FACT SHEET ON
THE SITUATION OF ROMA
IN THE CZECH REPUBLIC

March, 2015
The European Roma and Travellers Forum (ERTF), which is the most representative Roma organization in Europe, is active in pushing for improvements in the living conditions of the Roma and in combating racial discrimination. The ERTF has a partnership agreement with the Council of Europe, which provides it with a political dimension and a privileged relationship with the various organs of the Organisation. It addresses governments, intergovernmental organisations, political groups, companies and other non-state actors. It seeks to disclose discrimination of Roma accurately, quickly and persistently. It researches the facts relating to individual cases and patterns of human rights abuse. These findings are publicized, and members, supporters and staff mobilize public pressure on governments and others to stop the abuses.

The ERTF and its members are committed to the aim of achieving equal rights and equal opportunities for Roma in Europe as well as increasing political participation. The ERTF takes an active role in the fight against discrimination (anti-Gypsyism) and for the full realisation of human rights.
GENERAL DESCRIPTION

As many reports have already pointed out, the situation of Roma people in the Czech Republic is still extremely worrying. It is one of their most urgent social and human rights problems as they suffer multiple discriminations and are systematically cast away from the majority society. They suffer from high levels of poverty, unemployment and illiteracy and face varying levels of discrimination in education, employment, healthcare and housing. It is estimated that 80 to 100 000 Roma are socially excluded. Despite the existence of legal provisions against discrimination and racist violence, Roma people still suffer this plague in the Czech Republic. There is still work to be done in this country to achieve equality in law and a de facto equality for Roma people.

EXISTENCE OF LEGAL PROVISIONS

International instruments
The Czech Republic has ratified all the instruments for combating discrimination of the two main international human rights systems:

**United Nations (UN):**
- UNESCO Convention against Discrimination in Education;
- ILO Convention No. 111;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Social and Cultural Rights (ICESCR).

**Council of Europe (CoE):**
- European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) but has not ratified the Protocol No 12 of the ECHR which stands for general prohibition of discrimination;
- Framework Convention for the protection on National Minorities and the European;
- Charter for the regional and minority languages;

In 2004 the Czech Republic became a member of the European Union (EU), and in 2009 under the Lisbon Treaty, became Party to the EU Charter of Fundamental Rights and Freedoms. In virtue of the EU Framework for the development of National Strategies for Roma Integration (NRIS), the Czech Republic has set up the Concept for Roma Integration 2010–2013. The new Romani Integration Strategy to 2020 was adopted on 23 February 2015. The Czech Republic is among the twelve countries taking part in the Roma Decade 2005–2015. They have unanimously agreed to extend the initiative.

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National provisions

- Czech Constitution which refers to the Charter of Fundamental Rights and Freedoms of the Czech Republic as part of the constitutional provisions;
- Law No. 198/2009 “Anti-discrimination Law” which provides for definitions of discrimination, including harassment, indirect discrimination and victimisation, on seven grounds: racial/ethnic origin, sex, disability, sexual orientation, age and religion or belief\(^2\). It establishes the Public Defender of Rights (Ombudsman) as the Czech Republic’s anti-discrimination body;
- Criminal Code sets penalties for crimes relating to racial discrimination and discrimination on the grounds of religion or belief, covering only the most serious cases.

Limitations: The Czech Ombudsman is independent and has very proactive approach. However, financial and personal capacities allow it to perform only very limited activities and do not allow them to fully fulfil their role. The Ombudsman is not entitled to provide representation of victims before courts. They can only evaluate the case, whether there is discrimination or not, and provide the victim with recommendations whether there is a chance to be successful before the Czech courts. Even in cases where the Ombudsman recommended that a complaint be lodged with, the victims most often did not use this possibility.

DISCRIMINATIONS AND SOCIAL EXCLUSION

EDUCATION

Segregation in “practical school”: Seven years after the landmark case DH and others v. Czech Republic\(^3\), discrimination and segregation of Roma children in Czech schools continues. “Special” schools have become “practical” schools and the problems persist. Roma children are still being educated according to curriculum for children with “light mental disability”, and the statistics remain the same. The corollary of that phenomenon is that Roma children have very little opportunity to continue to a higher level of education, which badly affects their job prospects. In 2012, the Public Defender of Rights affirmed that 35% of the pupils in practical schools were Romani. In 2013, the Czech School inspection reported 28% of Roma. According to this number, Roma suffer from mild mental disability which is 10 times the usual rate in the rest of the population. Yet opinions favouring special schools remain widespread in the public debate.

Positive developments: An amendment to the Schools Act was passed concerning pupils with special educational needs on 13 February 2015. The Czech lower house managed to agree on the removal of a paragraph which posed a risk that children without mental disability would continue to be enrolled into practical schools. This bill is a first step towards the reform of Czech schools and inclusive education.

