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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION
FOR THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF
THE CZECH REPUBLIC ON THE SECOND OPINION OF THE ADVISORY
COMMITTEE ON THE IMPLEMENTATION OF THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
IN THE CZECH REPUBLIC
(received on 18 July 2005)**

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INTRODUCTION

1. The Czech Republic welcomes the Second Opinion of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the AC Opinion”) concerning the fulfilment of the obligations arising from the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Convention”) by the Czech Republic - ACFC/OPII(2005)002, which was adopted on 24 February 2005. The Czech Republic appreciates the AC’s constructive criticism and presents the following comments on the individual critical remarks, in accordance with Article 26 (1) of the Convention and Rule 23 of Committee of Ministers’ Resolution (97)10.

2. On 6 May 2005 the chairperson of the Government Council for National Minorities (hereinafter referred to as “the Council”)¹⁾ distributed the AC Opinion to public administration authorities and to national minority representatives – members of the Council – with a request for comments on the relevant points. Their suggestions and remarks were taken into account in drafting the present Comments. Preparation of the Comments was discussed by the Council meeting on 4 May 2005. The Government of the Czech Republic approved the Comments by Resolution No. 858 of 7th July 2005.

General comments of the Czech Republic on the AC Opinion

3. The AC has assessed all aspects of implementation of the Convention in the Czech Republic. Some of its findings and recommendations are unfortunately affected by formal approach to data collection, bringing together data from statistical reports and information received from national minority representatives, government institutions and NGO’s. Due to inconsistent weighing of the data, some AC remarks do not reflect the true state of affairs and fall short of the necessary degree of impartiality and balance.

4. The Czech Republic does not accept the repetitive AC clichés about special schools, preparatory classes, teacher’s assistants, etc. in the context of the situation of persons belonging to Roma communities. The Second Periodic Report on measures taken to give effect to the principles of the Convention refers to many publicly available documents and Government measures addressing the integration of Roma communities, introduced and implemented on the initiative of the Czech Government Council for the Affairs of the Roma Community; however, the AC Opinion fails to adequately reflect these efforts.

5. The bulk of the AC Opinion are numerous negative and critical remarks on the situation of Roma communities in the Czech Republic. The affairs of the Roma minority thus dominate the report, at the cost of other national minorities. This rather distorts the overall picture of the issues associated with the integration and protection of national minorities en bloc. In general, Czech society is presented as a society decidedly opposed to coexistence with other ethnic groups, which is certainly not a true picture of the ethnic climate in the country.

¹⁾ The Council is currently chaired by the Deputy Prime Minister and Minister of Justice, Pavel Němec (see Government Resolution No. 958 of 29 September 2004).

Structure of the comments

6. The Czech Republic's comments concentrate on Part I of the AC Opinion (Main findings). Comments on Part II concern only the articles that merit a detailed response and/or correction of misleading information. For this reason the Czech Republic will not comment on the AC's final recommendations.

I. COMMENTS ON THE MAIN FINDINGS

Monitoring procedure

7. As regards the AC view (point 6), that more could be done in terms of awareness-raising on the results of the monitoring process: all documents have been translated into Czech, published on the Council website and distributed in printed version to all Council members – national minority representatives as well as public administration authorities. The documents have been discussed at regular Council meetings, especially in the context of the drafting of the Second Periodic Report on the implementation of the Convention in the Czech Republic.

Application of laws in practice

8. The Czech Republic is aware of the shortcomings in the implementation of the government policy for the protection of national minorities at local and regional levels. The situation is partly attributable to the recent decentralization of the public administration system and step-by-step transfer of competences. Communication between the central government and local governments on policy for the protection of minorities is facilitated by the Council's Committee for cooperation with local and regional authorities.

9. As regards the AC's suggestion (point 9) that the government policy for the protection of national minorities should be more effectively implemented at local and regional levels, especially as regards Roma communities: the Czech Republic has adopted new legislation, in particular an amendment to Act No. 273/2001 Coll., on rights of members of national minorities and amendment of some acts (the Minorities Act); its amended Section 6, paragraph 8 requires Municipal Offices with Enlarged Competencies to fulfil tasks concerning the integration of persons belonging to the Roma community, and Section 6, paragraph 7 requires Regional Offices to coordinate the fulfilment of tasks arising from the government policy for integration of persons belonging to the Roma community. An amendment to Act No. 129/2000 Coll., on Regions (regional establishment of bodies), introduced by Act No. 231/2002 Coll., requires regional authorities to create posts for regional Roma Affairs Coordinators. The regional coordinator should take action in response to the situation in the region, and implement the tasks arising from the government policy at regional level. To this end, the Ministry of the Interior has distributed a guidance paper on "*Creating posts for coordinators of Roma advisors at Regional Offices*", including model job description. At present there are coordinators in all regions, although in some cases they had to take on additional duties not directly related to Roma affairs. The coordinators are members of the Working Group for the interior and police affairs of the Government Council for the Affairs of the Roma Community.

10. Due to the abolition of District Offices on 31 December 2002 and transfer of their functions, including most of the jobs of former district Roma advisors and assistants, to Municipal Offices, the process of appointing Roma coordinators could not be completed until 2003. So far, experience has shown that they have an important role to play in addressing the problem of Roma integration. A study on education and training of Roma Affairs Coordinators in regions and in the capital city of Prague, and possibly of municipal Roma advisors and assistants, was presented in 2004. The study proposes two specific training and education programmes. Accreditations for the programmes were obtained by the public benefit society *Humanitas Profess Praha* and the first training cycle started on 20 September 2004 with 27 participants. The cycle takes three years and should be completed in 2006. Afterwards, the participants may go on to enrol in a suitable higher education programme in the field of social affairs or in a bachelor programme at a higher education institution.

Collection of data

11. As regards the AC's view (point 10) that there are still significant discrepancies between official figures for, and unofficial estimates of, the number of persons belonging to certain national minorities, and particularly Roma: the issue is discussed in the Czech Republic's Second Periodic Report on the implementation of the Convention. Regarding the demographic indicators for the 2001 census: the methodology of the Czech Statistical Office is fully transparent and consistent with the common practice, as required by UN and EU (Eurostat) recommendations. If other authorities or institutions publish different statistics on persons belonging to the Roma or any other community, they should also specify the statistical methodology used to obtain the data.

12. Statistical data on ethnic groups and minorities are collected by the government statistical service (Czech Statistical Office) only during the population census. The last two censuses in 1991 and 2001 used the method of self-enumeration, i.e. each household or person living alone received questionnaires with instructions. The questionnaires were in the Czech and Slovak languages and the instructions were available, on request, in more than ten languages. Respondents completed their own questionnaires and, if necessary, could ask a census officer to help them.

13. In shaping the national minorities policy of the Czech Republic, census data on the number of persons belonging to a national minority in a particular area or in the whole Czech Republic serve only as an approximate demographic indicator (as mentioned by the AC in point 116). A question is whether a more effective way should be devised to count persons belonging to a particular minority (as recommended by the AC in point 37). Census methods used in 1991 and 2001 may certainly give rise to doubts whether the figures on persons belonging to national minorities reflect the true state of affairs. The reasons for the declining number of people reporting other than Czech national identity are the subject to demographic, sociologic and ethnologic research. A number of studies on the topic have already been published.

