several bodies involved in coordinating policies at the national level. Mechanisms to ensure the broad participation of Roma and civil society in an advisory capacity are also in place at the national and, to a certain extent, at the regional and local levels.

The flexibility of this system can be considered positive in some respects. Individual ministries decide independently how much money to allocate for the implementation of those aspects of the Concept within their competence. On the other hand, there are no legally-prescribed mechanisms to ensure evaluation and assessment or to require active participation from ministries. Moreover, there are few tools by which local actors can be induced to implement the policies developed and agreed upon centrally.

²⁹ The 2002 Updated Concept deals with mostly the same issues as the 2000 Concept in eight chapters: Basic Premises; Institutional Support for Roma Integration; Anti-discrimination Measures; Compensatory Measures; Support for the Development of the Romani Language and Culture; Influencing the Majority Society; Ensuring the Security of Roma; and Conclusions. While there is no separate chapter on education, issues of equal access to education are dealt with under “Compensatory Measures,” multicultural education is covered in the section on “Influencing the Majority Society.”

The Vice Chair of the Government and Head of the Legislative Council, who also chairs the Council for Roma Community Issues (CRCI) and the Council for National Minorities, bears overall responsibility for the administration and implementation of the 2000 Concept. Three national bodies are involved in coordinating governmental efforts in three main policy areas (human rights, minority rights, and more general socio-economic issues).

The Council for Human Rights (CHR)³⁰ deals with the implementation of the human rights component of the 2000 Concept. The CHR has established several specialised committees,³¹ including the Committee against Racism, and the Committee for Economic, Social and Cultural Rights. These committees are involved in the preparation of periodic reports for the monitoring mechanisms of international human rights treaties.

The Council for National Minorities³² advises the Government concerning the rights of all national minority groups, including Roma. It is responsible for evaluating the effectiveness of the Minority Law as well as relevant international instruments.

The CRCI (which replaced the IMC on 19 December 2001) is an advisory body to the Government on Roma issues generally with the aim to promote the integration of Roma into society. It manages the development and implementation of governmental policy towards Roma; half of its 28 members are Roma representatives (one for each

³⁰ The Council for Human Rights is an advisory body to the Government tasked with monitoring the compliance of domestic legislation with ratified international human rights treaties. It was established by Government Decree No. 809 (9 December 1998). It has 20 members consisting of the Chairman (the Commissioner for Human Rights), seven deputy ministers (Ministry of Foreign Affairs, Ministry of Justice, Ministry of Interior, Ministry of Labour and Social Affairs, Ministry of Culture, Ministry of Health, and Ministry for Regional Development), as well as the Head Inspector for Human Rights Protection of the Ministry of Defence, the Chairman of the Institute for Public Information Systems, and experts, including one Roma representative. The number of members of State administration representatives roughly equals the number of expert public representatives in the CHR. For the CHR's Statute, see the Appendix to Government Decree No. 132 (17 February 1999). See also EU Accession Monitoring Program, *Monitoring the EU Accession Process: Minority Protection*, Open Society Institute, Budapest, September 2001, p. 167, (hereafter, "*Minority Protection 2001*").

³¹ Committee members consist of equal numbers of State administration representatives and NGO representatives and human rights activists, including Roma representatives.

³² Also known as the Council for Nationalities. The current Council was created in accordance with the Minority Law, Art. 6(3). The Roma minority, like the Slovak and Polish minorities, has three representatives. The Council for National Minorities is the only body discussed in this report whose existence is based on law rather than on a decree. This means that, contrary to the CRCI or the CHR, the existence of the Council (in case of a change of government) is more stable.

region).³³ Its activities are supported by an Office within the Human Rights Department.³⁴ The CRCI's competencies include: preparing conceptual materials for governmental decisions, presenting opinions on relevant proposals by other bodies, evaluating the implementation of relevant governmental decrees, proposing the distribution of funding for supplementary governmental programmes in support of Roma integration, cooperating with non-governmental and international organisations, and ensuring the implementation of public campaigns.

Again, the 2000 Concept itself does not set forth specific tasks; rather, it outlines the main issues and possible solutions. Concrete tasks are assigned to various actors – mainly ministries – in an annex to Government Decree No. 599 (14 June 2000) by which the 2000 Concept was adopted, with an indication of the deadline for completion where appropriate.³⁵ Further tasks concerning the integration of Roma are assigned to ministries through additional governmental decrees on the basis of the 2000 Concept or earlier documents (e.g. the Bratinka Report or the 1999 Concept Proposal). Ministries have not always taken up the tasks assigned to them willingly and there is no mechanism for requiring or even encouraging them to do so.

An important role in implementing the Concept at the local level is played by the “Roma Advisors” and “Roma Assistants” who have been appointed in the district

³³ See the Statute of the Council for Roma Community Issues, adopted by Government Decree No. 1371 (19 December 2001), Art. 3., at <<http://wtd.vlada.cz/scripts/detail.php?id=471>>, (accessed 7 May 2002) (in Czech). The CRCI has 28 members, including a Chairman and two Vice-Chairmen. The other 14 members are deputy ministers from the following ministries: Ministry of Education, Ministry of Finance, Ministry of Culture, Ministry for Regional Development, Ministry of Defence, Ministry of Trade and Industry, Ministry of Justice, Ministry of Labour and Social Affairs, Ministry of Interior, Ministry of Foreign Affairs and Ministry of Agriculture. The CRCI is chaired by the Vice Chair of the Government and Chair of the Legislative Council; the First Vice Chairman is the Deputy of the Government for Human Rights; the Second Vice Chairman is a Roma representative. The composition of the CRCI, is at <<http://www.vlada.cz/1250/vrk/komise/krp/krp.htm>>, (accessed 22 August 2002).

³⁴ 2002 Updated Concept, Part 2.2.3. The costs of the CRCI are covered from the budget of the Office of the Government (Art. 10). Members of the CRCI are not salaried employees; however, travel and other costs are reimbursed.

³⁵ Tasks for the Implementation of the Concept on Governmental Policy Towards Members of the Roma Community Supporting Their Integration into Society. Annex to Government Decree No. 599 (14 June 2000). Tasks were assigned to the Ministries of Justice, Interior, Labour and Social Affairs; Regional Development (five tasks); Education, Youth and Sports; Foreign Affairs; Defence (one task); Culture (one task); and to the Commissioner for Human Rights (five tasks). The Heads of District Offices are also assigned a couple of tasks. The Ministry of Health is not mentioned.

offices.³⁶ Roma Advisors are employees of the State administration. Advisors were meant to be employed at the Office of the Head of District; usually, however, they are employed within the social or health departments.³⁷ By 1 January 1999, the position of Roma Advisor had been filled in all 81 districts. Only about half, however, were of Roma origin (this is not a condition for the job). Furthermore, as these positions are mostly filled on the basis of fixed-term contracts, the total number of Roma Advisors and Assistants employed at any given time varies. According to the CRCI Secretary, there were 73 Roma Advisors as of April 2002; only about 15 were employed within the office of the Head of District.³⁸

The Roma Advisor coordinates the work of Roma Assistants, whose task is to engage in community social work, collection of information and “educational activities” between the majority and minority communities. Roma Assistants are also employed by the District Offices; there is supposed to be one Roma Assistant for every 1,500 Roma in a given district on average.³⁹ While Roma Advisors have played an important role in facilitating communication with the local Roma communities, it has been pointed out that in practice they have acted as social workers, a task for which they have received no training and are thus not qualified.⁴⁰ Moreover, their future is uncertain due to the ongoing reform of State administration⁴¹ according to which districts – and therefore the position of Roma Advisor at the District Office level – will be eliminated by 1 January 2003, and responsibility for Roma Advisors will be transferred to the new regional self-governments.⁴² It will be up to regional self-governments to decide whether to employ Roma Advisors or not; the central Government cannot compel them to do so (as it could at the district level).⁴³ However, the position of Coordinator of Roma Advisors at the regional level has been introduced under the 2002 Updated Concept,⁴⁴ and five have been appointed thus far.⁴⁵

Several specialised bodies have been established within certain ministries to facilitate the implementation of policies targeting minorities, including the Roma minority.

³⁶ This position was established by Government Decree No. 686 (29 October 1997).

³⁷ See 2000 Concept, Part 3.1 on “Roma Advisors;” see also 2002 Updated Concept, Part 2.5.1.

³⁸ *České noviny*, 28 April 2002.

³⁹ The Roma assistant employed at the District Office is different from the Roma “teacher’s assistant.”

⁴⁰ OSI Roundtable, Prague, June 2002.

⁴¹ See Law No. 128/2000 Coll., on Municipalities, and Law No. 129/2000 Coll., on Regions.

⁴² Government Decree No. 781 (25 July 2001).

⁴³ A decree, unlike a law, is not binding on local self-governments.

⁴⁴ See 2002 Updated Concept, Part 2.5.3.

⁴⁵ *Report on the Situation of National Minorities*, p. 72.

These include a Commission of the Ministry of Labour and Social Affairs,⁴⁶ the Consultative Committee for Minority Culture Issues (Ministry of Culture),⁴⁷ and the Consultative Group on Minority Education Issues (Ministry of Education).⁴⁸

Funding

Each ministry decides independently how much money to allocate for the implementation of the Concept within its competencies.

In order to fund the implementation of assigned tasks, individual ministries:

- Fund activities related to Roma as a part of their broader activities or policies, within their spheres of competence; there is no special chapter on Roma issues within the budget of each ministry;
- Administer the funding awarded by the CRCI (and allocated to the CRCI from the State budget) to individual grantees, as the CRCI itself is not equipped to administer grants.⁴⁹ The funding is distributed by public tender to NGOs, municipalities, and public universities, *inter alia*.⁵⁰ Grants are awarded by decision of special committees consisting of members of the CRCI (including its Roma members), financial experts and a representative from each of the relevant ministries. No Roma organisations are known to have participated in or won these tenders.

The Council for National Minorities oversees the distribution of funding for minority cultural activities⁵¹ according to a procedure by which, following consultations with the

⁴⁶ The “Commission of the Ministry of Labour and Social Affairs on the Implementation of Measures to Support the Employment of Persons with Difficult Placement on the Labour Market with Regard to Members of the Roma Community” was created by Order of the Minister No. 4/1998. This is a consultative body which implements the tasks outlined in the National Plan on Employment, adopted by Government Decree No. 640 (23 June 1999), and other decrees on this issue. 2002 Updated Concept, Part 2.4.2. Information on whether it includes any Roma representatives is not available.

⁴⁷ The Consultative Committee for Minority Culture Issues oversees the cultural activities of national minorities. It is tasked, *inter alia*, with the selection process for financial support for projects of national minorities. It is composed of representatives of national minorities, including Roma. 2002 Updated Concept, Part 2.4.2.

⁴⁸ The Consultative Group on Minority Education Issues also includes Roma representatives. 2002 Updated Concept, Part 2.4.2.

⁴⁹ Government Decree No. 98/2002 determines the conditions for providing funding from the State budget for activities of members of the Roma community.

⁵⁰ Interview with the CRCI Secretary, Prague, 15 April 2002.

⁵¹ See “Orders of the Government on providing financial support from the state budget for activities of members of national minorities,” approved by Government Decree No. 98/2002.

Council, individual ministries propose activities to support minority cultural activities from within their annual budget. Grants are distributed through a competitive procedure after a second round of discussions with the Council concerning the main fields of distribution.

A list of programmes administered by the CRCI gives some indication of ministry priorities. In 2000, the CRCI took part in five programmes: (1) local social/integration projects; (2) education for Roma children and youth; (3) research on co-existence between the Roma minority and the majority society; (4) support for field social workers; and (5) support for Roma students in secondary schools.⁵² In 2001, in addition to four of the above-mentioned programmes (excluding the research programme), the CRCI was also involved in a programme of research on low-income housing and in efforts to promote Roma participation in the 2001 Census.

Monitoring and evaluation

The Concept incorporates a mechanism to ensure that it is reviewed and updated on an annual basis, in cooperation with ministry representatives, district and municipal officials from areas where large numbers of Roma live, and Roma activists and experts. Thus, every year, the Vice Chair of the Government and the Commissioner for Human Rights must jointly present a report to the Government on the status of implementation of all governmental decrees concerning the integration of Roma. This report is compiled on the basis of the information supplied by the relevant ministries. Reports submitted to date have been mainly descriptive, with little assessment or analysis other than whether tasks were “fulfilled,” “in the process of being fulfilled” or “implementation cannot be assessed;” and whether deadlines were respected. The annual report is supplemented by an update to the Concept, incorporating changes and amendments considered necessary on the basis of new research, the experience of the previous years’ implementation or the situation in the country.⁵³ The most recent information on implementation, together with the 2002 Updated Concept, was

⁵² Report of the Commissioner for Human Rights on the Programmes Implemented with the Participation of the CRCI on the Realisation of Roma Integration in 2000 and 2001, <<http://www.vlada.cz/1250/vrk/komise/krp/krp.htm>>, (accessed 22 August 2002), (hereafter, “*Commissioner’s Report 2000–2001*”). This report is annexed to Government Decree No. 87 (23 January 2002) (Section IV, Annex 1).

⁵³ 2000 Concept, Part 12.2.

approved by Government Decree in January 2002.⁵⁴ This report examines the status of implementation of tasks concerning Roma integration assigned by 11 decrees adopted between October 1997 and November 2001. The Concept is to be updated again by 28 February 2003.⁵⁵

The Commissioner for Human Rights has also prepared a separate report on the programmes for Roma integration implemented with the involvement of the CRCI in 2000 and 2001.⁵⁶ The report provides a brief description of the programmes and an overview of expenditures, along with a short evaluation.

Individual ministries must present an expenditure report to the CRCI by the end of March every year.⁵⁷ In 2001, the Government allocated CZK 21 million (€690,108) to the CRCI to administer projects; this amount was increased in 2002 to CZK 25 million (€821,558).⁵⁸ NGOs which have received grants must also report on project implementation and expenditures. However, neither the CRCI nor the ministries have established any special mechanisms to monitor the effectiveness of implementation; according to one CRCI representative, this is due to a lack of sufficient staff and resources.⁵⁹

The CRCI (as well as its expert committees and working groups) is also entitled to request relevant information from other State administration authorities, from organisations and institutions subordinated to the State administration and, if necessary, from municipal authorities.⁶⁰ However, the CRCI has no legal authority to request compliance from the various entities involved in implementation, such as the ministries; its role is limited to summarising and evaluating the information provided.

