



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined fourteenth and fifteenth periodic
reports submitted by Czechia under article 9 of
the Convention, due in 2022* ****

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



I. Introduction

1. The combined fourteenth and fifteenth periodic reports of Czechia are submitted as one document (hereinafter also the “Report”) in accordance with Article 9(1) of the Convention on the Elimination of All Forms of Racial Discrimination (hereinafter the “Convention”) following up on previous reports and concluding observations. The following have been taken into account in drawing up the Report:

- General guidelines on the form and content of reports on the implementation of the obligations under the Convention submitted by States Parties (CERD/C/2007/1);
- Concluding observations on the combined twelfth and thirteenth periodic reports of Czechia (CERD/C/CZE/CO/12-13);
- Relevant facts and new measures adopted by Czechia to fulfil the obligations arising from the Convention in the reporting period.

2. In accordance with Recommendation 39 of the concluding observations on the combined twelfth and thirteenth periodic reports, Czechia submits the combined fourteenth and fifteenth periodic reports on the fulfilment of its obligations under the Convention for the period from 1 October 2017 to 31 December 2021.

3. The Report, as well as other periodic reports of Czechia related to human rights, will be published on the website of the Government Council for Human Rights together with other documents related to the implementation of Czechia’s international human rights obligations. In addition to State administration bodies, representatives of civil society and the academia cooperating with the Council, its committees and its secretariat participated in drawing up the Report. Other advisory bodies, such as the Government Council for Roma Minority Affairs, have also contributed significantly to measures to implement the Convention, such as the Roma Equality, Inclusion and Participation Strategy.

II. Special Part

Article 1

4. The legislation against discrimination continues to be based on the constitutional principles of equality in dignity and rights and the prohibition of differential treatment on illegitimate grounds¹. This legislation did not undergo significant changes in the reporting period and it is further described under Article 2.

Article 2

Legal and administrative measures against discrimination

5. In the reporting period, Czechia ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities and two additional protocols to the Convention on Human Rights and Biomedicine – the protocol related to genetic testing for health purposes and the protocol related to biomedical research.

6. In 2020, the Government discussed an analysis of the fulfilment of Czechia’s obligations under the International Covenant on Economic, Social and Cultural Rights in order to assess if it would be appropriate to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Based on the analysis, the Government ultimately decided not to ratify the Optional Protocol, but ordered that another analysis be carried out within five years to show how Czechia has improved in its implementation of the Covenant and how the Committee on Economic, Social and Cultural Rights evaluates it in its views and general comments. Czechia also continues to prepare for the ratification of other international conventions, such as the Council of Europe Convention

¹ For more details, see HRI/CORE/CZE/2010, p. 42, point 145 et seq.

on preventing and combating violence against women and domestic violence (Istanbul Convention).

7. With regard to Recommendation 31, Czechia states that it is not considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as it considers the rights of migrant workers to be protected under its existing legislation and the measures described in this Report.² In 2017, the Government also discussed an analysis of the legislative changes necessary to fulfil the obligations arising from ILO Convention No 189 on domestic workers and subsequently instructed the minister of Labour and Social Affairs to prepare the necessary legislative changes by the end of 2018. The amendments were not finally adopted because of the need for significant changes in labour law and the control powers of State authorities in proportion to the relatively small number of domestic workers in Czechia (about 1 500). Therefore, Czechia is not currently planning to ratify the said convention.

8. As Czechia has described in previous reports³, following the Durban Declaration and Programme of Action, it has considered adopting a National Action Plan against Racism. After an analysis of the relevant measures, programmes and concepts was carried out by various State administration bodies, a decision was made not to adopt a specific National Action Plan against Racism, as Czechia is fulfilling the individual points of the Programme of Action and the Durban Declaration through the existing measures mentioned in this report, especially in the area of combating hate crimes, Roma integration and integration of foreign nationals, and it continues to hold this position.

9. As the number of people of African descent still does not reach even 1% of the population⁴, Czechia has not prepared any measures specifically aimed at this group. Their rights are protected under the other measures described in this Report.

10. The basic legal framework for protection against discrimination has not changed significantly. The Anti-Discrimination Act remains the key piece of legislation. There were no amendments to the Act in the reporting period. The prohibition of discrimination under the Charter of Fundamental Rights and Freedoms remains valid as the constitutional regulation of non-discrimination at the highest level. The latter itself includes skin colour and gender as prohibited grounds for discrimination. Similarly, the Labour Code, the Employment Act, the Education Act or the Broadcasting Act contain these grounds as well. In our view, if a certain legal regulation does not contain such grounds, they can also be derived from the prohibition of discrimination on grounds of race, as suggested by Article 1(1) of the Convention. A similar view can also be found in literature on the topic. Therefore, Czechia sees no reason to change the provisions in the Anti-Discrimination Act which covers racial discrimination. The Criminal Code continues to regulate the prosecution of racially and ethnically motivated criminal offences, while less serious acts are regulated by the Infractions Act. Czechia still does not apply any measures under Article 2(2) of the Convention, but their application is possible under national law.⁵

11. The main non-legislative materials in the fight against racial discrimination remain the Government's strategic documents. This is primarily the Government's new Concept for Countering Extremism and Prejudiced Hatred for 2021–2026, which will be further described under Article 4 below.

12. It is also the new Roma Equality, Inclusion and Participation Strategy 2021–2030, which was approved by the Government in 2021. Its aim is to accelerate positive changes in the situation of the Roma in Czechia, particularly in the areas of education, housing, employment and health, and to achieve progress in eliminating unjustified and unacceptable

² CERD/C/CZE/10-11, para. 9.

³ CERD/C/CZE/10-11, para. 12.

⁴ According to official statistics, at the end of 2021 there were approximately 8 200 persons of African origin in Czechia, i.e. from countries on the African continent, which is approximately 0.082 % of the total population of Czechia. Despite the increase, the population is still negligible. See https://www.czso.cz/documents/11292/27320905/c01R04_2021.xlsx/1fddf77c-e970-410c-b921-0eacce3e89b3?version=1.0.

⁵ CERD/C/CZE/10-11, para. 6.

differences between a substantial portion of the Roma population and the majority population; to ensure effective protection of Roma people from discrimination and antigypsyism; and to encourage the emancipation of the Roma and the development of Romani culture and language. The Strategy's objectives include the following: reduce the level of antigypsyism; increase the level of educational attainment of Roma; ensure equal access to quality housing for Roma; ensure equal access to employment for Roma; ensure equal access of Roma to quality health care and social services. Its cross-cutting objectives are to support and develop the civic, socio-economic, political and cultural emancipation of the Roma national minority, i.e. to promote equality, inclusion and participation, and to ensure capacity and resources for the implementation of the Strategy. The sources of funding include the State budget, regional and municipal budgets and EU programmes and funds. The Strategy will focus primarily on the effective use and appropriate strengthening of these resources (e.g. subsidy titles). However, individual ministries will have to find the funds to implement the measures primarily in their own budgets. EU funds and the Czech operational programmes they support, primarily in the areas of education and social inclusion, also focus on supporting Roma integration.

13. The creator of the Strategy and the main coordinator of its implementation is the Office of the Government of Czechia, specifically the Office of the Government Council for Roma Minority Affairs. The Council Office prepares an annual report on the implementation of the Strategy submitted to the Government. The Council is also the main tool for monitoring the implementation of the Strategy, along with its Committee for the Implementation of the Roma Integration Strategy, whose main purpose is to monitor and evaluate the implementation of the Strategy's goals and measures. The committee is composed of representatives of the State administration as the coordinators of individual measures, representatives of the managing authorities of the relevant operational programmes, representatives of local government, representatives of the Council and, last but not least, representatives of civil society. If problems are found with the implementation of the measures, indicators and monitoring, an update will be proposed.

14. As mentioned in the previous report⁶, ethnic data can be collected via two instruments, namely censuses and surveys. According to the Charter of Fundamental Rights and Freedoms, every person has the right to choose their ethnicity by self-identification.⁷ The State must respect his or her choice and cannot determine or register a person's ethnicity itself.⁸ Although Czechia perceives the collection of relevant data as an important basis for the adoption and implementation of policy measures, data on national or racial origin remains sensitive data that can be processed either with the consent of the person concerned in the form of, for example, an explicit declaration of membership of a given minority, or for reasons stipulated by law, which, however, do not generally include the acquisition of data for the purposes of State administration.

15. Exceptions include, for example, censuses regulated by a special law. However, even they have ethnicity as optional and data on race or ethnicity are no longer collected in any way. During the last census in 2021, a total of 4 458 persons declared their Romani ethnicity and another 17 233 persons declared their Romani ethnicity in combination with another ethnicity. However, according to qualified estimates in reports on the state of the Romani minority, there are actually more than 250 000 persons of Romani ethnicity living in Czechia. It is clear that the vast majority of Roma are still not claiming their ethnicity. Complete statistics on the population of Czechia by ethnicity are given in Annex 1.

16. The importance of collecting data on the Roma population is also recognised by the Roma Equality, Inclusion and Participation Strategy. Data collection is one of the document's strategic objectives. The plan includes specific investigations of the situation of Romani people in the socioeconomic sphere, institutional care and foster care for children. Further research will focus on the situation of Romani women, on monitoring the number of Roma in prisons, and on mental health in the Romani population. Support for Roma will also be monitored in the implementation of EU funds. The possibility of monitoring the

⁶ CERD/C/CZE/12-13, para. 17–18.

⁷ Article 3(2) of the Charter.

⁸ Section 4(2) of the Act on the Rights of Members of National Minorities.

socioeconomic situation of Roma and comparing them with the majority population will also be considered, as well as the inclusion of a voluntary question about ethnicity in the Czech Statistical Office's regular surveys and a Methodology for Collecting Ethnic Data for State Administration Purposes will also be prepared.

17. The Ombudsman remains the key institution for the protection and promotion of human rights, whose main task is to ensure that the State administration is carried out in accordance with the law and the principles of good administration. It is also the national authority for combating discrimination. The activities and scope of competence of the Ombudsman have been thoroughly described in previous reports.⁹ The Ombudsman's budget and staff capacity continue to be improved in proportion to the increase in its competences. In 2021, the budget of the Ombudsman's Office was about CZK 170 million. It had a total of 155 employees. The Government is currently preparing an amendment aimed at changing the mandate and competences of the Ombudsman so that it can subsequently be accredited as a national human rights institution under the Paris Principles. The amendment is expected to be submitted to the Government during 2023. The Government is also prepared to provide the Ombudsman with maximum cooperation in its accreditation as a national human rights institution, although, according to the rules, this process is primarily in the Ombudsman's hands.

18. In the area of discrimination, the Ombudsman's powers remain primarily supportive and analytical, as described in the supplementary comments to the previous recommendations.¹⁰ The Ombudsman continues to primarily provide advice and support to victims of discrimination in the form of guidance on how best to protect their rights. It continues to cooperate with lawyers associated in the Pro Bono Alliance.