Limited impact of public support programmes for Romani pupils and students: There are some governmental programmes targeting Roma children and students so as to improve their educational background. The Programme for Support of Roma integration provides for early care for Roma children from socially disadvantaged environment so as to ensure their education within the mainstream system. The Support of Socially disadvantaged Roma students at secondary schools programme granted scholarship to 1280 Roma students in 2013. Finally, the Funding of Assistant Teachers for Socially Disadvantaged Children, Pupils and Students established the creation of new assistant positions. Although these initiatives should be encouraged, it must be admitted that they are only of limited scope. The insufficient training of teachers working with Romani children has been stressed by the civil society. Finally, we can also point at the fact that the Multicultural education programme which is the curricular reform aiming at preventing socio-pathological phenomena such as xenophobia, racism, anti-Semitism, does not include anti-Gypsyism.

Lack of inclusion of Roma culture in curriculum: The Advisory Committee of the Framework Convention for the protection of National Minorities has already pointed out that the Romani language is only taught as a subject in some secondary schools. In fact the Romani language is not the only theme of academic exclusion: Roma history, especially the Holocaust of Roma, should be included in history curriculum at school so as to improve the knowledge and recognition of Roma as part of Europe throughout history and particularly during its darkest hours.

\(^2\) The bill was drafted the EU directive 2000/43/EC Race Equality
\(^3\) Case of DH v. Czech Republic (GC), 57325/00, 13/11/2007, European Court of Human Rights
EMPLOYMENT
Roma face high level of discriminations in the field of employment. In some communities, the unemployment rate reaches 80 to 100%. The main reason is the lack of education within the Roma population. Yet no policy measure targeting Roma was implemented.

Discriminatory practices of employers: In a European Commission survey of 2012, more than 60% of the Czech Roma respondents said that they have experienced discrimination because they are Roma when looking for work ⁴. As the European Roma Rights Centre stated, discrimination is not widely acknowledged as a major factor behind Romani unemployment, and when the issue is raised there is often strong resistance to discuss the subject or denial that the problem is sufficiently severe to demand attention. The Ombudsman often receives complaints of discrimination in access to employment due to the ethnic origin submitted from Roma individuals. Yet the racial motive turns to be difficult to prove.

Positive development: the DONEZ system – the reporting system of unemployed people for combating illegal work – was abandoned in 2013. While active, it impacted largely on Roma preventing them from conducting illegal work which is – unfortunately – a vital resource of revenue for many Roma families and in alleged cases, excluding them from employment benefit.

HEALTH
Roma health status is inferior compared to non-Roma. When taking into account two basic health indicators, the difference is striking: Roma life expectancy is ten years lower than the general population and Roma infant mortality rate is at least twice as high as the national average ⁵. The main reasons are the lack of adequate governmental policies, the high level of poverty, but also the social exclusion of the community in general. Very often, this gap in health status is linked to their poor living conditions: lack of hygiene and access to water, overcrowding in flats, no private bathrooms.

Poorer health status: There is a lack of available data on Roma health. Self-reported incidence/prevalence of chronic diseases such as headache or migraine, depression, respiratory problems and diabetes are higher than in the general population. Prevalence of Tuberculosis amongst Roma is approximately ten times higher than in the non-Roma population. Infectious diseases, in particular hepatitis and bacillary dysentery, have spread among Romani populations because of bad living conditions ⁶. In an overall assessment of the incidence of Hepatitis A, an estimated 30 % of all cases reported in the country in 2009 involved Roma. In 2010, poor sanitary conditions were the cause of a high incidence of Type A hepatitis in certain Roma communities in the Czech Republic ⁷. Those most affected were the Romani populations with over 50 % of all reported cases of Hepatitis A involving Roma ⁸. The situation was so serious that it required the intervention of the Chief Public Health Officer of the Czech Republic. As a result of social exclusion, addictive substance use, such as alcohol, hard or soft drugs and tobacco, is more widespread among the Roma community.

Hindered accessibility to healthcare: Access to healthcare is refrained by several administrative obstacles such as subscribing to a health insurance which is compulsory in the Czech Republic or registering with a doctor. In the latter case, discriminatory practices have been identified as some doctors refuse Roma patients on the ground of their ethnicity. The Public Defender of Rights has found discrimination in the failure to provide healthcare due to the ethnic origin. Access to healthcare is even worse in smaller rural localities because of the physical exclusion. The economic accessibility has been recently put into question concerning the Czech healthcare system as general reduction of various social support has been introduced since 2008. A growing number of Roma report they could not afford anymore to purchase the medicines prescribed or needed.