14. The Czech Republic does not consider it appropriate to directly require its citizens to disclose their real ethnic origin. It is a mistake to attribute the declining numbers of people reporting other than Czech national identity to organizational shortcomings of the census, such as the alleged failure to publicize the availability of census forms in minority languages. Every minority published in its periodicals detailed information on the census and invited its members to declare their national identity.

15. The most recent document discussing the problem of collection of data on the Roma community is the Government's Roma Integration Policy Concept². The question of the size of Roma communities will be examined by a pilot project for long-term monitoring of the situation of Roma communities in the Czech Republic in connection with the statistical count of persons belonging to such communities who are enrolled in schools or registered with Employment Offices and other institutions. The project is now in the stage of preparation. A problem worth noting in this context is the use and understanding of terms such as "*Roma*" and "*Roma community/ies*". There are three criteria (distinctive characteristics) that tend to be mixed up:

² Document adopted by Government Resolution No. 532 of 4 May 2005 concerning changes to the Roma Integration Policy Concept and concerning the Information on the implementation of government resolutions related to the integration of Roma communities and active approach of the government authorities to the implementation of measures introduced by related government resolutions (situation on 21 December 2004).

national identity (a Roma is a person who describes himself/herself as belonging to the Roma nation), *cultural identity* (a Roma is a person sharing the values of the traditional Roma culture) and *physical traits* (a Roma is a person with characteristic physical traits, such as colour of skin). The mix-up leads to problems in collecting data on the *Roma* or on *Roma communities* and in targeting anti-discrimination measures, simply because the working definitions are not clear enough. It is certainly not true that all people with Roma physical traits adhere to the traditional Roma culture or report Roma national identity in the census. Similarly, it cannot be expected that all people reporting Roma national identity are adherents of the traditional Roma culture. Paradoxically, people who have adopted the values of the majority society by embracing the modern idea of a “nation” may regard themselves as “Roma” in terms of national identity. To accept the idea of a “nation” means to diverge from the traditional Roma culture, which does not recognize the concept of “national identity”. The general tendency to view the Roma as a homogeneous group with uniform distinctive traits leads to further confusion. The Roma population is very diverse and even a very detailed description of its living conditions and cultural practices cannot be relied on for universal guidance on all Roma communities.

Tolerance and intercultural dialogue

16. As regards the AC remarks concerning persistent negative attitudes in the society, lack of tolerance and intercultural dialogue (points 11 and 12): multicultural education, tolerance and intercultural dialogue are strongly emphasized in education programmes of the Ministry of Education, Youth and Sports (Education Ministry) and in grant-making programmes of the Ministry of Culture. The Government is aware that, even with its annual support for multicultural education projects as well as campaigns fighting racism and promoting tolerance, the process of changing the values and attitudes in the society will be a long-distance run.

17. However, the Czech Republic cannot accept the AC’s allegations of “intolerance and hostility on the part of certain police officers, extending to violence in some cases” (point 12). The Czech Republic Police observes the applicable laws and regulations, takes an uncompromising stance towards manifestations of extremism, racism and xenophobia and does not permit any differences in treatment. This means, inter alia, that different culture and values of persons belonging to national and ethnic minorities are respected insofar as they do not conflict with the laws of the Czech Republic. Summary allegations to the effect that the Czech Republic Police works badly or fails to act where necessary are quite unacceptable. Mistakes on the part of the Czech Republic Police have invariably resulted from individual officers’ misconduct. In this context in 2004 the Czech Republic Police registered only one crime with a racial or extremist motive, committed by a police officer. In the same year, the Police received seven reports concerning racist or extremist conduct of police officers, including one criminal report and six complaints. The criminal report was referred to the Interior Minister’s Inspection; the complaints were found unsubstantiated.

18. In 2003-2004, major progress was achieved in the area of training and career formation of police officers. The project for “*Incorporating human rights, respect for and protection of minorities and professional ethics in the training of Czech police officers and in the work of the Czech Republic Police*” helped create and put into practice (in 2004) four new training manuals (*Refugees and the work of the Czech Republic Police*, *Racism and racial crime*, *Czech Republic Police officer establishing contacts in the Roma community*, and *Police powers and respect for human rights*) and a textbook (*Cards on the table*). Another achievement of the project was the *Centre for Human Rights and Professional Ethics*, opened at the Interior Ministry’s Secondary Police School in Prague in 2004.

19. The *National Strategy for the work of the Czech Republic Police in relation to national and ethnic minorities* introduces into the structures of the Czech Republic Police three basic preventive tools for minority policing: *Plan of Action of the Czech Republic Police in relation to national and ethnic minorities*, *Minority Liaison Officers and Assistants of the Czech Republic Police for work in socially excluded Roma communities*. The steps included in the Plan of Action, as well as the appointment of Minority Liaison Officers, are system-wide measures implemented in the Czech Republic Police structures since January 2004. The Police Assistant is a new addition to these measures, to be implemented in areas with significant minority populations. All these mechanisms help the Czech Republic Police to improve its communication with minority communities and more efficiently fight against crime, especially latent crime, directly affecting minorities. They have also helped to raise the prestige of persons belonging to minorities, and to build mutual confidence between the Police and minorities. During the test run in 2003, when pilot projects were implemented, all the mechanisms proved highly useful and effective. Local projects for appointment of Police Assistants are now under way in Ostrava and Cheb. In Ostrava, the project focuses on assistance to victims of usury, in Cheb the assistants are helping to more efficiently address the problem of commercial sexual exploitation of children and other dangerous phenomena in socially excluded Roma communities in the region. On the basis of progress reports on the Police Assistant project, other district police headquarters expressed a wish to apply the mechanism.

20. The project for *Minority and community policing in Central Europe* was implemented in 2002-2004 in cooperation with the Royal Canadian Mounted Police. It focused on community-based problem solving, on majority-minority coexistence at local level, using the CAPRA system (client-analysis-partnership-response-assessment).

Situation of the Roma

21. Policies to improve the situation of the Roma in the society (AC – points 13 and 14), in particular to encourage integration processes, have been introduced by updated versions of Government documents that seek to prevent their social exclusion. In the first half this year, the Czech Government adopted two fundamental documents on the situation of the Roma in the Czech Republic,³ setting out ways to address problems in all crucial areas of their life. The policies are supported by corresponding new legislation, namely new Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), providing system-wide solutions that should encourage the education of Roma students. The Act, effective since 1 January 2005, puts an end to the separation of special and primary schools. The former special schools are transformed into ordinary primary schools. Within the framework of the existing education system, the Act enables all students access to education corresponding to their specific needs, as well as to adequate support. Section 16 of the Education Act provides for the “tailoring” of content, forms and methods, as well as the creation of other conditions for the education of socially disadvantaged pupils. The schools can apply for exemptions from the standard quota of pupils per class – in the 2004/2005 academic year, the exemption was sought by two schools, one from Ústí nad Labem and another from Most in Ústí nad Labem Region, catering for pupils from socio-culturally disadvantaged families. In 2004, the Education Ministry recommended the creation of posts for teacher’s assistants for socio-culturally disadvantaged children at 52 schools.

³ Resolution No. 276 of 9 March 2005 concerning the Report on the situation of Roma communities in the Czech Republic, and Resolution No. 532 of 4 May 2005 – see footnote 2.