19. Roma participation continues to be supported primarily through their membership in the Government Council for Roma Minority Affairs, where they make up half of the members, and in its bodies such as the Health and Social Committee, the Employment Committee, the Roma Education Committee, the Working Group on Security, the Working Group on Youth and other EU policies towards Roma. The Council remains the main body for cooperation between Roma and the State administration. In addition to representatives of the Romani minority, the Council consists of ministers of ministries that are key to improving the situation of Roma, representatives of State institutions, and specialists and experts in areas that affect the situation of Roma (education, health care, employment, housing, etc.). As of 2023, the Government has appointed its first Special Commissioner for Romani Minority Affairs to specifically address Romani integration and its coordination at government level.

20. All regions continue to have coordinators for Roma Minority Affairs. They form the basic institutional network through which the State communicates and promotes integration policy in the regions. The coordinators are involved in the development of strategic materials in the region concerning the Romani minority, they organise seminars and conferences, and cooperate with Roma advisors in the municipalities and with other actors to address the specific problems in the region. The State also receives significant feedback and information about the situation in the region thanks to the Roma Affairs Coordinators. Roma advisors are active in the municipalities and coordinate Roma integration activities at the local level. There should be such an advisor in every municipality with extended powers. In 2021, a total of 157 advisors were working in 137 of 206 such municipalities in Czechia.

Article 3

Prohibition of racial segregation and apartheid

21. Czechia combats racial segregation and other forms of social exclusion through social inclusion instruments. The main strategic document in this area was the Social Inclusion Strategy 2014–2020, which also responded to the increase in the number of socially excluded areas and the high proportion of Roma there. However, its approach to social inclusion was not based solely on the ethnic principle and so it did not address the problems of the Roma

⁹ CERD/C/CZE/10-11, para. 21, CERD/C/CZE/CO/10-11/Add.1, para. 1 and 2.

¹⁰ CERD/C/CZE/FCO/12-13.

as an ethnic minority, but as one of the socially excluded groups and aimed at their reintegration into society. The included measures focused, among other things, on ensuring adequate support for local actors and further development of social services to improve the social status of the inhabitants of socially excluded areas. It also focused on the access of disadvantaged groups, including Roma, to education, the labour market and housing. According to the final report on the implementation of the measures of the 2020 Strategy, out of 95 measures monitored, 75 have been met, 14 have been partially met and 5 have not been met, where these measures related to the areas of access to housing, social services and health care. This was mainly due to postponed deadlines for the adoption of related norms such as the legal regulation of affordable or social housing, the amendment to the Social Services Act and the submission of the draft Act on Social Workers.

22. The subsequent Social Inclusion Strategy 2021–30 took into account and responded to the implementation of the previous strategy and at the same time was expanded to include other topics where social inclusion should be promoted, such as the issue of debt and over-indebtedness, social services, and family support. It also emphasises the importance of social work as one of the main instruments for social inclusion. The Strategy's objective is to guarantee equal opportunities in Czechia. Its structure is based on fundamental principles such as the protection of human rights, minority rights and gender equality. The individual objectives and measures of the Strategy were further elaborated into specific performance indicators in the Action Plan for the period 2021–2023. The Action Plan contains Objective 2.1a: Ensure equal access to social resources for people who are socially excluded or at risk of social exclusion and for people with various types of disadvantage. The objective includes, among other things, measures to increase the civic awareness of people who are socially excluded or at risk of social exclusion, to improve their basic competences and legal awareness, and to reduce inequalities among persons with different types of disadvantages in society, such as migrants and minorities. The aim is also to reduce obstacles to the public space in terms of stereotyping certain groups or persons (e.g. seniors, Roma, persons with disabilities, families with children). Other strategic objectives aim to strengthen cooperation between public administration, the non-public sector, civil society, community and local groups and individuals. The Strategy and the Action Plan also aim to interconnect social inclusion policies, in particular minority integration policies (especially Roma integration) and the fight against discrimination.

23. The Agency for Social Inclusion continues to pursue its objectives. The Agency operated within the Office of the Government of Czechia until the end of 2019; it has then moved under the Ministry of Regional Development to better connect with inclusion at the local level. The basic mission of the Agency is to continue to reduce the number of socially excluded persons or those at risk of social exclusion through their inclusion in society and early prevention of their exclusion. Within its scope of competence, the Agency focuses on housing, employment, debt, social services and family protection, health, community work and participation, safety and crime prevention, and education. In these areas, the Agency develops and puts into practice conceptual documents and strategies, provides assistance through project consultancy and cooperates in the development and evaluation of local strategies aimed at promoting social inclusion. According to the Roma Equality, Inclusion and Participation Strategy, the new State-supported housing is to be fundamentally non-segregated. Excluded areas are to be monitored and the aim is to reduce their number by 20%.

24. The support in the territory was implemented primarily under the Coordinated Approach to Socially Excluded Areas, which is an instrument to assist municipalities and their associations in the inclusion of socially excluded inhabitants and the prevention of social exclusion through EU funds and other sources with local support from the Agency. The aim is to promote systemic changes in social inclusion in specific territories of socially excluded areas through complex, interrelated interventions and using the principles of participation. The nature of the intervention varies according to the needs of specific areas. The Coordinated Approach is based on the Agency's past practice of cooperation with municipalities and represents a proven comprehensive set of methods and tools. The Agency and its local consultants will carry out an initial analysis in the municipality and help establish a local partnership of all relevant actors, whose cooperation will result in the creation of a strategic plan for social inclusion. The strategic plan is subsequently implemented and evaluated, or modified again in cooperation with the Agency. Municipalities that choose to

cooperate with the Agency in the implementation of social inclusion policies in their territory will have easier access to EU funding, as the Agency provides them with advice on how to find support and prepare projects. By the end of 2021, more than 100 municipalities have been supported in this way.

25. The obligations and powers of municipalities and the State in the area of housing and social inclusion remain unchanged. They continue to take care of creating the conditions for meeting the needs of their citizens, such as housing, social care, protection and development of health, education and training, in their territorial districts. Municipalities should also contribute to the social inclusion of their inhabitants. Municipalities and regions remain subject to all equal treatment obligations under the Anti-Discrimination Act and other regulations. Discrimination by a municipality can be opposed in court and damages can be sought together with the termination of the discrimination and removal of the consequences. In addition to this possibility of individual defence, there are competent authorities that supervise legal regulations and other measures by municipalities or regions (Ministry of the Interior, other relevant ministries, regional authorities). A municipality or region is always the first to be asked to correct the matter. If it fails to do so, the competent authority may suspend the effects of the regulation or measure and, if the situation is not remedied even after that, it may submit a petition to a competent court or, in the case of legislation, to the Constitutional Court for its annulment.

26. In 2021, the Ministry of the Interior investigated a total of 27 rules for the allocation of municipal housing based on its own activities, on the initiative of the Ombudsman, citizens or municipal representatives, or on the municipality's own initiative. Three rules were found to comply with the law, formal deficiencies were found in one case, and in 16 cases the Ministry found the rules to be in conflict with the law. However, the respective municipalities have always subsequently rectified the situation and either changed the rules or abolished them altogether. The remaining cases are still under consideration. The reasons establishing illegality varied. There was never any direct racial discrimination. However, in some cases, there may have been indirect discrimination – e.g. exclusion of debtors, welfare recipients, people with criminal records, low incomes, etc. Some cases concerned the exclusion of foreign nationals. One case ended up in court.

Article 4

Legislative, administrative and other measures against advocacy of racial hatred and violence against racial and ethnic groups

27. Racist propaganda and racial attacks remain punishable under the relevant provisions of the Criminal Code.¹¹ During the reporting period, a new criminal offence called dissemination of works to promote a movement aimed at suppressing human rights and freedoms was enshrined. This criminal offence consists of various forms of disseminating (sale, production, obtaining, etc.) a work which depicts, captures or otherwise represents symbols, slogans, representatives, etc. of movements aimed at suppressing human rights and freedoms or advocating racial, ethnic, national, religious or class hatred or hatred against another group of persons. The maximum penalty is, depending on the circumstances, a sentence of imprisonment between 3 and 6 years, a monetary fine or forfeiture of the property in question. It is not a criminal offence to dispose of such an item for the purposes of education, research, art, reporting on current or historical events or similar purposes.

28. During the reporting period, the Government considered the fight against hate crimes and hate speech to be a clear priority. This is evidenced, for example, by the fact that the Concept against Extremism and Prejudiced Hatred was approved and evaluated every year. These evaluations resulted in specific tasks for the central State administration bodies. The Government responded to the qualitative change in the xenophobic spectrum consisting in a decline in the influence of traditional extremist groups and their replacement by xenophobic populist entities and activists by supporting the concept of extremism with the concept of prejudiced hatred. In the area of prosecuting hate crime, particular emphasis was placed on

¹¹ CERD/CZE/10-11, para. 32, 33 and 34.

the education and training of police officers and public prosecutors in, inter alia, the proper recognition and proving of hate crime. Hate speech in cyber space has also become a subject of interest for police officers. An online form has been launched for filing a criminal complaint about wrongful hate content online. The activities included the prevention of radicalisation in the security forces. In the area of assistance to victims of crime, it is worth pointing out the cooperation with the non-governmental sector or the counselling activities of the Probation and Mediation Service. Bodies in charge of criminal proceedings are also trained with regard to a sensitive approach to victims. The Ministry of the Interior has also focused on refuting hoaxes and disinformation promoting hatred against minorities and on the security situation in socially excluded areas. There were also awareness-raising and educational activities in schools.

29. In 2021, the Government adopted the Policy Concept of Combating Extremism and Prejudiced Hatred 2021–2026, which follows up on the previous activities. The Concept identified the protection of victims of crime, the protection of democracy and the building and strengthening of resilience in democratic society as areas of concern. It also sets strategic and specific objectives for those areas, whose implementation will be specified in action plans. These envisage the involvement of a range of public administration actors, academic institutions and non-governmental organisations in cooperation on a total of 38 specific measures. The measures intend, for example, to strengthen protection of victims of prejudiced hatred, the capacity and knowledge of bodies in charge of criminal proceedings, to better combat extremists, to better prevent and detect radicalisation and reintegrate radicalised persons, to protect the integrity of State authorities and security forces, to raise awareness and educate as well as to successfully integrate minorities into the mainstream society. The measures are further elaborated in the Action Plan to Combat Extremism and Prejudiced Hatred 2021–2022, which, among other things, supports the training of bodies in charge of criminal proceedings, improves the records of hate crimes, strengthens cooperation with municipalities and non-governmental organisations (NGOs), and focuses on strategic communication and systemic combating of hate content online in cooperation with international actors and online platforms. It also financially supports victim assistance and the re-socialisation of offenders, as well as prevention in schools and social awareness and integration of foreign nationals and minorities. The Ministry of the Interior continues to issue regular assessment reports on hate crime. They include statistics on racially motivated crimes structured according to the relevant criminal offences, statistics on hate crimes against Jews, Roma, Arabs and Muslims as groups that are relevant in terms of hate crimes in Czechia. The statistics are contained in Annex 2.