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⁸ ERTF complaint against the Czech Republic to the European Committee of Social Rights No 104/2014
**Insufficient medical aid programme:** In its progress report for the Roma Decade 2005-2015, the Czech Republic presented the Medical and Social Aid programme set up in 2006 establishing health assistants. Yet, the implementation has not gone beyond pilot schemes with very limited scope. In 2011 only nine medical/social assistants were active in the Czech Republic, and in 2012, they were only seven. Furthermore, in its progress report, the government of the Czech Republic admitted that education programmes for medical staff have proven to be relatively efficient in overcoming the barriers in both ways but that their number is still very low.

**Positive development: compensation of the Roma women victims of sterilisation without their consent:** In 2004 the European Roma Rights Centre expressed suspicions that women were being forcibly sterilized in the Czech Republic, primarily Romani women. Dozens of women then complained to the Ombudsman and some also turned to the courts. In 2009 the Czech government apologized for the illegal surgeries. After having officially recognized the phenomenon and adopted a new model for informed consent to sterilization, the government has looked for a way to award compensation to the victims. Yet, the act was postponed for several years. But despite the delay, the victims of illegal sterilizations could be compensated to the tune of CZK 300 000 (EUR 10 000) in the coming years. The law is expected to be drafted by the end of 2015 and take effect in mid-2016. According to estimates by the Czech Government Committee against Torture, as many as 1 000 women could be entitled to compensation.

**HOUSING**

Large numbers of Roma in the Czech Republic today live segregated from non-Roma, in violation of international human rights norms banning racial segregation. The right to housing for Roma or other minorities is not specifically dealt with in the Czech Republic. Nevertheless, we can state that Roma are the most vulnerable group in regard to inadequate housing, partly because of direct or indirect discrimination and partly because of their predominantly low economic status.

**Systemic discriminations in the housing market:** Roma face systemic violations in the field of housing. The Ombudsman's 2013 report has shown that it was the largest issue for which Roma turn to her. Living in harsh economic conditions, they generally cannot **either afford to access property, nor to rent a standard apartment** because of certain administrative requirements such as the payment of a deposit. The current system of state housing subsidies does not facilitate access to the housing market for many vulnerable Romani families. Moreover many landlords resort to discriminatory practices refusing to lease to Roma people because of their ethnicity.

**Lack of social housing legislation and instruments:** Social housing programmes are almost non-existent, and municipalities do not receive funding from the government for this purpose. Municipalities do not have enough resources to build and create adequate living conditions for all the socially vulnerable. With no legal development in the social housing field, little has changed for the Roma. We can even infer that the situation has worsened in many cases. Indeed there is increasing segregation of Roma in marginalised communities. The problem is that there is no coordinated policy to engage in de-segregation.

**Residential hotels and “trafficking in poverty”:** In many communities the only available premises are low-quality, overpriced residential hostels, and this leads to residential segregation. Tenants in this kind of housing also enjoy a lower level of legal protection. This type of housing is usually based on short-term contracts with the possibility of immediate termination. The allocation of housing subsidies for tenancy in such accommodation is at the discretion of the local authorities, and this money is most often paid directly to the landlords of the residential hostels. The state support is calculated as a proportion of the rent, depending on the subjective assessment of a local official, and there is currently no limit on the amount of rent that can be charged. Residential hotels operators collect exorbitant rents and abuse state housing benefits from the socially vulnerable.
The rent is collected by person and is not based on the amount of place. Owners are hence able to make more money renting one room to a family with shared bathrooms than a normal apartment. It leads to indecent conditions of living, which have multiple negative consequences on Roma inclusion.

**Positive development:** an amendment to the welfare legislation passed on 1st January 2015 aiming at preventing unlawful practices and at restricting “trafficking in poverty” by residential hotels’ owners. Nonetheless, the bill is seen as controversial for NGOs as it has hard-to-predict consequences: the main question is the possibility that owners will go out of business with the amendment.

**Forced evictions:** new Civil Code worsening the phenomenon: A new Civil Code came into force on 1st January 2014. It significantly restricts the rights of the tenants. For example, renting contract terminations do not have to be reviewed by courts anymore; hence it will remain up to a tenant to file a law suit in all termination cases. The notice period can be skipped should the tenant break his/her obligations in a “specifically serious way”, namely failure to pay rent for a three-month period. The provision compelling owners wishing to terminate a contract to provide equivalent alternative housing was entirely abandoned. Finally, the maximal deposit has been raised from three times the monthly rent to six times the monthly rent. The question at stake is the legal uncertainty that Roma communities have to face in housing. Yet, it is important to note that eviction is a responsibility of the public authorities, not of private owners, and the authorities have to respect the legal criteria for issuing eviction orders. Recent court decisions show that public authorities cannot arbitrarily evict people from their homes.