22. However, the care taken to create legislation that cannot, in any way, lead to discrimination against the Roma in access to education, as well as the efforts of many schools to give their Roma pupils quality education, are hindered by the children's poor school attendance and truancy (especially among older primary school pupils). The problem can be resolved only at local level; however, it has a decisive impact on the children's academic performance (see point 43, 94-97).

23. For information on investigations of cases of sterilization of Roma women without their prior free and informed consent (AC Opinion points 15, 60), see comments on Part II- Allegations concerning sterilization (point 49-54).

Use of minority languages

24. The AC places emphasis on the use of minority languages in contacts with the authorities and on bilingual signs and notices (point 16). The operative legislation provides conditions for the use of minority languages in dealing with the authorities, as well as for bilingual signs and inscriptions; persons belonging to national minorities exercise this right in practice. However, the overall transformation of the country's public administration system has revealed some outstanding problems with the financing of these services. Workable mechanisms for application of the rules are now being developed in the context of preparations for the ratification of the European Charter for Regional or Minority Languages in 2005; a discussion is under way between national minority organizations and the competent public authorities.

25. Important new legislation guaranteeing the use of minority languages in contacts with the authorities is the Code of Administrative Procedure (Act No. 500/2004 Coll.) that will take effect on 1 January 2006. Persons belonging to national minorities are also free to exercise, without limitations, the right to receive and impart information in their mother language (periodical and non-periodical press, radio and television broadcasting, etc.). These activities are supported by substantial allocations from the state budget.

Education

26. In the Těšín region in Silesia, the school network (AC Opinion – points 17 and 18) offers a complete system of education in the Polish minority language, ranging from pre-school establishments to secondary schools. Other national minorities are too dispersed to qualify for this type of complete minority education system; however, their situation is taken into account in the new Education Act (Act No. 561/2004 Coll.). Section 14, paragraph 5 says that in cases that do not meet the conditions for the opening of separate minority classes or schools, the headmaster may have some subjects taught bilingually, in the Czech and minority languages, either throughout the whole course or in its parts. His decision is subject to the consent of the public authority in charge of the school. This policy should substantially broaden the opportunities for education in minority languages. For information on Roma education, see comments on Part II – Equal access to education. The situation of the Roma (point 94-97).

Participation of national minorities in public affairs

27. The AC Opinion (point 21) incorrectly states that local national minority committees have been created by Act No. 273/2001 Coll., on rights of members of national minorities and amendment of some acts. In fact, the committees are created by the Act on Municipalities, Act

on Regions and Act on Capital Prague. They are initiating and control bodies of the local council (municipal or regional) playing a crucial role in the mechanisms for exercise of the rights of national minorities at local level. In the process of transformation of the public administration system, the committees did not come into existence in some of the municipalities that were required to create them on the basis of the 2001 census. In the light of this situation, the National Minorities Subcommittee of the Czech Parliament's Petitions Committee asked the Ministry of Interior to audit the process of creating national minority committees in municipalities and regions (subcommittee resolution No. 4 of 25 November 2004).

28. The Roma participate in public affairs (AC Opinion – point 22) through the Council, and especially through the Government Council for the Affairs of the Roma Community, advisory bodies of the Culture and Education Ministries, local government bodies dealing with national minorities (committees or, where the municipality is not required by law to create a committee, competent local national minority boards).

29. There are no affirmative action policies to encourage employment of the Roma in the public administration system. Applicants for public service jobs are assessed on the basis of their individual qualifications. Eight out of fourteen regional Roma Affairs Coordinators are of Roma national identity; 32 of the municipal officers responsible for national minority rights and protection of persons belonging to Roma communities are themselves members of Roma communities. The Czech Trade Inspection has four Roma inspectors, three Roma are working at Employment Offices. Two Roma are holding expert posts on the Government Office staff; the Ministry of Labour and Social Affairs (Labour Ministry), the Ministry of Interior and the Education Ministry have one Roma staff member each.

30. Persons belonging to Roma communities are strongly represented in local governments. In 2003 Municipal Offices used the services of 73 Roma field workers. A pilot project for the introduction of Roma healthcare assistants,⁴ who i.a. urge the Roma, children as well as adults, to have preventive medical checkups and vaccinations, supervise care for sick family members in Roma homes, and help promote health awareness and education. The project was inspired by the WHO's Health Agenda for the 21st Century. There are 25 Roma serving on municipal boards responsible for issues such as social welfare, housing, national minorities and Roma integration. In Přerov municipality the Roma are represented on all boards created by the Municipal Office. The Office of the Public Defender of Rights has one Roma staff member; one Roma chairs a Senate of District Court.

31. Since 2000, the Secondary Police School in Brno has been offering courses for persons belonging to national minorities who wish to join the Czech Republic Police. The purpose is to prepare the applicant for admission tests. So far, the course has run nine times and 30 students (out of 107 applicants) have been accepted into the Czech Republic Police. The tenth cycle of the course is planned for 2005. The preparatory course for persons belonging to national minorities was successfully completed by 30 participants, and 29 of them were accepted into the Czech Republic Police.

⁴ The post is officially called "healthcare and social affairs worker".

II. ARTICLE-BY-ARTICLE FINDINGS

ARTICLE 3 OF THE FRAMEWORK CONVENTION

Personal scope of the Framework Convention. Citizenship criterion in defining the term “national minority”

Recommendations (point 29)

32. The AC recommended the authorities to pursue an open and flexible approach and not to use the citizenship criterion to exclude certain persons from the personal scope of application of the Framework Convention.

The Czech Republic’s comments

33. The Czech Republic will continue to implement the Convention according to well-tested standards; i.e. to support, through programmes of the government national minority strategy, the participation of foreigners living in the Czech Republic for a longer period of time who take part in the activities of persons belonging to national minorities with which they identify.

Collection of data

Outstanding issues and recommendations (points 32 – 37)

34. The AC notes the decrease in number of persons declaring their affiliation to a national minority, the lack of trust of certain minorities, particularly the Roma minority, in the use of the independent surveys and a repeatedly high percentage of persons reporting “Moravian” or “Silesian” national identity. The AC recommends engaging in a dialogue with the persons concerned on trends highlighted by the 2001 population census and devising new ways of obtaining information.

The Czech Republic’s comments

35. See the comments on Part I – Collection of data (point 11-15).

ARTICLE 4 OF THE FRAMEWORK CONVENTION

Legal and institutional protection against discrimination

Outstanding issues and recommendations (points 42 - 47)

36. The AC notes the discrepancies between official census figures and non-governmental estimates. It criticizes the lack of reliable figures particularly in view of the fact that numerical thresholds are often the main criteria for application of certain measures without which the equal treatment of national minorities cannot be adequately evaluated. The same applies to the lack of information on cases of discrimination. The AC recommends speeding up the adoption of new anti-discrimination legislation, providing support for the Public Defender of Rights (Ombudsman) and collecting data on the situation of national minorities.

The Czech Republic's comments

37. As regards protection against potential discrimination, the data on person's affiliation to a national minority are collected only during the population census and not e.g. when taking up an employment (for further developments see the comments on Part I – Collection of data, point 11-15)

38. The Czech Republic pays special attention to the protection against discrimination as evidenced by recent government approval of the Act on equal treatment and protection against discrimination (the "Anti-discrimination Act"), although the Act has not yet passed through the whole legislative process. In January 2005, the bill was presented to the Chamber of Deputies of the Czech Republic's Parliament, which approved it in the first reading and referred it to the Petition Committee and the Constitutional Law Committee and to the Permanent Commission for Family and Equal Opportunities. In May 2005, the debate was not yet completed.