30. One of the goals of the Roma Equality, Inclusion and Participation Strategy is to reduce the level of social antigypsyism as specific form of racism targeting Roma and related minorities. The aim is to improve the monitoring of antigypsyism in society through statistics on cases of discrimination against Roma (criminal offences, court and administrative proceedings, complaints to the Ombudsman), regular surveying of Romani victims of crime, and analysis of the impact of antigypsyism within the Romani minority. Government materials are to be evaluated in terms of non-discrimination. Media awareness and education in schools about antigypsyism should be improved, as well as the awareness and expertise of courts, public prosecutors, police officers and public officials about discrimination and how to combat it. The employment of Romani people within the Czech Police or in other appropriate positions in the State administration (social work, Roma mentors at the Probation and Mediation Service) is also to be supported. The goal is to reduce by half the number of Roma who have experienced antigypsyism and to double the number of those who have confidently reported it to the authorities.

31. In the system of public prosecution at all levels, the prosecutors continue to specialise in criminal acts committed for racial, ethnical or other hate motives, or extremism. On the basis of internal normative instructions, the public prosecutors are instructed, when supervising cases of hate crimes, to pay particular attention to carrying out all the actions necessary to establish the perpetrator's motive. The lower public prosecutor offices are obligated to inform the Supreme Public Prosecutor's Office of new hate crimes so that the Office can check and methodologically lead their prosecution.

32. In its annual reports on extremism and prejudicial hatred, the government regularly mentions hate political speech and its main propagators as one of the negative phenomena, thus receiving official government condemnation. Many politicians also condemn various statements contributing to racial intolerance. In 2018, for example, the Czech Minister of the Interior condemned distorting statements against the Museum of Romani Culture. The current Prime Minister Petr Fiala also publicly expresses his views, for example on International Romani Day, and he participates in rallies honouring the victims of the Romani Holocaust. The Government Commissioner for Human Rights, Helena Válková, and her successor, Klára Laurenčíková, have also regularly commented on these occasions.

33. Education and social awareness remain priorities of the Concept and the Action Plan. As part of the current revision of the Framework Educational Programmes, emphasis will be placed on media education and the use of information and communications technologies in education. Attention will continue to be paid to primary prevention in schools in accordance with the National Strategy for Primary Prevention of Risky Behaviour in Children and Young People for 2019–2027. Financial support will be provided for educational and prevention programmes in schools, educational establishments and others. The Ministry of Education, Youth and Sport publishes on its website methodological documents on prevention, including the prevention of racism and xenophobia. As part of the Government's campaign Place for All, these topics are discussed by the activity Media Workshop that opens a space for the pupils to discuss otherness, tolerance and their own prejudices. The Agency for Social Inclusion plans to train teachers in using the activity and to issue methodological materials that will help them to lead the discussion in classes and to follow it up with other activities. Under the We Can Talk activity, the Agency will provide tools for non-violent communication, recognising and evaluating one's emotions, detecting sources of conflicts and renewing damaged relationships according to the principles of restorative justice. The Agency will again train teachers and other pedagogical staff in these techniques.

34. As described in the previous report, the compliance of media and journalists with the prohibition of racism, discrimination and the promotion of diversity is ensured by the relevant laws.¹² The activities of the inspection bodies for individual media areas and the related sanctions were also described, which can, as a last resort, lead to criminal repression. This system remains in force. The self-regulatory mechanisms of individual public service media and professional organisations also remain in place. Therefore, journalists are responsible for their publication activities just like any other person. At the moment, State authorities are focusing on providing journalists with good information rather than training them on how to present it. Journalists are also protected against attacks in the course of their work, just like other persons. Czechia considers it essential to have a flexible and well-functioning system for the protection of all persons, which will naturally be used to protect journalists, if necessary. Moreover, journalists are not registered or regulated in a special manner, as the right to freely obtain and disseminate information is granted to everyone equally under the Charter of Fundamental Rights and Freedoms. So if they feel threatened in any way, they can file a criminal report or ask the Police for short-term protection. Even during criminal proceedings, they may be specially protected by having their identity and appearance concealed as witnesses or by other measures to protect witnesses in criminal proceedings.

35. Victims of hate crime continue to have the status of particularly vulnerable victims; therefore, they are entitled to special rights, including free legal aid. The Czech Police treats all particularly vulnerable victims in a humane, sensitive, empathetic and professional manner, using a system of special interrogation rooms and trained specialists. The Ministry of Justice has long provided subsidies to entities providing assistance to victims of crime. We can mention, for example, the Justýna counselling project of the organisation In Iustitia, which primarily addresses assistance to victims of prejudiced crimes. The counselling service provides advice in the form of both one-off consultations and long-term cooperation. For example, in 2020, a total of 176 victims were supported under this project.

36. The Czech Police continues to support cooperation with minorities. The basic conceptual material is the Strategy for the Work of the Czech Police in Relation to Minorities until 2020 and the Action Plan to this Strategy. Its main goals include increasing the trust

¹² CERD/CZE/12-13, para. 34 and 35.

between the Czech Police and members of minorities and the deepening of their professional competences for work with minorities. Other areas in focus include promoting education and improving the conditions for working with minorities, including persons or groups at risk of social exclusion and foreign nationals. The recruitment of persons from national minorities into the service of the Czech Police continues, which promotes a mutually positive perception of minority groups and members of the Czech Police. The target group of the recruitment campaign includes members of minority groups who meet all the conditions for admission into service. Given the situation caused by the covid-19 pandemic, the Strategy was extended to 2021.

37. Subsequently, the issue was included in the Crime Prevention Strategy in Czechia for 2022–2027 under Strategic Goal D – Comprehensive and Coordinated Approach to Security in High-Risk Locations and the Work of the Czech Police in Relation to Minorities. According to this strategy, information will continue to be provided to members of minorities about employment opportunities in the ranks of the Czech Police and in the implementation of the recruitment campaign launched in 2021. The aim is to reach potential applicants to the Czech Police from among minorities by social media, by presenting the recruitment campaign at labour offices, in public transport, in the media, in cooperation with Romani organisations and Romani media, by visiting schools with a higher representation of minority members, etc. The new strategy supports the creation of the necessary promotional documents for the campaign, active presentations on the Police website, presentations on possible studies at police schools, one of which already has a special programme for members of minorities.

38. In 2020, the Personnel Department of Office of the Czech Police President approached members of the Czech Police from both Romani and non-Romani minorities to become recruitment “ambassadors” who can provide future job applicants with realistic information about service with the Czech Police. A recruitment leaflet aimed at secondary school students was created, where one of the Romani “ambassadors” was pictured on the front page and became the face of the campaign along with a colleague from the non-Romani community. These leaflets are distributed not only to schools, but also through the regional liaison officers of the Czech Police from the Directorate of Public Order Police Service, who are in direct contact with people from minorities and explain in their respective communities that the Czech Police is an open, modern institution where one can find a solid job for life. Any potential applicants must meet the conditions for admission to the service, but these are set equally for everyone, without distinction of minority or gender. The leaflet was also presented by the Ministry of the Interior to the Office of the Government Council for Roma Minority Affairs, which offered to cooperate in promoting the campaign through their regional coordinators, field workers and, above all, NGOs. The Ministry has also established the same cooperation with the Agency for Social Inclusion.

Article 5

Rights specifically guaranteed by the Convention

Part I

Individual rights and their exercise in public life

A. The right to equal treatment before the courts and all public bodies

39. There were no changes in access to courts and other State institutions during the reporting period. Procedural laws guarantee each party to proceedings the right to equal treatment at all times.

40. In the event that racist or other crimes are committed by a member of the police force, the conduct is investigated by the specialised General Inspection of Security Forces. Assistance to victims of racist crimes is provided by entities providing assistance to victims of crime under the Victims of Crime Act.

41. Czechia has not introduced any extraordinary measures into its legal system that would restrict the rights of terrorism suspects in violation of constitutional and international

guarantees of a fair trial. Therefore, terrorism suspects have the same procedural status and protection as suspects of any other crime.

B. The right to personal liberty and security and protection by the State against violence and bodily harm

42. The conditions of restriction of personal liberty are still ensured in an equal manner without distinction of race or ethnic origin. Prisons are still obliged to take into account the cultural and religious beliefs of persons deprived of their liberty when meeting their material and spiritual needs, such as food, spiritual and social services, etc. Possible racist attacks in prisons continue to be investigated by the General Inspection of Security Forces. Security outside prisons continues to be ensured primarily by the criminal sanctions mentioned above¹³, as well as by some of the other measures listed below.

43. The police apply equal treatment and respect minority differences. The work of the Czech Police in relation to minorities remains one of the strategic goals of crime prevention under the new Crime Prevention Strategy in Czechia for 2022–2027. The police continue to have a system of regional officers for minorities who lead working groups for work with minorities, which include 252 police officers dealing with minority issues and 60 specialists for work with the Romani minority in socially excluded areas. Open communication with minority groups based on mutual trust and respect remains the main principle of police work. The Czech Police continues to strive to deepen its ties with other stakeholders in the public and non-profit sectors to cooperate in addressing critical situations of minority groups and persons at risk of social exclusion. This shall allow to find common solutions to specific problems, to prevent any negative tendencies in time and to stabilise mutual relations with the majority population and prevent conflicts. To this end, the Czech Police will continue to educate its officers and deepen their knowledge and intercultural competences, including through new methods of experiential education. The Crime Prevention Assistant and Prevention Caretaker projects will also continue, often with participation of Romani people from excluded areas.¹⁴

44. Czechia also continues to respect the principle of non-refoulement and it does not extradite persons who would be at risk of torture or other serious human rights violations or who have been granted international protection in Czechia. Ways to comply with this principle have been described in previous reports.¹⁵

C. Political rights, in particular the right to vote

45. In Czechia, the right to vote continues to be granted to all citizens without distinction if they have reached the age of 18. Foreign nationals have the right to vote and to run in elections if an international treaty grants them that right. In practice, however, this only applies to EU citizens. Citizenship is still necessary for most elected political positions, such as members of the Chamber of Deputies, senators, President of the Republic, as well as governors of regions or mayors of a municipalities.