**PUBLIC PARTICIPATION**

A major difficulty for the Roma community is their lack of participation in the decision-making process in the Czech Republic.

**(Self)Identification in rampant anti-Gypsyism:** The ambient racism has questioned the identity of Roma. It is difficult to identify as member of a minority when the latter is viewed negatively by the majority. The prospect of participation of Roma in the political process has been severely damaged by the spreading idea of alienation: the domestic agenda is understood by the majority as being eminently their own, therefore considering Roma-targeted policies as unfair privileges which would deprive “Czech” (majority) citizens from social or economic benefits.

**Lack of political participation:** A real gap in the political consciousness seems to be ingrained in Roma individuals. The municipal election in north-Brno of 2014 illustrates the malaise in political behavior regarding Roma voters. The Brno Regional Court invalidated the election of Mayor Rostislav Hakl in November 2014 because dozens of Roma voted for him in exchange of a free ticket to a banquet. Yet the Constitutional Court overruled this decision in January 2015, considering the fact that the party was given by a supporter of Hakl and not a member of his party – CSSD (Czech Social Democrat party). The Roma entrepreneur who organized the party did not hide his intention to encourage Roma people vote for Hakl, judging that he was the candidate with the best inclinations towards the Roma community. According to the Constitutional Court, what happened was not so different from an ordinary election campaign. But this paternalism – more than corruption – reflects the lack of participation of Roma in politics, including locally: without this promise, they might have not participated at all, and in any way they might have not taken their own interest into account. It clearly depicts a lack of civic education of the Roma population in the Czech Republic. Between 25 000 and 40 000 Roma live in Ostrava, and about 6000 of them live in excluded localities. Yet, the members of the Romani Council were elected by a total of 132 Romani voters during the election of February 2015. We can therefore question whether such elections are the optimal tool for activating Romani people and increasing their influence in public affairs.

**Positive development:** rise of pro-Romani actions and NGOS. Counter-protests against extremist and anti-Roma demonstrations – in which both Roma and non-Roma take part – have gained in support. We can mention “Platformu Blokujeme!” (Platform to block the marches) and Konexe, which attempt at protecting local Roma population against racist mobs and building bridges and mutual understanding between Roma and non-Roma.

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1 Civil Code No. 89/2012
GENDER EQUALITY

In a general overview, the situation of Roma women in core areas of social life, that is to say education, employment, housing and health, is worse in comparison with Roma men. As the Agency for Fundamental Rights (FRA) documented, Roma women are even more subject to marginalisation than their fellow men. In addition, Czech Roma women have been reported to be less aware of their rights, especially concerning anti-discrimination legislation.

Multiple discriminations: Roma women undergo multiple discriminations: because of their Roma origin but also because of their sex, inside and outside the community. It is particularly relevant to note the gender-specific issues that Roma women have to face in access to health for example. The numerous cases of sterilization of Roma women without their consent illustrate these specific and intertwined discriminations. Moreover, Roma women have a similar risk to encounter issues such as domestic violence or single parenting, but the situation of social exclusion worsens the consequences.

Early marriage: There is no data available on this particular phenomenon in the Czech Republic. However, the report made by the FRA showed an overall 2% of Roma girls aged 10-15 who are “traditionally married” and 16% of Roma girls aged 16-17 in the 11 EU Member States. Even if early marriage among Roma takes place to a much lesser degree than 10 or 20 years ago. It is doubtful whether such practice has died out.

Positive development: Manusche project: The Roma Spirit prize 2014 was awarded to the Slovo 21 association primarily for its women’s group project, Manushe, which is the only project in the Czech Republic working to empower Romani women. Active since 2000, Manusche's motto is “Education, Self-confidence and Emancipation”. It gathers 170 men and women and is member of the Czech Women’s Lobby and the European Women’s Lobby. It has developed a programme of political training of Roma women, and has successfully presented three graduates as candidates for the municipal elections of 2006. One of them, Lucy Horvathova was even the leader of the Green Party in Pardubice region in the 2010 municipal elections. Manusche also proposes summer school to promote gender equality within the Roma community, as well as workshops for Roma women to strengthen their position in the Roma community. They have also set up a programme to promote employment of Roma women.

Finally, the new National Strategy for Roma Inclusion plans to integrate a more gender-sensitive approach, so as to better address Roma women's specific issues.

RACIST VIOLENCE AND ANTI-GYPSYISM

RACISM IN PUBLIC DISCOURSE

Hate speech against Roma has become an increasing regular feature of the public discourse. Henceforth anti-Roma statements and slogans are part of the election campaigns and are widely tolerated. It is all the more problematic that the propagation and reinforcement of negative stereotypes about Roma do not only come from far-right-wing political parties but also from political leaders of mainstream parties, therefore enhancing the acceptance of hate speech as part of the public life. This regrettable permissiveness is also linked to the idea that Roma are entirely responsible for the attitude towards them.

