



FIFTH OPINION ON THE CZECH REPUBLIC

Advisory Committee
on the Framework
Convention for
the Protection of
National Minorities
(ACFC)

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TABLE OF CONTENTS

	1
SUMMARY OF THE FINDINGS	4
RECOMMENDATIONS	6
Recommendations for immediate action	6
Further recommendations	6
Follow-up to these recommendations	7
MONITORING PROCEDURE	7
Follow-up activities related to the recommendations of the fourth opinion of the Advisory Committee	7
Preparation of the state report for the fifth cycle	7
Country visit and adoption of the fifth opinion	7
ARTICLE-BY-ARTICLE FINDINGS	8
Scope of application (Article 3)	8
Data collection and population census (Article 3)	8
Legal and institutional framework for combating discrimination (Article 4)	9
Promotion of full and effective equality (Article 4)	11
Preservation and development of minorities' identities, languages and cultural heritage (Article 5)	12
Intercultural dialogue and mutual respect (Article 6)	13
Hate speech, hate crime and policing (Article 6)	14
Minority print media, broadcast and digital media (Article 9)	15
Use of minority languages with administrative authorities and in public life (Article 10)	16
Display of minority language signs and topographical indications (Article 11)	17
Intercultural education, teacher training, teaching and learning materials (Article 12)	18
Effective access to education for Roma (Article 12)	19
Teaching in and of minority languages (Article 14)	21
Effective participation in public affairs and decision-making processes (Article 15)	22
Effective participation in socio-economic life/access to housing (Article 15)	24
Bilateral and multilateral co-operation (Articles 17 and 18)	25

SUMMARY OF THE FINDINGS

Scope of application

1. The Czech Republic continues to apply the Framework Convention to 14 national minorities which are represented on the Government Council for National Minorities, a permanent advisory body.

Population census

2. Certain rights of persons belonging to national minorities depend on the proportion of such persons in the given administrative area based on census results (10% or 5% thresholds). The next census will be organised in 2021. For fear of negative attitudes from the majority population, a considerable number of those belonging to certain national minorities are still reluctant to declare their ethnic affiliation. In order to ensure that a maximum number of such persons respond to the optional question on ethnicity during the census, the authorities should raise awareness of the importance of the census results and the possibility to indicate more than one ethnic affiliation. The census results should be complemented with data gathered through independent research, in co-operation with the representatives of the national minorities, thus ensuring the possibility of an accurate multiple-affiliation result, more reflective of the reality.

Antidiscrimination

3. Although the authorities have improved access to justice in cases involving discrimination, the general anti-discrimination legislation has not changed. The mandate of the Public Defender of Rights (ombudsperson) has also remained unchanged, but needs to be strengthened and the necessary resources should be allocated to support the effective fulfilment of the institutions' duties.

4. Policies supporting Roma inclusion have been mainly implemented in the framework of the Strategy to Combat Social Exclusion for 2016-2020 and the National Roma Integration Strategy 2014-2020. The Agency for Social Inclusion is currently evaluating the implementation of the Strategy to Combat Social Exclusion for 2016-2020 and its action plan. The removal of the pig farm on the site of the former concentration camp for Roma in Lety was a positive outcome of the National Roma Integration Strategy 2014-2020. However, for more than a year, the parliament has failed to examine a draft law on the compensation of Roma women who were victims of forced sterilisation in the period running from 1966 to 2012.

Intolerance and hate speech

5. The authorities have taken measures to promote tolerance and intercultural dialogue in the fields of education, culture and the media whose effect, especially in education, should be evaluated in co-operation with representatives of the national minorities. Despite these measures, hate speech against Roma and (in particular Muslim) migrants and expressions of anti-German attitudes still occur. Negative attitudes prevailing in parts of society against certain ethnic groups, which are also supported by statements by mainstream politicians, create an intimidating atmosphere in which a high number of those belonging to national minorities refrain from invoking minority rights.

Additional efforts are needed to promote respect and tolerance in relation to national minorities in order for persons belonging to minorities to feel at ease affiliating as such.

Culture

6. The authorities continue to support activities and institutions dealing with the culture of national minorities. Some national minorities rely on additional financial support from their "kin-state". The support scheme for minority cultures should be revisited in such a way that minority associations can apply for multiannual projects and, where necessary, have access to long-term baseline funding.

Intercultural education

7. Measures are taken in the fields of education and research to raise awareness of the culture, history, languages and religion of national minorities, for example in the cross-curricular subjects "A Citizen in a Democratic Society" and "Multicultural Education". However, the cross-curricular activities are not felt to have produced the desired effect. There is a need to increase awareness raising in mainstream education (curricula, teacher training and teaching materials) in order to overcome deeply-rooted historical prejudices against some minorities, in close co-operation with the representatives of the national minorities concerned.

Use of minority languages in the fields of education, administration and the media

8. Pupils belonging to the Polish minority receive instruction in Polish from pre-school to secondary school level. However, the Polish minority is the only minority in the Czech Republic which benefits from a comprehensive model of minority language education. The needs and demands of persons belonging to other national minorities need to be continuously assessed and the offer adapted accordingly.

9. The Polish language is used in dealings with local authorities located in the Frýdek-Místek/Frydek-Mistek and Karviná/Karwina districts. There is no regular practice of using other minority language in dealings with authorities. Therefore, the authorities should also take steps to facilitate the use of minority languages by those belonging to other national minorities, including practical and financial assistance to municipalities and awareness-raising activities addressing persons belonging to national minorities.

10. The legislation on topographical indications in minority languages (Act on Municipalities), which was amended in 2016, foresees conditions which are very difficult to meet for most national minorities. The authorities should apply the 10% threshold in a flexible manner and may consider revising the legislation concerning the application procedure so as to ensure wider implementation. Moreover, given the hesitation of national minorities to request topographical indications for fear of disadvantages, the national authorities should actively support minorities when they make requests, accompany them during their contacts with the local authorities, and support the municipalities in the implementation.

11. State support is granted to print national minorities' news publications and magazines in their languages. There are radio programmes in some minority languages and a television programme about national minorities, all of which contribute to raising awareness of the national minorities in the general population. It is important for the authorities to continuously evaluate the appropriateness of the offer in minority languages by public broadcasters, in particular television, in consultation with the national minorities and to consider extending funding to new digital media produced by national minorities.

Effective access of Roma to education

12. As part of the measures aiming to achieve inclusive education, the Czech Republic amended the Education Act in 2016, with the aim of transferring Roma pupils previously diagnosed as having a mild mental disability to mainstream schools. Pupils are assessed by a school counselling facility which may establish special educational needs resulting in an individual education plan. Such pupils receive free school support.

13. Nevertheless, 72.8% of the total number of Roma pupils receiving education under the "Framework Educational Programme for Primary Education with lower demands for learning outcomes because of mild mental disabilities" are assigned to separate classes. The proportion of Roma pupils educated in mainstream education is increasing only slowly. Therefore, the authorities should comprehensively assess, in co-operation with representatives of the Roma minority, what adjustment measures should be taken to make sure that the reform reaches the objective of inclusive education. In addition, it is important that diagnostic examinations are conducted in a manner that takes the individual background of the child into account.

14. The amended Education Act has also introduced a compulsory last year of pre-school education and

guarantees the placement of children in kindergarten from the age of three years old. The overwhelming majority of Roma children are now enrolled in compulsory pre-school education, which prepares them better for primary education and improves their prospects of a successful school career. The authorities should continue measures promoting the enrolment of Roma children in kindergarten among their families.

Effective participation in public affairs and decision-making processes

15. At national level, there are two consultative bodies for persons belonging to national minorities: the Government Council for National Minorities and the Government Council for Roma Minority Affairs. At regional and local levels, participation of persons belonging to national minorities is mainly ensured by Committees for National Minorities. While both Government Councils considerably facilitate regular contacts between the national authorities and the representatives of the national minorities, the local and regional Committees for National Minorities do not seem to play an effective role in designing, implementing and monitoring minority policies. The authorities and the representatives of the national minorities should review the establishment and working methods of the Committees for National Minorities so as to make sure that they initiate and monitor the implementation of minority legislation and policies at local and regional levels.

16. Roma organisations have been actively involved in the redrafting of the Strategy for Roma Equality, Inclusion and Participation 2021-2030 (hereafter: Strategy of Roma Integration 2021-2030) and have been able to influence its content. However, the strategy has not yet been adopted and its adoption is seen by Roma representatives as a test for the possibilities of the Roma to influence their own situation.

RECOMMENDATIONS

17. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by the Czech Republic.

18. The authorities are invited to take account of the detailed observations and recommendations contained in the present opinion of the Advisory Committee. In particular, they should take the following measures in order to further improve their implementation of the Framework Convention:

Recommendations for immediate action

19. The Advisory Committee urges the authorities to intensify their efforts to combat stereotypes and prejudice against the minority groups most exposed to hate speech in society, including through minority-specific awareness-raising campaigns, as well as to publicly condemn and, in cases of criminal relevance, effectively prosecute and sanction all instances of hate speech and anti-minority rhetoric in public and political discourse.

20. The Advisory Committee urges the authorities to adopt without delay and implement the Strategy of Roma Integration 2021-2030, in close consultation with representatives of the Roma. The related action plans should include clear indicators permitting the monitoring and evaluation of the impact.

21. The Advisory Committee urges the authorities to adopt the legislation required and compensate without further delay all women who were victims of forced sterilisation.

22. The Advisory Committee urges the authorities to collect more accurate data about the number of persons belonging to national minorities by raising their awareness about the importance to declare ethnic affiliation in the census. In addition, they should support other data collection exercises, including independent research, in co-operation with representatives of national minorities and use these sources of information for policy making and in granting access to minority rights.

Further recommendations¹

23. The Advisory Committee calls on the authorities to include declarations of two ethnicities in the context of the 2021 census in the calculation of thresholds required for gaining access to specific rights.

24. The Advisory Committee calls on the authorities to strengthen the mandate of the Public Defender of Rights and allocate the necessary resources to permit the institution to effectively fulfil its duties.

25. The Advisory Committee calls on the authorities to intensify their efforts to prevent, combat and sanction all forms of inequality and discrimination affecting the Roma.

26. The Advisory Committee calls on the authorities to establish an integrated and publicly available hate speech and hate crime data collection system, thus allowing the

assessment of the impact on national minorities and on other groups and the way these phenomena have been addressed by the competent authorities.

27. The Advisory Committee calls on the authorities to facilitate the oral and written use of minority languages in contacts with administrative authorities for persons belonging to all national minorities, notably through practical measures enabling administrative authorities to use such languages and by raising awareness of this right among the national minorities.

28. The Advisory Committee calls on the authorities to actively support the practical implementation of the right to display topographical indications in minority languages where the legal requirements are met and to apply the 10% threshold in a flexible manner. In order to facilitate the application procedure, the authorities should revise the respective legislation with a view to increasing the authorities' responsibility to display topographical indications in these instances upon their own initiative.

29. The Advisory Committee calls on the authorities to ensure, in close co-operation with the representatives of the national minorities, that curricula, teacher training and teaching materials in mainstream education provide concrete information about the history and culture of the national minorities as well as their contribution to Czech society, taking into account their respective sensitivities, promoting critical thinking and the accommodation of multiple perspectives in all efforts.

30. The Advisory Committee calls on the authorities to continuously evaluate the effects of the education reform, including whether the assessments by school counselling facilities reflect the educational needs of Roma pupils in a correct way and whether the aim of inclusive teaching of Roma with non-Roma pupils is reached.

31. The Advisory Committee calls on the authorities to continue, in co-operation with representatives of the Roma and the families concerned, taking measures to increase pre-school attendance by Roma children in mainstream institutions.

32. The Advisory Committee calls on the authorities to extend the offer of education in German as a minority language in different areas inhabited by the German minority, ensuring local continuity from pre-school to secondary education. Furthermore, the Advisory Committee calls on the authorities to examine, in co-operation with representatives of the Roma minority, ways of raising the interest in and, subsequently, extending the offer of Roma teaching in mainstream pre-school, primary and secondary education.

33. The Advisory Committee calls on the authorities to ensure the effective participation of representatives of national minorities in public affairs at local level by establishing Committees for National Minorities in municipalities and regions where a sufficient number of persons belonging to national minorities resides and to

¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

review, in consultation with representatives of the national minorities, the functioning of such committees.

34. The Advisory Committee calls on the authorities to intensify their efforts to prevent and combat all forms of inequality affecting the Roma in access to housing.