46. Municipalities and regions with a higher number of members of national minorities¹⁶ have a committee for national minorities. In a number of municipalities, the issue of national minorities continues to be addressed by a committee of the municipal council, the appointment of a coordinator or advisor for minority affairs, etc. In those municipalities official election materials are published in the language of these minorities. The other election-related rights of members of national minorities described in the previous report remain unchanged.¹⁷

47. The Roma Equality, Inclusion and Participation Strategy aims to promote the political participation of Romani people. Support will be given both to community work aimed at empowering Roma at the local level to better defend their rights and interests, and to

¹³ For more on criminal sanctions, see CERD/C/CZE/10-11, Art. 4.

¹⁴ CERD/C/CZE/12-13, para. 41.

¹⁵ CERD/C/CZE/10-11, para. 52. CERD/C/CZE/12-13, para. 42.

¹⁶ The threshold is at least 10% of the population of a municipality, 5% of the population of a region.

¹⁷ CERD/C/CZE/10-11, para. 53 and 54.

organising and establishing local Roma platforms. Awareness-raising activities for Roma about declaring their nationality (e.g., by explaining the difference between the terms “nationality” and “ethnicity”) and their active and passive political participation or participation in activities affecting the Romani minority, such as the distribution of public aid or the implementation of EU funds, will also be supported. Therefore, representatives of the Romani minority should participate in all relevant platforms.

D. Other civil rights

1. The right to freedom of movement and choice of residence within the country

48. There have been no changes in this area in the reporting period, and Czechia continues to grant equal rights to all persons.

2. The right to leave a country, including one’s own, and the right to return to one’s own country

49. There have been no changes in this area in the reporting period, and Czechia continues to grant equal rights to all persons.

3. The right to a nationality

50. The new law on citizenship continues to apply, allowing dual or multiple citizenship for Czech citizens. The Czech legislation on the acquisition and loss of citizenship remains fully based on the principle of preventing statelessness by acquiring citizenship under specified conditions in accordance with the international treaties governing the status of stateless persons to which Czechia is a party, as stated in its previous report.¹⁸ It also described measures to facilitate the acquisition of citizenship by stateless children born in Czechia, which remain in force. These rules allow to obtain Czech citizenship by stateless children found on the territory of Czechia, children of stateless parents who have been allowed to stay in Czechia for more than 90 days or children in foster care. In the case of children of a Czech father and a foreign mother, paternity must first be properly established in accordance with the Civil Code. However, for the purposes of granting citizenship, it is examined whether the determination of paternity by a Czech citizen was not merely for the purpose of obtaining the right of residence of the child and its mother in Czechia or to abuse the system of state social support in Czechia. The assessment shall examine in particular whether the father of the child for whom paternity has been established lives in the same household with the child or is in regular contact with the child, participates in the upbringing of the child and fulfils the obligation to provide maintenance for the child. If these conditions are met, the child is granted Czech citizenship.

4. The right to marry and choose a spouse

51. There have been no changes in this area in the reporting period, and Czechia continues to grant equal rights to all persons.

5. Property rights, the right to inherit

52. There have been no changes in this area in the reporting period, and Czechia continues to grant equal property rights to all persons.

6. The right to freedom of thought, conscience and religion

53. There have been no changes in this area in the reporting period, and Czechia continues to grant equal rights to all persons.

7. The right to freedom of opinion and expression

54. There have been no changes in this area in the reporting period, and Czechia continues to grant equal rights to all persons.

¹⁸ CERD/C/CZE/12-13, para. 47 and 48.

8. The right to freedom of assembly and association

55. There have been no changes in this area in the reporting period, and Czechia continues to grant equal rights to all persons.

E. Economic, social and cultural rights

1. The right to work

56. Labour law continues to ensure equal access to employment. According to the Roma Equality, Inclusion and Participation Strategy, discrimination against Roma on the labour market is to be continuously monitored by inspection bodies and it will also be the subject of special research. Labour Inspectorates will continue to check job offers for non-discrimination and will also try to check selection procedures and other practices of employers such as remuneration, working conditions, etc., including on-site inspections. They will respond to suggestions as well as carry out inspections on their own initiative. The number of detected cases is listed in Annex 7. The goal is to halve the number of Roma who have felt discriminated against in their search for work or in employment itself. Initiatives by employers themselves and their organisations to promote equality and non-discrimination also continue as the “Ethnic Friendly Employer” project described in previous reports.¹⁹ At present, 86 employers boast this label. In addition, 78 entities in Czechia have signed up to the European Diversity Charter also described in the previous report.²⁰

57. The Employment Act continues to recognise the methods and approaches to promoting employment described in previous reports.²¹ The unemployment rate in Czechia has long been below average, currently around 3%. However, in excluded areas, research shows that the number can be up to 10 times higher. Therefore, the aim of the Roma Equality, Inclusion and Participation Strategy is to promote employment and entrepreneurship among Roma. The existing instruments of the active employment policy are to be modernised to better suit the needs of the Roma population, mainly women and young Roma. They should also include supplementing education for those who have, for example, incomplete primary education. The support should also focus on persons at risk of losing their jobs, e.g. due to debt. The use of active employment policy instruments by Roma is to be monitored systematically. Special attention will be paid to Roma mothers caring for children. One of the ways will include socially responsible public procurement and support for social entrepreneurship, including its enshrinement in law. Romani people are to be supported by active employment policy instruments in entrepreneurship and self-employment, through education or financial support. The aim is to increase employment and gainful activity of Roma to 75%.

58. The active employment policy projects mentioned in the previous report, which focus in particular on supporting the long-term unemployed and youth employment, also continued.²² The project “Support for Long-Term Registered Job Seekers” has been running since 2019. The project combines instruments aimed at activating the long-term unemployed through counselling activities and short-term employment with instruments supporting job placement – retraining and the creation of subsidised jobs. This includes, for example, reimbursement of travel costs or childcare. In 2018–2021, 37 regional projects were implemented from EU funds through regional branches of the Labour Office of Czechia for a total amount of approximately CZK 2.78 billion, supporting a total of 21 937 persons.

59. The Youth Guarantee programme is aimed at supporting increased employment for young people, including Roma, by offering suitable employment, further education, vocational training or internships within 4 months of registration with the Czech Labour Office. Currently, the Labour Office is implementing 13 projects under the Youth Guarantee programme with a total financial volume of approximately CZK 1.34 billion, which have supported a total of 8 617 economically inactive people under the age of 30 with a cumulative number of handicaps on the labour market, including members of the Romani minority. A

¹⁹ CERD/C/CZE/10-11, para. 72, CERD/C/CZE/12-13, para. 59.

²⁰ CERD/C/CZE/12-13, para. 59

²¹ CERD/C/CZE/12-13, para. 55–58.

²² Ibid.

total of 6 023 people were supported in other 7 projects in the most affected regions of Karlovy Vary, Ústí nad Labem and Moravia-Silesia; these were worth CZK 780.2 million.

60. The EU funds also support smaller local projects of non-profit, educational and consulting organisations. The most frequent activities include motivational courses, work diagnostics, training courses and retraining, counselling, professional practice, test jobs, employment intermediation and supported employment. A total of 18 such projects have been implemented exclusively for the Romani minority, with a total volume of CZK 84.6 million. However, members of the Roma minority also participate in projects for other target groups, such as people over 50, people under the age of 25 and minors under the age of 18 without qualification or with low qualification, the long-term unemployed, etc. Between 2018 and 2021, a total of approximately 1 700 Roma were supported under these projects.

61. Czechia is not currently planning any special measures in the form of quotas or similar to support the employment of Roma in public administration. The criteria for access to these jobs are set in a fully open and non-discriminatory manner. Some of the initiatives described above or below in the area of the security forces and social work serve to promote Romani participation in public governance with already some success in increasing Romani representation. The requirement of a higher education degree can often be a barrier to accessing public office in the public administration or justice sector. In a sense, this participation is strengthened by the measures to support Roma access to higher education described below.

2. The right to form and join trade unions

62. There have been no changes in this area in the reporting period. Equal rights and prohibition of discrimination continue to apply in this area.

3. The right to housing

63. The right to housing is still protected in Czech law. The Anti-Discrimination Act continues to include a prohibition of discrimination in access to housing, which is monitored by the Czech Trade Inspection Authority and the courts. The system of equal protection for tenants described in reports to other UN treaty bodies is still in place, as well as the judicial protection of tenants as weaker parties, whereby tenancies can only be terminated for specified reasons and judicial redress of unlawful termination can be sought in court.²³ Benefit support for housing in the form of a housing allowance in the state social support system and a housing supplement in the system of material need also continues. The social housing support programmes described again in earlier reports to UN bodies are also continuing.²⁴ According to the rules, a single building may have at most 20% of social housing apartments. Social housing cannot be built in socially excluded areas. In 2021, the Constitutional Court cancelled the supplement-free zones for unconstitutionality. Therefore, municipalities can no longer declare them and the declared zones were cancelled as of September 2021. Since then, there are also no territorial restrictions on receiving housing benefit.

64. The mission of the Agency for Social Inclusion in the area of housing is to increase housing opportunities for residents of socially excluded areas and to reduce the risk of residents losing their housing in standard apartments. The Agency cooperates with large, medium and small municipalities and tries to promote a conceptual approach to municipal housing policy. It promotes transparent systems of allocating housing according to the vulnerability of the residents and populating and inhabiting households with social work support. It provides methodological support to regions, municipalities, the non-profit and civil sector in the implementation of measures in the territory. It evaluates the tools used in the territory and connects the different municipalities in sharing experiences. The Ministry of Labour and Social Affairs implements the project “Social housing - methodological and information support in the social agendas” and established cooperation with 16 municipalities and 12 non-governmental organisations. By the end of 2020, a total of 2 633 persons had

²³ See e.g., CCPR/C/CZE/3, para. 238, CCPR/C/CZE/4, para. 23.

²⁴ See e.g., E/C.12/CZE/3, para. 137nn.

been supported and clients had been accommodated in 705 apartments. Thirteen Housing First projects received financial support from EU funds and a total of 215 apartments were occupied by clients. The financial allocation for all projects was almost CZK 110 million. Thanks to this project, local social housing systems have been created for more than 10% of the Czech population.

65. The Roma Equality, Inclusion and Participation Strategy also addresses housing. It wants to focus on equal access to municipal housing on the basis of municipal rules for renting apartments, which are controlled by the Ministry of the Interior like other general decrees. This control will also be strengthened in the framework of State housing support programmes. The goal is to reduce the number of Roma who perceive discrimination in housing from 2/3 to 1/3. Another major goal is to strengthen Roma access to affordable housing. The basic instrument is to be the adoption of the Act on Access to Housing Support, which will include the regulation of social housing and the right to decent housing, tools to support housing, especially for persons in housing need and at risk of losing their housing, and equal access to housing support throughout Czechia. The Act will offer municipalities a range of voluntary tools to address the housing needs of their citizens. In each municipality with extended powers, a contact point for housing should be created, thus ensuring the right to support in housing for all citizens of Czechia. The Act provides for State guarantees for apartment owners if they rent their apartments to defined vulnerable groups. These guarantees should reduce risks for owners and also reduce discrimination in the housing market. The Government expects to introduce this Act in 2023 with effect from 2025.