Absence of unequivocal condemnation: In 2008, the National Party, far-right political party, published a study entitled “The final solution to the Gypsy question in the Czech lands” which proposed to relocate the Roma in India. It aroused mixed reaction, mainly negative. Yet no legal proceedings were launched, as the police declared that these statements are not against the law. Also in 2008 the Senate Committee refused to waive the parliamentary privilege of senator Janackova in order to allow her prosecution on charge of hate speech. It is worrying that there is no strong criticism of such behaviour because it conveys the impression that racism against Roma does not matter.

RACISM IN THE MEDIA AND ON THE INTERNET
Negative stereotypes of Roma have been reported to be widespread in media.

Tabloid press: spreading negative stereotypes: Most of the time, Roma people are associated with delinquency, crime, theft, idleness... A report on the image of Roma in the Czech media in 2013 made by Romea shows that although there are more and more positive reports about Roma, notably on their culture, reports on Roma remain correlated to specific incidents involving Roma. The most negatively-phrased news items about Roma concerned crimes and social problems. The ethnicity of alleged perpetrators is frequently reported even when there is no obvious need to.

On the internet: rise of far-right websites: Several news servers have been reported to publish highly defamatory and racist articles: IDNEZ.cz with an article entitled "'When I grow up, I want to be on welfare', wish poor children from the Romani ghettos", Blesk for similar practices and Protiproud in 2015 for an article reminiscent of a manual for the segregation of ethnic minorities by Nazi ideologues and one describing Roma children as a “Gypsy bomb” which will cause grave damages to children belonging to the majority population. The related problem is that these articles gave place to harsh criticism of Roma on the internet, leading to hate speech. Once again, it is regrettable to no legal proceedings have been launched against the news server for incitement to hatred.

RACIST CRIMES AND ANTI-ROMA MARCHES: FROM RIGHT-WING EXTREMISM TO “NORMAL” SOCIETY

The most serious violent racist crimes are against individuals belonging to the Roma community. Yet NGOs report that the number of racist crimes might be significantly higher than recorded because many Roma refrain from filing suit because of their lack of trust in the police.

Right-wing extremist perpetrating racist crimes: Racist crimes are mainly perpetrated by right-wing extremist groups and Neo-Nazis which are on the rise. In addition to the organization of typical events such as concerts, the extremist groups have developed sophisticated strategies to avoid prosecution and are more and more interested in participating and organizing political events. There has been a significant intensification of their activity. Their main action is to organize extremist marches, very often directly targeting Roma. In late 2007 the National Party set up a National Guard which organized patrols outside a school mid-2008 ostensibly to protect local school children from attacks by Roma children. No legal action was taken. Several other actions to intimidate Roma were organized, notably by the Workers party, the National Resistance (Neo-Nazis) and the Autonomous nationalists. Other patrols were organized to monitor the “inadaptable minority” – a derogatory term used to designate the Roma. They often clashed with police forces. A series of rallies and marches directly targeting Roma housing took place in 2008, and continued over 2009.

In April 2009, the Vitkov arson attack was a landmark event in the anti-Roma violence. Three cocktails Molotov were thrown through the windows of a Roma family, injuring three persons including children. The four perpetrators were prosecuted and condemned to sentence ranging from 20 to 22 years of imprisonment and to a fine of 17 million CZK (700 000€). In this case they were found guilty of racially motivated attempted homicide and destroying property. In 2012, 53 hate crimes against Roma occurred.

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14 The Workers party was the largest marginal political party in 2008: it has no elected representative in any political body. In 2010, the Workers Party was banned. But it transformed into the Workers Party for Social Justice (DSSS), keeping their programme with only small amendments.
**2013: the” Year of extremism”**

272 extremist events were organized in 2013\(^\text{15}\) during the summer. Extremist crimes rose by 22% compared to 2012\(^\text{16}\). The European Roma Rights Centre and the Czech Public Defender of Rights both documented 26 anti-Roma rallies in 2013 and 47 instances of attacks against Roma and their property. The police of the Czech Republic reported 21 anti-Roma events and marches merely in the summer 2013.