Follow-up to these recommendations

35. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this Fifth Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this opinion would be beneficial. Furthermore, the Advisory Committee remains ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present opinion.

MONITORING PROCEDURE

Follow-up activities related to the recommendations contained in the Fourth Opinion of the Advisory Committee

36. The Advisory Committee has been informed that its Fourth Opinion on the Czech Republic and the fourth Resolution of the Committee of Ministers on the implementation of the Framework Convention by the Czech Republic² was translated into Czech, disseminated to relevant authorities and representatives of national minorities, and discussed at the Government Council for National Minorities and the Government Council for Roma Minority Affairs.

Preparation of the state report for the fifth cycle

37. The fifth state report³, due on 1 April 2019, was received on 10 July 2019. The members of the Government Council for National Minorities and the Government Council for Roma Minority Affairs⁴ were consulted in its preparation.

Country visit and adoption of the Fifth Opinion

38. This Fifth Opinion on the implementation of the Framework Convention by the Czech Republic was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers.⁵ The findings are based on information contained in the fifth state report, other written sources and information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to the Czech Republic from 22 to 24 September 2020. Due to the Covid-19 pandemic, the country visit only took place in Prague and was shorter than usual. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 4 February 2021, was transmitted to the Czech authorities on 15 February 2021 for observations, according to Rule 37 of Resolution (2019)49. Observations were received by the Secretariat on 14 April 2021.

39. A number of the articles in the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be reduced or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a state of affairs which may be considered acceptable at this stage may not necessarily be the case in further monitoring cycles. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

² Resolution CM/ResCMN(2017)8 adopted on 29 November 2017 at the 1301st meeting of the Committee of Ministers' Deputies.

³ Fifth Report submitted by the Czech Republic pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, ACFC/SR/V(2019)012.

⁴ The Government Councils include representatives of the national minorities (see under Article 15).

⁵ The submission of the state report, which was due on 1 April 2019, was regulated by Resolution (97)10. However, the adoption of this opinion was regulated by CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, as adopted by the Committee of Ministers on 11 December 2019.

ARTICLE-BY-ARTICLE FINDINGS

Scope of application (Article 3)

40. In the Czech Republic, the concept of “national minorities” is defined in Act No. 273/2001 on the Rights of Members of National Minorities (Article 2 (1)).⁶ There are 14 recognised national minorities represented in the Government Council for National Minorities (Belarusian, Bulgarian, Croatian, German, Greek, Hungarian, Polish, Roma, Russian, Ruthenian, Serbian, Slovak, Ukrainian and Vietnamese minorities). The Government Council thus represents both groups which have inhabited particular areas of Bohemia, Moravia or Silesia for many centuries (Croats, Germans, Poles, Roma) and groups which have migrated to the territory of the present Czech Republic mainly in the first or second half of the 20th century.

41. Article 2 (1) of the Act on the Rights of Members of National Minorities and other provisions of minority legislation refer to citizenship as an element of the definition of national minority and as a requirement for the access to certain rights, for example concerning the use of topographical names and the establishment of Committees for National Minorities.

42. The Advisory Committee has not been informed that the application of the citizenship criterion has the effect of excluding people from the scope of application of the Framework Convention in a discriminatory manner.

43. The Advisory Committee reiterates in this regard that the inclusion of the citizenship requirement may be a legitimate requirement in fields such as representation in parliament and certain public offices. A general application of this criterion nevertheless would act as a constraint in relation to the guarantees associated with other important fields covered by the Framework Convention, such as non-discrimination and equality, as well as certain cultural and linguistic rights.⁷

44. Therefore, the Advisory Committee considers that non-citizens residing in the Czech Republic who share the ethnic identity of a national minority of this state or use a language of such a minority should continue to be able to benefit from rights guaranteed in the Framework Convention on an article-by-article basis and from the minority legislation, if they so wish.⁸

45. The Advisory Committee encourages the authorities to continue to pursue an open and inclusive approach to the Framework Convention’s personal scope of application,

ensuring that the citizenship criterion does not limit access to minority rights.

Data collection and population census (Article 3)

46. Certain rights of persons belonging to national minorities, notably concerning the establishment of a Committee for National Minorities and topographical indications in a minority language, depend on the proportion of such persons in the given administrative area (census-based 10% or 5% thresholds). As in the case of the last Population and Housing Census organised in 2011, the census form to be used in the next census in 2021 will contain a question about the “mother tongue” and a second question about the “nationality” (*národnost*, meaning “ethnicity” in Czech terminology) or affiliation with an ethnic minority. Respondents may indicate two mother tongues and two ethnic affiliations. Whereas the answer to the question about mother tongue will be compulsory, the answer concerning ethnic affiliation will be optional.⁹

47. The authorities are aware that not all persons belonging to national minorities declared their ethnic affiliation in the 2011 census. On this occasion, about 26% of the residents of the country did not indicate any ethnic affiliation.¹⁰ In autumn 2020, the Government Council for Roma Minority Affairs and the Government Council for National Minorities held an information seminar on the 2021 census with representatives of authorities, national minorities and other stakeholders who, through their functions or networks, could contribute to raising awareness of the importance of the census among persons belonging to national minorities. Furthermore, in co-operation with the Czech Statistical Office, an information campaign will be organised in mainstream and national minority broadcast, print and online/social media to raise awareness about the census. As part of the campaign, publicly known personalities belonging to national minorities will emphasise the importance of declaring one’s ethnic affiliation in the census. The census form and parts of the official census website are also available in German, Polish, Romani, Russian, Ukrainian and Vietnamese.¹¹

48. Furthermore, the authorities are co-operating with universities about the development of additional methods of establishing the number of persons belonging to national minorities and have commissioned research on this concerning the Roma minority.¹²

⁶ Article 2 (1): “A community of citizens of the Czech Republic who live on the territory of the present Czech Republic and as a rule differ from other citizens by their common ethnic origin, language, culture and traditions: they represent a minority of citizens and at the same time they show their will to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture and at the same time express and preserve interests of their community which has been formed during history”, Act No. 273/2001 on the Rights of Members of National Minorities (Zákon č. 273/2001 Sb, o právech příslušníků národnostních menšin a o změně některých zákonů), 10 July 2001.

⁷ See Thematic Commentary No. 4. The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, paras. 29-30.

⁸ In the judgment C-274/96 of 24 November 1998, the Court of Justice found that the right of an accused to use a minority language in criminal proceedings can also be invoked by a citizen of another EU state who uses the same language.

⁹ See the official website of the 2021 census, at www.scitani.cz.

¹⁰ See Fourth Opinion by the Advisory Committee on the Czech Republic, ACFC/OP/IV(2015)004, para. 25.

¹¹ Replies by the Czech authorities to the Advisory Committee’s questionnaire.

¹² NAKI II č. DG18P02OVV064 Právní, historické a společenskovední aspekty nových a tradičních menšin v České republice (Legal, historical and social science aspects of new and traditional minorities in the Czech Republic).

49. During the Advisory Committee's visit, representatives of several national minorities raised their concern over the fact that in the 2021 census form, the question about ethnic affiliation will continue to be optional. According to representatives of the German, Polish, Roma and Ukrainian minorities, the optional nature of the question had significantly reduced the number of persons responding to it in 2011. For fear of negative attitudes from the majority population, representatives of national minorities argued that the number of Germans, Poles and Roma who declared their ethnic affiliation in that census was considerably smaller than the estimates made by the representatives of these minorities. Some minority representatives also stressed that awareness of the consequences of the census findings for the rights of national minorities must be raised among persons belonging to national minorities. Furthermore, representatives of the Polish minority underlined that the authorities should, in any case, consider the census findings concerning both single ethnicity (e.g. Polish) and double ethnicity (e.g. Czech and Polish) for the purpose of the 10% threshold. According to the Advisory Committee's interlocutors, there have been cases where local authorities considered only the results of the 2011 census concerning single ethnicity (see also under Article 11 (3)).

50. The Advisory Committee reiterates the importance of collecting reliable disaggregated data about the ethnic composition of the population in order to effectively draw up, implement and evaluate policies and measures to protect national minorities. Nevertheless, in conformity with the principles of Article 3, the decision on whether or not to reply to a census question on ethnic affiliation is one to be considered solely by those being questioned. The opportunity to indicate multiple affiliations must be provided during the census and any other data collection exercises.¹³ Furthermore, the census cannot be considered as the only source of such data, especially when trends reveal a generally decreasing number of persons belonging to national minorities or when statistical data differs from estimates made by minority representatives. Therefore, it is necessary to collect data from a variety of sources, in addition to the census, including independent sociological, ethnographical and other types of research.¹⁴ Moreover, the Advisory Committee reiterates that any numerical thresholds established as a precondition for the applicability of certain minority rights must be interpreted flexibly. Otherwise, an indirect obligation to self-identify would be placed on persons belonging to national minorities in order to ensure that access to a specific right is maintained.¹⁵

51. In light of these observations, the Advisory Committee welcomes the fact that the census form to be used in the 2021 census will provide the possibility to indicate two languages and ethnic affiliations respectively.

For future censuses, the possibility to indicate multiple affiliations and languages should be provided. A direct consequence of this possibility is that the authorities should in all cases make sure that the results concerning single and double ethnicity are counted towards reaching the percentages required for gaining access to certain rights, for example when establishing whether the proportion of persons belonging to a national minority reaches the 10% threshold in a municipality. The Advisory Committee further welcomes that the authorities have carried out, or plan to carry out, information measures raising awareness of the importance to declare ethnic affiliation in the census, as some minority rights depend on the numerical value of each minority.

52. Nevertheless, the Advisory Committee notes that in the Czech Republic a considerable number of persons belonging to certain national minorities still do not want to declare their ethnic affiliation due to a history of past disadvantage, discrimination or persecution. In order to ensure that a maximum number of persons belonging to national minorities give a free and informed reply to the non-compulsory question about ethnicity during the census, the authorities should raise awareness about the importance and connected benefits of the census and about the possibility to indicate two affiliations, as well as reassure them about its anonymity. Given that the census will be conducted primarily online¹⁶ and respondents will have fewer possibilities to ask questions about the meaning of different answers, it is all the more important to inform them well ahead of the census. Furthermore, the Advisory Committee considers that the census results concerning ethnic affiliation and mother tongue should be complemented with information gathered through independent research, in co-operation with the representatives of the national minorities.

53. The Advisory Committee urges the authorities to collect more accurate data about the number of persons belonging to national minorities by raising their awareness about the importance to declare ethnic affiliation in the census. In addition, they should support other data collection exercises, including independent research, in co-operation with representatives of national minorities and use these sources of information for policy making and in granting access to minority rights.

54. The Advisory Committee calls on the authorities to include declarations of two ethnicities in the context of the 2021 census in the calculation of thresholds required for gaining access to specific rights.

Legal and institutional framework for combating discrimination (Article 4)

¹³ See Thematic Commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 16.

¹⁴ See Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012. ACFC/44DOC(2012)001 rev.. paras. 19-21.

¹⁵ See Thematic Commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 12.

¹⁶ The census will be conducted in two phases (online census followed by a paper census).