66. The Czech Housing Policy Concept 2021+ deals with accessibility of housing including social housing by creating a legal framework with sufficient financing and by increasing the offer and quality of rental housing. The support will be directed to social real estate agencies, social apartment cooperatives or guarantee funds of municipalities supporting the payment of housing costs for low-income persons, or measures to improve energy efficiency of buildings in excluded areas. Ideally, every development project should include a certain share of social housing, which would also prevent housing segregation. Along with affordable housing itself, social and community work by municipalities to acquire and maintain housing in cooperation with NGOs will be supported. The use of all forms of housing support by the Roma will also be monitored, as will the prevention of their backsliding into sub-standard housing and homelessness. The goal is to reduce the number of Roma in poor-quality housing to below 10%.

4. The right to health protection, medical care, social security and social services

67. The right to health protection, medical care, social security and social services continues to be ensured in Czechia in accordance with the law and regardless of ethnic origin, nationality, gender, sexual orientation, age, disability or religion. Equality before the law also applies and no discrimination is allowed. The principle of equal treatment irrespective of ethnicity, as reflected in the Code of Ethics for Physicians approved by the Czech Medical Chamber, and in the codes of ethics for nurses and other health professionals, remains the basis of the approach of physicians and other health professionals to patients. Czechia continues to respect equal access to social security benefits providing protection in cases defined by law and to social services or other forms of social assistance in accordance with international treaties and regulations. Furthermore, Czechia had taken an important step in deinstitutionalising care for children at risk, which had also been a subject of concern to the Committee in the past.²⁵ Institutional care for children under 3 years of age has been gradually reduced and all children under 3 years of age should be removed from institutions to foster families by 2025. The only exceptions are children with severe disabilities, where lack of care could jeopardise their life or health.

68. Reducing inequalities in Roma health is one of the goals of the Roma Equality, Inclusion and Participation Strategy. Specific measures include, in particular, promoting local access to health services, especially in socially excluded areas, in accordance with the relevant regulations and the prohibition of discrimination. This should counteract the poorer health of Roma compared to the majority population, as many studies have revealed. The

²⁵ CERD/C/CZE/12-13, para. 68–70.

health of the Romani population should certainly continue to be analysed. A key tool is raising awareness of the importance of caring for one's health and improving the ability to do so and prevent health deterioration. This will be done by trained field workers, called health mediators, who will work in regional health promotion centres in each region as part of a multidisciplinary team of health and social workers, and who will work with local Roma to support them in their health care, including prevention, together with local NGOs. Education and awareness among health professionals is also important, and they should be educated in the provision of health care in a socially and culturally sensitive manner as early as in schools.

69. Since 2018, the National Institute of Public Health's project Effective Health Support for People at Risk of Poverty and Social Exclusion, funded by EU funds and the State budget, has been responding to the need to increase the health literacy of the Roma. The project established 14 Regional Health Support Centres in each regional capital. Each centre is headed by a coordinator. The coordinators organise regular meetings of the Regional Implementation Teams (RIT); these meetings include, among others, regional coordinators for Roma affairs, directors of regional public health offices, representatives of doctors, regional and municipal departments of social and health services, NGOs, and other stakeholders. Each centre provides health support mediators, many from the Roma minority. By the end of 2020, there were over 50 of them. Apart from the regional capitals, the mediators worked in about 82 municipalities with socially excluded areas. The number of mediators per region varies from 3 to 8 depending on the size of the region, the number of socially excluded persons and localities. Within the project, 69 preventive programmes were created along with health education material in the form of aids, models and devices. An 80-hour Health Support Mediator course for the staff of the centres was implemented. In 2021, 28 persons were trained. In addition, 71 lecturers were trained within the project to ensure the implementation of prevention programmes for the target group. In 2021, a total of 344 Healthy Lifestyle courses, 101 Health Days, 2 119 Physical Activity courses, 269 professional events and lectures were held in all regions.

70. In addition to group health promotion activities, such as physical activity courses and healthy lifestyle courses, mediators provide individual assistance and advice, for example in facilitating registration with primary care physicians. The mediators often help with arranging health insurance, access to rehabilitation or educational and psychological counselling, or counselling for diabetes and overweight issues. Thus, they can work towards better communication of disadvantaged people in the health care system and the target group taking responsibility for their health. Since the beginning of the project, 37 108 people have used its services.

71. In particular, in the matter of illegal sterilisations, an Act was passed to provide a lump sum of money to illegally sterilised persons with effect from 1 January 2022. The Act specifies the conditions of providing a lump sum of CZK 300 000 to persons who have been sterilised illegally in the period from 1 July 1966 until 31 March 2012. Illegal sterilisations are sterilisation performed without free and informed consent, i.e. through any coercion, compulsion or persuasion to undergo a medical procedure preventing fertility, considering also the fact that the person entitled was not informed in an intelligible manner and to a sufficient extent about her health condition and about the purpose, nature, expected benefits, possible consequences and risks of the proposed medical procedure and about other options for dealing with the health condition, their suitability, benefits and risks, or through persuasion in the form of providing a benefit. The claim must be filed at the Ministry of Health within three years of the Act taking effect. The claim for compensation must include a description of the relevant facts of the case, in particular the identification of the healthcare facility which carried out the medical procedure, its date and the surrounding circumstances. The claim is decided in an administrative procedure by the Ministry of Health and the decision may be subject to judicial review. The Act also sets a period of 10 years from its entry into effect, during which the necessary medical documentation must not be shredded or destroyed in any way.

72. Since the Act on Compensation of Victims of Unlawful Sterilization came into force till 9 February 2023, the Ministry of Health has registered 528 applications. Of these, 247 applications have been granted, 162 applications have not been granted and in 40 cases the

application procedure has been discontinued. All the rejected cases were rejected due to a failure to prove the illegality of the sterilisation. Due to this special mechanism, no amendments are currently planned to the general limitation period that would, in line with the legal certainty principle, not apply to previous cases anyway. Sterilisations continue to be regulated by the relevant laws and violations are sanctioned, as described in previous reports.²⁶

5. The right to education and training

73. Education in Czechia continues to be provided in full compliance with the principle of equality and non-discrimination. It is still based, according to the law, on the principles of equal access to education without any discrimination on the grounds of race, colour, sex, language, faith and religion, national, ethnic or social origin, property, birth and health status or other status of the citizen, taking into account the educational needs of the individual, and (c) mutual respect, esteem, tolerance, solidarity and dignity of all participants in education. The inclusive steps in education described in previous reports also continue to take place.²⁷

74. Compulsory pre-school education for children aged 5 years and above has been introduced for the 2017/2018 school year. The share of 5-year-olds in pre-school education is estimated to be around 97% as of 2017, based on the total number of 5-year-olds in Czechia. According to the findings of the Czech School Inspectorate, almost all preschools create equal educational opportunities for every child and its family, regardless of gender, age, ethnicity, culture or native language. The current research is intended to assess the obstacles on the part of parents, nursery schools or other stakeholders in the education of children from socially disadvantaged backgrounds and the causes of postponed compulsory schooling. Based on the analysis, further measures will be proposed.

75. Education is one of the objectives of the Roma Equality, Inclusion and Participation Strategy. Its aim is to eliminate discrimination and segregation of the Roma in education by means of methodological guidance for schools and for municipalities that fund the schools and define their catchment areas. Their activities will also be monitored by the Ministry of the Interior. In cooperation with the Ministry of Education, Youth and Sports and the Agency for Social Inclusion, schools are to receive tools to prevent discrimination and deal with it on the spot. The whole system will be monitored by the Czech School Inspectorate. The Ministry of Education, Youth and Sports will also regularly collect data and analyse Roma education on the ground, in line with modern principles and personal data protection. Schools and classes with over-represented Roma pupils (over 1/3) will be specially monitored to reduce the number of such schools to a half and the number of discriminated Roma pupils below 10%. The Strategy also focuses on teachers' competences in inclusive education by including courses and modules containing culturally and socially sensitive approaches necessary for minority education in their education, training and further education. at universities or the National Pedagogical Institute run by the Ministry of Education. The same support should exist for teacher assistants, staff of educational-psychological counselling centres and others who are in contact with Roma pupils. The position of teacher assistants, social pedagogues and social workers in education should be specified in legislation and methodologies, standardised and supported with systemic financing within the education system. The goal is to reduce the number of Roma pupils in non-regular education programmes.

76. However, the Strategy also focuses on improving the education of Roma themselves. Work on pre-school education has already begun and it is to be supported by community work and by funding to pay for school fees and school meals with the aim of doubling the number of Roma children in such education to more than 80%. In primary education, in addition to inclusive activities, a key role is played by accessible career guidance that will promote further education as well as prevent early school leaving including from primary education. For secondary and higher education, financial support in the form of scholarships and subsidy schemes, together with counselling and mentoring from schools and NGOs, is again important. The aim is to reduce the early school-leaving of the Roma to 15% as well as increase their completion of secondary education to 80% and higher education to at least

²⁶ CERD/C/CZE/12-13, para. 65–67.

²⁷ CERD/C/CZE/12-13, para. 71–74.

10%. Financial support will also be important for leisure activities of Roma children provided in schools or localities by municipalities, schools or non-governmental organisations.

77. One of the Strategy's tasks is to ensure support within the framework of compulsory schooling for children and pupils who speak a different mother tongue or the Romani ethnolect of Czech so that they can improve their language and communication skills. The aim is to create methodological recommendations to support their education, together with didactic materials and courses for teachers and students of pedagogy on how to educate Romani children in the Czech language. The legal changes should then enable them to be supported in the same way as the children of foreign nationals with a different mother tongue.

78. Reducing inequalities in access to education and enabling the maximum development of the potential of all children, pupils and students, preventing early departures from education and increasing success rates in further education are among the main points of the Government-approved Education Policy Strategy of Czechia until 2030+ and the Long-term Plan for the Development of Education and Educational System in Czechia for the period 2019–2023. The basic framework of inclusive education is laid down in the Decree on education of pupils with special educational needs and gifted pupils. Its amendments in the reporting period were aimed at streamlining the system and improving its efficiency without jeopardising the level of support for individual pupils.

79. The Action Plan for Inclusive Education 2019–2020 has also been adopted. Its measures include, for example, improving and unifying the quality of counselling services provided in schools and school counselling facilities, enhancing the competencies of pedagogical workers, and improving special education skills in the undergraduate training and further professional development of teachers. Pedagogical workers are provided with methodological support in the education of children, pupils and students with special educational needs through the National Pedagogical Institute. Teachers can also take advantage of accredited continuing education courses, etc.