In May 2013, several cases of violence between Roma and non-Roma were documented. In Duchcov, five Roma assailants brutally attacked a non-Roma couple. In Tuplice, a Roma man was stabbed to death. What is interesting is that in the first case, the ethnicity of the assailants and victims was reported whereas it was not in the second case. This ambivalent attitude of the media reflected in the reaction of some members of the public who organized five demonstrations against the Romani aggressors. Moreover, the town launched arbitrary “inspections” in every Roma household in Duchcov ostensibly for health and safety reasons, after a document entitled “Measures to address the problems of ‘inadaptable’ inhabitants of Duchcov” was submitted to the town council. It is also interesting to note that for the Tuplice murder, Czech media did not highlight at all the presumption of a racial crime. In both cases, the media once again demonstrated a deplorable trend to give ethnicity a prevailing importance and to side with the non-Roma.

*From June to August 2013, eight anti-Roma marches took place in Ceske Budejovice, progressively increasing in violence and more and more targeted at Roma (physically, marches took place within Roma neighbourhoods). In this ambient xenophobia, an arson attack was attempted on a Roma house in July. However, the police dismissed the racial motive because of the fact that the perpetrator was under the influence of alcohol. The peak of these events took place on 24 August 2013 which witnessed simultaneous gatherings in eight Czech cities: approximately 1500 protesters were recorded. These marches were usually attended by a few hundred of protesters but, sometimes by thousands. It included various groups including far-right political parties such as the DSSS.*

**Worrying continuation of racist crimes despite international calls:** On 28 February 2014, the Commissioner for Human Rights of the Council of Europe Nils Muiznieks wrote a letter to the incumbent Prime Minister of the Czech Republic Bohuslav Sobotka to express his concern over the anti-Roma demonstrations planned to take place in several Czech towns. Considering the increased frequency of these events and the consistent targeting of Roma, the Commissioner urged the Government to clearly condemn racist manifestations including ethnic hatred. The Commissioner recalled the Strasbourg Court’s judgment against Hungary in 2013\(^\text{17}\) and the Article 4 of the 1966 International Convention on the Elimination of All Forms of Racial Discrimination, strongly encouraging Czech Republic to ban the demonstrations. *Several anti-Roma demonstrations that took place in the spring of 2014 went unpunished and were not even reported in the media.*

**Double standard of the police and non-investigation of racial motive:** The police have been regularly charged for applying double standards in their investigation for crimes involving Roma individuals. Some cases of genuine contempt have been reported where police officers clearly suggested that attacks on Roma were their own fault. Roma are also sometimes discouraged by police officers from filing criminal reports.

**Ambivalent attitude of police towards anti-Roma:** As reported by Amnesty International\(^\text{18}\), the response of the central government is ambivalent and characterized by its absence of unequivocal statement of condemnation. The failure of the police has to be highlighted: they only apprehended 86 people in 2013. NGOs expressed concern about the poor results of the police in combating extremism as the latter has increased in general. The 2013 Czech Ministry of Interior report on Extremism\(^\text{19}\) admits this general rise but blames the increase of left-wing extremist activities.

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16 Ibid
17 Vona v. Hungary, 35943/10, 9/07/2013, European Court of Human Rights
The report refers to actions such as a “football match against racism” organized by the Antifascist, which can hardly be described as a “rise of left-wing extremism”. Moreover, racially motivated crimes were not included in the extremist crimes. The report also states that “with some exceptions, anti-Roma gatherings did not have a purely extremist characteristic considering the composition of participants.”

Same doubts were expressed on the report made by the BIS (Czech counter-intelligence). Evangelical Parson Mikulas Vymetal wrote a letter to the Czech Security Information System, questioning the underlying racism of the report. In fact, the short section dedicated to the “heightened ethnic tensions and anti-Roma protests” seems quite unbalanced in the appreciation of arguments of anti and pro-Roma protesters. The report seems to be sympathetic of anti-Roma resentment, speaking about “frustration” and legitimating the support for extremist actions. “One-sided and biased statements made by various pro-Roma activists and non-governmental organizations did not help the situation. These statements often blamed the white majority for the situation and attributed no responsibility to the Roma minority. Comparing these biased statements to everyday reality and the worsening financial situation of a large part of the white majority led to falling trust in standard democratic principles and to growing support for more extremist views.” (p.12)

Failure of racial crimes investigation: In-Iustitia, an NGO helping victims of hate crimes in the Czech Republic, reports that problems persist regarding investigations by the police on the discriminatory motive. The police of the Czech Republic does not act in compliance with article 4 of the 2008 EU Framework law (2008/913/JHA) on countering racism and xenophobia which stipulates that racist and xenophobic motivation are aggravating circumstances. Civil actions may be brought under special anti-discrimination provisions of the Anti-discrimination Law. However, Czech civil courts reached final and conclusive decision only in ten cases regarding discrimination in 2013. Most frequent reasons for the low number of cases are unpredictability of court decision-making, lack of case law concerning discrimination, length of procedure, the amount of court fees and difficulties in finding qualified legal aid. To more effectively challenge discrimination, the Czech Ombudsman recommended in her 2013 annual report, that NGOs be granted possibility to bring actio popularis complaints with courts in cases of discrimination.