55. The Anti-Discrimination Act (Act No. 198/2009) contains provisions prohibiting direct and indirect discrimination on the grounds of, *inter alia* race, ethnic origin, and nationality (*národnost*, i.e. ethnicity) in the field of employment, health care, education, welfare, access to goods and services and housing and establishes courts' jurisdiction in alleged cases of discrimination.¹⁷ Protection against discrimination on the grounds of "nationality" includes the protection of national minorities. Previously the government tried to strengthen the enforcement of the Anti-Discrimination Act by proposing to introduce the possibility for the Public Defender of Rights (ombudsperson) to file a lawsuit in certain discrimination matters. However, the proposal was withdrawn in 2017. Another proposal by a group of Members of Parliament to amend the act with a view to giving NGOs an option to file an action in public interest (*actio popularis*) has received little support.¹⁸

56. Nevertheless, during the reporting period, the authorities did make some other efforts to improve access to justice in cases involving discrimination. In 2017, the court fee to initiate legal proceedings in respect of discrimination was reduced to a very moderate fixed amount. According to a report published by the ombudsperson in late 2020, Czech courts dealt with 90 discrimination cases in the period between 2015 and 2019, of which 65 were related to grounds other than ethnic origin. The Advisory Committee was not in a position to ascertain how many of the remaining cases related to persons belonging to national minorities. Overall, 54 cases ended up unsuccessfully for claimants of discrimination. The ombudsperson has recommended amongst other things to introduce the *actio popularis* and the concept of discrimination by association into the legal order.¹⁹ In 2017, the Czech Supreme Court decided that discrimination claims may also be filed by relatives of the victim following the death of the discriminated person if they feel personally affected by the discrimination.²⁰

57. Furthermore, according to Act 251/2016, a fine of up to CZK 20 000/€760 (increased to CZK 30 000/€1 145 in case of a repeat offence)²¹ may be imposed for the offence

of limiting or preventing a person belonging to a national minority from exercising her/his minority rights, or causing other harm to a person because of her or his belonging to a national minority (offences against civic coexistence).²²

58. The ombudsperson is the independent equal treatment and anti-discrimination body in the Czech Republic and has been designated as the equality body by the Anti-Discrimination Act. The office-holder is elected for six years by the Chamber of Deputies of the parliament, to which he/she is responsible, and has a dedicated budget and separate office, located in Brno. The ombudsperson can conduct enquiries into the activities of specific authorities and other public institutions and may issue a report summarising her/his findings. The authorities are obliged to co-operate with the ombudsperson and to inform her/him of their remedial measures. Moreover, he/she can assist victims of discrimination in submitting cases to the courts, but cannot represent them in court or initiate court proceedings independently.²³ With regard to alleged discrimination in the private sector, the Public Defender can only request a statement from the relevant private entities which are, however, not obliged to co-operate.²⁴ A representative of the ombudsperson is a member of the Government Council for National Minorities and the Government Council for Roma Minority Affairs. In practice, the ombudsperson deals with several issues relating to the Roma minority, *inter alia* through surveys and recommendations.²⁵

59. During the Advisory Committee's visit, several interlocutors expressed their appreciation for the work of the institution of the ombudsperson, *inter alia* in the fields of hate speech on the internet, inclusive education of Roma and obstacles hindering access to justice for victims of discrimination²⁶ as well as the co-operation with the Pro

¹⁷ The Anti-Discrimination Act transposed into Czech legislation *inter alia* the European Council Directive on Racial Equality (2000/43/EC) and the European Council Directive on Employment Equality (2000/78/EC).

¹⁸ See European network of legal experts in gender equality and non-discrimination, Country report Non-discrimination Czechia 2020, published by the European Commission, Brussels 2020, p. 66.

¹⁹ See Ombudsman (2020): 'Rozhodování českých soudů o diskriminačních sporech 2015-2019 (Discrimination case law of Czech courts between years 2015-2019)' – research paper, available at <https://www.ochrance.cz/vystupy/>. A summary in English is provided by Jakub Tomšej at <https://www.equalitylaw.eu/downloads/5295-czechia-the-office-of-the-ombudsman-released-a-report-on-the-anti-discrimination-case-law-of-czech-courts-105-kb>.

²⁰ Supreme Court of the Czech Republic (Nejvyšší soud), No. 30 Cdo 2260/2017, 13 December 2017.

²¹ Exchange rate of 18 January 2021 (rounded).

²² See fifth state report, p. 24.

²³ See fifth state report, p. 21. According to Section 21b of Act 349/1999 Coll. of 8th December 1999 on the Public Defender of Rights, "[t]he Defender shall contribute to promotion of the right to equal treatment of all persons regardless of their race or ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or world view, and to this end, the Defender shall a) provide methodological assistance to victims of discrimination in lodging their applications to initiate proceedings concerning discrimination; b) perform research; c) publish reports and issue recommendations on discrimination-related issues; d) provide for exchange of the available information with the relevant European entities", see The Public Defender of Rights - Law on the Public Defender of Rights ([ochrance.cz](https://www.ochrance.cz)).

²⁴ See ECRI Report on the Czech Republic, 6th monitoring cycle, adopted on 1 October 2020, para. 2.

²⁵ Examples: Recommendation on equal access to preschool education (2018), Recommendation on Inclusive Education of Roma and non-Roma Children (2018), Recommendation on the fulfilment of the right to equal treatment of applicants for the lease of municipal flats (2010), survey on "Hate speech on the Internet and decision-making of Czech courts" (2020), "Recommendations for lawyers representing victims of discrimination" (2019).

²⁶ For the research studies carried out by the ombudsperson see <https://www.ochrance.cz/vystupy/>.

Bono Alliance.²⁷ However, the outreach of the ombudsperson is limited and more recently, minority representatives stated that their confidence in the current office-holder has weakened.

60. The Advisory Committee reiterates that the competences granted to the ombudsperson should also enable the office-holder to pursue an effective role in protecting persons belonging to national minorities, including with regard to pursuing their complaints about discrimination.²⁸ Furthermore, it is important that follow-up is given to the ombudsperson's recommendations in the application or drafting of legislation.

61. The Advisory Committee notes that the ombudsperson's outreach and its litigation competences are still limited, according to some interlocutors. The Advisory Committee considers that participation of a specialised body in court cases where issues of discrimination are considered would ensure that relevant standards are duly taken into account. The reports and recommendations resulting from the ombudsperson's enquiries into activities of authorities and other public institutions do not have the force of an official decision. Also, the ombudsperson does not have the mandate to monitor legislation or advise the authorities in the process of drafting legal acts.²⁹ Private entities are not obliged to co-operate and respond to requests by the ombudsperson. The ombudsperson also lacks an explicit mandate to raise awareness about discrimination issues. These limitations significantly weaken the ability of the institution to effectively combat discrimination and should be addressed.³⁰

62. The Advisory Committee calls on the authorities to strengthen the mandate of the Public Defender of Rights and allocate the necessary resources to permit the institution to effectively fulfil its duties.

Promotion of full and effective equality (Article 4)

63. Policies supporting Roma inclusion have been mainly implemented in the framework of the National Roma Integration Strategy 2014-2020 and the Strategy to Combat

Social Exclusion for 2016-2020. The Strategy of Roma Integration 2021-2030 has not yet been adopted. The Agency for Social Inclusion, whose projects support municipalities in integrating socially vulnerable persons (including many Roma), is currently evaluating the implementation of the Strategy to Combat Social Exclusion for 2016-2020 and its action plan, in consultation with numerous municipalities and Roma representatives. As the results are only due to be submitted to the government for approval by May 2021, the authorities were not in a position to provide the Advisory Committee with the findings.³¹

64. In the area of employment, field workers dealt with about 52 cases of alleged discrimination of Roma in the labour market.³²

65. The widely-documented practice of forced sterilisation of Roma women during four decades in the Czech Republic³³ and the issue of the compensation of victims have been a matter of deep concern for the Advisory Committee since its Second Opinion.³⁴ In its Fourth Opinion (2015), the Advisory Committee noted that a draft law on compensation for women who were victims of forced sterilisation had been drawn up by the Ministry for Human Rights and Equal Opportunities and urged the authorities to compensate all victims of sterilisation which had been without free and informed consent and to do so without further delay.³⁵ However, in October 2015, the government decided not to establish this special compensation mechanism considering that "court action remained the way to the award of damages for the victims of illegal sterilisations" and that "an out-of-court mechanism would in all probability not be an effective complement to the existing means of redress for the individual failures in the performance of sterilisations which occurred in the past".³⁶ The Council of Europe Commissioner for Human Rights publicly regretted this decision and underlined that "the majority of the Roma women who have been sterilised without full and informed consent have been left without an

²⁷ The Pro Bono Alliance is a network of lawyers providing legal advice in the field of human rights and represents victims of discrimination in court proceedings.

²⁸ See Fourth Opinion, 2015, para. 34.

²⁹ The Committee of Ministers has recommended to Member States to ensure that ombudsman institutions can propose changes to legislation and propose legislative reforms. see Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution, paras. 8 b, c, adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies.

³⁰ See also ECRI General Policy Recommendation No. 2 revised on Equality Bodies to combat racism and intolerance at national level, adopted on 13 June 1997 and revised on 7 December 2017: Principles on the protection and promotion of the Ombudsman institution (the "Venice Principles"), adopted by the European Commission for Democracy through Law (Venice Commission) in March 2019 and endorsed by the Committee of Ministers on 2 May 2019, paras. 18-19.

³¹ Replies by the Czech authorities to the Advisory Committee's questionnaire.

³² See fifth state report, p. 8.

³³ European Roma Rights Centre: Coercive and cruel. Sterilisation and its Consequences for Romani Women in the Czech Republic (1966-2016), November 2016. See also Parliamentary Assembly of the Council of Europe, Resolution 1945 (2013) adopted on 26 June 2013 and the Report on "Putting an end to coerced sterilisations and castrations", Doc. 13215 of 28 May 2013.

³⁴ See Third Opinion by the Advisory Committee on the Czech Republic, ACFC/OP/III(2011)008, para. 57; Second Opinion by the Advisory Committee on the Czech Republic, ACFC/INF/OP/II(2005)002, para. 62.

³⁵ Fourth Opinion, 2015, paras. 45-46.

³⁶ Prime Minister of the Czech Republic. Reply to the Council of Europe Commissioner for Human Rights letter, 7 October 2015, available at <https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/GovRep%282015%2911&Language=lanEnglish>.

effective domestic remedy to obtain compensation for the harm they have suffered".³⁷

66. In the context of the present monitoring cycle, the Advisory Committee has been informed that, in January 2021, the Human Rights Council of the Czech Republic called upon the Prime Minister and the Human Rights Representative of the government to actively support the adoption of a law on compensation in the Chamber of Deputies. This law would provide a one-time compensation to women who were the victims of forced sterilisation in the period from 1 July 1966 to 31 March 2012.³⁸

67. Both Roma representatives and the ombudsperson confirmed that Roma continue to face difficulties and discrimination in different areas, in particular education (access to mainstream education, including kindergarten; see under Article 12), housing (see under Article 15) as well as antigypsyism and hate speech (see under Article 6).

68. The Advisory Committee acknowledges the measures taken by the authorities to promote full and effective equality of Roma in different fields and underlines the importance of adopting the Strategy of Roma Integration 2021-2030 without delay (see also under Article 15).

69. The Advisory Committee further notes with regret that new draft legislation aiming at compensating Roma women who were victims of forced sterilisation has so far not been considered by the Czech Parliament. As already stressed in 2011 in its Third Opinion, the Advisory Committee reiterates the view that considering the long period that most victims of such a gross violation of human rights have been waiting for compensation, the legislation should be adopted without further delay, pending cases be resolved without further delay and the authorities should implement the compensation measures as a matter of priority.

70. The Advisory Committee urges the authorities to adopt the legislation required and compensate without further delay all women victims of forced sterilisation.

71. The Advisory Committee calls on the authorities to intensify their efforts to prevent, combat and sanction all forms of inequality and discrimination affecting the Roma.

Preservation and development of minorities' identities, languages and cultural heritage (Article 5)

72. The Czech authorities promote the preservation and development of the culture and identity of national minorities, including language, traditions and cultural heritage, *inter alia* through grant programmes. The overall amount of money provided to national minorities to support

their cultural activities rose from CZK 7.9 million/€301 740 in 2014 to CZK 10.5 million/€401 050 in 2018 (latest available figures).³⁹ Related projects focus on artistic, cultural and educational activities, the study and analysis of culture and folk traditions, non-periodical publications and documentation. As part of the "21st Century Library" programme, grants are provided for the purchase of literature in minority languages and for organising familiarisation events with other cultures. Projects promoting Roma language, culture and identity can, in addition to the aforementioned general support schemes, also be funded under a grant programme to support the integration of the Roma minority.⁴⁰ In 2021, the Government Council for National Minorities also recommended applying Part III of the European Charter for Regional or Minority Languages to German in order to extend the promotion of the German language and culture. It also recommended including Moravian Croatian in the instrument of ratification on the Charter.⁴¹

73. The authorities also support cultural institutions dedicated to particular national minorities, for example the Museum of Romani Culture in Brno and the Documentation and Museum Centre of the Slovak Minority. These institutions provide information on the history, traditions and culture of the groups concerned and carry out awareness-raising activities addressed equally at the majority population. During the reporting period, the authorities have also supported the reconstruction of the Museum of Moravian Croats in Jevišovka, which serves, *inter alia* as a documentation centre for the history of the Croatian minority.⁴² In addition, the city of Prague supports the House of National Minorities which provides national minority associations with space for exhibitions, performances and offices.