80. In primary education, the aim is to use support measures to include, to the highest possible extent, pupils with various special educational needs based on their health condition, other cultural or social background etc. in the mainstream education. In the 2019/20 school year, the education of pupils with mild intellectual disability was terminated in accordance with the Annex to the Framework Educational Programme for Primary Education. The current Framework Educational Programme with reduced requirements for learning outcomes due to mental disability allows pupils with mild intellectual disabilities to use adjusted outcomes in the form of an individual education plan only in those areas where it is necessary for the pupil, based on a recommendation from the school counselling facility. In other areas, the student can be educated according to standard expected outcomes. Since the 2016/2017 school year, the Ministry of Education, Youth and Sports has been conducting qualified estimates of the number of Roma pupils at all primary schools. The specific figures are provided in Annex 4.

81. The teaching of the Romani language in schools in Czechia is not yet systematic, because current schools are confronted with several complications, primarily due to the lacking interest of parents of Roma children. These parents often believe that their children should primarily learn the majority Czech language in order to integrate easily into the majority society. Parents often consider Romani to be a language used solely for internal family communication. A further complication has been noted by schools that have succeeded in promoting Romani courses: Roma children are afraid to enrol in these optional courses because of the subsequent stigmatisation by their majority classmates. Romani is also being underestimated by the majority and not considered a fully-fledged language. Although there is no systematic teaching of the Romani language in Czech schools, several schools do include it as part of thematically related courses.

82. Financial support focuses on many of the above topics. The first topic is scholarships for Roma students at secondary schools, conservatories and tertiary vocational schools. The financial support is intended for education costs, food, travel, accommodation and school supplies. About CZK 7 million is currently available in the programme. Unfortunately, the number of pupils supported under the programme and the number of schools participating in the call are declining. Pupils also drop out of education, mainly due to high absenteeism,

failure to master the curriculum, lack of interest in learning and no motivation on the part of the family. The solution may be to involve and support more NGOs to work with students and their parents and to further motivate schools to join the call and coordinate activities. Another support area is school meals for primary school pupils to help children whose parents cannot afford to pay for their lunches in school canteens. The financial contribution is made directly to the primary schools and school canteens. A total of approximately CZK 80 million per year is allocated for this support, with a quarter of it going to the most undeveloped regions of Karlovy Vary and Ústí nad Labem. The Ministry of Education, Youth and Sports also supports the equipping of school counselling facilities with modern diagnostic tools to properly diagnose educational needs. The EU funds are supporting, for example, new training modules for pedagogical workers at schools and school facilities on the specifics of the education of Roma children, pupils and students, or various forms of staff support at schools, such as a school assistant, a school special educator, a psychologist or a social educator who is tasked with connecting the school with the municipality, social workers, health care facilities, providing legal and social assistance, etc. More than 75% of schools in Czechia have benefited from this low-administration support and a total of 889 social pedagogic activities in nursery schools and 4 516 activities in primary schools have been supported. This support will continue in the coming years.

6. The right to equal participation in cultural life

83. The Roma Equality, Inclusion and Participation Strategy also focuses on promoting Romani culture. The Museum of Romani Culture is to continue its activities. Support for the World Roma Festival Khamoro and other cultural activities is to continue as well, as is the use of the Romani language in accordance with the European Charter for Regional or Minority Languages. A new topic is the support of the inclusion and mainstreaming of Roma topics and the inclusion of Romani as a language of common communication in the broadcasting of public media. The subsidy support from the Ministry of Culture mentioned in previous reports continues²⁸ and the aim is to increase State funding by at least 10%.

84. The Museum of Romani Culture is also continuing to develop memorials to the Romani Holocaust in Lety u Písku and Hodonín u Kunštátu. In Lety, after the successful purchase of the pig farm site during 2018 and 2019, the site was cleaned up and an archaeological survey was carried out, followed by an architectural competition. The winning design was announced in 2020 and the demolition of the piggery started in the summer of 2022 to be completed by the end of the year. Subsequently, the memorial will be built with completion expected in 2025. At present, there is an information centre room on the site of the former Gypsy camp with a permanent exhibition informing the public about the site. There is also an exhibition entitled “The Genocide of the Roma” which informs visitors about the camp’s existence in the broader context of Nazi policy at the time. Reconstruction work was also underway in Hodonín and a new memorial was opened there in 2020. A new activity is a branch of the Museum of Romani Culture in Prague called the Roma and Sinti Centre, which is currently under construction to be opened next year. All of these institutions organise various events, exhibitions, trainings, lectures for schools, etc., and also commemorate all significant days for the memory of the Roma (e.g., Roma Holocaust Memorial Day on 2 August).

7. The right of access to all places and use of all services intended for the public

85. There were no changes in this area during the reporting period. The Charter, together with the Anti-Discrimination Act, continues to guarantee freedom of movement and residence in all public places regardless of race or nationality, as well as access to goods and services offered there. Compliance with this prohibition of discrimination continues to be monitored by the Czech School Inspectorate and possibly by the courts.

²⁸ CERD/C/CZE/12-13, para. 80.

Part II

Status of foreign nationals, immigrants and stateless persons

86. Integration policy continues to be determined by the Government's Concept of Integration of Foreigners In Mutual Respect. The Concept is then followed up annually by the Procedure for the Implementation of the Concept for the relevant year, which responds to the problems outlined with specific tasks. The approach for 2022 continues to focus on proficiency in the Czech language, economic self-sufficiency, the foreigners' knowledge of Czech society, development of inter-community relations and gradual acquisition of rights depending on the length of stay. As of 2021, most foreign nationals with long-term or permanent residence permit must complete an adaptation and integration course within 1 year of obtaining the permit, which will familiarise them with their rights and obligations concerning their stay in the territory, the basic values of Czechia, the local conditions and the Czech cultural customs. The courses are organised by the regional Centres for the Support of the Integration of Foreigners. Since 2019, these centres have been regulated directly in the law as providers of services facilitating the integration of foreign nationals into society such as adaptation and integration courses, Czech language courses, socio-cultural knowledge courses, and social and legal counselling. The centres are funded by the State and run by the State, local governments or NGOs. Municipalities can receive financial support from the Ministry of the Interior for local projects to integrate foreign nationals. In 2021, a total of 23 such projects were supported. There are annual reports on the situation in the field of migration and integration of foreign nationals in Czechia that provide an overview of these issues. The State Integration Programme continues to be designed for the integration of persons granted international protection. The informative projects for foreign nationals described in previous reports are also continuing.²⁹

87. In the area of employment, foreign nationals with permanent residence continue to have basically the same rights as citizens of Czechia. The same applies to foreign nationals granted international protection and other groups of foreign nationals defined by the Employment Act, such as students and graduates of accredited schools and fields of study. Foreign nationals from third countries may be employed in Czechia provided they have obtained the necessary employment and residence permits. Foreign nationals continue to have the right to equal working and wage conditions as Czech citizens. The number of foreign nationals moving on the Czech labour market has been increasing significantly in recent years, except during the Covid-19 pandemic. As of 31 December 2021, a total of 701 830 foreign nationals will be employed on the Czech labour market. Currently, the Ministry of Industry and Trade, in cooperation with the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Labour and Social Affairs, is implementing the Government's economic migration programmes from 2019, especially for skilled workers and scientific experts. One of the conditions is that the employee receives sufficient wages to prevent social dumping and labour exploitation.

88. With regard to Recommendation No 26, Czechia states that pensions are, in principle, insurance- and merit-based benefits for which everyone is obliged to meet the necessary insurance period. This applies to both Czech citizens and foreign nationals living in Czechia, including holders of international protection. This period of time must always be documented in some way, either with verified information from Czechia or from their countries of origin. The exchange of information is ensured within the EU/EEA and with countries with which Czechia has concluded a bilateral social security agreement. In the case of refugees, proving the period of insurance abroad is rather problematic, as most of the countries of origin have no bilateral agreements with Czechia and, above all, the mere inquiry of Czech institutions in the country of origin could lead to a threat to the security of the refugee. But under Czech rules, the correct amount of pension cannot be determined without the knowledge of the length of the total period of insurance. Pensions awarded and calculated on the basis of a relatively short period of residence in Czechia would usually be too low and would not be able to provide a person with sufficient resources for basic life necessities. Therefore, social security for refugees is ensured outside the pension system, which cannot take into account individual reasons for too short or undocumented period of insurance. Therefore, refugees of

²⁹ CERD/C/CZE/12-13, para. 84.

pensionable age may receive non-insurance social benefits of State social support (e.g. housing allowance) or assistance in material distress (mainly subsistence allowance), which provide financial resources where the entitlement to insurance-based benefits has not arisen or where their amount is insufficient to ensure subsistence.

89. With regard to Recommendation 24, Czechia states that access to healthcare is tied to participation in the public health insurance or to a commercial health insurance except for emergency care that is provided in any case. All persons employed by an entity established or residing in Czechia and all foreign nationals with permanent residence and their family members, as well as holders of international protection and applicants for international protection, are covered by public health insurance. Foreign nationals with other than permanent residence and their family members must have a commercial health insurance arranged when staying in Czechia. Since 2021, insurance companies have had a legal obligation to conclude such health insurance that covers comprehensive health care including care related to pregnancy and childbirth. Therefore, every foreign national residing in Czechia should have health care and its financing secured. The public health insurance also covers all born children within the first 60 days of their lives during which an application for permanent residence can be filed, which includes coverage by public health insurance. Doctors also have no legal obligation to report any illegal stay of their patients.

90. The education of foreign national is still seen as a pillar of their integration. From the school year 2021/22, support for foreign pupils in compulsory pre-school and primary education has been improved. The obligation to provide language support to pupils with insufficient proficiency in the language of instruction is now part of the Framework Educational Programme for Pre-School Education. Foreign nationals are entitled to language support in the Czech language, which is provided directly in the nursery school. In primary education, newly arrived foreign nationals are entitled to free language support for integration into primary education of 100–200 hours directly in their school or in a designated school within each region which provides language education by distance learning for pupils who for various reasons cannot travel to the designated school. The pupil takes part in the language education during normal school days being freed from other education or in the afternoon. Children and pupils from different cultural backgrounds are also entitled to support measures to create equal conditions in education, similar to children with disabilities or Roma children.

91. The Ministry of Education, Youth and Sports pays for this language support for schools from the State budget about CZK 94 million in 2021 over and above regular funding. In 2022, with the system fully operational, it will be about CZK 116 million. In all regions, there are Regional Support Centres for Foreign Children/Pupils, which provide information and methodological and professional assistance to schools educating foreigner nationals and also to other entities. Emphasis is placed on networking of the different actors of integration. The National Pedagogical Institute offers training programmes for pedagogical workers and organises discussion meetings. Translation and interpreting services are provided free of charge to schools and school facilities, as well as the “Adaptation Coordinator” service, which is available to newly arrived foreign nationals at their school for 4 weeks and helps them adapt to their new environment. The Centres for the Integration of Foreigners also offer language courses for adult foreign nationals. All asylum seekers and beneficiaries of international protection are entitled to up to 400 hours of Czech language courses within the State Integration Programme.