DENIAL OF THE ROMA GENOCIDE:

Denying the Roma Holocaust during the Second World War is an important feature of Anti-Gypsyism. It goes deeper than just discrimination because it aims at erasing the Roma identity from European history. The ERTF believes that it must be recognized as a specific form of discrimination.

Okamura’s statements denying the Holocaust: In August 2014, Senator Okamura, member of the populist party Usvit (Dawn of Direct Democracy), insulted the Romani victims of the Holocaust, saying that the camp in Lety was not a Romani concentration camp as no one was ever killed there. These were not the first statements of this kind. Petra Edelmannova, chair of the defunct xenophobic National Party, held a similar discourse in 2006. In 2005, member of European Parliament Miloslav Randsdorf of the Communist Party also said that Lety was not a concentration camp: the Human Rights commissioner filed a criminal complaint against him but no prosecution followed. And finally, Vaclav Klaus, former President of the Czech Republic agreed with Randsdorf. The permissiveness in the public discourse, verging on the historical denial of the Roma genocide, is a transversal feature of the political spectrum.

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20 Ibid
On 6 August 2014, first criminal charges were filed against Okamura by Simon Heller, a member of the Christian Democratic party (KDS). **On 8 August, the ERTF together with other NGOs such as Konexe, Romea and Slovo 21 sent a letter to the Czech Prime Minister** demanding Okamura’s waiver of parliamentary immunity, his resignation and the removal of the pig farm (currently standing on the former Lety camp). On 13 November 2014, after more criminal charges were filed against him, **the police of the Czech Republic said that Okamura did not commit a crime**, because his statement was partly based on “historically attested truths”: Moreover the police recalled Randsdorf’s case. Such an argument is faulty because it would mean that nobody will ever be prosecuted for denying the Roma genocide. In December, the Chair of the Committee for the Redress of the Romani Holocaust and other organisations sent five motions to the prosecutor of Prague to review the police procedure, since Okamura’s words would be illegal according to the case law of International courts. The police responded without justification that it has done a qualified evaluation.

**Absence of official recognition of the Roma genocide:** Attention should be drawn to the absence of official recognition of the Roma genocide, even if this matter is not limited to the Czech Republic but extends to the international community. On 10 February 2015, right after the commemoration of the 70th anniversary of the liberation of Auschwitz on 27 January 1945, the **ERTF together with the Czech NGO Slovo 21 and other European NGOs called for the removal of the pig farm on the Roma Genocide site in Lety u Pisku**, also demanding the Council of Europe and other international institutions to take immediate steps to include Romani speakers in the official commemoration of the Holocaust.

**To conclude, we can simply underline the underlying racism and anti-Gypsyism present in all spheres of society (public, private) and deplore the lack of inhibition in the discourse and attitude towards Roma people in the Czech Republic. Anti-Roma statements and behaviours are widespread and not limited to the right-wing extremism. Solutions are urgently needed to combat this xenophobic phenomenon on legal grounds: anti-Gypsyism falls under abuse of rights and must be tackled as such. Naturally, this must take place in parallel with social inclusion of Roma in general.**

**ERTF COMPLAINT REGARDING THE EUROPEAN SOCIAL CHARTER**

In February 2014, the ERTF submitted a **collective complaint against the Czech Republic before the European Committee of Social Rights**, regarding the state’s obligations towards the European Social Charter of 1961. The issue addressed in this Collective Complaint is the **housing situation of Roma in the Czech Republic in combination with their right to health**, which violate international law provisions to which the Czech Republic is bound, including but not limited to Article 11 and 16 of the European Social Charter of 1961, alone or in conjunction with the non-discrimination principle stated in the Preamble of the Charter.

A comprehensive review of the situation of the Romani population in the Czech Republic, the government’s social inclusion policies, and the relevant legislation strongly indicates a range of systemic violations of the right to adequate housing and the right to health where Roma are concerned. **Current housing conditions for Roma in the Czech Republic are an important indicator of their social exclusion, as these conditions powerfully affect other dimensions of social life, such as health or employment and education opportunities.** In its response the Czech Government refers to a number of national legislations regulating the right to housing which they expect to do in the future but they provide no information on actions undertaken in relation to the issues mentioned in this complaint. **The Czech Government should be called upon to apply the European Social Charter of 1961 and to adopt and apply a national long-term strategy, including positive action measures to combat the social exclusion of Roma, through the improvement of their situation in the fields of housing and health.**

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RECOMMENDATIONS

ANTI-DISCRIMINATION

- As a matter of urgency, the Czech Republic should take immediate and effective steps to combat racism towards Roma. This recommendation has been repeated numerous times by the Committee of Ministers of the Council of Europe since 200228.