⁵⁴ “Information on the Implementation of Government Decrees Concerning the Integration of Roma Communities and the Active Approach of State Administration in the Realisation of Measures Adopted Through These Decrees, as of 31 December 2001”, (hereafter, “*Information on the Implementation of Government Decrees as of 31 December 2001*”). This report is annexed to Government Decree No. 87 (23 January 2002) (Section III), <<http://www.vlada.cz/1250/vrk/komise/krp/krp.htm>>, (accessed 22 August 2002) (in Czech). Reports were also presented to the Government in September 1998, January 1999, November 1999, May 2000 and December 2000.

⁵⁵ Government Decree No. 87 (23 January 2002).

⁵⁶ *Commissioner’s Report 2000–2001*.

⁵⁷ See the latest report: Overview of State Financial Resources Allocated for the Implementation of the Concept of Governmental Policy Towards Members of the Roma Community Supporting Their Integration into Society), Government Decree No. 87 (23 January 2002), Section III, Annex 2 (in Czech).

⁵⁸ The exchange rate is calculated at CZK 30.43 (Czech Koruna) = €1.

⁵⁹ Interview with the CRCI Secretary, Prague, 15 April 2002.

⁶⁰ Statute of the CRCI, Art. 2(3).

The participation of NGO and Roma representatives in implementation and evaluation is secured through their membership as independent experts (rather than representatives of particular organisations) in the above-mentioned consultative bodies. About half of the Roma Advisors currently employed are of Roma origin; however, they work as State employees, not as representatives of the Roma community. There has been no independent evaluation of implementation of the Concept conducted by an NGO.

2.5 The Programme and the Public

The 2000 Concept highlights the importance of public discussion,⁶¹ yet the necessary funds and human resources to launch a concerted public campaign to promote the Concept and related activities seem to be lacking. The Office of the CRCI has no public relations staff and efforts to publicise the 2000 Concept have not been systematic.⁶²

The adoption of the 2000 Concept was announced in the media; however, the media has given it little attention. This may be due to a perceived lack of interest among the public in minority issues. Rather, media coverage tends to focus on concrete areas of governmental policy, such as the programme for field social workers, community housing, tolerance campaigns, and educational and vocational activities.⁶³ Over the past two years, the Government has used media campaigns as an opportunity to generate public support for its goals and to foster tolerance towards minorities, including Roma. These efforts should be continued.

The 2000 Concept is well known by those Roma representatives who are directly participating in its implementation as well as by Roma community leaders.⁶⁴ However, while individual elements of the Concept, such as ongoing activities in the area of education or social policies, seem to be well known among their beneficiaries, overall awareness of the existence of a comprehensive Government programme is low.

⁶¹ 2000 Concept, Chapter 12.

⁶² OSI Roundtable, Prague, June 2002.

⁶³ A survey of the press since 1997, conducted by the Counselling Centre for Citizenship and Human Rights (Prague), found articles on specific components of the Concept, but no articles on the Concept itself.

⁶⁴ OSI Roundtable, Prague, June 2002.

2.6 The Programme and the EU

The EU has supported governmental policy regarding Roma by allocating increasing amounts of funding through the Phare Programme.⁶⁵ In 1998, the amount allocated to such activities through the Phare National programme was €900,000; by 2001, it had increased to €3,000,000. Funds are not allocated specifically in support of implementation of the Concept but rather to projects aimed at promoting the integration of Roma and important issues identified in the Concept, such as education, media campaigns to promote tolerance, and training of Roma Advisors and Assistants.

The EU has also supported efforts to develop the legal and institutional framework to combat racial and ethnic discrimination and to promote equality through a Twinning Project with the United Kingdom (Phare 2000).

No funding had been allocated under Phare to support efforts to improve the situation with regard to employment or housing, although the 2001 Regular Report noted that further measures are needed in these areas.⁶⁶ However, the 2001 Phare Programme will include support for small-scale re-qualification and job creation activities. Extensive support will also be granted to NGO capacity building and promoting Roma participation, an issue that has been largely neglected to date.

The Phare 2001 Programme focuses on civil society organisations (Phare allocation of €3,000,000).⁶⁷ The aim is to support the creation of better opportunities for the participation of Roma in consultative and elected positions, as well as small scale re-qualification and job creation activities.

Additional Phare funding is allocated to Roma-related projects through two specialised funds: the Civil Society Development Foundation (NROS) – which supports projects in the areas of human rights, minorities, and sustainability of civil society

⁶⁵ For complete information on all Phare-funded programmes for the Roma in the Czech Republic, see: DG Enlargement Information Unit, *EU Support for Roma Communities in Central and Eastern Europe*, May 2002, <http://europa.eu.int/comm/enlargement/docs/pdf/brochure_roma_may2002.pdf>, (accessed 22 August 2002).

⁶⁶ European Commission, *2001 Regular Report on the Czech Republic's Progress Towards Accession*, 13 November 2001, pp. 26–27. <http://europa.eu.int/comm/enlargement/report2001/cz_en.pdf>, (accessed 22 August 2002), (hereafter, “2001 Regular Report”).

⁶⁷ DG Enlargement Information Unit, *EU Support for Roma Communities in Central Eastern Europe*, p. 21.

organisations,⁶⁸ and the European Initiative for Democracy and Human Rights (EIDHR) – which supports projects in the area of human rights and democracy.⁶⁹

Phare funding has provided essential support to activities and initiatives to improve the situation for Roma in a wide range of areas. However, monitoring and evaluation of the efficacy and impact of these projects has been minimal. Internal evaluation reports prepared by the EU Delegation in Prague simply state project objectives and whether the goals were met; there appears to be little information available on the amount of Government co-financing. No detailed assessment of the impact of each project has been conducted, nor has there been independent evaluation of EU expenditures.

Phare funding is therefore not used as efficiently as it could be to support the implementation of a coordinated governmental policy to promote the integration of Roma. Increasing the degree of harmonisation between EU funding and Concept objectives would improve the effectiveness of both EU and Government efforts. Civil society – and especially Roma representatives – should be involved to a greater degree in the implementation and evaluation of Phare-funded projects.

3. THE GOVERNMENT PROGRAMME – IMPLEMENTATION

3.1 Stated Objectives of the Programme

The overall aim of the 2000 Concept is the “attainment of the non-conflictual co-existence between the Roma communities and the rest of society.”⁷⁰ It sets seven priority objectives:⁷¹

- a) Ensuring the security of Roma and Roma communities;

⁶⁸ The Phare Civil Society Development Foundation aims to strengthen democracy and civil society in the Czech Republic and supports specific NGO projects. Under the various schemes administered by the NROS, grants have been awarded to over 1,400 projects since its establishment in April 1993, totalling €6.8 million. Over €3 million will be available in the course of 2002.

⁶⁹ This initiative brings together the budget lines for promoting human rights, democracy, and conflict prevention in countries outside the EU. The aim of the EIDHR is to promote political, civil, economic, social, and cultural rights. The total amount of the fund is €300,000.

⁷⁰ 2000 Concept, Part 1.7.

⁷¹ 2000 Concept, Part 1.7., reiterated in the 2002 Updated Concept, Part 1.10, with the exception that the 2000 Concept objective on the emancipation of Roma (e) is not listed in the 2002 Updated Concept.

- b) Eliminating “external obstacles,” primarily all forms of discrimination against individuals or groups defined by race, skin colour, nationality, language, or membership in a nation or ethnic group;
- c) Eliminating “internal obstacles,” such as disadvantages in education;
- d) Reducing of unemployment and improving housing and health conditions;
- e) Enhancing participation for Roma in decision-making in matters concerning Roma communities;
- f) Ensuring the development of the Roma culture and Romani language;
- g) Creating a tolerant environment in which membership in a group defined by race, skin colour, nationality (ethnicity), language, or membership in a nation does not provide the basis for discriminatory attitudes.

3.2 Government Programme and Discrimination

The Government has acknowledged the problem of discrimination and prejudice against Roma in various spheres of life.⁷² The 2000 Concept explicitly sets forth the aim to combat discrimination,⁷³ and devotes two chapters to outlining the framework for comprehensive anti-discrimination legislation (Chapter 2), and for the adoption of positive measures to overcome discrimination in various areas (Chapter 4).

These measures are necessary. The provisions of the EU Race Equality Directive⁷⁴ have not yet been fully incorporated into Czech legislation, though some important steps have already been taken.⁷⁵ For example, the reversal of the burden of proof will apply in cases of alleged racial discrimination from 1 January 2003.⁷⁶ There is no definition

⁷² See 2002 Updated For example, the 2002 Updated Concept states: “the Government considers that it is undeniable that Roma are very often the object of discriminatory behaviour. Discrimination against Roma in access to employment, housing, services and in other areas of life continues. At the same time, it is evident that only a small share of this discrimination is effectively penalised.” 2002 Updated Concept, Part 3.2.

⁷³ See especially 2000 Concept, 1.7, (b) and (g); 2002 Updated Concept, 1.10. (a) and (e).

⁷⁴ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of race or ethnic origin.

⁷⁵ However, several laws focusing on the partial implementation of EU directives on equal opportunities have been adopted. See EU Accession Monitoring Program, *Monitoring the EU Accession Process: Equal Opportunities for Women and Men*, Open Society Institute, Budapest, 2002 (forthcoming).

⁷⁶ Law No.151/2002 Coll. (amendment to the Civil Procedure Code).

of direct or indirect discrimination in Czech legislation and no provision in the Czech legal system to provide victims of racial discrimination in employment or other areas with the possibility to demand that discrimination be stopped, its consequences removed and corrective action be taken, and to claim monetary compensation for other than the material losses suffered.

The Office of the Public Defender of Rights (Ombudsman) began operating in December 2000,⁷⁷ but no data is available on the number of complaints submitted by Roma as the collection of ethnic data is prohibited by law. The 2000 Concept proposed the establishment of an Office for Ethnic Equality within the framework of the Minority Law,⁷⁸ but the proposal met with opposition and was abandoned. Acknowledging that this gap needs to be filled, the 2002 Updated Concept called for the strengthening of the CRCI as the main institution to support integration for Roma.⁷⁹

The Vice Chair of the Government presented a report recommending measures to combat racial discrimination, especially in the area of economic, social and cultural rights,⁸⁰ at the beginning of 2002, and has been tasked,⁸¹ together with selected Ministers and the Commissioner for Human Rights, with presenting a draft of a comprehensive anti-discrimination law by 31 December 2002. This effort has been supporting by an EU-supported Twinning Project with the United Kingdom.⁸²

According to various reports published by domestic and international NGOs, widespread problems of racism and discrimination against Roma in the fields of

⁷⁷ The competencies of the Ombudsman are regulated by Law No. 349/1999 Coll., on the Public Defender of Rights which came into force on 28 February 2000.

⁷⁸ The 2000 Concept had proposed establishing an "Office for the Rights of National Minorities (for Ethnic Equality and Integration)." 2000 Concept, Chapter 2; see also Part 3.2. It is expected to be taken up again within the context of the comprehensive anti-discrimination legislation being prepared.

⁷⁹ 2002 Updated Concept, Part 2.2.6.

⁸⁰ Report on Options for Combating Discrimination, approved by Government Decree No. 170 (20 February 2002).

⁸¹ Government Decree No. 170 (20 February 2002) assigned to the Vice Chair of the Government, in cooperation with the Commissioner for Human Rights and selected Ministers, to present to the Government draft legislation on protection against discrimination, implementing EU Directives 2000/43/EC (EU Race Equality Directive) and 76/207/EHS.

⁸² Consultative roundtable discussions between Government officials, opinion makers, civil society and Roma representatives, were organised on the topics of policing, health, education, training, employment, civic participation and access to housing, also as a means of disseminating information on government policy. The project was implemented from April 2001 to June 2002 by the Human Rights Department of the Office of the Government and the UK Home Office Race Equality Unit. Its proposals were presented to the Government as part of the Report on Options for Combating Discrimination.

education, employment, housing, provision of healthcare and other services, and the criminal justice system persist.⁸³ According to a recent survey carried out by the Centre for Research on Public Opinion (CVVM), one third of Czechs do not “always” tolerate foreigners; and half are intolerant of people with a different skin colour.⁸⁴ Compared to findings for 2000, tolerance had grown towards all groups except Roma.

A principal objective of the 2000 Concept is to promote tolerance. Accordingly, several campaigns have been implemented with governmental support since December 1999, including a State-sponsored anti-racism campaign in 1999–2000,⁸⁵ which supported activities for teachers and high school students, *inter alia*. According to an evaluation conducted by the Sofres-Factum Agency, two-thirds of the population were aware of the campaign, though estimations of its usefulness were mixed.⁸⁶

The follow-on campaign planned for 2001 was never implemented due to problems during the tendering process.⁸⁷ However, the Government did support a two-month campaign entitled “Be kind to your local Nazi” (see Section 3.3).

⁸³ See e.g. *Shall we Take Discrimination Seriously?*, Project report, Counselling Centre for Citizenship, Civil and Human Rights, Prague, 2001; see also, *Minority Protection 2001*, pp. 133–151.

⁸⁴ Cited by ČTK on 29 May 2002, in “One Czech in Three Intolerant of Foreigners,” RFE/RL *Newsline*, 30 May 2002.

⁸⁵ The “Tolerance Project,” which received a Government allocation of CZK ten million (€328,623) and €1,643 from Phare. Some elements of the campaign, provoked strong reactions, such as billboards with a photograph of a human foetus, accompanied by the inscription: “Do you recognise its colour?” See “The Tolerance project has caused controversial reactions,” *Mladá Fronta Dnes*, 17 July 2000.

⁸⁶ 36 percent of respondents expressed the view that such campaigns can help eliminate racist attitudes, while 40 percent held the opposite view. The political opposition criticised the huge amount of funds allocated to media agencies. For more, see e.g. “The governmental Tolerance project points to the negative impact of racism and xenophobia,” *Slovo*, 8 February 2000; “Rychetský appreciated the campaign against racism, Mlynář did not,” *Zemské noviny*, 2 August 2000. The considerable amount of funding allocated to media agencies was criticised by the political opposition, but Previa Agency, the sub-contractor for the campaign, denied this by referring to the fact that only eight of the CZK ten million allocated were available for the campaign after tax deductions, and that only one third of this amount was actually used for the media campaign. Furthermore, the director of Previa Agency emphasised that the real value of the media campaign was CZK 30 million. See “The Tolerance Project has caused controversial reactions,” *Mladá Fronta Dnes*, 17 July 2000.