92. With regard to Recommendation No 22, Czechia clarifies that the Asylum Act no longer allows for the detention of asylum seekers, families with children or foreign minors. This is also the case when a family with children or an unaccompanied minor foreigner is first detained for the purpose of administrative expulsion and only apply for asylum in the detention facility. The Act on the Residence of Foreign Nationals does allow for the detention of families with children and unaccompanied minors, but under very strict conditions. The primary consideration is always the possibility of imposing an alternative to detention. The overwhelming majority of the families with children detained were detained while in transit to Western European countries without any background in Czechia. As of July 2019, the law provides for a new alternative to detention, namely the obligation to stay in a place designated by the Police. This place may be in particular the Reception Centre Zastávka u Brna, which is primarily intended for asylum seekers and where, according to case law, the conditions are

suitable for staying with children. An unaccompanied minor foreign national may be detained only if there is a reasonable risk of a threat to the security of the State or a serious disturbance of public order, if it is in his or her interest in accordance with the Convention on the Rights of the Child. Because of these very strict conditions, unaccompanied minors are not detained in practice. In the case of families with children, only the parents are detained in accordance with the law, and the children are merely accommodated with them in the facility. This means that if there is another suitable relative in Czechia, the child can stay with him/her and does not have to be in the facility with the parents. The stay in the facility is then constantly adapted to the stay of the minor children, whether in terms of the design and layout of the interiors, minimisation of overt security measures, social and health care, education and leisure activities that can take place outside the facility. The maximum length of detention of minors and families is set at 90 days without the possibility of further extension. Therefore, Czechia is not going to ban detention of families with children altogether because of the very high proportion of families in transit; it is rather focusing on minimising detention and ensuring that it takes place in an environment of increasingly high quality.

93. With regard to Recommendation No 28, Czechia states that the amendment to the Act on the Residence of Foreign National effective as of August 2021 contains a new specific legal regulation of the procedure for determining statelessness by the Ministry of the Interior. The stateless person is entitled to a tolerance residence visa, unless they have another residence permit. Another amendment is currently being drafted that contains a definition of statelessness consistent with the Convention relating to the Status of Stateless Persons. The draft also regulates, for example, the provisions concerning the issuance of the applicant's statelessness card. The reservation to Article 27 of the Convention relating to the status of stateless persons cannot be withdrawn at this time, as it is necessary to await the adoption and entry into effect of this new legislation on the status of stateless persons. Stateless persons are registered in Czechia, but only if they apply for this status and in accordance with the regulations governing the protection of personal data.

94. With regard to Recommendation No 30, Czechia states that the procedures of the Czech Police in the case of suspected trafficking in human beings are based on the internal instruction of the President of the Police No 201 of 27 July 2017 on activities in the field of trafficking in human beings. In the event of any suspicion of human trafficking, all police departments are obliged to inform the general crime departments of Regional Police Directorates and the relevant police specialists from the National Centre for Combating Organised Crime of the Criminal Police and Investigation Service. The specialists are professionally trained and have experience with, among other things, identifying victims of human trafficking and communicating with them. They are trained on an ongoing basis and participate in the Instructional Methodological Workshops on Trafficking in Human Beings. These measures improve the ability of all relevant law enforcement authorities to detect trafficking and ensure a swift and effective approach to assist and protect its victims.

95. Annual training sessions are held for police officers, judges and public prosecutors and other relevant persons who may come into contact with victims of human trafficking to help with their identification. In the implementation of the tasks of the National Strategy to Combat Trafficking in Human Beings in Czechia for the period 2016–2019, the manual for victim assistance was updated and distributed to the Czech Police, the State Labour Inspection Office and the Centres for the Integration of Foreigners. Training cooperation was also established with actors working in socially excluded areas in the Moravian-Silesian, Plzeň and Ústí nad Labem Regions together ongoing training of specialists within the Czech Police on the Programme for Support and Protection of Victims of Trafficking in Human Beings. The new National Strategy to Combat Trafficking in Human Beings in Czechia for the period 2020–2023 has also set out tasks such as the creation of a uniform list of trafficking indicators, the training of police officers in the identification of trafficking victim, including the particularly vulnerable ones, the creation of a charter of basic rights and obligations of employers and employees in Czechia in an effort to ensure the timely and effective identification of victims of trafficking in human beings. Similar training is also provided, for example, to employees of labour inspectorates, social workers or consular staff at embassies.

96. In 2019, the Judicial Academy held a seminar on combating and prosecuting trafficking in human beings, which, in addition to national legislation, also included an

analysis of the Council of Europe Convention on Action against Trafficking in Human Beings, relevant case law of the European Court of Human Rights and other international instruments and national examples of good practice in protecting victims of trafficking. The seminar is part of the Council of Europe's e-learning programme HELP (Human Rights Education for Legal Professionals). In February 2021, the Judicial Academy organised a seminar for judges and public prosecutors on the issue of human trafficking in the area of sexual and labour exploitation, child trafficking, as well as other forms of exploitation of victims of human trafficking from the perspective of public prosecutors, the National Centre for Combating Organised Crime and the Ministry of the Interior. Attention was also paid to the identification of victims of trafficking in human beings, the principle of non-punishment, the Programme for the Support and Protection of Victims of Trafficking in Human Beings of the Ministry of the Interior of Czechia and, last but not least, the decision-making activities of the ECtHR, the Czech Constitutional Court and lesser courts.

97. Czechia continues to organise educational and preventive events on the issue of trafficking in human beings. Prevention campaigns are most often implemented by NGOs with financial support from the State. Prevention is then aimed at people at risk of trafficking, students at school entering the labour market and the general public. Video clips raising awareness of the forms of trafficking in human beings and information leaflets are used for prevention activities. In the reporting period, Czechia also joined the first pan-European prevention campaign created by the European Crime Prevention Network aimed at warning and informing possible victims of trafficking in human beings. The campaign produced a video, leaflets and posters in Czech, English and Russian to alert potential victims on their rights and options for assistance and protection throughout Europe. In addition to the Ministry of the Interior, preventive materials were also distributed through the Czech Police and the non-governmental organisations La Strada, Diacony of the Evangelical Church of Czech Brethren (ECCB), Caritas Czech Republic and IOM. In 2019, La Strada ČR implemented the CityLight prevention campaign, financially supported by the Ministry of the Interior, with information and contacts for actual and potential victims and the wider public. The campaign used advertising space in public places or in the print media and reached a total of around 400 000 readers.

98. According to the Victims of Crime Act, the police authority or public prosecutor who is the first in contact with a crime victim as is obliged to inform them, even without a request, of their rights. In this advice, the police authority will provide the victim with contacts to bodies providing professional assistance, the conditions under which they can seek financial assistance, as well as other information about their rights. Victims of trafficking in human beings fall into the category of "particularly vulnerable victims" and thus have the right to legal assistance in criminal proceedings. This service is not free of charge by default, but the court may grant entitlement to legal aid provided by an attorney free of charge or at a reduced fee if the victim certifies that they do not have sufficient funds to meet the costs of the assistance. A victim who is under 18 years of age will be provided with free legal aid without having to demonstrate the lack of funds. In the reporting period, the Ministry of the Interior's Programme for the Support and Protection of Victims of Trafficking in Human Beings, as described in previous reports, continued to provide victims with additional benefits such as shelter, clothing, food, etc.³⁰

Article 6

Protection against all forms of racial discrimination

99. The basic legislation on protection against discrimination described in previous reports remains unchanged. Under the Anti-Discrimination Act, natural persons continue to have the right to equal treatment and not to be discriminated against in access to their rights, either by public authorities or private persons. In the event of discrimination, one can still file a lawsuit in court and seek the discrimination to stop, its consequences to be eliminated and to receive adequate satisfaction; alternatively, a motion can be made to an inspection body, which can punish discrimination with a fine. In anti-discrimination disputes, the burden of

³⁰ CERD/C/CZE/10-11, para. 114, CERD/C/CZE/12-13, para. 96.

proof remains shared, making it easier for the victim of discrimination to stand as a plaintiff. Access to the courts and administrative authorities is also improved by the system of free or reduced-fee legal aid and representation in administrative and judicial proceedings described in the previous report³¹, as well as, for example, the uniform rate of court fees for filing an anti-discrimination lawsuit of CZK 1 000 regardless of the value of the dispute, which now also applies to appeal proceedings. Positive changes may also be brought about in the future by the new system of collective proceedings, which should enable individuals to pool their claims together and thus reduce the cost of enforcing them, for example in the area of access to goods and services.

100. The State Labour Inspection Office continues to carry out annual inspections on equal treatment and non-discrimination in labour-law relations or in the exercise of the right to employment. It also provides advice on labour and employment rights. Similarly, other inspection bodies such as the Czech School Inspectorate and the Czech Trade Inspection Authority include discrimination inspections in their annual work plans. Cases of discrimination continue to occur, although discrimination on the grounds of race or ethnicity is identified and proven rather rarely. Details of their activities are available in Annex 7.

101. The Ombudsman remains the national anti-discrimination body under European law; it contributes to the enforcement of the right to equal treatment, provides methodological assistance to victims of discrimination in protecting their rights, conducts research and issues reports and recommendations on discrimination issues. The Ombudsman's main activity remains the provision of advice and dissemination of information, in line with its position as an ombudsman-type institution akin to a national human rights institution. Data on the number of complaints relating to discrimination on grounds of race are available in Annex 7.

102. Between 2018 and 2021, the Ombudsman dealt with discrimination on the grounds of Romani ethnicity in the areas of employment, housing, education, and access to goods and services. These cases have included job or rental advertising, rules for access to municipal housing, setting up school districts, and access to stores or entertainment venues. It also dealt with the activities of the inspection bodies mentioned above. In most cases, discrimination was not established. When discrimination was discovered, the discriminatory behaviour was usually stopped, although in some cases the Ombudsman had to resort to sanctioning powers such as informing superior authorities or the public. Some cases had to be settled in court. Among the systematic steps taken, the Ombudsman has, for example, carried out research and surveys in the area of housing and education or formulated standards for the implementation of equal treatment inspections by labour inspectorates, in which it called for a systematic, proactive and client-oriented approach to enable proper investigation of cases, effective sanctioning of perpetrators and assistance to victims of discrimination.