- The intolerant and hostile police attitudes towards Roma must be tackled through awareness-raising measures and appropriate training. A more effective, impartial, independent monitoring of police activities must be set up. It also must be ensured that police refrain from using force unnecessarily or disproportionately during police operations involving Roma. Otherwise, the unlawful use of force must be investigated.

- The Czech Republic should take additional measures targeting the media, so as to ensure that it act in conformity also with the Committee of Ministers’ Recommendation Rec(97)20 on “Hate speech”. In case of violation, prosecution and sanction must be implemented.

- Anti-discrimination legislation must be reinforced. The Czech Republic should ensure that the Office of the Public Defender of Rights is granted all the support it needs in order to continue carrying out its role effectively. The Ombudsman’s status should be anchored in the constitution so as to give her more power to investigate cases of rights violation. Granting NGOs the possibility to bring actio popularis complaints with courts in cases of discrimination can be an adequate step.

- The Czech Government should provide prompt remedy for right abuses by investigating cases of hate speech and hate crimes, condemning offenders and compensating victims so as to make clear that crimes targeting people for discriminatory reasons will not be tolerated. Additionally, the racial motive of these crimes must be considered an aggravating factor. Data on discrimination and on hate crimes particularly should be collected, through various and ethical means. In case of discrimination or hate crime, the victims must be protected and granted legal aid.

- The Czech Republic should in future prohibit anti-Roma marches. The Czech Republic must ensure compliance with the case-law of the European Court of Human Rights, which ruled that authorities may dissolve an association involved in anti-Roma vigilante marches exercising repeated intimidation on the Roma minority.

- The Czech Republic should recognise anti-Gypsyism as a specific form of racism and reinforce existing efforts to design awareness-raising campaigns to debunk myths and prejudice about the Roma. The first step should be to recognise past abuses against the Roma, establishing an official commemoration of the Roma Holocaust and its inclusion in the schoolbooks. In doing so, the Czech Republic would also tackle the denial of the Roma genocide in considering it as a racist crime which falls under abuse of rights29.

EDUCATION

- Segregation of Roma children in the school system should be stopped, in compliance with the judgment of the European Court of Human Rights in the case DH v. Czech Republic30. The Czech Government must ensure that the reform of Czech schools is directed towards an inclusive education for all children.

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29 Article 17 of the European Convention on Human Rights “Abuse of Rights”
30 Case of DH v. Czech Republic (GC), 57325/00, 13/11/2007, European Court of Human Rights
• The Czech Republic must **promote the inclusion of Roma pupils in the mainstream school system, through training of teachers and school assistants** so that their specific needs are taken into account.

• The intercultural dimension in the curriculum must also be enhanced. The **teaching of the Romani language** should be facilitated and made available at school levels. Moreover, Roma history, and more particularly the Roma Holocaust, should be included in the school curriculum.

### EMPLOYMENT

• The Czech Republic should **improve the employment opportunities of Roma through inclusive programmes and specific training of Roma**. Discriminatory practices must be prevented by all legal means.

### HEALTH

• The Czech Republic **must urgently address the poor health status of Roma by improving the access to healthcare**, physically and financially and also by **reinforcing aid programmes and increasing the number of health mediators**.

• **Preventive health campaigns and health education, targeted at specific Roma issues**, especially concerning sexual and reproductive health, addictive substance use and vaccinations, should be reinforced.

### HOUSING

• Particular attention must be drawn to improving housing conditions in Roma neighbourhoods. The Czech authorities should **review the situation of the Roma population in the Czech Republic** to address the systemic violations of the right to adequate housing and to **adopt a Social Housing Law which aims at improving the accessibility of housing for groups at risk of social exclusion**.

• The Czech Government should **ensure that the amendment to the Welfare legislation will restrain “trafficking in poverty”** and prevent negative consequences for Roma tenants.

• The Czech Republic should **end forced evictions without equivalent alternative accommodation**.

### PUBLIC PARTICIPATION

• The Czech Republic must make determined efforts to find **ways and means to improve substantially the participation of the Roma - including Roma women – in the public sphere and to ensure that the Roma and their organisations are treated as key partners in governmental programmes** aiming at improving their situation. **Grassroots associations working together with the Roma community should be materially and financially supported by the Czech authorities.**

### GENDER EQUALITY

• The new Roma Inclusion Strategy should develop a **gender-sensitive approach. Gender-based violence must be on the NRIS agenda. Early marriage data should be collected so as to tackle the problem.**

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31 ERTF v. Czech Republic, Collective complaint n° 104/2014, European Social Charter, Council of Europe
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