⁸⁷ Two participants excluded from the public tender obstructed the final commissioning until November 2001 when their appeal was rejected by the Institute for the Protection of Economic Competition. The whole tender was ultimately cancelled because of the short time remaining until the end of the year (funds may not be transferred to following financial year).

3.2.1 Education

The 2000 Concept embodies a two-way approach to integration, proposing to adapt the school system to the needs of Roma children rather than seeking to adapt Roma children to the school system.⁸⁸ However, the 2000 Concept does not propose a comprehensive plan for achieving its objectives, and many observers believe that the *ad hoc* measures it does propose are not sufficient to bring about the transformation the school system necessary to overcome such deeply-rooted problems as the systematic segregation of Roma children.

The 2002 Updated Concept states the need to abolish special schools within the context of the proposed Law on Schools;⁸⁹ however, it emphasises that positive measures are also necessary in order to overcome socio-cultural handicaps. The measures it proposes include special preparatory classes and the employment of teacher's assistants.⁹⁰

The following general measures are proposed in the 2000 Concept to overcome disadvantages faced by Roma children in the educational system:⁹¹

- Ensuring the possibility of transfer from “special schools” (*zvláštní školy*)⁹² to regular primary schools and vice versa;⁹³
- Transformation of “special schools” into ordinary primary schools and the gradual transfer of pupils from special schools to primary schools;
- Establishment of a network of preparatory classes; education and employment of Roma assistants in schools, in consultation with parents;
- Training for teachers;
- Development of a legislative framework for positive action.

⁸⁸ 2000 Concept, Part 6.1.

⁸⁹ 2000 Concept, Part 6.11.

⁹⁰ 2002 Updated Concept, Part 4.4.1.

⁹¹ See Chapters 4 and 6 of the 2000 Concept.

⁹² According to § 28 of the Schools Law (Law No. 29/1984 Coll.), “special schools” (*speciální školy*) provide education for mentally-, sensually- or physically-disabled pupils, pupils with multiple disabilities, pupils with educational disorders, and pupils who are ill or weak. Within the category of special schools, there are also “specific schools” (*zvláštní školy*). These provide education to pupils with such mental deficiencies (*rozumové nedostatky*) that they cannot be educated in primary schools nor in special primary schools. However, the term “special school” shall be used in this report in reference to the *zvláštní školy* (literally “specific schools”).

⁹³ See Task 5.a for the Ministry of Education in the Appendix to Government Decree No. 599 (14 June 2000), to be implemented with the assistance of the Commissioner for Human Rights.

Accordingly, the following tasks were assigned to the Ministry of Education and were evaluated in the 2002 Updated Concept, *inter alia*:⁹⁴

- Extension of the network of preparatory classes;⁹⁵
- Support for the employment of teacher's assistants, including at the level of secondary vocational education;⁹⁶
- Review of testing procedures to prevent placement of Roma children into special schools without accurate determination of their intellectual and educational abilities;⁹⁷
- Ensuring the possibility of transfer of successful pupils from special schools to primary schools, as part of the process of transforming the educational system;⁹⁸
- Development of full-day educational programmes in five pilot schools;⁹⁹
- Laying the legislative foundations for positive action measures.¹⁰⁰

It is estimated that only two percent of Roma have completed university-level education, and 13 percent have completed high school or vocational education.¹⁰¹ However, the 2000 Concept does not propose any measures to support university attendance for Roma, and the Law on Academic Institutions lacks provisions which would allow for the establishment of quotas.¹⁰²

⁹⁴ These tasks are assigned by Decree No. 599 (14 June 2000) as well as by additional decrees (see below). In some cases, the 2000 Concept further specifies tasks assigned by earlier decrees.

⁹⁵ These tasks coincide with the Ministry of Education's "Strategy to Improve the General Situation of Education of Roma Children, with Action plan" (approved on 14 December 2000).

⁹⁶ Government Decree No. 686 (29 October 1997); Government Decree No. 599 (14 June 2000), Annex, Task 5.b.; Government Decree No. 1145 (7 November 2001) – a long-term task, not evaluated in the 2002 Updated Concept.

⁹⁷ Government Decree No. 686 (29 October 1997).

⁹⁸ Government Decree No. 599 (14 June 2000), Task 5.a see also 2000 Concept, Part 6.15.

⁹⁹ Government Decree No. 1145 (7 November 2001) – a long-term task, not evaluated in the 2002 Updated Concept. Full-day educational programmes include after-school activities. The five schools are to be selected in cooperation with the CRCI and the project is due to be started in the 2002/2003 school year.

¹⁰⁰ Government Decree No. 686 (29 October 1997), to be fulfilled by 2020. The Ministry of Education did not provide information on its implementation for the 2002 Updated Concept.

¹⁰¹ *Report on the Situation of National Minorities*, p. 71.

¹⁰² Law No. 111/1998 Coll. which also vested self-governing authority to universities.

Transformation of the educational system

The 2000 Concept's proposal to transform special schools and the tasks assigned to the Ministry of Education by Decree No. 599¹⁰³ are meant to be realised within the context of a broader transformation of the school system based upon the so-called "White Book."¹⁰⁴ The White Book explicitly rejects the "segregated education of children with special needs"¹⁰⁵ However, the course of action it proposes will do little to overcome the segregation of Roma children in practice:¹⁰⁶ it proposes the establishment of classes offering the regular primary school curriculum *within* special schools, and measures to promote the gradual transfer of capable children to these classes. In other words, children who have not been accepted into mainstream primary schools will continue to be taught together with mentally-handicapped children in special schools;¹⁰⁷ there are no measures to promote the integration of disadvantaged children into the mainstream educational system.

These measures are on hold at present as the Government's proposal for a new School Law was rejected by Parliament, and the proposals outlined in the White Book will depend on implementation of Programme Declarations of the new Government formed after the June 2002 elections.¹⁰⁸

"Positive action": preparatory classes, teacher's assistants, adult education

The Government has stated its preference for positive action measures, or "focussed assistance," rather than quotas.¹⁰⁹ However, as schools are managed by local governments, the ability of the Ministry of Education to promote the implementation of positive action measures is limited.

Preparatory classes for children from socially disadvantaged families have constituted one of the most important forms of focused assistance to date.

¹⁰³ See 2000 Concept, Parts 6.11, 6.12 and 6.15; see also Government Decree No. 599 (14 June 2000), Annex, Task 5.a.

¹⁰⁴ The National Programme of Educational Development in the Czech Republic (the so-called "White Book"), was approved by Government Decree No. 113 (7 February 2001). See the website of the Ministry of Education, <www.msmt.cz>, (accessed 11 March 2002).

¹⁰⁵ *White Book*, p. 24.

¹⁰⁶ See e.g. *Minority Protection 2001*, pp. 136–139.

¹⁰⁷ *White Book*, p. 25.

¹⁰⁸ Programme Declarations of the Government, August 2002, <http://www.vlada.cz/1250/vlada/vlada_progprohl.htm>, (accessed 19 September 2002).

¹⁰⁹ See Part 4.2 in both the 2000 Concept and the 2002 Updated Concept. A quota system would also be difficult to implement due to the difficulty of obtaining exact data on the ethnic origin.

Funding for preparatory classes at various levels has been provided through the State budget, as well as through the Ministry of Education, municipalities, and private sources, benefiting a total of 1,364 children.¹¹⁰ However, the Ministry of Education has acknowledged that the need for preparatory classes is considerably higher.¹¹¹

A further form of focussed assistance is the employment of Roma as teacher's assistants in primary schools and pre-schools, with the responsibility of providing additional assistance to teachers, helping children prepare for school, and acting as mediators between the school, the family and the community. Following a trial period, during which the training and placement of Roma teacher's assistants (as well as preparatory classes) was tested starting in September 1997 by the NGO *Nová škola* (New School) and the Association of Roma in Moravia, the Ministry of Education endorsed them.¹¹²

The 2002 Update Concept states that preparatory classes and teacher's assistants should be made available to all Roma children who would benefit from them,¹¹³ it also proposes that teacher's assistants be employed in secondary and vocational schools as well.¹¹⁴ However, it acknowledges that the need for these measures outstrips available resources, even though the number of preparatory classes and teacher's assistants has increased.¹¹⁵ Though Phare and other EU sources have provided some support for the training of teacher's assistants,¹¹⁶ funds are still lacking.¹¹⁷

¹¹⁰ According to data provided by the Ministry of Education, in the 2000/2001 school year, preparatory classes were established in 63 primary schools and seven pre-school establishments; another 40 preparatory classes were established in special schools (36 percent of the total number of preparatory classes).

¹¹¹ Government Decree No. 87 (23 January 2002), Section III, Annex 2, "Overview of the Financial Sources Allocated by the State for the Implementation of the Concept," <<http://www.dzeno.cz/czech/dokumenty/finance.doc>>, (accessed 22 August 2002).

¹¹² See Guideline No. 25484/200-22 of the Ministry of Education.

¹¹³ 2002 Updated Concept, Part 4.4.2.

¹¹⁴ 2002 Updated Concept, Part 4.4.2.

¹¹⁵ According to the 2002 Updated Concept, there are now about 230 teacher's assistants. Part 4.4.2, footnote 13.

¹¹⁶ Teacher's assistants were also trained in 2001 with Phare 1999 funds by the People in Need Foundation (under the "Varianty" project), in cooperation with the NGO *Nová škola*. The project was commissioned and supervised by the CRCI. The Ministry of Education is considering contributing financially to a follow-up with Phare 2000 support. See <<http://www.varianty.cz/novinka.asp?novinka=45>>, (accessed 17 September 2002).

¹¹⁷ OSI Roundtable, Prague, June 2002.

The Ministry of Education has suggested that the failure to implement these measures widely is also due to a lack of information about the possibility and lack of interest from school directors, who make the ultimate decision as to whether they will be applied in their schools,¹¹⁸ and the Ministry can only issue recommendations that they do so. In fact, the Ministry is planning to issue recommendations in this area to Regional Offices.¹¹⁹ The Government has tasked the Ministry of Education with continuously intensifying its support for preparatory classes and teacher's assistants.¹²⁰ The 2002 Concept proposes that the Ministry use direct financial incentives to encourage school directors' participation.

The Ministry of Education has also provided support for the organisation of adult education classes for Roma who completed special schools.¹²¹ However, some charge a fee as high as CZK 4,000 (€131),¹²² making them inaccessible to many of those they are designed to benefit. The Ministry of Education does not have any figures on the number of adults who have graduated from these courses, and Roma have expressed little interest, except when the courses are organised in tandem with re-qualification classes offered by employment agencies.¹²³ Measures to reduce or eliminate fees are under consideration, and the Ministry is reportedly developing a set of recommendations for the administration of adult education courses for Regional Offices.¹²⁴

Placement tests

In order to meet the special needs of children from different backgrounds, a new and improved basis for testing their educational abilities has been developed by the Ministry of Education. These tests are also to be administered to pupils who are candidates for transfer from a special school to a primary school.¹²⁵ The new tests, which are administered at pedagogic-psychological testing centres throughout the country, were approved only in 2001, and neither the Ministry

¹¹⁸ 2002 Updated Concept, Part 4.4.3.

¹¹⁹ Information provided by the Coordinator and Officer for the issues of education of Roma children, Ministry of Education, Prague, 17 July 2002.

¹²⁰ Decree No. 1145 (7 November 2001).

¹²¹ 2000 Concept, Part 6.14.

¹²² The minimum monthly wage in the Czech Republic amounts to some 5,000 CZK (€164).

¹²³ Information provided by the Coordinator and Officer for the issues of education of Roma children, Ministry of Education, Prague, 17 July 2002.

¹²⁴ Information provided by the Coordinator and Officer for the issues of education of Roma children, Ministry of Education, Prague, 17 July 2002.

¹²⁵ The Ministry of Education has also issued a guideline on "Methodical instructions for the transfer of successful pupils from special to primary schools" (Guideline No. 28 498/99-24).

of Education nor the Institute of Pedagogic-Psychological Counselling, which developed the test, has evaluated their effectiveness to date.

Programme of Support to Roma Students in Secondary Schools

Finally, the Ministry of Education is providing financial support to Roma students in vocational secondary schools.¹²⁶ Although implementation has been hampered to some degree by territorial reform in 2001 and change of individual school directors, this measure has been particularly well-received by the Roma community and by others; many observers stress that supporting the emergence of a Roma middle class is key to improving communications between Roma communities and the majority society.¹²⁷

Approximately 900 students were supported in 2000, and 1,531 students in 2001.¹²⁸ Due to the programme's success, the IMC recommended that levels of funding should be increased in 2002.¹²⁹ In a positive example of coordinating the implementation of special measures to improve the situation for Roma with other governmental policies, the Government has tasked the Ministry of Labour and Social Affairs with taking measures to ensure that assistance provided to Roma pupils in secondary schools is not considered as a source of income when assessing families' entitlement to social benefits.¹³⁰

Additional training for special school graduates

Graduates of special schools are at a disadvantage in applying to secondary schools compared to students have completed regular schools. The Government has supported the organisation of special courses to assist special school

¹²⁶ Funding is provided to schools to cover students' school fees, per diem, accommodation and school supplies.

¹²⁷ "Organizace, zaměřené na romskou problematiku, jsou leckdy odtrženy od reality" (Organisations focusing on Roma issues are sometimes disconnected from reality), *Deník chomutovska*, 5 September 2001.

¹²⁸ A total of CZK 2,925,000 (€96,122) was allocated by the Ministry of Education in 2000 and CZK 6,837,000 (€224,680) in 2001. 2002 Updated Concept, Part 4.4.10; see also *Commissioner's Report 2000–2001*, Parts I.5 and II.3.

¹²⁹ CZK 10 million (€328,623) were allocated in 2002. *Commissioner's Report 2000–2001*, Part II.3. See also "Information on the Programme of Support to Roma Pupils in Secondary Schools," <<http://www.vlada.cz/1250/vrk/vrk.htm>>, (accessed 16 July 2002) (in Czech).

¹³⁰ *Commissioner's Report 2000–2001*, Part II.3.

graduates in preparing for admission tests to secondary schools.¹³¹ This measure does little to address the deeper problem of segregation of Roma into special schools but the experience could be used more broadly in Roma education projects.

The overall impact of the various initiatives taken in the area of education to date has been minimal and the segregation of Roma children persists. Some successful measures, such as preparatory classes and Roma teacher's assistants, have been expanded and the programme to support Roma students in vocational high schools has also been well-received. However, more systematic and comprehensive measures are necessary to address structural flaws in the education system, and to increase the number of Roma students entering secondary school and university.