74. During the Advisory Committee's visit, most of the numerically smaller minorities underlined that maintaining and developing their culture and language is among the priorities of their activities. Notwithstanding the increase in funding reported by the authorities and additional funding by municipalities, representatives of national minorities expressed concern about the scarcity of funds in the field of national minority culture. Some national minorities rely on additional funding by their "kin-states", which is not an option for some national minorities, notably the Roma. They are further worried about a potential negative impact of the Covid-19 pandemic on public finances and funding for national minorities. A persisting problem is seen in the fact that financial support is project-based and only granted annually and hence does not allow the associations of national minorities to draw up long-term plans. According to several national minorities, multiannual budgetary plans should be introduced with a view to enabling more sustainable planning. Representatives of the Polish minority were dissatisfied that the Muzeum Těšínska in Český

³⁷ Council of Europe Commissioner for Human Rights. Letter to the Prime Minister of the Czech Republic concerning the bill on reparations for involuntary sterilisation of Roma women, 6 October 2015, available at <https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH%282015%2925&Language=lanEnglish>

³⁸ Replies by the Czech authorities to the Advisory Committee's questionnaire.

³⁹ See fifth state report, p. 26. Exchange rate of 18 January 2021 (rounded).

⁴⁰ See fifth state report, p. 26.

⁴¹ German is currently covered by Part II of the Charter. Although Part II also applies to Moravian Croatian and the authorities promote this language in the framework of the Charter, it was not explicitly mentioned in the Czech Republic's instrument of ratification of 2006.

⁴² See fifth state report, p. 52.

Těšín/Czeski Cieszyn does not sufficiently present the contribution of the Polish minority to the history of this region and lacks explanations and inscriptions in Polish. Representatives of the Ukrainian minority stressed the importance of religion for their identity and stated that the spiritual needs of persons belonging to this minority are covered by the Orthodox and Greek Catholic churches present throughout the country.

75. The Advisory Committee reiterates that the funding available for the cultural activities of national minorities should be adequate to ensure the preservation of their cultural and linguistic identity. Particular attention must be paid to the actual needs in the field of culture of persons belonging to the numerically smaller minorities. The state party remains fully responsible for the implementation of its obligations under this article. In addition, the Advisory Committee reiterates that making grants available solely on the basis of projects does not allow all of the national minorities to run their cultural activities on a regular and stable basis, which adversely affects the sustainability of the important work done by the minority associations.

76. The Advisory Committee welcomes the authorities' continuous commitment to support activities relating to the culture of national minorities with grants. It also observes that the financial support granted to museums and other institutions not only contributes to the preservation of national minority cultures, but also to raise awareness of these cultures among the majority population. Furthermore, the application of Part III of the Language Charter to German and of Part II to Moravian Croatian will help the authorities to promote, in a structured way, the conditions necessary for persons belonging to the respective minorities to develop their language and culture as essential elements of their identity and support the implementation of the Framework Convention.

77. However, the Advisory Committee also considers that the authorities should ensure that their funding is sufficient to fully cover the needs of the national minorities in the field of culture and that the national minorities do not rely on financial support by their "kin-state". Moreover, the authorities should revisit the support scheme for minority cultures in a way that minority associations can apply for multiannual projects and have access to long-term baseline funding.

78. The Advisory Committee encourages the authorities to consult the representatives of the national minorities about their needs for the effective promotion of their cultures and, where necessary, to consider a further increase of the financial support and to introduce multiannual budgetary plans.

Intercultural dialogue and mutual respect (Article 6)

79. The authorities have taken measures to promote tolerance, intercultural dialogue, respect, understanding and

co-operation in the fields of education (see under Article 12), culture (see under Article 5) and the media (see under Article 9).

80. With regard to education, the authorities state that the promotion of these objectives is an integral part of the Framework Educational Programme for Primary Education and the Framework Educational Programme for Secondary Education, which cover, *inter alia* the Holocaust, the Roma genocide and the expulsion of Sudeten Germans. In the cross-curricular subjects "A Citizen in a Democratic Society" and "Multicultural Education", pupils learn, *inter alia* to appreciate the differences of other ethnic or religious groups and are taught to recognise xenophobia. The Advisory Committee has been informed that the effect of these programmes on the attitudes of pupils is not evaluated, but that it could be done. Furthermore, as part of a grant programme run by the Ministry of Education, activities combating xenophobia, ethnic and religious intolerance are also supported.⁴³

81. In 2019, the Supreme Court decided that if schools prohibit Islamic pupils from wearing hijabs on the basis of a general prohibition of head coverages at the school, this amounts to indirect discrimination. The Supreme Court concluded that the apparently neutral rule contained in such policies affects a religious group, such as Muslims, less favourably than others and found no legitimate aim justifying such a measure.⁴⁴

82. In the field of culture, the authorities have funded multi-ethnic events aimed, *inter alia*, at combating manifestations of extremism, ethnic intolerance and xenophobia. Moreover, state-supported museums (see under Article 5) and memorials (e.g. Terezín Memorial, Shoah Memorial) raise awareness about national minorities or religious communities and support education on tolerance. In this context, the Advisory Committee is pleased to note that, in line with the set objective of the Roma Integration Strategy 2014-2020, the authorities have purchased the pig farm on the site of the former concentration camp for Roma in Lety with a view to demolishing it and creating a place of remembrance of the concentration camp victims. The memorial will be managed by the Museum of Romani Culture and is planned to be opened in 2023.⁴⁵ Roma representatives have welcomed this decision.

83. As far as the media are concerned, Act No 231/2001 on the Operation of Television and Radio Broadcasting (Section 17) provides that, when granting broadcasting licenses, the applicant's contribution to the development of the culture of national minorities is evaluated. Furthermore, a broadcaster must not include programmes that can reinforce stereotypical prejudices regarding minorities. In addition, a broadcaster must ensure that programmes do not incite hatred on the grounds of, *inter alia* race, colour, language or affiliation to a national minority. The operator must also not broadcast commercial messages containing discrimination on such grounds.⁴⁶ Supervision of these

⁴³ See fifth state report, p. 25.

⁴⁴ Supreme Court Decision of 27 November 2019, no. 25 Cdo 348/2019, see <https://www.equalitylaw.eu/downloads/5037-czech-republic-the-supreme-court-cancelled-the-decision-of-lower-courts-in-the-case-of-discrimination-on-grounds-of-religion-in-education-pdf-83-kb>.

⁴⁵ See fifth state report, pp. 21-22.

⁴⁶ See fifth state report, p. 22. Act No 132/2010 on Audiovisual Media Services contains similar provisions.

duties is exercised by the Broadcasting Council, which imposes sanctions for non-compliance. The Advisory Committee was informed of a case where a private broadcaster negatively portraying Roma was warned by the Broadcasting Council.

84. In addition, relevant obligations are set out in Act No 483/1991 on Czech Television and Act No 484/1991 on Czech Radio (see also under Article 9). These broadcasters are obliged to create and disseminate programmes and provide a balanced range of programmes for all groups of people having regard, *inter alia* to their freedom of religion and belief, culture, ethnic origin and identity with the aim of enhancing mutual understanding and tolerance. Public broadcasters shall also contribute to the development of the identity of persons belonging to national minorities.⁴⁷

85. According to minority representatives, the cross-curricular subjects “A Citizen in a Democratic Society” and “Multicultural Education” do not make an effective contribution to promoting tolerance and understanding in relation to national minorities (see also under Article 12). Moreover, Roma representatives have reported that the media coverage of Roma is often negative or stereotyped, showing Roma in segregated schools, in dirty living conditions in abandoned areas, scrapping metal or dancing and playing the violin. Representatives of different national minorities suggested that the media should report more about national minorities and their activities with a view to raising awareness among the majority population and to opposing prejudices.

86. The Advisory Committee reiterates the need for the authorities to effectively promote intercultural dialogue in education, including in curricula, so as to make pupils aware of the situation of persons belonging to national minorities in Czech society of today and to foster mutual respect and understanding. Moreover, the media have a responsibility to avoid the stereotyping and negative portrayal of persons belonging to national minorities. The focus in media reporting concerning Roma should not be predominantly fixed on socio-economic issues, but also portray positive images.

87. The Advisory Committee acknowledges the various measures taken by the authorities to promote intercultural dialogue and mutual respect. With regard to education, the Advisory Committee considers that the authorities should evaluate which effect these measures have had. One field that should be evaluated is the effect of teaching the cross-curricular subjects “A Citizen in a Democratic Society” and “Multicultural Education”. By measuring the attitudes of pupils in the ninth grade, the authorities could assess how big the impact of the teaching of tolerance, democracy and multiculturalism has been during the first nine years of compulsory school. The evaluation should be made in close co-operation with representatives of the national minorities in order for them to give their view on the effect achieved. In

addition, the Advisory Committee considers that combating stereotypes and prejudice against certain national minorities should be part of the content and objectives of the training of media staff and the Broadcasting Council should adopt a proactive approach in supervising the broadcasters’ duties in this respect.

88. The Advisory Committee encourages the authorities to evaluate the effect of teaching the importance of democracy and multiculturalism to pupils in primary and secondary education in close consultation with persons belonging to national minorities. The Broadcasting Council should adopt a proactive approach in supervising programmes so as to make sure they do not reinforce stereotypical prejudices regarding minorities.

Hate speech, hate crime and policing (Article 6)

89. As far as the protection from discrimination and violence is concerned, the Strategy for the Work of the Czech Police regarding Minorities for 2018-2020, *inter alia* was aimed at police officers’ work in relation to and with Roma. The police service has liaison officers who act as mediators between the police and Roma, offer assistance, participate in the prevention and combating of crime and co-operate with associations. The Ministry of the Interior has organised annual working meetings of liaison officers with Regional Roma Affairs Coordinators.⁴⁸

90. The training for police officers at all levels of their education aims at providing the skills to understand differences in cultural values and behavioural patterns and to foster mutual trust. Further training for police officers working with Roma has been organised. Furthermore, police officers have been trained on the identification of and response to hate crimes and on support to be given to victims of such crimes. The authorities also promote recruitment of persons belonging to national minorities and foreigners into law enforcement agencies, especially into the police. Projects have been carried out to prepare, select and train pupils belonging to several national minorities for education at police schools.⁴⁹

91. Despite the measures taken by them in the fields of education, culture, media and police training, the authorities still report an increase in negative attitudes towards population groups because of their ethnic affiliation or religion. In this context, the Agency for Social Inclusion, which supports the integration of Roma, is implementing the “Campaign Against Racism and Hate Violence”.⁵⁰

92. The authorities do not collect statistics specifically on hate speech against persons belonging to national minorities. In 2019, 38 crimes relating to “defamation of nation, race, ethnicity or other groups” were reported (rising from 29 in 2018 and 17 in 2017) and 22 prosecuted (compared to 25 in 2018 and 10 in 2017).⁵¹ As “other

⁴⁷ See fifth state report, p. 22.

⁴⁸ See fifth state report, p. 32.

⁴⁹ See fifth state report, p. 32.

⁵⁰ See fifth state report, p. 9.

⁵¹ Information submitted by the Czech authorities in their replies to the Advisory Committee’s questionnaire.

groups" are included in these data, it is not clear how many crimes have been committed against persons belonging to national minorities.

93. The groups most affected by racist hate speech in the Czech Republic are religious Muslims and Roma. Although the focus of racist hate speech has shifted from hatred against Roma towards anti-Muslim and anti-immigrant rhetoric, public expressions of antigypsyism are still occurring frequently. Hate directed at Roma has notably increased in social media during the last years. Negative attitudes towards Roma prevailing in parts of society are also supported by statements by some politicians⁵², including at the highest level, for example by referring to Roma as "inadaptable" citizens.⁵³ This attitude raises serious concerns and frustration among national minorities. The representatives of the Slovak, Ukrainian and Vietnamese national minorities report that they are generally treated in a tolerant way.⁵⁴

94. On the other hand, the representatives of the German minority reported persisting anti-German attitudes and a tendency to link the presence of this minority and measures to protect it to the period of National Socialism. According to representatives of several national minorities, expressions of intolerance and hate speech create an intimidating atmosphere in which a high number of persons belonging to certain minorities do not declare their ethnic affiliation in censuses and refrain from invoking minority rights. In individual cases, authorities have reportedly criticised minority representatives for invoking certain minority rights for the reason that the majority population in the area concerned would react negatively. Several interlocutors of the Advisory Committee pointed out that certain national minorities are tolerated as long as they are not visible in society, but that they risk facing disadvantages as soon as they invoke their rights.