39. At present, the Act on the Public Defender of Rights is also being amended. The amendment newly charges the Defender with a duty to systematically visit facilities where the personal liberty of persons is, *de iure* or *de facto*, restricted. The Defender's task will be to check how these persons are treated. The amendment aims to enhance the protection of such persons against maltreatment.

40. Another recent anti-discrimination measure is Act No. 500/2004 Coll., on Administrative Procedure (Code of Administrative Procedure), which protects rights of persons belonging to national minorities. Its Section 16 ensures the right to the assistance of an interpreter; the administrative authorities pay the cost of the interpreting and translation service to persons belonging to national minorities traditionally settled in the Czech Republic, who are citizens of the Czech Republic. The Act also allows using other than Czech language in contact with administrative authorities, provided that the administrative authority does not require a translation. In districts where a national minority committee or a similar body has been established, public notices affecting the rights of persons belonging to national minorities must be published in the language of the national minority concerned.

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

Outstanding issues and recommendations (points 50 - 59)

41. According to the AC opinion, the situation of Roma, in terms of equality and discrimination, remains a major challenge, in particular in the area of employment, housing, access to public services, education and healthcare. The AC recommends paying particular attention to the establishment of the Agency to combat social exclusion, pursuing and expanding measures in the abovementioned areas, establishing a more effective partnership with NGO's and looking into the causes of inadequate implementation of the Government policy at local level.

The Czech Republic's comments

42. The Czech Republic takes steps to support the integration of persons belonging to the Roma community, in accordance with the relevant Government documents. At the same time, it

is aware of the long-term character of the process leading to the equality of Roma with the majority population.

43. As regards the field of education (point 54), the undue placements of Roma children in special schools have been eliminated over the last years. On request of the school (or parents), the pedagogical and psychological counselling service thoroughly examines the child's school readiness before advising the parents, if appropriate, to place the child in a "special school". The placement depends entirely on the parents' consent. A significant decrease in number of placements in special schools has been compensated for by preparatory classes, teacher's assistants in the first and second forms and the individual approach to children. It should be stressed that the new Education Act (Act No. 561/2004 Coll.), which entered into force on 1 January 2005, does not envisage further existence of "special schools". These should be replaced by ordinary schools with a specific teaching programme. To overcome the socio-cultural handicap of Roma pupils, the Education Ministry has in place a large set of measures, arising out of Government Resolution No. 532/2005 Coll.

44. To improve the situation of Roma in the field of housing (point 52), the Government takes measures against social exclusion and against the deepening of the existing exclusion of Roma communities. An important tool in this respect is a more intensive use of field social work with families, which allows for better analysis of the social situation of families within the Roma community. This type of social work is aimed at the elimination of the undesirable phenomena (such as rent defaulting, or causing disturbances in public places or blocks of flats), prevention of the emergence of Roma ghettos and slums, etc. This activity enables regional authorities to exercise better their competences in supervising the independent activities of municipal authorities, which receive and process applications for flats and are in charge of the allocation of flats.

45. As regards the situation of Roma in the field of healthcare, described by the AC as disturbing (point 55), it should be taken into account that social welfare problems are closely related to health problems and this is a major obstacle to the improvement of health situation in the Roma population. One of the ways to address these problems is a newly established post of healthcare assistant who closely cooperates with field social workers and works with the Roma community in the field of prevention of diseases and healthy lifestyle. The survey financed from the Health Ministry's grant and carried out between 1998 and 2002 shows that Roma do not complain about the accessibility of healthcare.

46. The establishment of the Agency to combat social exclusion of Roma communities (point 56) is one of possible ways to address the problem. A priority of the Labour Ministry is to establish institutions charged with the prevention of social exclusion: there should be an institution at central level (but not necessarily a government institution) which would offer services and resources needed to positively motivate local governments in putting the integration measures into practice. For example, in context of the *Peer Review* programme, which is one of the activities under the European Commission Action Programme *Community to combat social exclusion*, the EU member states selected the work of field social workers in the excluded Roma communities as one of four examples of good practice; the peer review took place in May 2005. As a consequence, the Labour Ministry is currently developing a project for the system to support field social work within the public administration system. The project is aimed at the elaboration of uniform working method, special training and supervision.

47. Measures arising from the National Strategy for the work of the Czech Republic Police (point 58) require active cooperation of national minority communities. The idea of a mechanism involving Police Assistants and Minority Liaison Officers is based on the assumption that local communities should share the responsibility for their own security with the Police and public and local administration authorities. The above-mentioned measures are based on the principle of pro-active community policing and are designed to assist and involve members of the community who show interest in such cooperation. In this context, it is worth mentioning that the mechanism of social work with socially excluded Roma communities, used by a large number of municipalities and NGOs in the Czech Republic, is based on the same principle, i.e. on the principle of active cooperation of persons belonging to national minorities. This shows that the policies outlined in the AC recommendation have been part of the respective projects and programmes for several years now.

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

Outstanding issues and recommendations (points 60 - 62)

48. The AC urges the authorities to examine expeditiously the complaints and to publish their findings without undue delay.

The Czech Republic's comments

49. As regards the allegations concerning cases of sterilisation of women without their prior free and informed consent (recommendations in points 61 and 62): following the claims of especially Roma women filed with the Public Defender of Rights, the Minister of Health has established, at the Public Defender's suggestion, an advisory body to re-examine the medical records of claimants. The task of the advisory body is to check whether the medical records include all relevant data according to applicable laws and regulations. The advisory body has 17 members, including representatives of the Government Council for Human Rights, the Government Council for the Affairs of the Roma Community, the Ministry of Foreign Affairs, the Czech Gynaecological and Obstetrical Society of the J. E. Purkyně Czech Medical Association and the Ministry of Health legal, control and healthcare departments. The advisory body also includes a member of the Bundestag and a member of the European Parliament representing the EU, representatives of NGOs such as the League for Human Rights, and civic associations such as *Vzájemné soužití* (Life together), IQ Roma service and the European Roma Rights Centre (Budapest).

50. Since November 2004, the Ministry of Health has received, via the Office of the Public Defender of Rights, 76 complaints about medical treatment, and in particular the lack of informed consent with sterilization. According to the preliminary report of the Office of the Public Defender of Rights, a representative of ten women presented, on 9 September 2004, their complaints concerning their medical treatment to the Public Defender of Rights. All of the complaints object to the incorrect practices of certain healthcare institutions regarding sterilizations (lack of free and informed consent of the patient). Since the Ministry of Health is the authority primarily competent to handle this kind of complaints (i.e. complaints about the way in which the patient was treated, or complaints of an unlawful operation), the Public Defender of Rights has contacted the Minister of Health.

51. The problem of sterilizations reaches beyond the scope of competence of the Health Ministry. The Ministry is able to examine whether the medical staff were competent to provide a certain kind of care but not whether they took correct steps in order to provide it. That is why the Minister of Health has established the advisory body.