3.2.2 Employment

Government measures in the area of employment have focused primarily on addressing long-term unemployment among "persons difficult to place on the labour market;" little has been done to address the problem of discrimination against Roma. As noted above, the Concept's original proposal to establish an Office for Ethnic Equality was abandoned, and without the central coordination this Office would provide, other Concept measures, such as re-qualification courses and public benefit jobs, lack cohesion and have had minimal impact. Draft anti-discrimination legislation is expected to revive the proposal to establish the Office, which could bring rapid and significant improvements to Concept implementation in this area.

The following employment-related tasks have been assigned to the Ministry of Labour and Social Affairs (and others), *inter alia*:

- Create the conditions for combating discrimination in employment, including through legislative changes;¹³²
- Provide the legal grounds for positive action in order to eliminate disadvantages experienced by members of the Roma community;¹³³

¹³¹ Originally, a project funded under the Phare 1997 Programme sought to help Roma students pass the one year qualification course that was required for entrance to secondary school for special school graduates. After an amendment to the School Law eliminated this requirement, the project was refocused on preparing Roma special school graduates for secondary school entrance exams.

¹³² Government Decree No. 279 (7 April 1999), Task 2.a.

¹³³ Government Decree No. 279 (7 April 1999), Task 2.b.

- Establish guidelines for Roma Advisors and Assistants at district offices, including through vocational training;¹³⁴
- Examine the possibility of hiring Roma Assistants in Counselling Centres, in cooperation with the Association of Citizens' Advisory Bureaux (CAB).¹³⁵

The positive measures proposed by the 2000 Concept¹³⁶ seek to combat long-term unemployment, including through:

- Providing opportunities for Roma to obtain additional education and professional qualifications (See Section 3.2.1);
- Offering qualification and re-qualification courses, in conjunction with established labour market needs to ensure that Roma who complete these courses can find employment;
- Developing incentives for employers to hire persons “difficult to place on the labour market;”¹³⁷
- Creating a system of preferences in public tenders for so-called “Roma companies.”¹³⁸

Combating racial discrimination in employment, including through legislative measures

The proposed Office for Ethnic Equality was to have ensured protection against all forms of racial discrimination, including discrimination in access to employment and in the workplace.¹³⁹ As the Office has not been established, the Ministry of Labour and Social Affairs has assumed responsibility for implementing this component of the Concept. However, until comprehensive anti-discrimination legislation is adopted and the Office is operational, efforts to ensure effective

¹³⁴ Government Decree No. 599 (14 June 2000), Annex, Task 3.a – a task of the Vice Chair of the Government and the Ministry of Labour and Social Affairs, together with the Ministry of Interior and the Commissioner for Human Rights.

¹³⁵ Citizens Advisory Bureaux are NGOs which have not received State funding to date. Decree No. 599 (14 June 2000), Annex, Task 3.d.

¹³⁶ See Chapter 4 on Compensatory Measures, 2000 Concept.

¹³⁷ According to the guidelines established by the Ministry of Labour and Social Affairs (see below).

¹³⁸ A “Roma company” is defined as a company employing more than 60 percent of either Roma or “persons difficult to place on the labour market.” 2000 Concept, Part 4.19.

¹³⁹ 2000 Concept, Section IV; see also *Commissioner's Report 2000–2001*, Parts II.1.5 and II.1.6.

protection against discrimination in employment (and in other areas) will be limited due to the fragmented legislative framework in this area.¹⁴⁰

The Ministry of Labour and Social Affairs and the Labour Offices jointly exercise the competence to monitor compliance with existing employment laws and guidelines; however, their ability to impose sanctions in cases of violation is limited;¹⁴¹ under existing legislation, it is extremely difficult to prove discrimination or even to establish negligent fault.¹⁴²

Establishing the legislative grounds for positive action

The Ministry of Labour and Social Affairs has been tasked with drafting legislative amendments to establish the basis for positive action in the field of employment.¹⁴³

The 2002 Concept Update noted that this task had not been fulfilled as the Ministry did not propose any new amendments, and simply made reference to already-existing general non-discrimination clauses in the Law on Employment.¹⁴⁴

Thus, there is still no basis in domestic law for positive measures in employment.¹⁴⁵

¹⁴⁰ For a detailed analysis of existing legislation to provide protection against discrimination in employment and other areas, see B. Bukovská and L. Taylor, *Legal analysis of national and European anti-discrimination legislation. A comparison of the EU Racial Equality Directive & Protocol No. 12 with anti-discrimination legislation in Czech Republic*, European Roma Rights Center/Interights/Minority Policy Group, Budapest/London/Brussels, September 2001, <<http://www.migpolgroup.com/uploadstore/Czech%20Republic%20electronic.pdf>>, (accessed 26 september 2002)

¹⁴¹ Fines of up to CZK 250,000 (€8,216) can be levied on employers for an intentional violation of their duties, and up to CZK one million (€32,862) for persistent violators. Law No. 1/1991 Coll. on employment, § 9.

¹⁴² However, the definition of a misdemeanour introduced by the amendment of Law No. 200/1990 Coll., on Misdemeanours (273/2001 Coll.) should be applicable in this context. It adds the definition of a misdemeanour committed by anyone who restricts or denies the execution of the right of a minority member, and anyone who causes another person injury, *inter alia* because of membership in a national minority or due to ethnic origin, race, etc. (see Section 3.4 of this report).

¹⁴³ Government Decree No. 279 (7 April 1999).

¹⁴⁴ Law No. 1/1991 Coll., Amendment No.167/1999.

¹⁴⁵ However, several international treaties to which the Czech Republic is a party explicitly provide for positive action, such as ICERD, Art. 1.4.

Measures to support the employment of “persons difficult to place on the labour market”¹⁴⁶

The objective of this initiative is to develop a more unified approach to the problem of long-term unemployment, which affects mainly Roma, by coordinating the efforts of State agencies, municipalities and trade unions.

The Ministry of Labour and Social Affairs has developed a programme for the employment of “persons difficult to place on the labour market.” The programme provides for financial incentives to employers who offer “public benefit jobs;”¹⁴⁷ these jobs are established by the employer on the basis of a written contract with the Labour Office or municipality. Public benefit jobs are offered on a short-term basis, not exceeding twelve months. The programme also provides support for re-qualification projects, and financial incentives for the establishment of new jobs.¹⁴⁸ These activities are regularly evaluated by the Labour Offices. In 2001, the Ministry also established a special Commission to evaluate the programmes being implemented within this framework.¹⁴⁹

However, as of yet, no agreement has been reached among the relevant ministries on the Concept’s proposed measure to provide financial incentives to companies employing Roma; disagreements have focused on the appropriate method for delivering these benefits: through tax incentives or as a direct allocation to employers.¹⁵⁰

¹⁴⁶ These persons are defined as: (1) long-term unemployed persons or persons with characteristics of prospective long-term unemployment; (2) persons with low or no qualifications, which might be connected with a disability; and (3) persons of low social standing following from a different socio-cultural background. These measures were approved by Government Decree No. 640 (23 June 1999). See also Government Decree No. 599 (14 June 2000), Annex, Task 3.c.

¹⁴⁷ The legal basis for these measures is provided by the Law on Employment and Competency of Czech Authorities in the Area of Employment (Law No. 9/1991 Coll.). Public benefit jobs are new jobs established by the employer on the basis of a written contract with the Labour Office (see § 5 of Law No. 9/1991 Coll.). Public benefit jobs can also be created by municipalities. Job seekers are employed in a public benefit job on a rather short-term basis, not exceeding twelve months. Employers’ expenses in providing these jobs are covered to a certain extent (up to the level of the provided salaries, taxes and insurance connected with the salary) by the Ministry of Labour or by the Labour Office.

¹⁴⁸ Information on the Implementation of Government Decrees as of 31 December 2001, Part 2.1.3.

¹⁴⁹ Established by Ministerial Order No. 11/2001. See also the Report on Options for Combating Discrimination.

¹⁵⁰ 2002 Updated Concept, Part 4.5.3.

Evaluation of the impact of the above initiatives is difficult, as there are no official statistics on unemployment among Roma, and the collection of such statistics is prohibited.¹⁵¹ However, they are widely regarded as having been minimally effective, and the appropriateness of public benefit jobs as a measure to combat long-term employment has been questioned. Furthermore, the limited efficacy of these policies sometimes has been used to support claims that Roma are unwilling to work, and some have claimed that they are discriminatory against members of the majority.¹⁵²

In a recent document evaluating efforts to date and setting guidelines for future action to improve the situation for Roma in the sphere of employment, the Ministry of Labour and Social Affairs called for greater attention to supporting the capacity, qualification and motivation of individual job-seekers.¹⁵³ It pointed to the need for research on minimum wage requirements. The 2002 Updated Concept called for priority to be given to the development of focussed programmes to address unemployment among Roma and for the next Update to lay the foundations for more extensive measures to be taken in this area.

3.2.3 Housing and other goods and services

Housing

The Concept acknowledges that segregation and exclusion of Roma communities is a key problem and proposes the provision of low-income housing as the principal solution.¹⁵⁴ However, this approach seems to reflect a view that these problems are due exclusively to poverty and lack of income; it fails to recognise and address the role played by discrimination.

¹⁵¹ General statistics on unemployment as of August 2002 are at <<http://www.mpsv.cz/scripts/nezamestanost/info.asp?lg=1>>, (accessed 17 July 2002).

¹⁵² See e.g. “*Romové většinou pracovat moc dlouho nevydrží*” (Roma are usually unable to work too long), *Večerník Praha*, 28 December 2001; “*Foros – město i práce*” (Foros – town and work), *Deník Jablonecka*, 29 January 2002; “*Město přestane vyplácet Romům příspěvek k platě*” (The city will stop paying Roma supplements to their salary), *Deník Litoměřicka*, 12 July 2001.

¹⁵³ Priorities of Employment Policy, updated on 23 March 2002, <<http://www.mpsv.cz/scripts/clanek.asp?lg=1&id=2544>>, (accessed 17 July 2002).

¹⁵⁴ 2000 Concept, Part 4.23.

Moreover, many Roma debtors are already living in low-rental housing, in constant threat of eviction,¹⁵⁵ and a programme to offer even lower rents is hardly a realistic option.

Because of profound changes in the structure of the housing market, the analysis provided by the 1997 Bratinka Report is now outdated.¹⁵⁶ The 2002 Updated Concept notes the results of some initial Government-sponsored research on housing issues,¹⁵⁷ but given deteriorating conditions in this area more comprehensive research is necessary as the basis for formulating broader-ranging policy solutions.

The 2000 Concept proposes only *ad hoc* solutions. Specifically, the Ministry for Regional Development was tasked with:

- Elaborating a concept for the provision of low-income housing to disadvantaged families;¹⁵⁸
- Supporting housing development programmes involving unemployed Roma and flat occupants in the construction work;¹⁵⁹
- Conducting and evaluating research on the housing available to socially disadvantaged members of the Roma community in all districts.¹⁶⁰

¹⁵⁵ Some landlords use indebtedness as a reason for evicting Roma tenants in order to renovate and rent out flats for so-called “economic” rents which can be 20 times higher. See e.g. “Kolem neplatičů nájemného se zřejmě stahuje smyčka” (A noose is tying itself around the neck of rent defaulters) *Večerník Praha*, 25 January 2002.

¹⁵⁶ The rate of private ownership of houses and flats has risen dramatically over the past decade due to restitution, privatisation and the availability of state-subsidised loans and home mortgages. See the results of the 2001 Census, <<http://www.czso.cz:8005/sldb-win/owa/gt11?xjazyk=CZ&xuzemi=1&xtyp=1>>, (accessed 18 July 2002). *Note: Following flooding in Summer 2002, the website was redone and this information is no longer available.* See: <<http://www.czso.cz/cz/sldb/index.htm>>, (accessed 5 October 2002).

¹⁵⁷ Government Decree No. 599 (14 June 2000), Annex, Tasks 4.b and 4.e; see also *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 10.4.5; and *Report on the results of research on the issue of ‘holobyty’ in relation to the Roma community*, annex to Government Decree No. 87 (23 January 2002).

¹⁵⁸ 2000 Concept, Annex 4

¹⁵⁹ 2000 Concept, Annex 4. This task was also assigned by Government Decree No. 686 (29 October 1997); see also the projects of community housing assigned by Government Decree No. 978 (22 September 1999) and Government Decree No. 387 (19 April 2000).

¹⁶⁰ 2000 Concept, Annex 4.

Research study on low-quality flats

Within the framework of the Concept, the Government commissioned a research study on low-quality flats (so-called "*holobyty*").¹⁶¹ The study assesses the situation with regard to housing segregation and offers proposals to promote integration. It underlines the need for comprehensive anti-discrimination legislation effectively to combat segregationist policies by local governments. While its recommendations are rather general, this study represents an important step towards developing a comprehensive policy to address segregation.

However, the study was limited in scope; it did not examine other areas in which discrimination has been a problem, such as in the privatisation of flats and in access to State-supported housing loans and rental housing. These problems are particularly evident at the municipal level, where local government are authorised to issue by-laws and other measures to guide municipal housing policies.¹⁶² For example, often flats in areas where Roma live are not offered for sale to tenants, as is the case in areas inhabited by non-Roma; rather, entire buildings are sold off to other owners. Some municipalities have removed Roma from neighbourhoods by purchasing houses in the countryside and moving them there. The introduction of anti-discrimination legislation will provide an essential tool to challenge such policies; at present, discriminatory procedures in housing by-laws are not explicitly prohibited.

The current system of rent control based on regulated lump-sum rents rather than targeted rent control should also be examined, as it tends to impede access to housing other than that provided by municipalities. In many cases, Roma families who are evicted from rent-controlled flats cannot afford alternative housing;¹⁶³ over time they have been moved into ghettos and second-class

¹⁶¹ The Ministry for Regional Development allocated CZK 500,000 (€16,431) for this study. See Socioklub, "Report on the Results of Research on the Issue of '*holobyty*' in relation to the Roma Community," Realised for the Ministry for Regional Development, Annex to Government Decree No. 87 (23 January 2002), Section IV, Annex 2.

¹⁶² See e.g. I. Tomeš, *Sociální soudržnost, vyloučenost a tvorba sociální politiky kraje a obce* (Social cohesion, exclusion and developing regional policy), 18 April 2002, <<http://www.mpsv.cz/scripts/clanek.asp?id=11&lg=1>>, (accessed 17 July 2002); see also B. Bukovská, *Difference and Indifference: Bringing Czech Roma Ghettos to Europe's Court*, <<http://www.eumap.org/articles/content/70/703>>, (accessed 17 September 2002).