95. The Advisory Committee reiterates that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic or religious identity. In its experience, a general rise in hate speech concerning persons belonging to some national minorities or migrants can have a spillover effect on all national minorities. In this context, it is essential to limit the dissemination of intolerance through social media. All expressions of racism or intolerance, including by politicians, must be firmly condemned, and, in cases of criminal relevance, be effectively prosecuted and sanctioned. In this context, the Advisory Committee notes that the lack of disaggregated data about hate crime and hate speech makes it difficult to define trends on these phenomena. The Advisory Committee reiterates that the promotion of tolerance

and openness towards diversity in society is a central precondition for persons belonging to national minorities to self-identify as such without hesitation and proactively claim the rights contained in the Framework Convention.⁵⁵

96. The Advisory Committee is therefore deeply concerned by the increase in anti-minority and anti-migrant rhetoric and prejudice. It regrets that underlying stereotypes in parts of society against certain national minorities and migrants, in particular Roma and Muslims, are being reinforced by some politicians, including at the highest level. This risks damaging the overall climate of tolerance and respect and can have spillover effects on those national minorities which at present are generally treated with tolerance. The Advisory Committee therefore urges the authorities to increase their efforts to promote respect and tolerance in relation to national minorities in order for persons belonging to national minorities to feel at ease affiliating as such. Furthermore, minority-specific awareness-raising campaigns should be carried out in the media to promote positive images of those national minorities particularly concerned by stereotypes in parts of society. Whilst acknowledging that non-discrimination training is provided to police officers, the Advisory Committee considers that it is important that the effect of this training is evaluated, in co-operation with representatives of all minority groups.

97. The Advisory Committee urges the authorities to intensify their efforts to combat stereotypes and prejudice against the minority groups most exposed to hate speech in society, including through minority-specific awareness-raising campaigns, as well as to publicly condemn and, in cases of criminal relevance, effectively prosecute and sanction all instances of hate speech and anti-minority rhetoric in the public and political discourse.

98. The Advisory Committee calls on the authorities to establish an integrated and publicly available hate speech and hate crime data collection system, thus allowing the assessment of the impact on national minorities and on other groups and the way these phenomena have been addressed by the competent authorities.

Minority print media, broadcast and digital media (Article 9)

⁵² Representatives of the Freedom and Direct Democracy Party (SPD), including one of its MPs, have expressed anti-Muslim hatred. see ECRI Report on the Czech Republic, 6th monitoring cycle, adopted on 1 October 2020, para. 25. See also: 'Commentary: Senator infamous for antigypsyist remarks about the "cikánská question" joins regional party in the Czech Republic', romea.cz, 8 December 2020; 'Czech chair of ultra-right party now leads the Clean Region movement', romea.cz, 23 March 2020.

⁵³ According to media reports, in 2017 the Czech President qualified Roma as "inadaptable citizens". see romea.cz, 13 November 2017.

⁵⁴ See ECRI Report on the Czech Republic, 6th monitoring cycle, adopted on 1 October 2020, para. 23.

⁵⁵ See Thematic Commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 53.

99. The right to distribute and receive information in a minority language is guaranteed by Act No. 46/2000 on rights and obligations for the publishing of periodicals.⁵⁶

100. The Ministry of Culture supports media in minority languages through a dedicated grant programme. The funds of this programme have decreased from CZK 22 million/€840 290 in 2014 to CZK 20.85 million/€796 365 in 2018.⁵⁷ State support is granted to print news publications of national minorities in their languages, including the “Glos” newspaper in Polish, the “Landesecho” newspaper in German and “Romano hangos” newspaper in Romani. Other national minorities publish mainly magazines on a monthly or less frequent basis.⁵⁸

101. In 2017, Czech Television began to broadcast the monthly programme “Sousedé” (“Neighbour”) in Czech, which aims to provide an insight into the lives of national minorities in order to enhance general awareness.⁵⁹

102. Czech Radio broadcasts programmes in four minority languages: German (“Nachbarn”, 15 minutes once per week), Polish (“Kwadrans”, five editions per week of 25 minutes each, in the Ostrava area), Romani (“O Roma vakeren”, in Romani and Czech, three times per week, 85 minutes in total) and Slovak (“Stretnutie”, three times per week, 85 minutes in total). These programmes cover, *inter alia* cultural and social issues as well as news; in the case of the Roma programme, for example, reports about important dates in Roma history, the former concentration camp in Lety or Roma issues in pre-election debates. For other national minorities, Czech Radio broadcasts the new programme “Mezi námi” (once per week, 20 minutes), which covers mostly music and information about the minority and its traditions, current political issues and history.⁶⁰

103. During the Advisory Committee’s visit, representatives of national minorities expressed an interest in an extended presence in the broadcast media. For example, a dedicated Roma channel with Roma actors and Roma series could help to balance the picture portrayed of Roma in the media, according to Roma representatives. Furthermore, there is an increasing interest among national minorities to receive funding not only for print media, but also for audiovisual media, podcasts and websites.

104. The Advisory Committee reiterates that the possibility to receive information in a minority language is a precondition for equal and effective participation in public, economic, social and cultural life. In addition, it encourages self-identification of persons belonging to national minorities, including in censuses (see Article 3). In order to reach out to the national minority as a whole, media in minority languages should cover content from various genres, including local and national news, entertainment and culture, and address different generations. The

availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for those which are numerically smaller. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication. The regularity and duration of broadcasts and the publication intervals of print or online media in minority languages should be adequate to achieve the aforementioned objectives and contribute to the use and development of the minority language.⁶¹

105. The Advisory Committee notes that the new television programme “Sousedé” and the new radio programme “Mezi námi” have improved the access of national minorities to the broadcast media and welcomes their launch. Nevertheless, it observes that the programme “Sousedé” is broadcast too infrequently (monthly) and, being in Czech, does not grant individual national minorities their own time slot in their minority language. In its current format, “Sousedé” contributes mainly to raising awareness of the existence of national minorities in general, which has to be welcomed (see Article 6), but it does not provide for use of the respective minority languages. In addition, the Advisory Committee maintains its view that the duration of public radio programmes in German, Polish, Romani and Slovak is insufficient in terms of meeting the needs of the relatively high number of speakers of these minority languages, in particular considering the fact that there is hardly any private radio information available in minority languages.

106. Against this background, the Advisory Committee considers that the authorities should allocate to the German, Polish, Romani and Slovak minorities time slots for television programmes to be broadcast at regular intervals in their languages and extend the duration of the radio programmes in these languages. In addition to public broadcasting, private radio and television programmes in these minority languages could diversify the general media offer. As far as other national minorities are concerned, the Advisory Committee considers that the authorities should consult their representatives about existing needs regarding the creation of media in their languages.

107. Digital and social media offer considerable potential to make audiovisual productions and newspaper content available in minority languages at a lower cost than is incurred by traditional (including print) media and irrespective of broadcasting hours. Such media could complement the offer available in German, Polish, Romani and Slovak and facilitate the launch of media in less-widely used minority languages. The Advisory Committee

⁵⁶ Act No 231/2001 on the Operation of Television and Radio Broadcasting, Act No 483/1991 on Czech Television, Act No 484/1991 on Czech Radio and Act No 132/2010 on Audiovisual Media Services contain provisions relevant, *inter alia* for the content of broadcasts for and about national minorities (see under Article 6).

⁵⁷ Exchange rate of 18 January 2021 (rounded).

⁵⁸ See fifth state report, pp. 36-38.

⁵⁹ See fifth state report, p. 23.

⁶⁰ See fifth state report, p. 23.

⁶¹ See also Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev., paras. 40-41; Thematic Commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 69.

welcomes the openness shown by the Ministry of Culture to provide funding for “new” media.

108. The Advisory Committee strongly encourages the authorities to continuously evaluate the appropriateness of the offer in minority languages by public broadcasters, in particular television, in consultation with the national minorities.

109. The Advisory Committee encourages the authorities to extend funding to new digital media produced by national minorities.

Use of minority languages with administrative authorities and in public life (Article 10)

110. According to § 16 (4) of the Administrative Code, “[a] citizen of the Czech Republic belonging to a national minority that traditionally and for a long time lives in the territory of the Czech Republic has the right before the administrative body to make submissions and act in the language of his national minority.” If the administrative body does not have an official who can communicate in the minority language and the need for interpretation or translation arises, the related cost shall be borne by the authority. This right applies to national, regional and local authorities. In addition, § 16 (1) states this right explicitly with respect to the Slovak language.

111. In practice, the Polish language is used in dealings with local authorities located in the Frýdek-Místek/Frydek-Místek and Karviná/Karwina districts. The Advisory Committee has received no indication that there is a regular practice of using any other minority language in dealings with administrative authorities.

112. Since 2019, travel information at railway stations can be provided in the language of a national minority whose numbers in the municipality concerned make up at least 10% of the population according to the last two censuses.⁶² However, as in the case of topographical and administrative signage in minority languages (see under Article 11 (3)), it is necessary that this measure is requested by the representatives of the national minority through a local Committee for National Minorities and that the latter supports the request through a resolution, or that it is requested by an association representing the minority and which has been active in the municipality for at least five years. So far, this measure has been implemented regarding Polish. In 2020, the German minority applied for its application at one train station.

113. The Advisory Committee reiterates that one of the preconditions for the preservation of a minority language as an essential element of the identity of a national minority and its transmission is that the given language remains fully functional in all areas of daily life, including the field of administration.⁶³ Therefore, it is important that persons belonging to national minorities can effectively use their

minority language in relations with administrative authorities. To this effect, the authorities should take practical measures enabling the use of minority languages. The recruitment of civil servants mastering the minority language, including persons belonging to the national minority concerned, is also a way of promoting minority participation in public administration.⁶⁴

114. The Advisory Committee notes that the application of Article 10 (2) seems in practice to be limited to persons belonging to the Polish minority and the level of local authorities. Therefore, the Advisory Committee considers that the authorities should also take steps to facilitate the implementation of this provision regarding persons belonging to other national minorities. The measures required concern notably human resources management (identification of existing staff able to communicate in a minority language, language training, recruitment of linguistically qualified staff, including persons belonging to the national minority concerned), provision for translation and interpretation, and financial assistance. Furthermore, the authorities should carry out awareness-raising activities to make persons belonging to national minorities aware of the possibility to use their minority language, orally and in writing, in relations with authorities.

115. The Advisory Committee welcomes the new legal possibility to use minority languages at railway stations, which also contributes to the implementation of Article 11 (3). However, given the simple nature of the travel information provided (e.g. departure time or travel direction), the Advisory Committee considers that the procedure determining the municipalities in which this information should be provided in minority languages should be simplified so as not to discourage national minorities from making such a request. In addition to written information, the minority languages should also be used at railway stations orally.

116. The Advisory Committee calls on the authorities to facilitate the oral and written use of minority languages in contacts with administrative authorities for persons belonging to all national minorities, notably through practical measures enabling administrative authorities to use such languages and by raising awareness of this right among the national minorities.

Display of minority language signs and topographical indications (Article 11)

117. The conditions for the obligatory introduction of topographical indications in minority languages are defined in Section 29 (2) of the Act on Municipalities, which was amended in 2016. The name of the municipality, its districts, streets and other public spaces and the designation of state and local authority buildings is also given in the language of the national minority if at least 10% of the citizens of the municipality have declared their affiliation with this minority

⁶² Decree No 78/2017 of 3 March 2019.

⁶³ See Thematic Commentary No. 3. The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev., para. 56.

⁶⁴ See Thematic Commentary No. 2. Effective participation of persons belonging to national minorities in cultural, social and economic life and public affairs, adopted on 27 February 2008, para. 160.

in the last two censuses, and if requested by the representatives of this minority through a local Committee for National Minorities, and if the latter supports the request by a resolution, or if requested by an association representing the minority and which has been active in the municipality for at least five years. Compared to the previous legislation, such signage can now also be requested by a minority association. To require five years of activity of any such minority organisation in order to be allowed to request bilingual signage has been justified by the authorities by the fact that it guarantees an association's relationship to the municipality and avoids the deliberate formation of associations for this purpose. The national authorities provide financial support to the introduction of signage in minority languages.⁶⁵ A Czech municipality may also voluntarily introduce topographical indications in a minority language irrespective of the local proportion of persons belonging to a national minority or other conditions.

118. In practice, topographical indications in Polish exist in the Frýdek-Místek/Frydek-Místek and Karviná/Karwina districts where the Polish minority meets the 10% threshold in 30 municipalities. According to the information provided by representatives of the Polish minority, bilingual signs do not exist in all of these cases. On the other hand, there are also cases of voluntary use of Polish place names such as by the city of Karviná/Karwina.