52. It is clear that in the course of the investigation, the broader social and historical context of the examined cases has to be taken into account. In the first place, the Public Defender asked the Institute of Health Information and Statistics of the Czech Republic to provide data concerning numbers of sterilizations done in the Czech Republic. The Defender also scrutinizes the national birth-control policy focused on the Roma population before 1989: he collects and analyses archival documents, especially from the archives of former regional authorities, concerning the implementation of the programme for the integration of the Roma population in this period. In this context, the Labour Ministry was also asked to provide more detailed statistical data concerning the application of Sections 35 and 31, paragraph 4 of Labour Ministry's Regulation No. 152/1988, which provided for special compensation amounting up to CSK 10,000 for each person who consents to sterilization. In examining the historical context of these measures, the Defender found that the General Prosecutor's Office dealt with similar cases already in 1990-1991. As a consequence, he asked the current Supreme Prosecuting Attorney for cooperation (in providing results of the investigation). It should be noted that some other European countries, e.g. Sweden, Switzerland or Slovakia, were once faced with similar problem. The Public Defender of Rights therefore scrutinizes reports made by these countries on the issue of forced sterilizations.

53. The Public Defender has received several other claims of persons who were allegedly sterilized without their consent. Unlike the first ten complaints which were presented as a single case, the other complaints come from different parts of the country, relate to different periods including the period before 1989, are from people who do not describe themselves as belonging to Roma ethnic group, etc. On the whole, 76 complaints were passed on to the Ministry of Health, 47 of which were examined by the advisory body. It is expected that the rest of cases will have been examined by the end of June 2005. The summary of the findings of the examination is not yet available.

54. The Public Defender currently processes and analyses findings in the 47 above-mentioned cases in the context of the complainants' information and his own findings. At the same time, a model written statement of consent with sterilization has been elaborated.

ARTICLE 5 OF THE FRAMEWORK CONVENTION

Support for the cultural activities of persons belonging to national minorities

Outstanding issues and recommendations (points 67 - 74)

55. The Advisory Committee notes that the financial support provided for the cultural activities of national minorities is still insufficient having regard to the increasing number of applications, that persons belonging to national minorities are not sufficiently informed of the resources available and that there are shortcomings in the support of minorities on the part of local authorities. The AC recommends central authorities to encourage local and regional authorities to a stronger support of national minorities, to increase awareness of the state aid

available and to enter into dialogue with the representatives of the Slovak minority, concerned at the maintaining of the identity of Slovaks living in the Czech Republic.

The Czech Republic's comments

56. As regards the insufficient financial support (point 67), it should be noted that every year, the Council seeks to increase the specific indicator for budget allocations to support cultural activities of national minorities. However, these indicators depend on the overall budget potential.

57. The establishment of the *House of National Minorities* in Prague (point 68) has been the Government's priority in respect of national minorities for some years now. The project has not yet been accomplished because of the disputes concerning the title to the building. The state has already allocated funds for the reconstruction of the building and the problem should be solved in the course of 2005. The city of Brno is preparing a similar project of a House of National Minorities.

58. The specific situation of the Slovak community (point 69) is reflected in relevant laws and regulations. In the light of objective findings, (e.g. lack of interest of children in instruction in the Slovak language), concerns about the preservation of national identity of Slovaks in the Czech Republic seem substantiated. However, to increase subsidies is not the only solution to this problem. According to a Slovak minority representative in the Council, there might have been a slight miscomprehension on the part of the AC. Some representatives of this minority have only a vague idea of their national identity and propose indefinite projects. The funds earmarked under the grant-making programme of the Education Ministry for the support of education in minority languages have not been exhausted for several years. The Ministry emphasises the specificity of Slovak life and civilization in producing new textbooks; a Slovak school reader is currently being prepared. The Slovak minority receives a significant support within the programme of cultural activities of national minorities, run by the Ministry of Culture. In 2005, it received CZK 1,988,000 (€ 67,000), which represents 20.2% out of the total of the allocated funds in 2005. The support for the Slovak minority press, in particular the periodicals *Korene (Roots)*, *Slovenské dotyky (Touch of Slovakia)*, *Listy Slovákov a Čechov (Letters of Slovaks and Czechs)*, *Zrkadlenie (Mirroring)*, amounted to CZK 8,000,000 (€ 270,000). This represents about 28% of the total sum allocated for the support of the national minority press. Therefore the allegation that the government support is limited in this area cannot be accepted.

59. The Czech Republic cannot accept the allegation that it does not do enough to make persons belonging to national minorities aware of the available financial resources to support their activities (point 70). Up-to-date information on grant-making programmes is regularly provided to the Council at its meetings and published on the Council's website. Information on selective procedures organized by the ministries is available on their respective websites. The Council encourages, *inter alia*, its members, representatives of national minorities, to spread this information and make it accessible within their respective organisations (e.g. minority periodicals and electronic media).

60. As regards the issue of obtaining resources from local and regional authorities, it should be noted that mechanisms for the financing of national minorities at local level, recommended in Government Resolution No. 663 of 30 June 2004, have not yet been fully applied by all local governments. The approach of local governments to the issue should be viewed in the light of their financial resources. Local governments receive funds from the state budget to perform the

tasks assigned to them in the field of public administration. A body of the self-governing district, i.e. a municipal or regional council, decides on the use of its own budgetary resources in performing tasks within their independent competence (but also the tasks in the field of public administration, if they are not financed from the state budget). Its decision may be limited by the available financial resources.

61. The attitude of local authorities (points 71 and 72) should not be generalized, as the AC seems to suggest. Since 2001, the Reports on the Situation of National Minorities in the Czech Republic have presented many examples of good practice. They have also shown that the proportion of the financial support for minority cultural activities from the budgets of municipal and regional offices has increased compared to the state budget allocations (this proportion rose from 9% in 2002 to 24% in 2004, while the absolute figures of state budget allocations have not changed).

Integration of the Roma and affirmation of their identity

Outstanding issues and recommendations (points 79 - 80)

62. The AC notes that the improvement of the situation of the Roma remains a major challenge, both for the authorities and for the Roma themselves. It calls for mutual cooperation in selecting the appropriate measures to be incorporated into the Government's integration policy.

The Czech Republic's comments

63. The Czech Republic recognizes that the preservation and development of the Roma cultural identity is a demanding process. That is, i.e., why the Government subsidizes the research activities of academic institutions and universities in this field. At the central level of public administration, the application of measures for the integration of persons belonging to the Roma community falls within the competence of two advisory bodies – the Czech Government Council for the Affairs of the Roma Community and the Council. Both of them are initiating and advisory bodies of the Government without direct executive power. For this reason the Labour Ministry, the Education Ministry and the Interior Ministry have each a specialized department which is in charge of this issue. Representatives of the Roma community are involved in the decision-making process at all the above-mentioned levels.

64. An integral part of the institutional system at local level is the function of Roma advisors and officials in charge of integration of persons belonging to the Roma community, assistants in municipalities, as well as coordinators of Roma advisors at Regional Offices. In the broader sense, this includes also teacher's assistants at schools and Roma field workers in municipalities.