¹⁶³ For rent regulation, the date of the contract is decisive rather than social need, and the option of unlimited contractual rent has driven rents to unacceptably high levels.

accommodations.¹⁶⁴ The practice of usury has impoverished entire settlements.¹⁶⁵

More comprehensive research would facilitate the articulation of a more comprehensive approach to housing issues, with guidelines for the adoption of effective policies at the central and local levels.¹⁶⁶ It would be particularly important to identify means of tackling the discriminatory practices emanating from municipal by-laws and regulations.

Construction of cheap housing

The Construction Programme of Rented Housing (completed in 2002) financed the construction of cheap housing (though not explicitly for Roma). However, the Ministry for Regional Development was unable to influence selection criteria for tenants; these were set by the municipalities.¹⁶⁷ Recently, the Ministry has developed a second complementary housing programme,¹⁶⁸ but it is not yet functioning due to lack of funding.

Two community housing projects in Ostrava-Muglinov and Brno received State funding for the building and renovation of apartment buildings respectively, with the participation of Roma residents.¹⁶⁹ The preliminary results of the two projects were provided in the 2002 Updated Concept. In the case of the Brno project, for example,¹⁷⁰ the renovations are expected to be finalised in mid-2002;

¹⁶⁴ Recently, the Ombudsman submitted a complaint to the Constitutional Court claiming, *inter alia*, that current price regulations were a violation of the State obligation to ensure equal access to housing according to Art. 11 of the International Covenant on Economic, Social and Cultural Rights. See <www.ochrance.cz>, (accessed 22 March 2002). The Ombudsman concluded that current pricing regulations are discriminatory with regard to tenants who signed a rental contract after the decisive date, and who are therefore excluded from rent regulations without regard to their level of income. This has also caused inequality in access to housing.

¹⁶⁵ For more, see the website of the People in Need Foundation, <www.pinf.cz>, (accessed 23 May 2002).

¹⁶⁶ Some comprehensive research – including useful policy recommendations – is already available from non-governmental sources. See A. Baršová, *Problems of Housing of Ethnic Minorities and Residential Segregation Trends in the Czech Republic*.

¹⁶⁷ *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 10.1.1.

¹⁶⁸ *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 10.4.1.

¹⁶⁹ Decrees No. 978 (22 September 1999) and No. 387 (19 April 2000) respectively.

¹⁷⁰ *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 10.3.1 and Section III, Annex 1, “Interim Report on the Development Programme of Community Housing of Inhabitants of Roma Ethnicity in Brno and the Improvement of Inter-Ethnic Relations in Society.”

the original 2001 deadline having been extended due to the unexpectedly poor state of the buildings and the need for additional funding. In the final post-construction phase of the project, a self-government body will be established to ensure that Roma families remain involved in the long-term management of the buildings.

Critics have pointed out that these projects do little to promote integration; in fact, they reinforce existing patterns of segregation, as the great majority of the inhabitants of the renovated buildings are Roma. Moreover, the projects were very expensive,¹⁷¹ and provide assistance to relatively few families compared to the level of need.

In order to be effective, governmental policy should aim to address discrimination in housing in a comprehensive manner, targeting not only socially disadvantaged members of the Roma community but discrimination in all types of housing. Furthermore, instead of creating ethnically homogenous enclaves, residents should have the possibility to move from social housing to other types of housing when their economic situation allows.

Other goods and services

The 2000 Concept proposed that the Office for Ethnic Equality would provide protection against racial discrimination in access to goods and services.¹⁷² Since the idea to create such an institution was abandoned, activities in this area remain

¹⁷¹ Even with voluntary labour from Roma inhabitants of the apartments, costs of the Brno project were estimated at about CZK 65.5 million (€2,152,481) in 2000. "Romové absolvovali v rámci komunitního bydlení školení" (Roma have completed training within the framework of community housing), Radio Praha, 25 April 2000 and at CZK 63 million (€2,070,325) in Ostrava. "Stavba osady vážne na penězích" (The construction of settlements stagnates because of money), *Mladá Fronta Dnes*, 25 September 2001, p. 2. The Secretary of the CRCI has stated that such projects are too expensive and will therefore not be continued.

¹⁷² Discrimination against consumers is defined as an offence in the Law on Consumer Protection (Law No. 634/1992 Coll.). However, no definition of consumer discrimination is given, and there are no separate provisions providing protection against discrimination consisting of a denial of services or goods in the court procedure. For victims of racial discrimination, there is no provision constituting their right to seek protection by the court, to demand that the discriminatory behaviour be stopped, its consequences removed and reasonable satisfaction and monetary compensation awarded. In theory, however, it is possible for a victim of discrimination to seek protection under the Civil Code, § 11 and below, governing the general protection of the personal rights of an individual. However, only the protection of portraits, pictorial images, visual and sound recordings, and expressions of a personal nature is explicitly mentioned in the Code. See also *Minority Protection 2001*, pp. 146–148.

restricted to the regular reporting of the Czech Trade Inspection (CTI), under the supervision of the Ministry of Industry and Trade.¹⁷³ The CTI provides the CRCI with the number of checks and the number of ascertained violations. An overview of CTI inspection findings on racial discrimination shows the extremely low success rate of checks performed in response to consumer protests in 1996–2001.¹⁷⁴ The actual experience of Roma consumers with racial discrimination, however, is quite frequent.¹⁷⁵ Since the efficiency of the CTI in fighting discrimination is apparently very low,¹⁷⁶ Roma usually do not report cases of discrimination to the CTI but rather to the police or stop going to the establishment which discriminated against them entirely.

¹⁷³ According to Law no. 634/1992 Coll., on Consumer Protection, the Czech Trade Inspection is responsible for controlling discrimination against consumers. Decree No. 686 (29 October 1997) tasked the Ministry of Industry and Trade to control the observance of § 6 of the Law on Consumer Protection, imposing penalties on businesses which refuse to provide services because of a consumer's racial or ethnic origin. *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 5.1.1.

¹⁷⁴ The numbers were provided for the 2002 Updated Concept. Over a six-year period, CTI was able to prove discrimination in only eight of the 89 inspections conducted following consumer protest. A total of 485 checks were carried out by two Roma inspectors in 2001. CTI currently employs only one Roma inspector in Ostrava and one in Ústí nad Labem. It is questionable whether such a practice is effective as the two inspectors might be well known to the personnel of many establishments.

¹⁷⁵ E.g. see “*Romské studentky si nezatančily*” (Roma students did not dance), *Plzeňský deník*, 3 August 2001. For two students of the 12th International Summer Language School in Plzeň, a visit to the Music Club ended with a charge lodged by them with the police for having been denied entry. A similar case of discrimination against two other Roma students had taken place the previous year in the same club. “We are shocked by the personnel's behaviour even more since, at that time, we were assured that the strategy of this enterprise is to fully respect equality of entry of guests.” International Language School Director Dagmar Jangl-Janoušková has instructed the students not to go to the club. See also *Minority Protection 2001*, pp. 146–148.

¹⁷⁶ The low efficiency of CTI is caused by factors of a rather legislative character as CTI is responsible for controls within the limits set by the Law on Consumer Protection, including violations of the non-discrimination clause. It can initiate an administrative proceeding only if it finds problems during a check but not on the basis of a report. Discrimination against an inspector or conducted in his/her presence can be sanctioned with a fine of up to CZK one million (€32,862), and a double penalty imposed for persistent violations.

3.2.4 Healthcare and other forms of social protection

Healthcare

Decree No. 279 (7 April 1999) by which the 1999 Concept Proposal was adopted tasked the Ministry of Health with:

- Creating the conditions preventing racial (and eventually other forms of) discrimination (in the area of health) and, if needed, to present to the Government proposals for legislative amendments;
- Including into the amendments of laws provisions providing a legal basis for positive action in order to remove possible disadvantages for members of the Roma community (in the area of health);
- Conducting research regarding the state of health of the Roma population.¹⁷⁷

The 2000 Concept highlights the health risks connected to housing in connection with efforts to combat segregated housing.¹⁷⁸ However, the impact of hygiene conditions on emerging health hazards for the Roma community is not addressed. The 2000 Concept did not contain any specific tasks for the Ministry of Health; nor did it recommend developing comprehensive programmes to address difficulties in the area of health protection and equal access to medical care. It did, however, discuss some aspects related to access to healthcare, such as poor health resulting from poor housing conditions,¹⁷⁹ as well as the need for complex studies and analysis.¹⁸⁰

In its reporting for the 2002 Updated Concept, the Ministry of Health reported that it had supported research on the state of health of the Roma population.¹⁸¹ The results of this project, “Determinants of Health of the Roma Population in the Czech Republic,” are expected to be publicly available in mid-2002. Initiatives to inform the Roma community of health risks and to raise health awareness were also implemented in 2001 within the framework of the national health programme.

¹⁷⁷ Decree No. 279 (7 April 1999), Section II, Parts 2.1.a, 2.1.b.

¹⁷⁸ 2000 Concept, Part 4.28; 2002 Updated Concept, Part 4.6.3. Hygiene conditions are very closely connected to housing as they depend on access to clean and safe drinking water, infrastructure providing power for cooking, heating and lighting, and functioning waste and sanitary facilities, as well as the condition of buildings.

¹⁷⁹ *Commissioner’s Report 2000–2001*, Part 3.12.

¹⁸⁰ *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 4.28.

¹⁸¹ *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 12.3.

The 2002 Updated Concept has recommended establishing the position of health assistant for the Roma community at the regional level.¹⁸² However, what is really needed is a complex analysis of all relevant factors in order to elaborate a detailed proposal, include a proposal for an appropriate legislative framework, policies at the central and local level, as well as a framework for positive measures and means of influencing local policies.

Social protection

The extremely high level of unemployment among Roma, itself a result of factors such as low levels of education and poor health, exacerbates the negative effects of dependence on social benefits.¹⁸³ The salary for unqualified labour – often the only work that unskilled Roma are able to secure – is only slightly higher than social benefits, further reducing motivation. High levels of dependence on social benefits further reinforce prejudice and resentment towards Roma among the majority population.¹⁸⁴

The 2000 Concept proposes the following measures in the area of social protection:¹⁸⁵

- Minimise the negative impact of the current system of social benefits and supporting programmes on socially disadvantaged families;
- Establish a functioning network of field social workers in excluded communities.

Neither the 2000 Concept nor other governmental documents identify specific means of overcoming the de-motivating effect of long-term unemployment and dependence on social benefits. By contrast, the more specific measure to establish a network of “field social workers” who interact directly with Roma communities, has brought positive results.

Programme of “Field Social Workers”

Started in 2000 as a pilot programme, 22 “field social workers” received training and were employed in fifteen districts.¹⁸⁶ In 2001, funding was increased to employ a total of 54 field social workers covering 35 districts.¹⁸⁷

¹⁸² 2002 Updated Concept, Part 4.6.3.

¹⁸³ Comments from a Roma District Advisor and Vice Chair of the CRCI.

¹⁸⁴ OSI Roundtable, Prague, June 2002.

¹⁸⁵ See 2000 Concept, especially Parts 4.29, 4.30, 4.32, and 4.33.

¹⁸⁶ CZK 2,800,000 (€92,014) was allocated by the Government to municipalities, districts and regions employing field social workers. *Commissioner's Report 2000–2001*, Part I.4.

¹⁸⁷ CZK 6,060,000 (€199,146) was allocated in 2001. *Commissioner's Report 2000–2001*, Part II.4.

On the basis of this pilot programme, the Ministry of Labour and Social Affairs elaborated a project to support the establishment of a network of social workers in excluded Roma communities.¹⁸⁸ The aim of the project is to research the situation of these communities, with a view to promoting their integration through social work.¹⁸⁹ Initial assessments of the programme by the Government and by civil society organisations is quite positive. Working directly “on the ground” with communities has allowed social workers to develop a more sophisticated understanding of the causes of conflictual situations, and thus to identify concrete solutions to the practical problems they encounter.¹⁹⁰ The Ministry of Labour and Social Affairs has highlighted work in socially excluded Roma communities as a priority for the 2003 funding round for the NGO sector.¹⁹¹

Some problems in the relationship between the social workers and State administration have been identified. According to a top official of the social prevention department of Teplice District Office, “[i]n some places, Roma field workers have infringed upon the competencies of State administration officials.”¹⁹² Formal articulation of the competencies of field social workers would reduce the potential for conflicts of this nature.

Despite the success of this programme, an urgent need remains for a comprehensive analysis of the root factors causing dependence on social benefits. This would allow for the development of comprehensive policies to reduce disadvantage and dependency. *Ad hoc* proposals cannot be expected to produce more than isolated and short-term positive effects.¹⁹³

¹⁸⁸ Decree No. 1145 (7 November 2001). On 22 November 2001, the IMC recommended increasing funding in 2002 to CZK 10 million (€328,623). *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 2.5; see also 2002 Updated Concept, Part 4.6.1.

¹⁸⁹ Information provided by a Representative of the People in Need Foundation. See Programme of support for field social work in Roma socially excluded communities, <<http://www.vlada.cz/1250/vrk/vrk.htm>>, (accessed 17 July 2002).

¹⁹⁰ J. Černý, “*Drobná práce na velkých změnách*” (Minute work on big changes), *Respekt*, 4 December 2000, p. 7.

¹⁹¹ See the website of the Ministry of Labour and Social Affairs, <<http://www.mpsv.cz/scripts/clanek.asp?lg=1&id=2780>>, (accessed 5 October 2002).

¹⁹² “*Romští terénní pracovníci již znají své kompetence*” (Roma field workers already know their competencies), *Deník Směr*, 12 April 2002.

¹⁹³ For example, partial amendments to the Law on Social Benefits, so that placing a child for a maximum of five days per month into pre-school education no longer causes the termination of the entitlement to parental benefits, are not sufficient for raising the motivation of families.

3.2.5 The criminal justice system

Discrimination in the criminal justice system is not addressed in the 2000 Concept. At the same time, anecdotal evidence suggests that Roma have little trust in the criminal justice system,¹⁹⁴ and a number of independent studies have indicated that further research in this area is warranted.¹⁹⁵ The 2002 Updated Concept acknowledges that: “[...] stereotyping Roma as (potential) perpetrators and not victims, their underestimation as witnesses and persons submitting complaints and the overall different approach to Roma is still a relatively common phenomenon in the work of police, investigators, public prosecutors and judges.”¹⁹⁶

3.3 Protection from Racially Motivated Violence

The 2000 Concept asserts that ensuring the security of Roma is one of its priorities.¹⁹⁷ The level of protection offered by legislation is sufficient,¹⁹⁸ though there are problems with implementation, and the high incidence of racially motivated violence continues to raise serious concerns for Roma.¹⁹⁹

The 2002 Updated Concept notes that a majority of asylum seekers list fear of racially motivated violence and insufficient protection in their applications.²⁰⁰ It further recognises that downplaying the racial motivation for crimes is a common phenomenon; “there is no doubt that underestimating the information provided by

¹⁹⁴ According to one Roma representative, “[...] Roma do not believe in the police, State prosecutor and courts.” OSI Roundtable, Prague, June 2002.