119. Representatives of the Polish minority stated that some of its local associations had refrained from requesting topographical indications in Polish for fear of being perceived as "trouble-makers" and suffering disadvantages in other fields of minority protection. Furthermore, there had been cases of vandalism on signs in Polish. With regard to the 10% threshold, the minority representatives mentioned that, in some cases, local authorities had only considered the percentage of persons having declared Polish ethnicity alone, but had not added those having declared Polish and a second ethnicity (e.g. Czech-Polish). Moreover, several municipalities are so small that no local minority association or Committee for National Minorities exists to even make such a request. Representatives of the German minority stated that, its strong traditional presence in the Czech Republic notwithstanding, it presently reaches the 10% threshold in only two of a high number of municipalities traditionally inhabited by substantial numbers of persons belonging to the German minority. Until recently, the German minority had not requested topographical indications for fear of anti-German attitudes in the majority population, thereby not using the more favourable census findings of 2001. In 2020, the German minority for the first time requested such signage in the municipalities where it meets the 10% threshold in accordance with the last two censuses.⁶⁶ Furthermore, persons belonging to the Croatian minority do not reach 10% in the municipalities traditionally inhabited by them due to the resettlement of Croats in 1948. No other national minority reaches the threshold anywhere.

120. The Advisory Committee reiterates that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of local national minorities, conveying the message that a given territory is shared in harmony by different ethnic groups. If such indications depend on a threshold, the latter must not constitute a disproportionate obstacle with respect to certain minority languages, take due account of the specific conditions and consider the demographic structure of the area in question over a certain period.⁶⁷

121. The Advisory Committee in principle welcomes the introduction of an additional possibility to request the establishment of bilingual signs. While it is legitimate to establish procedures to determine the "sufficient demand for such indications", the procedure established by Czech legislation is overly burdensome and hampered by practical difficulties, such as the non-existence of either a Committee for National Minorities or a local association representing the interests of a specific minority for more than five years. The legislation should therefore be revised in order to facilitate a request for topographical indications in minority languages, including by an umbrella association. Moreover, given the hesitation of national minorities to request topographical indications for fear of disadvantages, the national authorities should actively support minorities if they want to make such requests and municipalities in the implementation.

122. Regarding the 10% threshold, the Advisory Committee considers that, although not excessively high from a comparative perspective, it still constitutes a considerable obstacle with respect to the numerically smaller minorities. In the calculation of this threshold, not only those who have indicated one ethnicity (e.g. Polish) but also those who have indicated a second one (e.g. Polish and Czech) should be systematically included. Furthermore, in addition to considering the size of a minority population over two censuses, authorities should interpret and apply legislation in a flexible manner without relying too strictly on the threshold requirement.⁶⁸ The Advisory Committee considers that municipalities should also be encouraged to voluntarily introduce topographical signage in a minority language in areas traditionally inhabited by national minorities even where the threshold cannot be met. Close consultations should be conducted between the authorities and representatives of minorities and the majority regarding the display of bilingual signs as a demonstration of the diverse character of the region, traditionally and at present.

123. The Advisory Committee calls on the authorities to actively support the practical implementation of the right to display topographical indications in minority languages where the legal requirements are met and to apply the 10% threshold in a flexible manner. In order to facilitate the application procedure, the authorities should revise the respective legislation with a view to increasing the

⁶⁵ See fifth state report, p. 40.

⁶⁶ Horská Kvilda/Innergefild, Měděnec/Kupferberg and Kryštofov v Hamry/Christophhammer. In the latter municipality, the German minority reached the 10% threshold according to the 2001 census, but missed it by one person in the 2011 census.

⁶⁷ See also Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev., paras. 65-67.

⁶⁸ See Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev., paras. 65-66.

authorities' responsibility to display topographical indications in these instances on their own initiative.

124. The Advisory Committee invites the authorities to encourage and financially support municipalities to voluntarily introduce topographical indications in minority languages.

Intercultural education, teacher training, teaching and learning materials (Article 12)

125. According to the authorities, measures are taken in the fields of education and research to raise awareness of the culture, history, languages and religion of national minorities. In the cross-curricular subjects "A Citizen in a Democratic Society" and "Multicultural Education", pupils are, *inter alia* acquainted with basic information on various ethnic and cultural groups living in the Czech Republic and Europe.⁶⁹ Relevant research is carried out at specialised universities (e.g. Law Faculty of Charles University of Prague) and at the Czech Academy of Sciences, including multi-annual projects and studies focusing on legal, historical, ethnological, sociological and demographic aspects of national minorities in the Czech Republic.⁷⁰

126. According to the Advisory Committee's interlocutors, the cross-curricular activities are not felt to have produced the desired effect. During the Advisory Committee's visit, representatives of the German and Polish minorities stated that curricula and teaching materials used in mainstream education and teacher training provide little information about these minorities despite their presence in the Czech territory for centuries. These impressions are confirmed by scientific studies.⁷¹ In some cases, there has been resistance from schools or parents against teaching about the history of national minorities. Furthermore, representatives of the Roma were of the view that pupils in mainstream education acquire insufficient knowledge about this minority and its history and contribution to the cultural heritage of the country. According to several minority representatives, there is a need to increase awareness raising in mainstream education in order to overcome deeply-rooted historical prejudices against some minorities and widespread lack of knowledge about national minorities in the Czech Republic in general. One way the authorities can achieve change is to produce new teaching materials where the history and the present situation and contributions of the national minorities to Czech society are portrayed.⁷² Such textbooks for all pupils are presently being developed

by the authorities about the Roma minority together with the Government Council for Roma Minority Affairs.

127. The Advisory Committee reiterates that the way national minorities are protected is a reflection of the degree of knowledge about and appreciation for them in the majority population. Awareness raising among the majority population about the national minorities is therefore of utmost importance. In mainstream education (mainly schools also attended by pupils from the majority population), this requires that curricula, teacher training and teaching materials provide basic, but concrete information about the national minorities, in particular by mentioning them individually and indicating the territories where they have been traditionally living, the basics of their history and culture, examples of their past and present contributions to the cultural heritage of the country and information about their present relations with the majority population. Teaching basic information about national minorities to pupils belonging to the majority population will enhance intercultural dialogue (see Article 6.1).⁷³

128. Detailed information should be provided in educational institutions run by national minorities and/or attended by pupils from national minorities and in the mainstream schools of the regions, where those minorities live. The teaching content and its presentation in teaching materials should be prepared in close co-operation with the national minorities, *inter alia* to ensure that historical and other sensitivities are presented in a mutually acceptable way. Critical thinking and the accommodation of multiple perspectives must be promoted in all efforts.⁷⁴

129. The Advisory Committee calls on the authorities to ensure, in close co-operation with the representatives of the national minorities, that curricula, teacher training and teaching materials in mainstream education provide concrete information about the history and culture of the national minorities as well as their contribution to Czech society, taking into account their respective sensitivities, promoting critical thinking and the accommodation of multiple perspectives in all efforts.

130. The Advisory Committee encourages the authorities to evaluate how new teaching and learning materials covering national minorities are used in schools and what effect they have on the attitudes of pupils in mainstream education.

⁶⁹ With regard to references to Roma in curricula and textbooks, see Council of Europe (ed.), *The Representation of Roma in European Curricula and Textbooks*, report commissioned by the Council of Europe to the Georg Eckert Institute for International Textbook Research in partnership with the Roma Education Fund, 2020, pp. 11, 14, 15, 17, 18.

⁷⁰ See fifth state report, p. 41.

⁷¹ See Zuzana Schreiberová/Taťjana Birešová/Karin Hoření: *Analýza stávající situace ve vyučování předmětů: dějepis, občanská nauka a český jazyk a literatura* (Analysis of the current situation in the teaching of subjects: history, civics and the Czech language and literature), Multikulturní centrum Praha, 2020.

⁷² See Recommendation CM/Rec(2020)2 of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials adopted by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers' Deputies.

⁷³ See Thematic Commentary No. 1, *Education under the Framework Convention for the Protection of National Minorities*, adopted on 2 March 2006, ACFC/25DOC(2006)002, p. 15.

⁷⁴ See Thematic Commentary No. 4, *The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities*, adopted on 27 May 2016, para. 60.

Effective access to education for Roma (Article 12)

131. As part of the measures employed aiming to execute the judgment of 2007 in the case of *D.H. and others v. the Czech Republic*⁷⁵ and in order to achieve inclusive education, the Czech Republic amended the Education Act in 2016, with the aim of transferring Roma pupils previously diagnosed as having a mild mental disability to mainstream schools. This amendment introduced new support for children and pupils with special educational needs. Pupils are assessed by a school counselling facility which may establish special educational needs resulting from health conditions, cultural environment or other living conditions of the student. This results in an individual education plan with adjusted outcomes only in those areas where this is considered necessary for the particular student. Pupils with such needs have the right to receive free support from a school, notably adjustments concerning methods and forms of teaching, assessment, teaching content, personal support, teaching materials as well as adjustments to the conditions for admission to secondary and vocational schools. Pupils are assigned to support classes only when their integration within a mainstream class is not feasible and subject to their parents' consent.⁷⁶ In lower secondary education (class years 6-9), such pupils continue with the individual education plan only after the application and written consent of parents.

132. Following the amendment to the Education Act, a review body was established for diagnostics. A student or his/her legal representative, the schools inspectorate or the children's social and legal protection authority now have the opportunity to turn to the National Institute for Education for a review of the report and recommendations for the education of pupils with special educational needs. The Equipping School Counselling Facilities with Diagnostic Instruments development programme allocated CZK 10 million/€372 717 in 2020 as compared to an average of CZK 2 million/€74 500⁷⁷ in the years from 2013 to 2016. The funded diagnostic tools aimed amongst others to improve the diagnostics of pupils from different lifestyle or cultural environments. Since 2015, the Ministry of Education has trained more than 3 000 teachers and school counselling staff on the practical implementation of the amendment to the Education Act.⁷⁸

133. Official estimates show that between 2016 and 2019, the proportion of Roma pupils receiving education under the Framework Educational Programme for Primary Education (mainstream education) rose from 85% in 2016 to 86.3% in 2019. Since 1 September 2020, primary education under the programme for pupils with mild mental disabilities⁷⁹ has been completely discontinued at all primary schools and pupils formerly attending this programme now receive education based on the "Framework Educational Programme for Primary Education with lower demands for learning outcomes because of mild mental disabilities". The proportion of Roma among all pupils receiving such education dropped from 26.2% in 2016 to 24.2% in 2019. The percentage of Roma pupils educated under this programme rose from 5.1% in 2016 to 10.5% in 2019. The overwhelming majority of Roma pupils educated under this programme (72.8% in 2019, a drop from 74.1% in 2016) are assigned to classes set up under Article 16(9) of the Education Act, meaning that their integration within a mainstream class is not considered to be feasible. The proportion of Roma in schools designated for pupils with moderate or severe mental disabilities has remained almost unchanged (1.9% in 2016 as compared to 1.8% in 2019).⁸⁰

134. The amended Education Act has also introduced a compulsory last year of pre-school education with effect from the academic year 2017/2018 and guarantees the placement of children in kindergarten from the age of three years old. When preparing the amendment, the Ministry of Education co-operated closely with organisations supporting Roma families. In the 2019/2020 academic year, 7 065 Roma children attended kindergarten. According to official estimates, the overwhelming majority of Roma children⁸¹ are now enrolled in compulsory pre-school education. During the Advisory Committee's visit, representatives of the ombudsperson nevertheless pointed out that additional efforts are necessary in order to also reach those Roma children who are still not enrolled in kindergarten.⁸² In order to identify obstacles to the implementation of compulsory pre-school education, the authorities have commissioned a three-year research project which aims to evaluate the

⁷⁵ In this judgment, the European Court of Human Rights found that the Czech Republic violated the European Convention on Human Rights by placing a disproportionate number of Roma pupils into "special schools" in which they were subjected to a limited curriculum, preventing them from accessing higher educational levels, and segregated from mainstream education. The execution of this judgment continues to be supervised by the Committee of Ministers of the Council of Europe (Judgment, Grand Chamber, in the case of *D.H. and others v. the Czech Republic*, application no. 57325/00, 13 November 2007).

⁷⁶ See fifth state report, p. 14.

⁷⁷ Exchange rate of 18 January 2021 (rounded).

⁷⁸ See fifth state report, p. 15.

⁷⁹ Framework educational programme for primary education – annex governing the education of pupils with mild mental disabilities.

⁸⁰ See Communication from the Czech authorities (07/10/2020) in the case of *D.H. AND OTHERS v. the Czech Republic* (Application No. 57325/00), DH-DD(2020)868, 7 October 2020, pp. 6-7.