65. The AC appreciates the significant financial support provided by the Czech Republic for the implementation of Roma projects (point 78); however, the AC Opinion only selectively cites some of the generally known data. In particular, the Roma Cultural Museum in Brno, created in 1991 as an institution run by a civic association, received, from the very beginning, major state budget subsidies under the Culture Ministry's grant-making programme.⁵⁾ As the Museum has extended its activities over the past years, it got into financial problems, but its management

⁵⁾ For more detailed information – see the Report on the Situation of National Minorities in the Czech Republic in 2002 (annex 5).

refused to transform it into institution entirely run by the state. The problem was solved in 2004 and, from 1 January 2005, the Roma Cultural Museum in Brno is a state institution run by the Ministry of Culture. Similarly, the World Roma Festival KHAMORO in Prague has been subsidized from the state budget through the Ministry of Culture since its inception in 1999. Since 2003, a specific indicator has been set for budget allocations to the KHAMORO Festival.

ARTICLE 6 OF THE FRAMEWORK CONVENTION

Tolerance and intercultural dialogue

Outstanding issues and recommendations (points 85 - 91)

66. The AC notes that prejudices are still reported against persons belonging to certain groups, particularly Roma and foreigners, at the level of the media, certain public authorities, as well as the general public. There were some reports of manifestations of hostility and violence, in some cases committed by police officers. The AC recommends the authorities to increase efforts to combat social exclusion, to monitor the situation more effectively, to investigate and apply adequate sanctions and to pursue large-scale awareness-raising campaigns. The authorities should also try and improve the situation between the majority and the German minority.

The Czech Republic's comments

67. The Government supports annual anti-racism campaigns (Tolerance Project). The programme of intercultural education became a stable part of study programmes for primary and secondary schools as a crosscutting topic. As regards the AC's general observations, it is worth mentioning that there have been some positive developments in this field. The leading public opinion research agency STEM found that the attitude of the Czech citizens towards Roma has improved over the last years. Whereas almost 75% of citizens confirmed having a negative attitude to Roma in 1994, it was 63% in April 2005.

68. The AC notes that the Government is exploring ways to make a symbolic gesture in respect of Germans whose property was confiscated in 1945 (point 84). Here we would like to point out that the humanitarian gesture has been misinterpreted: it was in no way meant to compensate for the confiscation of property. This humanitarian gesture was intended to symbolically express recognition for opponents of Nazism and persons belonging to national minorities who suffered personal harm and were labelled as "enemy inhabitants" as a consequence of measures taken after the Second World War on the territory of contemporary Czech Republic. The humanitarian gesture in the form of lump-sum payment is designed exclusively for the direct victims. However, the Government has not yet adopted a binding position on this step.

Fight against discrimination, hostility or violence on ethnic or racial grounds

Outstanding issues and recommendations (points 96 – 100)

69. The AC notes that discrimination, hostility or violence on ethnic or racial grounds, including by police officers, persists within the Czech society, and that Roma are particularly affected. The NGOs claim that the investigation of complaints against the police still lacks objectivity and credibility which causes lack of confidence in the institutions operating in these

fields, such as the police and courts, and that this is also why so few complaints are lodged. The AC recommends constant monitoring of discrimination, speedy investigation of its manifestations and imposition of adequate sanctions. The AC recommends continuing the police training activities in this field, supervising the police work by independent bodies and recruiting more Roma as police officers.

The Czech Republic's comments

70. As regards the non-criminal offences committed by the Czech Republic Police officers (point 95), these are not investigated by prosecuting attorneys as stated in the AC's opinion, but by the competent unit of the Czech Republic Police; the Police is directly subordinated to the Minister of the Interior. The prosecuting attorney does not investigate all offences of police officers but only those of criminal nature, i.e. crimes, committed by them.

71. In the Czech Republic, protection against violence perpetrated on ethnic or racial grounds (point 99) is ensured not only through criminal sanctions (i.e. through the imposition of adequate sanctions), but also through administrative sanctions imposed on persons who committed an offence by causing disturbances in public places under Section 49 paragraph 1 d) of Act No. 200/1990 Coll., on non-criminal offences, as amended. This offence covers actions restricting or denying persons belonging to national minorities the exercise of their national minority rights or actions causing harm to persons belonging to a national minority on the grounds of their belonging to a national minority. Out of the total of 27,041 non-criminal offences investigated by local authorities in 2004, only 150 fell within this category.

72. As regards the police training activities (point 100), the minority issue and the issues of racial equality and human rights have been included since 1999 in the study programmes of secondary police schools, professional training courses and lifelong education courses of the Czech Republic Police officers (more detailed information can be found in the Second periodic report on measures taken to give effect to the principles set out in the Framework Convention, and in the comments on points 11 and 12).

ARTICLE 9 OF THE FRAMEWORK CONVENTION

Access of persons belonging to national minorities to the media

Outstanding issues and recommendations (points 107 – 108)

73. The AC finds that the time reserved for national minorities on public service television is still too limited. Coverage of issues concerning national minorities, and particularly smaller minorities, by public service media also remains unsatisfactory. The authorities are encouraged to provide to persons belonging to national minorities an improved media access and to make the media more aware of the problems of national minorities, and of the role which they themselves can play for their benefit.

The Czech Republic's comments

74. The Czech Republic recognizes that, despite legislative measures providing for equal media access to persons belonging to national minorities, there is still room for improvement in putting these measures into practice. Minority programmes have their constant place in the

broadcasting scheme of the public service Czech Radio and some progress in this sense was achieved also in the public service Czech TV. Very fruitful cooperation was developed with Ostrava studio of the Czech TV, which not only produces most of the minority programmes but also remains open to dialogue with the minority representatives. Major positive developments in the field of minority programmes are expected in connection with the launching of digital broadcasting system of the Czech TV, which should help produce minority programmes more flexibly and cheaply and increase the quantity of the broadcasting time.

75. The AC notes that the Government helped to fund 20 projects for the publication of periodicals by minorities in 2003 (point 106). This observation is correct but does not mention that such government support is provided to national minorities every year on regular basis. Moreover, the number of subsidized projects has risen to 24 since 2003; a project of a Serb minority periodical has been newly included.

ARTICLE 10 OF THE FRAMEWORK CONVENTION

The use of minority languages in dealings with administrative authorities

Outstanding issues and recommendations (points 114 – 115)

76. The AC finds problematic the process of identification of administrative units, in which the legislation allows the use of minority languages for publication of local official regulations and in connection with the elections. It recommends the authorities to ensure that census data are not the only indicator applied in the identification of these units.

The Czech Republic's comments

77. The Czech Republic is aware of the discrepancy between the census results and real number of persons belonging to national minorities in particular areas. However, the census results, despite doubts about their reliability, are the only official demographic indicator which could serve as a basis for the setting of conditions for publication of local official regulations and election-related information in minority languages.