¹⁹⁵ See e.g. Socioklub, *“Romové v České republice”* (Roma in the Czech Republic), Prague, 1999.

¹⁹⁶ 2002 Updated Concept, Part 7.1.

¹⁹⁷ 2000 Concept, Chapter 1 and Chapter 8 “Enhancing the Security of Roma” (Chapters 1 and 7 respectively of the 2002 Updated Concept).

¹⁹⁸ Law No. 134/2002 Coll., which amended Law No. 140/1961 Coll., (Criminal Code), inserted new provisions on racially motivated crimes, further extending criminal offences to crimes against the life and health of persons. The anti-discrimination legislation being developed (see Section 3.2 of this report) will not address the issue of racially motivated violence.

¹⁹⁹ According to a spokesperson for a local Roma association in Most (Northern Bohemia), renewed skinhead attacks, along with high unemployment, are prompting Roma to emigrate. “Czech Roma Say Renewed Skinhead Attacks Force Them Into Emigration,” RFE/RL *Newsline*, 29 March 2002.

²⁰⁰ 2002 Updated Concept, Part 7.1.

Roma is a result of the fact that many policemen – along with a large part of society – consider Roma as a criminal subculture whose members are a priori untrustworthy.”²⁰¹

In 2001, 302 racially motivated crimes were registered,²⁰² compared to 364 in 2000,²⁰³ and 316 in 1999.²⁰⁴ A total of 402 such crimes were investigated by the police in 2001, compared to 311 in 2000.²⁰⁵ According to the Commissioner for Human Rights, the Czech legal system deals “benevolently” with attacks committed by right-wing extremists, citing prejudice against Roma as a possible reason.²⁰⁶ However, more recently there have been a number of cases in which racial motivation was recognised and a heavier sentence imposed accordingly.²⁰⁷

The campaign “Be kind to your local Nazi,” implemented by the People in Need Foundation with Government support,²⁰⁸ had the focused objective of seeking to decrease the appeal of skinheads among young people. According to an impact evaluation, it reached one-third of the national population, including almost half of all persons under 24,

²⁰¹ 2002 Updated Concept, Part 7.1.

²⁰² Statistics of the Courts and State Attorney Offices, provided by the Ministry of Justice, Department of Organisation and Supervision, 2002.

²⁰³ Statistics of the Ministry of Interior. There might be slight discrepancies in the numbers registered by the Ministry of Interior and the Ministry of Justice, as the former registers cases investigated by the police while the latter only registers cases decided by the Courts upon final judgement (convictions).

²⁰⁴ Ministry of Interior, *Report on the Situation in the Area of Public Order and Inner Security on the Territory of the Czech Republic*, 1999, Appendix 2, para. 2.

²⁰⁵ An Interior Ministry spokeswoman cited in the daily *Pravo*, in “Racially Motivated Crime on the Rise in the Czech Republic,” RFE/RL *Newsline*, 12 March 2002.

²⁰⁶ Statement of the Commissioner for Human Rights, Jan Jařab, to *Mladá Fronta Dnes* on 25 July 2001; cited in “Czech Courts Lax on Racist Crime?,” RFE/RL *Newsline*, 25 July 2001.

²⁰⁷ For example, V. P., a skinhead who stabbed a Roma man to death in July 2001, was sentenced on 29 March 2002 to a thirteen-year sentence by a court in Hradec Králové which found him guilty of having committed a racially motivated crime. He had previously received a very light sentence for another crime. “Czech Skinhead receives heavy prison sentence for killing Rom,” RFE/RL *Newsline*, 2 April 2002.

²⁰⁸ The Government provided CZK two million (€65,725) to the People in Need Foundation for the campaign. Phare 1999 support was also provided. See <<http://www.varianty.cz/default.asp?mn=7&pa=med>>, (accessed 17 July 2002); see also 2002 Updated Concept, Parts 6.2.2 and 6.3.

among whom it appears to have had a particularly positive impact.²⁰⁹ Reducing levels of skinhead activity would be likely to reduce the incidence of racially-motivated violence towards Roma.

A series of steps have been undertaken by the Ministry of Interior and the Ministry of Justice to address the issue of racially motivated violence against Roma as a result of measures proposed by the 2000 Concept as well as earlier decrees. These consist mostly of police training and monitoring and, as they are considered by the Government to have been successful, no additional measures have been proposed.

Analysis of current criminal legislation

The Ministry of Justice was tasked with carrying out an analysis of current criminal legislation protecting persons from racially motivated crimes and racial discrimination of all forms (including penal offences).²¹⁰ According to a report commissioned by the Ministry,²¹¹ Czech criminal law basically fulfils the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), though there are gaps: for example, the establishment of a racially intolerant organisation is not a specific crime. The report also concluded that problems result not from inadequate provisions but rather from the fact that “giving proof and especially proof of national, racial, ethnic or similar motives is difficult. Usually, there is no admission of the perpetrator that could serve as the only direct proof [...]”

In addition, the Ministry of Interior was tasked, *inter alia*, with developing methodologies to facilitate establishing proof of racially motivated crimes as well as measures to facilitate the dissolution of civil associations which aim to suppress the civil rights and freedoms of persons on the basis of ethnic origin or

²⁰⁹ While the population as a whole had some reservations regarding the campaign, young people evaluated it positively. 65 percent of young people who had seen the campaign held a negative position towards skinheads, compared to 40 percent of respondents who had not seen it. Conducted by AISA, for the People in Need Foundation, <<http://www.varianty.cz/default.asp?mn=7&pa=med>>, (accessed 17 July 2002).

²¹⁰ Government Decree No. 599 (14 June 2000).

²¹¹ Institute for Criminology and Social Prevention, *Ethnic Minorities, their Protection against Racial Discrimination and Possible Integration into Society* (unpublished report). The results of the research were also published in: M. Štěchová, *Právní ochrana etnických menšin v ČR* (Legal Protection of Ethnic Minorities in the Czech Republic), Institute for Criminology and Social Prevention, Prague, 2002.

and race.²¹² This task was realised by introducing new regulations to better fight extremism and racially motivated crimes.²¹³

Training of the police

Police have received training on identifying racially motivated crimes in order to reduce the risk that racial motivation will be ignored.²¹⁴ However, the 2000 Concept noted that efforts in this area have been limited by lack of funding.²¹⁵

In 2000, the Ministry of Interior prepared a report entitled “Information on Concrete Educational Activities of the Police Focusing on the Elimination of their Racist and Xenophobic prejudices.”²¹⁶ The Ministry of Interior has also reported that the topics of racism and xenophobia are covered in the curricula of police schools, and that the training of the police force includes the identification of racial motivations as well as basic information on the Roma culture and cultural differences. It has proposed creating a State-funded “Centre for Human Rights Education” at the Secondary Vocational Police School in Prague for further human rights training.

In 2000–2001, the Ministry of Interior, in cooperation with the UK, conducted several seminars on police work with national minorities. In 2001, the Ministry of Interior, in cooperation with the British Home Office, began developing a “Strategy for Police Work in the Area of National Minorities.”²¹⁷ The Strategy stresses the need for the police to establish a partnership with communities of different ethnic backgrounds, for efforts to eliminate discrimination by the police. Strategy activities are expected to produce greater respect for the police force as well as increased involvement in policing by national minorities.

Monitoring

Efforts have been made to monitor the problem of racially motivated violence and to produce relevant statistics. Every year, the Ministry of Interior must prepare a “Report on Extremism” on the basis of which it tasks the relevant ministries with

²¹² Government Decree No. 789 (28 July 1999).

²¹³ *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 3.3.1.

²¹⁴ See e.g. a task assigned to the Ministry of Interior by Government Decree No. 789 (28 July 1999) to ensure through hiring policies and seminars that the police are able to determine racially motivated crimes in order to reduce the risk of disparagement. Roma have also been hired in the police (see Section 3.4.3 of this report).

²¹⁵ See the 2000 Concept, Part 8.4; see also the 2002 Updated Concept, Part 7.2.

²¹⁶ Government Decree No. 672/00.

²¹⁷ *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 3.3.2.

obligations.²¹⁸ Moreover, the President of the Security and Information Services and the Ministry of Interior are tasked with presenting detailed information about these organisations in an appendix to the Report. Finally, the Report on Extremism in the Czech Republic for 2000 provides an important source of information which can be used to develop policies to fight extremism.²¹⁹

The 2002 Updated Concept approved of the measures undertaken by the Ministry of Interior. It supported the dissolution in 2000 of the National Party (established by neo-Nazi activists) and the refusal to register several extremist political parties in 2001.²²⁰ It also noted significant progress concerning measures taken by the police and commended the quality of the reports on extremism. The 2002 Updated Concept therefore did not propose any new measures in this area.²²¹ However, it referred to a pilot project to re-socialise perpetrators of less serious racially motivated crimes as a measure which could usefully be followed up.²²²

3.4 Promotion of Minority Rights

Chapter 5 of the 2000 Concept deals with measures for the protection and promotion of the Romani language and culture.²²³ The tasks outlined in Chapter 7 on “Multicultural Education” also include the teaching of the history, culture and literature of national

²¹⁸ This is a task established by Government Decree No. 684 (12 July 2000). The Decree focuses on civil associations, political parties and movements and other organisations registered by the Ministry of Interior which display extremist attitudes or violate the law.

²¹⁹ The document was prepared by the Ministry of Interior, in cooperation with the Ministry of Justice. The Report goes beyond the scope of racially motivated crimes, covering all aspects of extremism, and points to the difficulty of fighting the activities of extremist groups which are familiar with the law and try to proceed legally. For example, in 2000 more than in 1999, extremists used the platform of civil associations and also tried to establish themselves as political parties.

²²⁰ The procedure is based on Art. 12(3) of Law No. 83/1990 Coll., on Citizens’ Assemblies. It was applied to the National Social Alliance, the National Party, the Communist Movement of Czechoslovakia, and also the association Republican Youth with regard to their publication of the document “Programme of the Republican Youth.”

²²¹ 2002 Updated Concept, Part 7.4. As stated in Decree No. 87 (23 January 2002) by which the 2002 Updated Concept was adopted, all ministries are tasked with the adoption of “suitable measures for implementation of the tasks concerning the integration of Roma communities listed in the Concept that have not been fulfilled or those whose implementation is continuous or to undertake measures supporting the implementation of those measures.

²²² See the 2002 Updated Concept, Part 7.3.

²²³ See also 2002 Updated Concept, Part 5.

minorities in general school curricula as well as the production of information materials on national minorities.²²⁴

The preliminary results of the 2001 Census, if taken at face value, indicate that the Roma minority is the second smallest minority in the Czech Republic. The number of persons identifying themselves as Roma dropped to 11,716, significantly less than the number recorded by the previous Census in 1991.²²⁵ By contrast, the Government estimates a Roma population of between 150,000 and 300,000 persons.²²⁶

This development occurred despite State efforts to encourage Roma participation in the Census.²²⁷ A number of explanations have been offered, including that respondents simply chose not to answer the question on ethnic origin, as it was optional; that a process of homogenisation of the population set in after the split of Czechoslovakia; that respondents may have been afraid to list an ethnic origin other than Czech; and that assimilation or integration processes have advanced in the past ten years.²²⁸

Government policy based on the Concept seeks to connect the two imperatives of overcoming social exclusion and preserving the Roma cultural identity.²²⁹ As an argument against positive action on behalf of the Roma minority, it has often been emphasised that, without data on the actual size of the Roma minority, it is impossible to determine whether Roma are under-represented or disadvantaged in various areas.

The introduction of the term “Roma communities” by the Bratinka report has helped overcome resistance to the collection of ethnic data, on the basis that this information is of a private character.²³⁰ Indeed, a distinction has been introduced between the terms “Roma national minority” and “Roma community” and the latter, broader, term is being increasingly used in governmental documents. The difference between the two terms is explained in the 2002 Updated Concept as follows:

²²⁴ See also 2002 Updated Concept, Part 6.2.

²²⁵ For preliminary results of the 2001 Census from 5 March 2002, see: <<http://www.czso.cz/eng/figures/4/41/410101/data/tab41.pdf>>, (accessed 4 June 2002). In the 1991 Census, 32,903 persons claimed Roma national origin.

²²⁶ *Report on the situation of National Minorities*, p. 69; for further estimates, see K. Kalibová, “Romové z pohledu statistiky demografie” (Roma from the Point of View of Demographic Statistics), in: *Romové v České republice* (Roma in the Czech Republic), p. 107.

²²⁷ The Czech Statistical Office allocated CZK 536,000 (€17,614) for the participation of Roma as census takers. *Commissioner’s Report 2000–2001*, Part II.6.

²²⁸ *Report on the Situation of National Minorities*, p. 3.

²²⁹ 2002 Updated Concept, Part 1.5.

²³⁰ According to the Charter, Art. 3(2), and special laws, data regarding membership in a national minority are of a private character and cannot be subjected to statistical evidence, unless special laws expressly state so.

The term ‘Roma community’ only partly overlaps with the term ‘Roma national minority’. While the defining characteristic of a member of the Roma national minority is ‘the active will to be regarded as a member of a minority and, together with other members, to develop the language and culture, a member of the Roma community is de facto anyone identified as such by the majority as a member of this socially and ethnically defined group.’²³¹

State policy regarding national minorities is now based on the Law on the Rights of Members of National Minorities (hereafter, “Minority Law”),²³² which elaborates on the rights contained in the Charter of Fundamental Rights and Freedoms (hereafter, “Charter”).²³³ However, the benefit to the Roma minority is minimal as the application of many of the rights guaranteed under the Minority Law requires that a given minority constitute at least ten percent of the population of a municipality, Roma are effectively excluded in most municipalities. Moreover, the provisions of the Minority Law are rather general and declaratory in nature, mostly paraphrasing the declarations of the Charter²³⁴ and referring to provisions of special laws. Finally, the Minority Law restricts enjoyment of the rights it stipulates to Czech citizens, meaning that in some cases it offers less protection than some of the special provisions in other legislation to which it refers.²³⁵

An amendment to the Law on Misdemeanours²³⁶ defined a misdemeanour committed by anyone who restricts or denies the execution of minority rights, and by anyone who

²³¹ 2002 Updated Concept, Part 1.4.