⁸¹ The estimated number of Roma pupils in the first year of primary schools is 3,768 and the number of Roma children in the last pre-school year is 4,126; see Communication from the Czech authorities (07/10/2020) in the case of *D.H. AND OTHERS v. the Czech Republic* (Application No. 57325/00), DH-DD(2020)868, 7 October 2020, p. 9.

⁸² According to official estimates, the percentage of five-year-olds outside compulsory education is 2.4% on average; see Communication from the Czech authorities (07/10/2020) in the case of *D.H. AND OTHERS v. the Czech Republic* (Application No. 57325/00), DH-DD(2020)868, 7 October 2020, p. 8.

impact of the reform, taking particular account of socially excluded localities.⁸³

135. During the Advisory Committee's visit, representatives of the Roma minority raised concerns over the extent to which the education reform was communicated to pupils, parents and teachers. Moreover, they stated not to have been informed about the impact that the reform has shown and were disturbed by rumours that the government is planning to reduce the number of assistants assigned to pupils with special educational needs. In this context, the Council of Europe Commissioner for Human Rights called on the authorities to refrain from adopting legislation or policies liable to undermine the progress achieved.⁸⁴

136. In addition to the problem related to the placement of a disproportionate number of Roma pupils in practical schools, which the authorities are trying to handle through the inclusive education reform, Roma representatives pointed to the problem related to the segregation of Roma pupils in education due to them living in segregated housing areas. They demanded more investment and expert advice in order to increase the quality of education in such schools or eventually reach a better mixing of Roma with non-Roma pupils.

137. Roma representatives pointed out that during the Covid-19 pandemic, many Roma families had difficulties following remote education due to a lack of internet access and computers and that in many cases Roma associations rather than the authorities had to solve these problems.⁸⁵

138. The Advisory Committee reiterates that Roma pupils should not be separated from other non-Roma pupils in a discriminatory manner and that any segregation based on ethnic affiliation must be avoided. Segregated education, often of lower standard than that offered to other pupils, is one of the most extreme examples of the precarious position of Roma parents and pupils. The Advisory Committee has repeatedly criticised practices of segregation of Roma pupils and welcomes efforts to end such practices.⁸⁶

139. The Advisory Committee therefore welcomes the amendment to the Education Act as a step towards inclusive education and the effects it has had to increase the number of Roma pupils educated in mainstream education. Nevertheless, given that the proportion of Roma pupils educated in mainstream education/classes is increasing only slowly, the Advisory Committee considers that the authorities should comprehensively assess, in co-operation with representatives of the Roma minority, what adjustment measures should be taken to accelerate the implementation of the educational reform to reach the aim of inclusive

teaching of Roma with non-Roma pupils. It welcomes the establishment of a special expert forum, which, according to the authorities' information, also includes representatives of the Roma community.⁸⁷

140. Considering that a high percentage of Roma pupils receiving education under the "Framework Educational Programme for Primary Education with lower demands for learning outcomes because of mild mental disabilities" are placed in separate classes, it is important that diagnostic examinations are conducted in a manner that takes the individual background of the child into account and are repeated as necessary. The effect of the diagnostic tools should be evaluated and, if necessary, new tools developed with a view to showing, on a sound scientific basis, that the difficult social background of a child is not mistakenly considered as a mental disability. The close involvement of Roma representatives in the implementation and evaluation process would also improve the communication between authorities and Roma and further mutual trust.

141. The Advisory Committee further welcomes the introduction of compulsory pre-school education as a measure which prepares Roma children better for primary education and improves their prospects of a successful school career. It considers that the authorities should continue measures promoting the enrolment of Roma children in mainstream pre-school institutions among their families and that they should identify and eliminate the obstacles causing Roma children's absence from this level of education.

142. The Advisory Committee calls on the authorities to continuously evaluate the effects of the education reform, including whether the assessments by school counselling facilities reflect the educational needs of Roma pupils in a correct way and whether the aim of inclusive teaching of Roma with non-Roma pupils is reached.

143. The Advisory Committee calls on the authorities to continue, in co-operation with representatives of the Roma and the families concerned, taking measures to increase pre-school attendance by Roma children in mainstream institutions.

Teaching in and of minority languages (Article 14)

144. Education in Polish is available at all levels of education. In the Frýdek-Místek/Frydek-Mistek and Karviná/Karwina districts, 33 nursery schools (attended by 835 children) and 25 elementary schools (1 947 pupils) use Polish as a language of instruction. In addition, a secondary

⁸³ See Communication from the Czech authorities (07/10/2020) in the case of D.H. AND OTHERS v. the Czech Republic (Application No. 57325/00), DH-DD(2020)868, 7 October 2020, p. 9.

⁸⁴ See Communication from the Council of Europe Commissioner for Human Rights (22/10/2020) in the case of D.H. AND OTHERS v. the Czech Republic (Application No. 57325/00), DH-DD(2020)956, 2 November 2020, paras. 12, 23.

⁸⁵ See also European Union Agency for Fundamental Rights: Implications of COVID-19 pandemic on Roma and Travellers communities, Czechia, 15 June 2020; 'Czech Pirates criticize Govt report on education of Romani children for not reflecting COVID-19 impact and lack of access to distance learning', romea.cz, 5 January 2021.

⁸⁶ See Thematic Commentary No. 1, Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, ACFC/25DOC(2006)002, p. 21.

⁸⁷ See Communication from the Czech authorities (07/10/2020) in the case of D.H. AND OTHERS v. the Czech Republic (Application No. 57325/00), DH-DD(2020)868, 7 October 2020, p. 12.

school (312 pupils) and a secondary vocational school (41 pupils) in Český Těšín/Czeski Cieszyn teach in Polish. Several universities (Brno, Olomouc, Ostrava, Prague) focus on Polish studies. Textbooks in Polish are prepared by the Český Těšín/Czeski Cieszyn Pedagogical Centre.⁸⁸

145. The German minority has set up a school in Prague which teaches in German. In general public education, German is mainly taught as a (second) foreign language.⁸⁹ In ten primary schools (five of them in Prague), certain subjects are taught in German, with no continuity from kindergarten to secondary education.⁹⁰

146. Romani continues to be taught on a very limited scale in mainstream primary and secondary education, and it is not used in pre-school. The situation is better in higher education as Romani can be studied at several universities: Roma Studies and Integration of Roma in Special Education (both at Charles University of Prague), Romani (Masaryk University of Brno), Roma studies and Romani (University of Pardubice) and Fundamentals of Romological Studies (University of Ostrava).⁹¹

147. Other languages, namely Croatian, Bulgarian, Greek, Hungarian, Russian, Serbian, Slovakian and Ukrainian, are only taught at university level.⁹²

148. During the Advisory Committee's visit, the representatives of the Polish minority spoke of their satisfaction with the existing offer of education in Polish. Representatives of the German minority expressed their wish that schools in different cities provide for education in German as a minority language at pre-school, primary and secondary levels. Pilot projects implemented in Cheb and Jablonec nad Nisou should, according to the minority, be extended to additional cities inhabited by the German minority (Brno, Hlučín, Moravská Třebová, Opava). According to representatives of the Roma minority, the relatively low interest of parents in teaching of Romani persists and requires particular measures of encouragement with a view to increasing the number of Roma pupils learning Romani in mainstream education. The associations of other national minorities such as Greek and Ukrainian organise language courses with the financial assistance of the authorities or parents.

149. The Advisory Committee reiterates that one of the purposes of minority language education is to maintain or lead to a degree of fluency and literacy which enables the learner to use the language in public and private life and transmit it to the next generation. In order to achieve this

objective, the Advisory Committee encourages the inclusion of minority languages in the public school system and in the mandatory curriculum, including languages of numerically smaller minorities. Furthermore, in a given geographical area, continuity in access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher and adult education, must be ensured. Given that pre-school is the first level of regular education, the Advisory Committee underlines the importance of pre-school education for learning a minority language, especially when that language is not the main one used in the family. Moreover, it is essential that the authorities do not take a purely passive approach, but actively stimulate the demands for education in a minority language through awareness raising among parents and young people.⁹³

150. The Advisory Committee notes with satisfaction that an effective model of Polish minority language education, from pre-school to secondary school level, continues to function well, permitting pupils belonging to the Polish minority to receive instruction in Polish. Their number has remained by and large stable compared to the previous monitoring cycle. However, the Advisory Committee also observes that the Polish minority is the only minority in the Czech Republic which benefits from a comprehensive model of minority language education. In light of the demand expressed by the German minority, measures should be taken to extend the offer of education in German as a minority language in different areas inhabited by this minority, ensuring local continuity from pre-school to secondary education.⁹⁴ Apart from some progress in primary education, the situation of Romani in mainstream education has not improved since the last monitoring cycle. As far as the low interest of parents in teaching of Romani is concerned, the Advisory Committee considers that this attitude could change if the authorities would actually offer such teaching in relevant municipalities for those families who would like their children to learn one of the variants of Romani spoken in the Czech Republic and raise parents' confidence as to the considerable advantages for children of acquiring full literacy in Romani.⁹⁵

151. The Advisory Committee welcomes the support by the authorities to the organisation of informal teaching of languages used by numerically smaller national minorities, which should be pursued.⁹⁶ At the same time, the Advisory Committee notes that teaching minority languages only in informal education or at university level is unlikely to maintain these languages as living languages used by

⁸⁸ See fifth state report, p. 44.

⁸⁹ In 2017, a total of 331 224 pupils were taught German as a second language at elementary and secondary schools. See fifth state report, p. 45.

⁹⁰ See fifth state report, p. 45.

⁹¹ See fifth state report, p. 48.

⁹² See fifth state report, pp. 48-50.

⁹³ See Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev., paras. 71, 73-75; Thematic Commentary No. 1, Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, ACFC/25DOC(2006)002, p. 36.

⁹⁴ See Evaluation by the Committee of Experts of the European Charter for Regional or Minority Languages on the Implementation of the Recommendations for Immediate Action contained in the Committee of Experts' fourth evaluation report on the Czech Republic, MIN-LANG (2020) 7, para. 17; Recommendation CM/RecChL(2019)3 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Czech Republic (adopted on 19 June 2019).

⁹⁵ See Evaluation by the Committee of Experts, *ibidem*, para. 30, and Recommendation CM/RecChL(2019)3 of the Committee of Ministers.

⁹⁶ See Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev., para. 73.

persons belonging to national minorities. Therefore, the Advisory Committee considers that the authorities should consult representatives of national minorities as to whether there is demand for teaching in or of minority languages in mainstream education and, if so, offer such teaching. In such cases, the authorities should introduce a standard procedure for encouraging parents to enrol their children in existing minority language classes in their municipality or to request the setting up of such classes.

152. The Advisory Committee calls on the authorities to extend the offer of education in German as a minority language in different areas inhabited by the German minority, ensuring local continuity from pre-school to secondary education. Furthermore, the Advisory Committee calls on the authorities to examine, in co-operation with representatives of the Roma minority, ways of raising the interest in and, subsequently, extending the offer of Romani teaching in mainstream pre-school, primary and secondary education.

153. The Advisory Committee encourages the authorities to regularly consult representatives of all national minorities as to whether there is demand for teaching in or of minority languages in mainstream education and, if so, to offer such teaching and encourage parents to make use of it.

Effective participation in public affairs and decision-making processes (Article 15)

154. No new political parties or movements associating persons belonging to national minorities were established during the reporting period. The “Coexistencia” political movement of the Polish minority is represented in several local councils in the Frýdek-Místek/Frydek-Mistek and Karviná/Karwina districts. In addition, Roma have been elected as members of local councils. In the elections to the Chamber of Deputies in 2017, no national minority party or political movement stood. Persons belonging to national minorities were candidates for these elections for various parties, but were not elected.⁹⁷

155. At national level, there are two consultative bodies for persons belonging to national minorities: the Government Council for National Minorities and the Government Council for Roma Minority Affairs. At regional and local levels, participation of persons belonging to national minorities is mainly ensured by Committees for National Minorities.