103. There are still not many discrimination cases settled before the courts. In 2020, the Ombudsman published a new survey of anti-discrimination case law over the past 5 years, where it examined a total of 90 civil anti-discrimination lawsuits, in which over 200 decisions were issued at all levels, from district courts to the Constitutional Court. Discrimination on the basis of race and ethnicity was a factor in 17 of these cases, an increase from the 2010–2014 period covered in the previous survey. In more than half of all cases, the actions were dismissed at first instance by the district court. Only 4 cases were fully successful and 12 were partially successful. In more than half of the cases, the plaintiffs sought compensation for other than proprietary harm, which the courts awarded in 12 cases in the amount of CZK 15–400 thousand, although in the vast majority of cases they reduced the compensation compared to the claim. The courts also considered 14 cases previously considered by the Ombudsman and they agreed with its conclusions in almost 2/3 of the cases. Based on the research and surveys, the Ombudsman recommended, in addition to legislative changes supporting the rights of victims of discrimination, for all relevant court decisions to be published, including those in cases of discrimination, to improve their evidence, to educate judges, court officials and lawyers in anti-discrimination law so that they can better deal with them, and to monitor people's access to free legal aid to ensure that all those in need, including victims of discrimination, have access to it.

³¹ CERD/C/CZE/12-13, para. 107.

104. In 2020, the Ombudsman also published research on the assessment of hate speech on the internet by Czech courts, in which it analysed a total of 47 district court decisions concerning hate speech on the Internet in the previous 4 years. In almost half of the cases, the attacks took the form of the criminal act known as instigation of hatred towards a group of people or of suppression of their rights and freedoms; there were also rather frequent cases of defamation of nation, race, ethnic or other group of people, initiation to violence against group of people and individuals, or expressing sympathies for movements seeking to suppress human rights and freedoms. The most frequent targets of the attacks were Roma in almost half of the cases and Muslims in ¼. However, the targets were also people who advocate for these or other victims or who are dedicated to helping these groups (e.g., representatives of NGOs). The perpetrators were overwhelmingly men who had no extremist history and no prior criminal record and who perpetrated the attacks on their own behalf and under their own name, most often on social media. However, in the vast majority of cases (over 90%) they were found guilty and sentenced, most often to suspended sentence of imprisonment of months to several years, to fines, but also to community service or forfeiture of property. Overall, there were not many such cases being dealt with, although their number was increasing over time; therefore, most courts did not have first-hand experience with such cases. The lack of data and, for example, publicly available court decisions and their overall evidence thus hinders a quality in-depth analysis of the situation and delays the resolution of problems.

105. Specific court decisions have shown, for example, that after the death of a victim, the victim's relatives, such as parents, who may also have been affected by the discrimination, may also file discrimination claims under the Civil Code. Discrimination against Romani children when enrolling in primary school can make them feel inferior and unwelcome, thereby reducing their human dignity, which, given their age and vulnerability, can be considered particularly reprehensible. It is difficult for a rejected and marginalised child to become a fully integrated member of society. Primary schools must embrace children and instil a sense of belonging and trust. Discrimination against a person interested in a good or service can occur as soon as they are asked about their ethnicity by the provider without any objective reason, without them having to be actually rejected.

106. Many NGOs continue to assist victims of discrimination, supported by the Ministry of Labour and Social Affairs, the Office of the Government and other entities. The Ministry of Labour and Social Affairs supports mainly providers of social services such as professional social counselling, social rehabilitation or social field work. The Office of the Government provides subsidies to municipalities, non-profit non-governmental organisations and regions from subsidy programmes to support Roma integration, field work, community work or to prevent social exclusion. Further information is provided in Annex 8.

107. Victims of crimes and infractions continue to have their rights protected. The competent authorities are obliged to accept and properly investigate any report of facts suggesting that a racially motivated crime or infraction has been committed. Victims of crime committed because of their membership of a nation, race, ethnic group, religion, class or other group of people continue to be included among the particularly vulnerable victims who are entitled to free legal aid and representation in criminal proceedings by a lawyer. The Ministry of Justice continues to register entities providing assistance to victims of crime, including racially motivated crimes, and monitors the quality of their services. At present, there are a total of 72 specialised entities in the database, together with 555 lawyers and 78 Probation and Mediation Service centres throughout Czechia. For further details, see par. 35.

Article 7

State actions in the field of education against racial discrimination

108. Education in schools at all levels continues to be based on the principles of equal access to education for every pupil without any discrimination on the grounds of race, colour, nationality, ethnic origin and other grounds, as well as on mutual respect, esteem, tolerance, solidarity and dignity of all participants in education. The general goals of education are still mainly the development of a person's personality to be equipped with cognitive and social skills, moral and spiritual values for personal and civic life, the performance of a profession

or work, obtaining information and learning throughout life, understanding and applying the principles of democracy and the rule of law, basic human rights and freedoms, together with responsibility and a sense of social cohesion and the formation of a sense of national belonging and statehood and respect for the ethnic, national, cultural, linguistic and religious identity of everyone. The system of framework and corresponding school curricula described in the last report is also still in place, as are the ways in which these principles and objectives are taken into account.

109. One of the main goals of the new Education Policy Strategy is to focus education more on the acquisition of competences needed for active civic, professional and personal life. One of the key areas is civic education, which aims to equip citizens with the competences they need to live responsibly in a democratic society, i.e. the skills and knowledge to uphold and promote democratic values and attitudes, protect human rights and develop civic cohesion. Civic education is intended to lead pupils to mutual respect and tolerance, critical thinking and an active interest in public affairs and life around them. The student is expected to act as a responsible citizen, protect human rights and sustainable development and participate fully in civic and social life based on an understanding of social, economic, legal, environmental and political concepts and structures, as well as of global development and sustainability. Therefore, in terms of content, the framework curriculum is now undergoing a revision that will place stronger and better emphasis on the objectives set out therein and anchor them in the pupils' overall development. Civic education will continue to be supported by EU funds, including lifelong learning.

110. The system of police and judicial training on racism and discrimination has been described in previous reports. Methodological materials, such as the Methodological Aid for Police Officers and Prosecutors on Hate Speech (not only) on the Internet, continued to be created and updated. Above and beyond the standard police training system, relevant police officers are also trained in working with minorities. Every year, the Ministry of the Interior organises, in cooperation with the Office of the President of the Czech Police, an instructional methodological training for police officers in direct service, which focuses on current problems or challenges related to public order and the security situation. The trainings are regularly attended by around 130 police officers. A meeting of police liaison officers for minorities with regional coordinators for Roma affairs is held on a yearly basis. The "Intercultural Competences Course" also takes place every year, which in 2018 became a standard part of the Czech Police's training system. It is a unique educational programme conducted in the form of interactive self-experience trainings with elements of experiential education with an emphasis on developing competences in minority issues. An accredited programme called "Course for Minority Liaison Officers and Members of their Working Groups I and II" was also implemented. Beyond these regular training events, other ad hoc courses are implemented, whose specification depends on the needs of individual police departments.

111. Educational events, seminars and trainings organised by the Judicial Academy for the optional training of judges, public prosecutors and other groups of judicial personnel continued. Several training events fell under the scope of the issue under review between 2018 and 2021. In 2018, the relevant seminars included a one-day seminar on trafficking in human beings with an emphasis on labour and other forms of exploitation; a one-day seminar on private delicts and cybercrime on social networks; two one-day seminars on interviewing particularly vulnerable victims of crime; one three-day training course for criminal judges on introduction to Romani studies and cybercrime; and one multi-day seminar on hate crimes, extremist manifestations, radicalism of persons professing Islam; and a seminar on computer crime and cybersecurity. That year, 364 people participated in courses with at least partial focus on minorities and extremism. In 2019, the relevant seminars included a one-day seminar on detecting radicalisation; a one-day seminar on introduction to Romani studies; four one-day seminars on cybercrime – the misuse of IT resources in committing crime; and one one-day seminar on cybercrime and hate speech on social networks; one one-day workshop on trafficking in human beings – Council of Europe certified course; and one three-day training course for criminal judges on hate crimes, extremist speech, radicalism of persons professing Islam. That year, 597 people participated in courses with at least partial focus on minorities and extremism.

112. In 2020, only a small number of training events could be held in the area under review, as most had to be cancelled unfortunately due to the Covid-19 pandemic. The relevant seminars in 2020 included a Council of Europe certified online course on fighting trafficking in human beings called: Procedural safeguards in criminal proceedings and the victims' rights; and an online seminar Hate speech on the Internet. That year, 177 people attended the relevant courses. Due to the adverse epidemiological situation and associated restrictions, most courses continued to be delivered online in 2021. The Council of Europe certified online course on fighting trafficking in human beings has been implemented, along with the following events: a one-day webinar on specifics of victims of bias violence (hate crime); a multi-day seminar on cybercrime – selected issues; a one-day seminar on hate crime; a multi-day seminar on cybercrime – selected issues; and a one-day seminar on status and rights of injured persons and victims in criminal proceedings. That year, 500 people attended the relevant courses.

113. In 2019, the Supreme Public Prosecutor's Office, the Judicial Academy and the Office for Democratic Institutions and Human Rights (ODIHR) under the Organization for Security and Co-operation in Europe (OSCE) concluded a memorandum of understanding on implementation of the Prosecutors and Hate Crimes Training (PAHCT) Programme. The educational activities were delayed somewhat by the Covid-19 pandemic. Nonetheless, one special initial multi-day training of lecturers was held online or in person. This training was to be followed in 2020 by a total of four Hate Crime seminars for public prosecutors and possibly another seminar for interested judges, judicial trainees and assistants to judges, but only one multi-day seminar was held. The situation in the following year, 2021, did not allow for the seminars to be held even on alternative dates, as they must be held in person according to the project conditions. Therefore, they have been postponed until 2022 or even 2023.

114. The project "Campaign against Racism and Hate Violence" was followed up in 2020 by the project "Place for All – Building a Space for Mutual Coexistence", which aims to expand and maintain a platform for cultivated discussion about discrimination and prejudiced violence and to contribute to the prevention of hate speech and hate violence. In addition, the project aims to equip opinion leaders and decision makers, especially at the community level, with tools for effective communication, so that they are all better prepared to formulate opinions and attitudes towards social inclusion and thus contribute to harmonious coexistence. In preventing prejudiced and hateful behaviour, the project works on three platforms of communication – mass media, shared public space and direct communication with specific people. The expected benefits of the project are higher refinement and effectiveness of communication regarding human rights, reduced intensity of aggression caused by prejudice in communication about minorities in the mass media and on social networks and the resolution of conflicts in response to the presentation of measures supporting members of socially excluded communities. In addition to educational activities for pupils and teachers in schools focused on non-violent and intercultural communication, the project also includes seminars and consultancy aimed at PR communication on the topics of social inclusion and coexistence for municipal leaders, spokespersons and leading representatives. The ongoing project includes the HateFree Culture campaign, which has 73 475 fans on Facebook and reached a total of 4 670 633 users in 2021. The campaign also takes place on Twitter and Instagram. The project website had a total of 128 000 visitors in 2021. At the same time, the project associates the HateFree Zones (cafés, university faculties, galleries, theatres, etc., which declare that everyone is welcome), of which there are 284 across the country.