²³² Law No. 273/2001 Coll.

²³³ Minority rights are also guaranteed in the Constitution (Art. 6) (Law No. 1/1993) and the provisions of the 1991 Charter of Fundamental Rights and Freedoms (Arts. 3, 24 and 25). The Czech Republic is also a party to the Framework Convention for the Protection of National Minorities (FCNM) (entered into force 1 April 1998). It has signed but not yet ratified the European Charter for Regional or Minority Languages (signed on 9 November 2000). On the general situation of minorities in the Czech Republic, see the *Report on the Situation of National Minorities*; see also the *Report Submitted by the Czech Republic Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities*, received on 1 April 1999, <<http://www.riga.lv/minelres/reports/czech/czech.htm>>, (accessed 4 June 2002); and the Resolution of the Council of Ministers of the Council of Europe, *Resolution ResCMN (2002)2 on the implementation of the Framework Convention for the Protection of National Minorities by the Czech Republic*, adopted on 6 February 2002, <http://cm.coe.int/stat/E/Public/2002/adopted_texts/resCMN/2002xn2.htm>, (accessed 22 August 2002).

²³⁴ Charter, Arts. 24, 25.

²³⁵ For example, the Law on Civil Court Procedure acknowledges the right to use the mother tongue before courts to every party in a judicial procedure, not only to citizens.

²³⁶ Law No. 200/1990 Coll. on Misdemeanours.

causes another person injury because of, inter alia, membership in a national minority or due to ethnic origin or race.²³⁷ As the Minority Law only recently entered into force (2 August 2001), it is not yet possible to evaluate the effectiveness of this provision. However, prosecution of this misdemeanour falls within the competence of municipal misdemeanour commissions, whose members do not always have the necessary expertise or legal training, greatly reducing the likelihood of effective implementation.

3.4.1 Education

The 2000 Concept emphasises the importance of promoting the Romani language and culture, as well as the need to develop a multicultural education system, and proposes a series of measures to achieve these aims. In practice, however, action in this area has been insufficient.

More specifically, the Concept promises State support for “private, church or foundation schools and classes for Roma children with the Romani language as the language of instruction or even Czech, provided that their curricula focus on Roma cultural emancipation and on the integration of Roma into society.”²³⁸ The Chapter on “Multicultural Education” advocates the development of a multicultural educational system to promote greater tolerance of cultural differences. Measures proposed include: courses on the history, culture and literature of national minorities in general school curricula; courses on tolerance; the training of teachers in conflict prevention; and the education of teachers on the history, language and culture of the Roma and other minorities.

The 2002 Updated Concept calls for the development of new, multicultural educational programmes for all types of schools as well as the inclusion of a component on multiculturalism into teacher-training courses at all levels.²³⁹ It also proposes to further support Roma Studies departments at Charles University and other universities.²⁴⁰

Though Czech law provides for State funding to minority schools,²⁴¹ there is currently no network of State-funded schools providing education in the Romani language. However, it must be acknowledged that this question is not generally considered as

²³⁷ See Law on Misdemeanours, Art. 49(1.e), and the Minority Law, Art. 14(1).

²³⁸ 2000 Concept, Part 6.23.

²³⁹ 2002 Updated Concept, Part 6.2.2.

²⁴⁰ 2002 Updated Concept, Parts 5.2, 5.3, 5.4.

²⁴¹ See the Minority Law, Art. 11. There is no minimum threshold of minority children necessary to establish a class in the minority language. See also Law No. 76/1978 Coll., on Schools as subsequently amended.

pressing as the need to integrate Roma children into mainstream schools.²⁴² Still, despite the fact that Roma children are often concentrated into separate classes and schools, this has generally served as a pretext for providing lower quality “special” education, rather than an opportunity to provide positive reinforcement of the Romani language and culture.

The Report on the Situation of National Minorities in the Czech Republic in 2001 further elaborates on the lack of recognition for Romani in schools – and the impact this has had on the status of the Romani language, both at school and within Roma communities:

Because of a badly functioning school system, not capable of working with minorities, children of refugees, etc., very often the Romani language was used to justify placing Roma children in special schools (allegedly, the children cannot speak Czech well, this is caused by the Romani language). Therefore, Roma themselves started to regard their language as lacking prospects, to be forgotten or used only passively. Many Roma today say quite honestly, and they also believe it, that they do not teach their children and will not, because then they have problems at school. They do not understand that it is not about not speaking with their children in Romani, but rather about not talking to them, in addition, in WRONG [emphasis in original] Czech. After 1989, the situation regarding the use of the Romani language in Roma families did not improve, but it certainly improved with regard to the area of publication and media [...].²⁴³

There have been some efforts to present the Roma culture and history in schools, though the Government has acknowledged that there is significant room for

²⁴² The Advisory Committee on the FCNM has recommended that the Government examine to what extent the current situation meets the demands of the Roma community and establish, in consultation with those concerned, whether further measures are needed. Advisory Committee on the Framework Convention for the Protection of National Minorities, *Opinion on the Czech Republic*, adopted on 6 April 2001, made public on 25 January 2002, Art. 14, para. 66. <[http://www.humanrights.coe.int/Minorities/Eng/FrameworkConvention/AdvisoryCommittee/Opinions/Czech percent20Republic.htm](http://www.humanrights.coe.int/Minorities/Eng/FrameworkConvention/AdvisoryCommittee/Opinions/Czech%20Republic.htm)>, (accessed 4 June 2002). See also the *Comments of the Government of the Czech Republic on the Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in the Czech Republic*, 15 October 2001, published on 25 January 2002, <<http://www.humanrights.coe.int/minorities/Eng/FrameworkConvention/AdvisoryCommittee/Opinions/Czech.Comments.htm>>, (accessed 4 June 2002).

²⁴³ *Report on the Situation of National Minorities*, p. 70.

improvement in this area.²⁴⁴ and multicultural educational curricula are under development by the Ministry of Education.²⁴⁵ Roma representatives and others have called for more attention to minority issues in teacher-training courses.²⁴⁶

The function of Coordinator for Multicultural Education, an Advisory Group of the Minister for National Minority Schools as well as an advisory group for minority education have been established.²⁴⁷ Both groups include representatives of minorities (including Roma). The Ministry of Education requires that educational materials incorporate information on the situation of ethnic and national minorities in order to receive ministerial approval. The Ministry has also approved a plan for the distribution of funding to civic associations under the Programme of Education in the Languages of National Minorities in 2002. The funding allocated for activities of national minorities is monitored in the budget of the Ministry of Education. The share of funding allocated for initiatives concerning the Roma is not known.

The “*Varianty*” project realised in 2001 by the People in Need Foundation included a component on multicultural education, which consisted of developing a proposal for multidisciplinary school curricula by a team of experts. It is currently being tested in pilot schools. However, its incorporation into official school curricula depends on the future level of cooperation with the Ministry of Education.²⁴⁸ Although the Ministry

²⁴⁴ In its Report on implementation of the FCNM, the Government acknowledges that “[e]ducation of the majority population about the culture, history, language and religion of national minorities has traditionally been neglected. In spite of a certain progress made during the last ten years, Czech instruction books remain largely textbooks of the Czech ethnic nation, its history, its culture, its fight for ethnic autonomy and later state sovereignty, always in contrary to the German element. It is as though the Czech Lands have not traditionally been the home of various ethnic, cultural and religious communities, especially the German and Jewish national minorities, and also the perpetually disregarded Romanies.” *Report Submitted by the Czech Republic*, Art. 12.

²⁴⁵ Government Decree No. 279 (7 April 1999) tasked the Ministry of Education, *inter alia*, with ensuring that primary and secondary school curricula reflect the history of the Roma, including the Holocaust. No information was provided by the Ministry in the *Information on the Implementation of Government Decrees as of 31 December 2001*. Government Decree No. 789 (28 July 1999) also assigned the task of ensuring that the training of teachers include the topic of multicultural education, tolerance and racism. In 2000, the Ministry of Education recommended to the relevant institutions that such topics be included and attached guidelines.

²⁴⁶ OSI Roundtable, Prague, June 2002.

²⁴⁷ Established by Order of the Minister of Education No. 20/1999.

²⁴⁸ An important component of educational section of the “*Varianty*” project is a multicultural handbook for high school teachers, see <[http://varianty.rebex.cz/default.asp?mn=3&cpa=ss_vys#Manuál interkulturní výchovy](http://varianty.rebex.cz/default.asp?mn=3&cpa=ss_vys#Manuál%20interkulturn%C3%AD%20v%C3%ADchovy)>, (accessed 17 July 2002).

has apparently expressed interest in the curricula, it is not expected that they will be ready for use before the start of the 2002/2003 school year.

In 1998, a private Roma Secondary Social School was opened in Kolín.²⁴⁹ It is fully funded by the Ministry of Education. The Romani language is taught two hours a week in each grade. The curriculum also includes information on the Roma history, culture and language in order to prepare graduates for work with the Roma community.

3.4.2 Language

In the 1991 Census, 24,224 individuals claimed Romanes as their mother tongue (half of those who claimed Roma ethnic origin).²⁵⁰ According to the preliminary results of the 2001 Census, 12,967 respondents indicated a combination of Czech and Romanes as their mother tongues. Of these, 9,086 were born between 1941 and 1985, but only 3,462 – between 1986 and 2001. The actual number of speakers of Romanes is believed to be much higher.

Under the Charter, minorities are guaranteed the right to communicate, receive and disseminate information in their own languages, and the right to use their languages in official contacts. The Minority Law provides for the implementation of these rights; however, the requirements that at least ten percent of a municipality's population has registered as a member of a given minority effectively excludes most Roma. This applies to the right to use bilingual signs, to use of names and surnames, and to use of the minority language in administrative proceedings and before courts, *inter alia*.

The Civil Procedure Code established that the court must provide an interpreter if needed to enable persons to communicate in court in their mother tongue.²⁵¹ The Criminal Procedure Code also states that anyone who declares that he does not understand Czech is entitled to use his/her mother tongue in contacts with law enforcement authorities and in court.²⁵² There have been reports of shortages of interpreters for Romanes speakers in criminal proceedings.²⁵³

²⁴⁹ <<http://www.osf.cz/djuric/KOLINCZ.htm>>, (accessed 4 June 2002).

²⁵⁰ Results of the 1991 Census, cited in the *Report submitted by the Czech Republic*, Section I, footnote 8.

²⁵¹ §18 of Law No. 99/1963 Coll.

²⁵² §2 Art. 14 of Law No. 141/1961 Coll.

²⁵³ Advisory Committee on the FCNM, *Opinion on the Czech Republic*, Art. 10, para. 57.

3.4.3 Participation in public life

One of the main objectives of the 2000 Concept is to enhance Roma participation in decision-making on matters concerning their communities. It also supports the emergence of increased political representation for Roma.²⁵⁴ However, the Concept fails to propose specific measures to achieve these goals. Moreover, there is no research to ascertain the degree to which Roma are in fact under-represented, and no research is proposed in the Concept. However, the inclusion of Roma representatives in consultative bodies to the Government and within certain ministries, such as the CRCI, the Council for National Minorities and the CHR, can be considered to advance increased Roma participation of Roma.²⁵⁵

The 2000 Concept presents the initiative to employ Roma Advisors at District (and now Regional) Offices as a measure to support the emancipation and integration of Roma,²⁵⁶ and they have contributed to improving communication between the State administration and Roma communities.²⁵⁷ However, in practice, the position of Roma Advisor as well as the new position of Roma Advisors Coordinator at the regional level cannot be considered as a mechanism for promoting Roma participation, since these positions are filled by State administration officials who are not minority representatives *strictu sensu*. Moreover, Roma Advisor positions are not necessarily filled by Roma.

The 2002 Updated Concept is missing the objective to support increased participation for Roma. This may be due to the fact that the newly-adopted Minority Law guarantees members of national minorities the right to active participation in cultural, social and economic life, especially with regard to matters concerning national minorities at the municipal, regional and national levels (Art. 6.1), a right which is to be executed through the Council for National Minorities and Committees for National Minorities. However, the right applies to minorities which meet the ten percent threshold in a given municipality or region.²⁵⁸

²⁵⁴ 2000 Concept, Parts 1.7.e., 1.10.

²⁵⁵ See also *Minority Protection 2001*, pp. 161–164.

²⁵⁶ 2000 Concept, Part 3.1.2.

²⁵⁷ The *2001 Regular Report* notes that these Roma advisors have become contact points for the Roma communities and that they liaise with the IMC (in which some are members), *2001 Regular Report*, p. 25.

²⁵⁸ The Minority Law reduced the threshold from 15 to 10 percent in the case of districts, from 10 to 5 percent for regions, and from 15 to 5 percent for the city of Prague. See also Law No 129/2000 Coll., on Regions, Law No. 131/2000 Coll., on the Capital City of Prague, and Law No. 128/2000 Coll., on Municipalities.

Committees for National Minorities have been established in 32 municipalities, four regions and in the cities of Brno and Liberec.²⁵⁹ When a minority group constitutes less than ten percent of the population, as in the case of Roma, self-governing bodies may decide to establish commissions for the purpose of ensuring their representation. For example, the Municipal Council in Prague has established a Commission for National Minorities whose members are representatives of all of the minority organisations in Prague. It is too early to determine whether these committees/commissions will include Roma representatives or whether their work will have a significant impact on the situation of the Roma minority.

According to Government estimates, there are currently ten Roma representatives elected to local governments as deputies of mainstream Czech political parties or independently.²⁶⁰ The Roma Civic Initiative (ROI), the only registered Roma political party, obtained only 0.01 percent in the latest parliamentary elections (June 2002). According to one Roma leader, the lack of political representation for Roma has effectively prevented their involvement in decision-making. There is currently no democratically-elected representative to articulate the needs and concerns of Roma.²⁶¹

The Advisory Committee on the FCNM has encouraged the Government to devise and implement measures to enhance the representation of minority views during the decision-making process, especially when these decisions affect them.²⁶² It has also called for greater participation of Roma women in the implementation of the 2000 Concept.²⁶³

3.4.4 Media

The 2000 Concept does not address the issue of support for minority media.

The creation and transmission of radio and television programmes on members of national minorities is governed by two laws: the Law on Czech Television²⁶⁴ and the

²⁵⁹ *Report on the Situation of National Minorities*, p. 13.