156. The Government Council for National Minorities is a permanent advisory and initiative body which is composed of representatives of the national minorities and of ministries and other public bodies responsible for minority policies. It provides the main structure at national level for the dialogue between persons belonging to national minorities and the authorities and plays a key role in developing, implementing and monitoring minority policies. It covers matters relevant to the implementation of the Framework Convention and the

European Charter for Regional or Minority Languages, including discussions about the reports of the respective monitoring procedures. The Government Council has thematic working groups, for example on national minority broadcasting. During the period under review, it has been involved in several issues relevant to the Framework Convention, for example changes to legislation (e.g. concerning topographical signage, use of minority languages by the railway), policy measures (e.g. negotiations with Czech Radio and Czech Television on national minority broadcasting) and practical support (e.g. reconstruction of the Museum of Moravian Croats).⁹⁸

157. The Government Council for Roma Minority Affairs is the permanent advisory and initiative body on policies aiming at Roma integration and is equally composed of representatives of the national authorities and representatives of the Roma minority. The Government Council's office has elaborated the Roma Integration Strategy 2014-2020 and been mainly in charge of its implementation and monitoring, involving civil society through committees, working groups and meetings. The Government Council's office also acts as the National Contact Point for Roma Integration and has implemented projects supporting the involvement of Roma representatives in the implementation of the Roma Integration Strategy. Furthermore, the Agency for Social Inclusion involves Roma, through interviews and consultations of associations, in its current evaluation of the implementation of the Strategy to Combat Social Exclusion for 2016-2020 and its action plan.⁹⁹

158. As far as the municipality and regional levels are concerned, the legislation concerning the compulsory establishment of a Committee for National Minorities was amended in 2016. According to Section 117 (3) of the Act on Municipalities, a municipality where at least 10% of the citizens declared affiliation with a non-Czech ethnicity during the last two censuses can establish a committee if requested by an association representing a national minority and which has been active in the municipality for at least five years. It is sufficient if all local national minorities make up 10% together rather than each minority individually. Compared to the previous legislation, the establishment of a committee now also depends on a request by a minority association and the last two censuses are considered for the 10% threshold. For regions and the city of Prague, a threshold of 5% of the respective citizens applies.¹⁰⁰

159. At least half of the members of the Committee for National Minorities shall be persons belonging to national minorities, unless this condition cannot be met due to a lack of candidates. However, as confirmed in a judgement by the Supreme Administrative Court¹⁰¹, an association representing a national minority has no right to request that a member of this association or another person designated by it be a member of the committee.

⁹⁷ See fifth state report, p. 34.

⁹⁸ See fifth state report, pp. 51-52.

⁹⁹ See fifth state report, p. 9.

¹⁰⁰ See fifth state report, p. 17.

¹⁰¹ Ref. No 7 As 420/2017-36 of 13 February 2018.

160. In the monitoring period, a Committee for National Minorities was set up in about 50 municipalities, 10 of which set it up voluntarily (i.e. without having been obliged to do so under the law). However, in 30 municipalities where a committee should have been established in accordance with the law none was set up. Some municipalities voluntarily established other bodies dealing with matters relating to national minorities (e.g. councils, commissions, community planning working groups, advisers).¹⁰² Committees for National Minorities were also established at regional level (based on the law or voluntary), as were working groups. Furthermore, the Act on the Regions foresees a Regional Co-ordinator for Roma Affairs on a permanent basis.¹⁰³

161. During the Advisory Committee's visit to the Czech Republic, most minority representatives expressed general appreciation for the work of the Government Council for National Minorities and the Government Council for Roma Minority Affairs. Nevertheless, representatives of the Roma pointed out that on some issues concerning them their influence was still too limited. For example, they felt to have had very little influence in the initial drafting of the Strategy of Roma Integration 2021-2030, which has not been approved by the Roma. A new proposal for the strategy has subsequently been prepared by the Government Council for Roma Minority Affairs with the active involvement of many Roma representatives who were able to influence its content. Therefore, Roma representatives see the adoption of this strategy by the government as a test for the possibilities of the Roma to influence their own situation.

162. As far as the local and regional levels are concerned, the Advisory Committee was informed that some Committees for National Minorities are involved in organising cultural activities for national minorities. However, according to the interlocutors, the committees meet too infrequently and do not discuss a broad enough range of topics relevant to minority protection (e.g. intolerance regarding minorities in society). According to Roma representatives, there is no support from politicians at local level for action to improve the situation of the Roma as such action would negatively affect the support for them from the majority population. There were also concerns raised in relation to the transparency of fund allocation.

163. The Advisory Committee reiterates that it is not sufficient for states parties to formally provide for the participation of persons belonging to national minorities. They should also ensure that their participation has a substantial influence on decisions which are taken, and that there is, as far as possible, a shared ownership of the decisions taken. States parties should therefore establish consultation bodies entrenched in the legislation or, at a minimum, identify contact points for minority issues within public services. In addition, it is important to ensure that the work of the consultation bodies adequately reflects the actual needs of persons belonging to national minorities. The work of consultative bodies must also be of a regular and permanent nature and the meetings of these bodies be convened frequently.¹⁰⁴

164. The Advisory Committee observes that the Government Council for National Minorities and the Government Council for Roma Minority Affairs facilitate regular contacts considerably between the national authorities and the representatives of the national minorities at central state level. It further notes that the thematic working groups of the Government Council for National Minorities have made important contributions to the development of minority protection. The establishment of a working group dealing on a permanent basis with the implementation of the Framework Convention and the monitoring recommendations could enhance coherence between national policies, legislation and obligations under international law.

165. With regard to the Roma minority, the Advisory Committee welcomes that many Roma representatives were involved in the drafting of a new proposal of the Strategy of Roma Integration 2021-2030 and have had an effective influence on its content. The Advisory Committee considers it very important that the new strategy reflects the input made by the Roma representatives and foresees clear indicators in the related action plans permitting the monitoring and evaluation of its impact. The Advisory Committee further welcomes that the Agency for Social Inclusion, in its evaluation of the implementation of the Strategy to Combat Social Exclusion for 2016-2020, has intensified the involvement of Roma representatives compared to the practice concerning the Strategy to Combat Social Exclusion for 2011-2015.

166. As far as the local and regional levels are concerned, the Advisory Committee considers that the Committees for National Minorities do not seem to play an effective role in designing, implementing and monitoring minority policies. In order to ensure the consultation of persons belonging to national minorities, Committees for National Minorities or, where more appropriate, special representatives for minority issues should be automatically appointed in municipalities and regions where a sufficient number of persons belonging to national minorities resides, without the need for minority associations to request their establishment. Furthermore, the authorities and the representatives of the national minorities should review the working methods of the Committees for National Minorities (or alternative structures) so as to make sure that they meet frequently, cover issues of relevance to national minorities, and initiate and monitor the implementation of minority legislation and policies at local and regional levels, including matters relating to the implementation of the Framework Convention and the recommendations of its monitoring mechanism.

167. The Advisory Committee urges the authorities to adopt without delay and implement the Strategy of Roma Integration 2021-2030, in close consultation with representatives of the Roma. The related action plans should include clear indicators permitting the monitoring and evaluation of the impact.

¹⁰² See fifth state report, p. 18.

¹⁰³ See fifth state report, p. 19.

¹⁰⁴ See Thematic Commentary No. 2, Effective participation of persons belonging to national minorities in cultural, social and economic life and public affairs, adopted on 27 February 2008, paras. 19, 71, 103, 107, 117.

168. The Advisory Committee calls on the authorities to ensure the effective participation of representatives of national minorities in public affairs at local level by establishing Committees for National Minorities in municipalities and regions where a sufficient number of persons belonging to national minorities resides and to review, in consultation with representatives of the national minorities, the functioning of such committees.

Effective participation in socio-economic life/ access to housing (Article 15)

169. As far as housing is concerned, a Social Housing Bill proposed in September 2016 was very positively received by NGOs, such as the Platform for Social Housing, and could have addressed the housing situation of many Roma living in socially excluded environments as well as the issue of institutionalisation of children due to their poor living conditions. However, the bill was significantly amended in early 2017¹⁰⁵ and eventually not approved by the Chamber of Deputies.¹⁰⁶ The authorities have implemented grant programmes¹⁰⁷ intended for non-governmental non-profit organisations to improve the living conditions of Roma, in particular to move residents of “residential hostels” to adequate social housing. 534 people have benefitted from these measures. Nevertheless, the authorities acknowledge indications of continued discrimination of Roma in the housing market. In the monitoring period, field workers dealt with about 458 cases of alleged discrimination, where Roma faced insufficient availability of vacant flats, high (refundable) deposits and excessive rents, or the unwillingness of landlords to rent flats to Roma families.¹⁰⁸

170. Roma organisations have criticised local authorities for adopting measures that coerce Roma into moving away. According to them, some municipalities have closed accommodation facilities inhabited by socially excluded Roma or stopped new payments of state housing benefits in certain parts of their territories. The Agency for Social Inclusion has discouraged municipalities from declaring such zones. In 2018, the Ministry of the Interior carried out an assessment of local governments’ rules on municipal housing provision and offered methodological guidance to the municipalities where discriminatory rules were found. The assessment was carried out as part of the Strategy to Combat Social Exclusion for 2016-2020. Considering such measures, Roma representatives report that in a number of municipalities attitudes are changing and implementation of social inclusion policies has been continually improving during recent years.¹⁰⁹

171. The Advisory Committee reiterates that the placement of Roma in housing units outside the main residential areas increases the isolation of the Roma and contributes to the stigmatisation of this minority. States

parties should remove barriers which prevent persons belonging to national minorities from having equal access to public services such as social housing.¹¹⁰

172. The Advisory Committee notes with regret that only a limited number of Roma have moved from “residential hostels” to adequate social housing and that, despite some progress, many Roma still live in substandard living conditions and suffer discrimination in the housing market. It therefore considers that the authorities should continue to take steps to improve the living conditions of the Roma and to decrease their segregation in marginalised communities, which is also a precondition for improving prospects for employment and access to mainstream education.

173. The Advisory Committee calls on the authorities to intensify their efforts to prevent and combat all forms of inequality affecting the Roma in access to housing.

Bilateral and multilateral co-operation (Articles 17 and 18)

174. Persons belonging to national minorities in the Czech Republic have the right to establish contacts across borders as well as to participate in activities of national or international non-governmental organisations. The Czech Republic takes measures protecting national minorities both in the framework of bilateral agreements and cross-border co-operation.

175. As far as the Polish minority is concerned, the Český Těšín/Czeski Cieszyn Pedagogical Centre is active in Czech-Polish cross-border co-operation, for example in projects improving the language competences in Polish and Czech respectively and raising awareness of the other culture. In addition, it co-ordinates the activities of the Czech-Polish textbook working group, which advises on how to overcome mutual Czech-Polish stereotypes especially in the teaching of social sciences, history and literature.

176. In accordance with the Czech-German Treaty on Good Neighbourhood, the Czech authorities advise municipalities on the preservation of German graves.

177. The Slovak minority participates actively in cultural activities organised every year throughout the Czech Republic in the framework of the “Month of Czech and Slovak Cultural Reciprocity”.

178. In 2017, members of the Czech Government Council for National Minorities held a meeting with the Council of National Minorities of the Chamber of Deputies of Bosnia and Herzegovina, where, *inter alia* Czech, German, Hungarian, Polish, Roma, Ruthenian, Slovakian and Ukrainian minorities reside. The aim of the meeting was to hold an exchange of experiences about the work of both

¹⁰⁵ European Roma Rights Centre: Parallel Report by the European Roma Rights Centre Concerning the Czech Republic to the Human Rights Council, within its Universal Periodic Review, for consideration at the 28th Session (6-17 November 2017), p. 7.

¹⁰⁶ See fifth state report, p. 10.

¹⁰⁷ “Fieldwork Support”, “Prevention of Social Exclusion and Community Work”.

¹⁰⁸ See fifth state report, p. 8.

¹⁰⁹ See Civil society monitoring report on implementation of the national Roma integration strategy in the Czech Republic, European Commission, Brussels 2020, pp. 23-25.

¹¹⁰ Thematic Commentary No. 2. Effective participation of persons belonging to national minorities in cultural, social and economic life and public affairs, adopted on 27 February 2008, paras. 19, 26.

institutions and the situation of national minorities in the two countries.

179. The Advisory Committee reiterates that the co-operation of a state party with the “kin-states” of the national minorities residing in its territory can effectively complement the protection measures it takes at national level and support the development of the infrastructure of national minorities, for example in fields such as the production of teaching materials. Therefore, the Advisory Committee welcomes the measures which the Czech Republic takes to protect national minorities in the framework of bilateral agreements and cross-border co-operation.

180. The Advisory Committee encourages the authorities to continue their co-operation with neighbouring countries for the benefit of persons belonging to national minorities.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, which was adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in English, French, Czech, Croatian, German, Polish, Romani and Slovakian.

This opinion contains the evaluation of the Advisory Committee following its 5th country visit to the Czech Republic.

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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