78. The AC notes that, according to the Municipalities Act, national minority committees can be established only in municipalities where persons reporting other than Czech national identity account for at least 10% of the population (point 114). It should be added that the threshold established by the Act on Regions and the Act on Capital Prague is 5% of citizens of other than Czech nationality. According to these acts, the committees are to be established in areas that meet these conditions. However, in municipalities where the percentage of minority population does not reach the threshold set by law, the municipal council may establish a national minority committee on its own initiative. Such committees (boards, councils) were established e.g. within the Regional Office of South Moravian Region (National Minority Council of the South Moravia Region). There are also other examples, such as National Minority Committee of the Karlovy Vary Region, Committee for social affairs, security and minority issues of the Liberec Region or National Minority Commission of the Municipal Office of the City of Prague. The duty of local council chairperson to publish information about the date and place of the elections and other important related information in a minority language is subject to the following rules: in the case of elections to the European Parliament, to the Chamber of Deputies and the Senate of the Czech Republic Parliament, and in municipal

elections, this duty applies to municipalities where a national minority committee has been established according to Section 117 paragraph 3 of the Act on Municipalities. In the case of regional council elections, information must be published in minority languages if a national minority committee has been established in the given region according to Section 78 paragraph 2 of the Act on Regions, i.e. if the last census has shown that more than 5% of the population in the area report other than Czech nationality. Since there have been problems with interpretation of these rules, the legislation is to be rewritten to provide clearer guidance on the duty to publish election-related information in minority languages. The new set of rules is most likely to be included in the envisaged new Elections Code, in order to avoid inconsistencies in the procedures applicable to different types of elections, potentially resulting from ad hoc amendments to special election-related laws.

The use of minority languages in criminal proceedings

Outstanding issues and recommendations (points 119)

79. The AC notes that difficulties still exist in application of the law, particularly owing to the shortage of qualified Roma-language interpreters. It recommends taking all the action needed to remove the problems in this area without delay and backing it with adequate financial resources.

The Czech Republic's comments

80. The Czech Republic recognizes the problem of the shortage of qualified Roma-language interpreters. However, their training and education is a long-term process, and the main problem is that few Roma are interested in becoming an interpreter for the purpose of criminal proceedings.

ARTICLE 11 OF THE FRAMEWORK CONVENTION

Surnames (patronyms) and first names in minority languages

Outstanding issues and recommendations (points 123-124)

81. The AC notes that there have been complaints, particularly from Poles and Germans, concerning certain procedural shortcomings - specifically, the difficulty in obtaining copies of entries from registers of giving names in minority languages, when those names have previously been entered in Czech, and the lack of rules on transcription of names into Czech. The AC recommends paying more attention to the rules on implementation of the Act.

The Czech Republic's comments

82. The present Registries Act (Act No. 301/2000 Coll., on registers, first name and surname and amendment of some related acts, as amended) does not contain rules enabling a natural person to obtain a copy of his/her register entry stating his/her name(s) in his/her mother language, if the name has originally been entered in the Czech language. With regard to the Framework Convention and the provisions of Section 7 of the Minorities Act (Act No. 273/2001 Coll., on rights of members of national minorities and amendment of some acts), natural persons, who are citizens of the Czech Republic reporting other than Czech national identity, and whose name has been entered in the register in the Czech form, are allowed to use their

name, or names, in the national minority language, if they make the declaration required for this purpose.

83. Similarly, natural persons, who are citizens of the Czech Republic reporting other than Czech national identity, and whose name has been entered in the register in a non-Czech form, are allowed to use their name/names in the national minority language, if they make the declaration required for this purpose. In such cases, the natural person does not have to apply for a permission to change his/her name to a non-Czech form (i.e. to use his/her name in a national minority language) and is not charged the CZK 1,000 (€ 33) administrative fee.

Bilingual signs and place-names

Outstanding issues and recommendations (points 127-132)

84. The AC notes that the use of bilingual signs and place-names under certain conditions is currently applied to a fairly limited number of municipalities, in which persons belonging to national minorities reside compactly. Particularly Poles are strongly critical of the requirement to present a petition as a precondition for the introduction of bilingual signs and place-names. The AC also appeals to the authorities to take into account the real situation in the localities concerned and not only the census figures in implementing this legislation.

The Czech Republic's comments

85. Representatives of the Polish minority have requested that permissions to use bilingual signs and place-names in municipalities where national minorities account for at least 10% of the local population should not be subject to the petition requirement (Section 29 of Act No. 128/2000, on Municipalities). Since the requirement is considered legitimate, it was included in the draft Government Resolution to the Report on the Situation of National Minorities in the Czech Republic in 2004. The draft amendment to the Act should be elaborated by 31 December 2005.

86. With regard to the process of transformation of the public administration system, the Czech Republic recognizes that local authorities tend to adopt a rather reserved approach to the use of bilingual signs and place-names and local topographical indications in Polish as a minority language. The situation is expected to improve in connection with the preparations for the ratification of the European Charter for Regional or Minority Languages.

ARTICLE 12 OF THE FRAMEWORK CONVENTION

Intercultural dimension of education

Outstanding issues and recommendations (points 137-139)

87. The AC notes that minority representatives consider the information on their cultures provided in schools as insufficient. Certain persons belonging to national minorities face problems because of their poor command of the Czech language, which applies also to elderly people who have been living in the country for a longer period of time. The AC recommends reinforcing the intercultural element in education and the teaching of the Czech language to persons belonging to national minorities.

The Czech Republic's comments

88. The competent authorities expect the curricular reform of the education system, based on the “Framework Educational Programme”, to introduce intercultural dimension into the education system and to provide for better knowledge and appreciation of traditions, languages and culture of national minorities. The education system for primary schools newly introduces “crosscutting topics”, which are incorporated in school subjects and other curricular and extracurricular activities. Two of the crosscutting topics encourage the pupils to get acquainted with minority cultures: *Learning to think in the European and global context* and *Multicultural education*.

89. In this respect, active approach of national minorities would be very helpful. They are welcome to discuss their ideas concerning their role in putting the crosscutting topics into practice with the Education Ministry, either through the Council or through the Education Ministry’s Advisory Board. Cooperation between national minority organisations and schools at local level, which may greatly improve the awareness of national minority cultures, is also welcome.

90. The issue of teaching the Czech language to certain minorities is closely associated with migration and the problem of aliens (as implied by the examples – Russians, Serbs, Ukrainians), who do not satisfy the citizenship condition and are therefore not covered by the Framework Convention. Also a person with foreign citizenship is free to attend Czech language courses; however, these are mostly courses offered by commercial language schools, which have to be paid for. Quite often, the situation of children with insufficient knowledge of Czech depends on the helpfulness of the school they attend. Many schools organize afternoon classes of Czech, usually not financed by the state. Here again the national minorities concerned are recommended to take advantage of the Education Ministry’s grant-making programmes designed to support activities in the field of integration of aliens or to support education in national minority languages and multicultural education. The annual allocations under these programmes are never fully used.

91. The situation regarding insufficient command of the Czech language is different in the Roma minority. In this case, much effort is made, through “preparatory classes”, to reduce the handicap of Roma children entering the primary school, caused by their different socio-cultural background. Measures to improve the situation outlined in the new policy concepts approved by the above-mentioned Government Resolution No. 532 of 4 May 2005.⁶⁾

Equal access to education. The situation of the Roma

Outstanding issues and recommendations (points 145-154)

92. The AC notes that the State Report says little about the extent to which Roma children are currently integrated in schools. It also notes that local authorities do not systematically implement the Government’s education support scheme; a considerable number of Roma children are still being placed in “special” schools, which also makes it more difficult for them to gain access to other levels of education. Roma children who attend ordinary schools are often isolated by other children, or even placed in separate classes. There are no precise data on the number of Roma children who do not attend school at all. The AC recommends making the

⁶⁾ See footnote 2.

support measures for Roma children more effective and ensuring their priority placement in ordinary schools.