²⁶⁰ *Report on the Situation of National Minorities*, p. 13.

²⁶¹ OSI Roundtable, Prague, June 2002.

²⁶² Advisory Committee on the FCNM, *Opinion on the Czech Republic*, Art. 15, para. 70.

²⁶³ Advisory Committee on the FCNM, *Opinion on the Czech Republic*, Art. 4, para. 30.

²⁶⁴ The Law on Czech Television states that one of the main goals of Czech Television is the creation and transmission of programmes and providing a balanced offer of programmes for all sections of the population with regard to their, *inter alia*, ethnic or national origin and national identity and the development of the cultural identity of the Czech population, including members of national or ethnic minorities. Law No. 483/1991 of the Coll. on Czech Television, as amended.

Law on Czech Radio.²⁶⁵ The Minority Law guarantees the right to cultural development and to the dissemination of information in the minority language (in radio and television broadcasting).²⁶⁶ In general, it can be stated that both on Czech State Television and Radio, limited attention and time is devoted to broadcasting programmes in minority languages or to programmes about national minorities.²⁶⁷

The Council for National Minorities monitors broadcasting related to minorities. Efforts have also been made to improve cooperation between Czech Television (the State broadcaster) and national minorities. According to an employee of the Research Department of Czech Television, the overall interest in programmes on Roma issues is low in general; the motivation to devote time to this issue on television is therefore also low.²⁶⁸ The lack of rules providing for obligations of media in the area of minority broadcasting has been criticised by Roma representatives.²⁶⁹

The involvement of Roma minority members in the media is more active in the area of radio broadcasting, with independent minority departments including Roma staff. However, national minority representatives are not involved in the programme planning of Czech Television or in the televised broadcasts of minority programmes. The Council for National Minorities will initiate an advisory group in Czech Television.²⁷⁰

²⁶⁵ Law No. 484/1991 Coll., on Czech Radio, as amended. Similar provisions for Czech Television are lacking.

²⁶⁶ Minority Law, Art. 13.

²⁶⁷ There is a weekly one-hour programme on Czech Radio "O Roma vakheren" (The Roma speak). Czech Television does not currently broadcast any programme in Romanes. An earlier programme in Romanes (*Romale*, broadcast twice a month) has been replaced by a multicultural programme "Velký vůz." The current level of presentation of the life and culture of national minorities on Czech State Television is evaluated very negatively by representatives of national minorities. See e.g. in the *Report on the Situation of National Minorities*; see also J. Balážová, *Konec Romale* (The end of Romale), <<http://www.dzeno.cz/Amarogendalos/1-2-00/2425.htm>>, (accessed 22 August 2002).

²⁶⁸ "What does it mean to be Roma?" Czech Television, 12 November 2001.

²⁶⁹ These opinions were collected from the Roma members of the Council for National Minorities. *Report on the Situation of National Minorities*, p. 72.

²⁷⁰ *Report on the Situation of National Minorities*, p. 16.

Funding in support of periodicals of minorities is approved by the Council for National Minorities, which also recommends the amounts to be allocated to individual periodicals. Funding is provided by the Ministry of Finance.²⁷¹

3.4.5 Culture

Measures to support the Roma culture are supported within the context of the broader Programme of Support for the Cultural Activities of National Minorities.²⁷² Since 1993, the Ministry of Culture has announced annual competitions for projects supporting the cultural activities of members of national minorities, including the Roma minority.

In 2001, CZK 7 million (€230,036) was allocated from the State budget to the Programme of Support of Activities of National and Ethnic Minorities.²⁷³ This amount was increased to CZK 8,200,000 (€269,471) in 2002, of which CZK 3,808,000 (€125,140) was granted to projects related to the Roma culture and identity. Support for the Roma culture includes support to the Museum of Roma Culture in Brno.²⁷⁴

There are also small local projects administered by districts and municipalities which focus predominantly on Roma cultural life and on activities in support of societal

²⁷¹ The following Roma minority periodicals were supported by the Ministry: *Amaro Gendalos* (CZK 1,940,000) (€63,753); *Kereka* (CZK 1,620,000) (€53,237); *Romano hangos* (CZK 1,420,000) (€46,664); *Romano kurko* (CZK 1,400,000) (€46,007). These comparatively high levels of funding are due to the fact that the periodicals are mostly distributed for free or at a reduced price.

²⁷² Approved by Government Decree No. 40 (10 January 2001). Decree No. 40 updated the Concept of Cultural Policy in the Czech Republic – Strategy of Improved State Support to Culture, approved by Government Decree No. 401 (28 April 1999). See also Government Decree No. 260 (15 March 2001), Annex 1 “Main areas of State grant policy towards non-governmental non-profit organisations for the year 2001.”

²⁷³ 96 organisations with 152 projects had sought support for a total amount exceeding CZK 34 million (€1,117,318). Communication with an official from the Ministry of Culture, Minority Culture Department, Prague, July 2002.

²⁷⁴ The Museum of Roma Culture received CZK 1,600,000 (€52,580) in 2001. It also received a further CZK 7 million (€230,036) for remodelling and the creation of a permanent exhibition. *Information on the Implementation of Government Decrees as of 31 December 2001*, Part 4.1.2.

integration.²⁷⁵ Projects for Roma children and youth have also been funded under the “Socio-educational Programme.”²⁷⁶ Altogether, 376 projects were supported through these two programmes of the CRCI in 2001 with funds from the State budget.

Finally, the Government will support the establishment of a House of Nationalities;²⁷⁷ this is part of the project “House of Nationalities – Multicultural Centre in Prague” elaborated by the Commission of the Council of the Capital City of Prague.²⁷⁸

4. EVALUATION

Current governmental policy towards Roma aims to promote integration and to improve the relationship between Roma communities and the majority society. While an increasing amount of Government attention and resources has been devoted to achieving these aims, and while certain initiatives have posted positive results, the overall impact to date has been minimal.

The 2000 Concept is comprehensive in its approach; it is informed by a strong human and minority rights perspective, and thus offers a solid conceptual framework for the implementation of governmental policies towards Roma. It addresses the majority of the concerns that Roma leaders have articulated, with the significant exception that it does not stipulate measures to promote effective participation in public life. A number of other important issues, such as equal access to higher education, healthcare, the criminal justice system and the media are not addressed.

The Concept is innovative in the sense that it incorporates centralised mechanisms for coordination, monitoring and evaluation. However, the bodies within which these mechanisms reside do not operate on the basis of a strong legal grounding and lack

²⁷⁵ In 2000, CZK 8 million (€262,898) was allocated through the IMC/CRCI to district offices and municipalities for 365 projects for Roma, mostly in the sphere of culture, under the “Social Integration Programme (Local Projects).” Due to new budgetary regulations, in 2001, the CZK 6,530,000 (€214,591) allocated through the IMC/CRCI was managed by various ministries (Culture, Education and Labour and Social Affairs, Health). The IMC has decided not to continue administering this programme due to the bureaucracy involved. *Commissioner’s Report 2000–2001*, Parts I.1 and II.1.

²⁷⁶ CZK 4 million (€131,449) was allocated in 2000 and CZK 4,300,000 (€141,308) in 2001. *Commissioner’s Report 2000–2001*, Parts I.2 and II.2.

²⁷⁷ Government Decree No. 173 (19 February 2001).

²⁷⁸ State participation of at least 50 percent is foreseen. *Report on the Situation of National Minorities*, p. 39.

political support, and their effectiveness in coordinating implementation has been limited. Steps should be taken to equip them with the authority they need to require quality involvement and input from ministries and other institutional partners.

Further, the central bodies responsible for developing and implementing the Concept lack the competence to influence local public administration. Thus, efforts to enact policy at the national level may be undermined by local practice. This is an even greater issue of concern due to territorial reform, which devolves greater competencies to the newly-created regions. Though this may bring benefits in terms of encouraging local initiative and vesting responsibility in local decision-makers and communities, it should be balanced against the need for the expertise, capacity, and authority of a central body.

Annual Updates provide a valuable possibility for the Concept to be revised and further developed on the basis of experience gained during implementation. Though the quality of Updates has suffered to some extent from poor or incomplete information received from participating ministries, the idea of incorporating monitoring and evaluation into Concept implementation is sound, and should be supported.

A number of the initiatives taken under the Concept have proven successful, notably measures to boost school attendance through expanding pre-school education and employing Roma teacher's assistants. Programmes to support Roma students in vocational schools and to train field social workers have also been received positively. Roma Advisors and regional Coordinators of Roma Advisor have facilitated more positive communication between Roma communities and various State institutions in some areas. A common element of many of these initiatives supported by NGOs has been the involvement of the Roma themselves in resolving issues which they face on a daily basis. The participation of the Roma in these programmes is key to their sustainability.

However, wide-ranging legal and institutional reforms and measures to address systemic discrimination – a persistent problem in many areas – are needed. In this light, the expected adoption of comprehensive anti-discrimination and establishment of a State body to monitor discrimination and promote equal treatment will represent a particularly positive step. The Minority Law, though it provides for a wide range of minority rights, effectively excludes most Roma, as few Roma communities meet the ten percent threshold it stipulates. Alternative mechanisms should be developed to ensure that Roma, too, have access to the rights and benefits deriving from the new Law. Without complementary legal and institutional reform, *ad hoc* programmes in education, employment, housing and social protection, though many are positive in themselves, do not address the root causes of the problems faced by Roma in these areas, and cannot be expected to have long-term impact.

There are encouraging signs that policy development is increasingly based on in-depth assessment of the needs of the Roma community. However, there is still a lack of comprehensive research in many areas. Without ethnic data, it is difficult to ascertain the extent to which Roma are under-represented or suffer disadvantage. Such research is vital to the development of a differentiated yet systematic approach, on the basis of which comprehensive solutions can be developed. As restrictions on the collection of ethnic data constitute an impediment to research at present, there is an urgent need for the development of data-collection methodologies which would not violate the right to privacy and protection of personal data. This should be done in partnership with Roma communities.

The Government has sought to engage in dialogue with Roma representatives on Concept implementation. However, at present, Roma participate mainly in an advisory capacity and there is little opportunity for developing Roma leadership through broad and active involvement in decision-making, implementation, and evaluation.

Without greater commitment of political will to implementation of the Concept, systemic changes are unlikely to occur, and bodies of national and local public administration will continue to fail to take Concept implementation seriously. With greater institutional and budgetary support, the Office of the CRCI could do much to promote broader understanding and support for the objectives of the Concept across governmental institutions.

Broader public support is also vital to Concept implementation. Surveys indicate that, despite considerable amounts invested in tolerance campaigns, results are slow to come; discrimination and racially motivated violence continue to give cause for serious concern. The positive potential of the media to generate enhanced understanding for initiatives to improve the situation for Roma should be explored, both by State implementing bodies and by Roma communities themselves.

5. RECOMMENDATIONS

To the Government

- Strengthen the legislative basis of the various bodies tasked with coordinating and implementing governmental programmes for Roma.
- Develop mechanisms vesting coordinating bodies with sufficient authority to encourage the active involvement of various governmental ministries and other bodies tasked with responsibilities under the Concept more effectively.
- Consider elaborating mechanisms allowing central coordinating bodies to influence the development and implementation of policies at the local level in various areas touched upon under the Concept.
- Enhance existing mechanisms for regularly and systematically evaluating the impact of governmental initiatives in the various areas covered by the 2000 Concept.
- Enact comprehensive anti-discrimination legislation to provide protection for victims of racial discrimination in employment, education, housing, access to goods and services and social protection; establish an appropriate institutional framework, including an Office for Ethnic Equality.
- Devise means of collecting ethnic data without violating the privacy of individuals for the purpose of developing more comprehensive policies, including positive measures.
- Ensure a greater degree of involvement at the decision-making level of Roma representatives in the implementation and evaluation of overall governmental policy as well as of specific initiatives; develop more effective means of soliciting and incorporating the opinions of project beneficiaries.
- Develop a public relations strategy to promote the objectives of the Concept and of governmental policy concerning the Roma, including by providing necessary human and financial resources to the CRCI.
- Support targeted media campaigns on the basis of research and feedback on previous initiatives to identify the most effective means of generating increased public support for activities implemented under the Concept.

In the area of education

- Develop and implement a comprehensive strategy for improving the education of Roma taking into account all levels of education, following an assessment of the

success of measures implemented to date and taking into account the opinions of experts, beneficiaries and civil society representatives, especially Roma.

- Expand the scope of the Concept to include higher levels of education (secondary and university education) and develop a programme to compensate for inequalities at these levels.
- Develop incentives, including financial incentives, to encourage school directors and other key local actors to implement national policies.

In the area of employment

- Design a programme to compensate for disadvantages faced by Roma in access to employment; conduct research and implement pilot programmes to ensure that employment projects both raise motivation and build marketable skills.
- Devise targeted means of addressing inequalities in other aspects of employment, such as equal remuneration and pay and working conditions.
- Develop an effective incentive system for companies employing Roma.

In the area of housing

- Support more in-depth research to analyse access for Roma to the entire range of housing opportunities; expand the scope of the Concept to cover areas identified by this research, including through the development of positive measures.

In the area of healthcare and social protection

- Cover both medical and preventive hygiene aspects of healthcare, conduct research and analysis of the current state of protection, and of the negative impacts of the current system of social protection; develop recommendations.
- Develop long-term strategies, including the material conditions and human resources strategies for field social work.

Criminal justice/racially motivated violence

- Support research on the treatment of Roma in the criminal justice system.
- Comprehensively monitor the phenomenon of racially motivated violence, including by law-enforcement authorities, and make this information available to the public.
- Bolster efforts to hire minorities in the police force and expand such efforts to other related sectors such as court and prison administrations.

Minority rights

- Implement new multicultural curricula promoting tolerance and the culture and history of minority groups, including the Roma.
- Continue to support Roma cultural activities and Roma media.
- Evaluate the degree to which the new Minority Law meets the needs of the Roma national minority, and further develop alternative mechanisms to ensure that communities which do not meet the ten percent threshold nonetheless enjoy access to minority rights.
- Offer the option of Romani language classes within integrated schools.

To the European Commission

- Provide support for the further development of the institutional capacity to implement and evaluate the Concept and related measures.
- Target assistance to encourage coordinated initiatives, aimed at developing comprehensive policies in the areas of education, employment and housing.
- Continue to support capacity building for civil society organisations; provide training to NGOs – particularly minority NGOs – in navigating Phare funding application procedures and grant administration.