The Czech Republic's comments

93. The measures taken by the state in the field of education and professional qualification of Roma people in key areas of their life are based on documents newly adopted by the Government (see the above-mentioned Government Resolutions No. 276/2005 and No. 532/2005). A priority in the field of education of Roma children are measures for their placement in ordinary primary schools. In order to overcome the undesirable practice of referring a large part of Roma children to “special schools”, the Education Ministry supports the opening of preparatory classes for children from socio-culturally disadvantaged background. In 2003, there were 137 classes preparing 1,824 mostly Roma children for entry to school. In 2004, there were 126 preparatory classes and 1,779 children. The informed estimate is that this represents 40% of Roma children of the respective age group. According to Section 47 of the Education Act, a preparatory class is opened if at least seven children are enrolled. According to an assessment of the efficiency of preparatory classes in four academic years, from 1999/2000 to 2002/2003 at primary schools they were attended by 1,993 children, of which 1,779 went on to the first form of primary school while only 64 children went on to the first form of special school (the rest of the children remained in preparatory classes). In the same period, preparatory classes at special schools were attended by 1,315 children, of which 645 went on to the first form of primary school and 251 to the first form of special school. The rest of children remained in preparatory classes. Preparatory classes run by kindergartens were attended by 360 children, 329 of whom went on to the first form of primary school and 10 to the first form of special school.

94. Another form of assistance to Roma children in overcoming their educational problems is the appointment of teacher's assistants (formerly known as “Roma pedagogical assistants”, then instructors – teacher's assistants) at schools and educational facilities with a high percentage of Roma pupils. In 2003, there were 227 teacher's assistants (38 male, 189 female), mainly in preparatory classes at primary and special schools.⁷⁾ In all schools and educational facilities, 366 teacher's assistants worked in 2003 and 332 in 2004. At present, there are 283 teacher's assistants, the majority of them in the regions of Moravia-Silesia (71), Ústí nad Labem (43) and South-Moravia (31). Most of them (196) are from Roma community and they are mostly female (80%).

95. On the initiative of the Council of the Government of the Czech Republic for the Affairs of the Roma Community, secondary schools have received, since 2000, special budget grants to cover some of the study-related costs of Roma students. The grants may be used to pay tuition fees, lodging and boarding at school, school equipment and protective equipment. Since 2003, the Education Ministry has run a *Programme of support for Roma secondary school students*. In 2003, 1,441 pupils applied through their secondary schools for grants to finance their studies within this programme.⁸⁾ However, the actual number of Roma students is probably higher. Although the absolute figures are encouraging as they represent a significant increase compared to the past, the fact is that only about 1,500 out of 25,000 Roma youth in the secondary school

⁷⁾ 97 of them worked in primary schools, 112 in special schools, 7 in schools for disabled children, 7 in kindergartens, 2 in secondary vocational and technical schools and 2 in children's homes. At present, there are 14 assistants working in kindergartens, 128 in primary schools, 59 in schools for disabled children and 63 in special schools.

⁸⁾ In 2003, schools received CZK 9,987,000 (€ 333,000) as a support for studies of Roma students.

age are enrolled in a secondary school, which is 6% compared to 49.2% of children from the majority population currently enrolled in secondary schools.

96. For the academic year 2005/2006, a programme of support for Roma students at higher education institutions. This support will be incorporated in the programme “*Equal access to studies for candidates from disadvantaged groups*” which targets a larger group, Roma students being only one of the covered categories.

ARTICLE 13 OF THE FRAMEWORK CONVENTION

Private education for national minorities

Outstanding issues and recommendations (points 155-156)

99. The AC notes that the representative of the Russian minority wishes to obtain a more suitable location for the Russian school of Prague and recommends that a dialogue should be initiated on this matter.

The Czech Republic’s comments

100. The Czech Republic states that the recommendation does not reflect the real needs of the school. Moreover, according to the findings of the Czech School Inspection, the organization in charge of the school has failed to satisfactorily implement the project for the *First Czech-Russian Grammar School* in Brandýs nad Labem.⁹⁾

ARTICLE 14 OF THE FRAMEWORK CONVENTION

Teaching of minority languages and instruction in these languages

Outstanding issues and recommendations (points 162-167)

101. The AC notes that some provisions of the new Education Act raise questions. In particular, they include the rule that minority schools can be opened only in areas where national minority committees have been established on the basis of census data. The AC further criticizes the fact that to achieve the opening of such classes or schools, the population must present a petition. It recommends clarifying or, when necessary, adjusting the criteria for the establishment of minority classes and schools, ensuring real involvement of local and regional authorities backed by adequate resources. It also supports the initiatives taken by minorities themselves for teaching of their languages outside the ordinary system, especially in smaller and more scattered minorities.

The Czech Republic’s comments

102. The rules for the establishment of classes or schools using minority language as a language of instruction do not require the locals to present a petition (point 163). Local and regional authorities are required by law to take an active part in establishing minority schools. The authority in charge of the school is a Municipal or Regional Office, or the Education

⁹⁾ For more details - see the Report on the Situation of National Minorities in the Czech Republic in 2004.

Ministry. Almost CZK 20,000,000 (€ 667,000) are earmarked every year in the Education Ministry's budget to support initiatives taken by minorities themselves for education in their mother tongue. As already mentioned, these funds are never fully used.

ARTICLE 15 OF THE FRAMEWORK CONVENTION

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

Outstanding issues and recommendations (points 173-176)

101. The AC states that the territorial reform and decentralization have generally not worked to the advantage of national minorities. In particular, local authorities are criticized for lack of interest in protecting national minorities. The status and role of the national minority committees are not always clearly defined. Moreover, their establishment is conditioned by the census results, which may not be precise. The AC recommends taking more determined action to ensure effective implementation of legal measures at all levels and to remove the legal uncertainty surrounding the criteria used to identify areas where these committees are to be established.

The Czech Republic's comments

102. At the level of local administrative authorities, steps taken to support the participation of national minority representatives in the conduct of the public affairs concerning them are still affected by the transformation of the public administration system. In the first half of 2005, the Ministry of Interior, department for supervision and control of public administration, examined the work of local national minority committees. The enquiry confirmed that there was a reserved attitude to the establishment of such committees. Only 43 out of 216 eligible municipalities have actually established a committee. According to local authorities the most frequent reason for this is the lack of interest on the part of minorities who do not engage in any activities and, as a consequence, there are no topical issues to be addressed by the committee.

Participation of Roma

Outstanding issues and recommendations (points 180-183)

103. The AC notes that the bodies responsible for the participation of Roma in decision-making at central level have only limited influence, which may be due to insufficient coordination at central level. The public administration reform has interfered with some of the initiatives already launched, e.g. the network of Roma coordinators. At local level, there seems to be little determination in addressing the problems of the Roma.

The Czech Republic's comments

104. The participation of Roma, through the Czech Government Council for the Affairs of the Roma Community, in the decision-making concerning subsidies under the programme *Support for Roma Community Integration Projects*, is very important. The programme is used to finance field social workers. The Council decides who will receive the subsidies. Within the framework of grant-making programmes, the Ministry of Finance also allocates to regional authorities funds needed to support the work of regional coordinators of Roma advisors (salaries and expenses). Similarly, representatives of Roma community take part in the decision-making on grants to

support Roma students at secondary schools and higher education institutions or in other grant-making committees of the Education Ministry. For further developments, see Part I – Participation of national minorities in public affairs (27 -31).