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The Permanent Mission of the Czech Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (Special Procedures Branch) and with reference to an allegation letter from the Independent Expert on minority issues, Ref. AL Minorities (2005-4), CZE 1/2011 of 19 September 2011, has the honor to forward requested information.

The Permanent Mission of the Czech Republic to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (Special Procedures Branch) the assurances of its highest consideration. *ky*

Geneva, 8 February 2012



Enclosure

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Information by the Czech Republic in response to an allegation letter by the Independent Expert on minority issues

(reference: AL Minorities (2005-4) CZE 1/2011)

1. Are the facts alleged in the above summary of the case accurate?

The facts stated in the report on the events in the Šluknov area are true and accurate. We didn't detect any data, which should be edited or corrected.

We only presume that it would be proper to describe in detail in the report the general social situation in the Šluknov area, which greatly influences the mood of its inhabitants and explains why the anti-Roma demonstrations took place there and why so many people took part in it. We suggest including this text in the report:

Almost 40 000 people live in the Šluknov area. The Šluknov Hook, where these municipalities lie, is one of the more remote areas of the Czech Republic. During the 1990s this area underwent a complex transformation, which had an impact on most aspects of life of its inhabitants. Despite a certain development, the region still belongs to the poorer parts of the country. Unemployment rate is steadily above 10 percent, high percentage of the people living there has only basic education and the large textile and industrial companies have shut down. A lot of people in this area are long-term unemployed and have a very little hope of improving their social situation in the near future. This makes them even more sensitive to any rumors or news about alleged preferential treatment of a certain group of people that live on social welfare benefits on the long-term basis and that it basically pays off for them to be unemployed (although these are mostly rumors and misinterpreted information).

The main problematic areas are especially unemployment and education. The municipalities don't have enough jobs for applicants without education and qualification, bigger hubs are difficult to reach and the region has to combat long-term unemployment. In the area of education the important factors are the parents' disinterest in further education of their children and difficult access to proper schools. In some of the larger municipalities the housing is also a problem. After the sale of municipal flats the "problematic" tenants are moved to privately owned housings where an excess number of people live in individual flats. Houses are dilapidated and in poor condition. Another often mentioned problem is also the migration of "problematic" people from other parts of the Czech Republic into the region – either voluntary after a purchase of cheap real estate or involuntary after moving, which is initiated by the owner of the original more lucrative flat. Another problem is a high indebtedness of the people in the region. This often presents an obstacle in the search of a legal employment.

Information about the housing of socially weak people should also be taken into account. For example a year ago in Šluknov the new owner of a housing development evicted dozens of households from 14 panel houses (there are total 16 of them in Šluknov with a capacity of almost 2 000 people), especially indebted families and families with more than 4 children. The empty flats were then made available for dozens of families, which came from other municipalities in the region and towns from North and Central Bohemia. The situation in the housing development has been significantly destabilized, the common life has been disturbed and the year-on-year crime rate has increased slightly. The development owner uses coercive methods against the tenants. The indebted households pay in an installment schedule or work

off their debts to the owner with unsecured activities. New tenants cannot be indebted; the owner doesn't accept families with more than four children. An investigation is pending for extraordinarily high payments for heating (cca. twice the usual amount), the development owner claims it is the supplier's fault, the supplier claims that heat is supplied at usual prices. There are almost no social services or educational and free time services at the housing development and the involvement of schools is lacking.

Two hostels (Sport and TGM) are basically the only places in the city, where socially weaker Roma people can get housing. The result is the concentration of all socio-pathological phenomena connected with life in social exclusion in one single area.

2. Has a complaint been lodged with regard to the incidents mentioned above?

One complaint has been lodged in accordance with the provisions of the Penal Code. Additional 14 submissions with regard to inactivity of the police have been filed by indirect participants based on media reports. After examination of the complaint and the submissions by an internal audit of the regional directorate of the police in Ústí region, it was ascertained that the police had acted in full compliance with law.

3. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to this case.

Nový Bor

Five people were charged for the attack at the gambling club in Nový Bor in August 2011. Originally they were charged with grievous bodily harm and disorderliness, now they are prosecuted for attempted murder. They are facing a sentence of 15 – 20 years or an extraordinary sentence. The police are still searching for two of the attackers. The police however don't consider the attack to be racially motivated. The attack is being investigated as an attempted murder committed with other contemptible motive, by three of the accused this was committed against two or more persons. The hearing with the attackers should begin in the first half of the year 2012, according to the regional state prosecutor.

Rumburk

The state prosecution will deliver charges to seven Roma in the first half of February 2012. They will be charged with an attack on six young men, which happened in Rumburk in August. Two of the attackers were apprehended by the police the same evening, the third, who had been the subject of a nationwide search, contacted the police himself in Holic in the Pardubice region. The three then were held in custody, the remaining four were investigated while remaining free. According to the secretary of the regional state prosecutor the age of the attackers ranges from 17 to 25 years, five of them are from Rumburk, the others are from Šluknov and Jiříkov. The police had originally charged three of the attackers with damaging of property, disorderliness and grievous bodily harm. During the investigation of the incident however the charge was changed to bodily harm and no aggravating racial motive was found. The leading attackers face 1 – 5 years sentences, one of the accused is still juvenile, therefore his sentence could be halved.

4. Please provide details of plans or measures to defuse tensions and prevent inter-ethnic and anti-Roma violence.

The deteriorated security situation in Šluknov region was discussed by the State Security Council on 23rd August 2011. The Prime Minister ordered the Minister of the Interior and the Police President to strengthen the police force with the special security unit. The Security Council also proposed to increase the chapters of the Interior Ministry by 700 million CZK to increase the number of police officers in the region (further details below in our response to question 5).

On the 9th September 2011 the Prime Minister attended a meeting with the representatives of the Union of Towns and Municipalities, and discussed their legislative proposals aimed at: i) creation of a central registry of offenses and ii) execution of payments of social welfare benefits based on the proper school attendance of children. The Prime Minister also called for long-term work and consistent coordination of all local actors – municipal and state police, social departments, Agency for Social Inclusion, house owners and NGOs.

On Monday 19th September 2011 the Prime Minister visited the Šluknov area together with the Minister of Labour and Social Affairs and the Commissioner for Human Rights. He visited Nový Bor, where the violent attack in the gambling club took place at the end of August and then held a meeting with the mayors of Rumburk and Varnsdorf. He also visited the local school and hostel, where a large number of socially weak town inhabitants are housed. The Prime Minister gave details about proposed legislative proposals, which should help to solve the situation (creation of a central registry of offenses and execution of payments of social welfare benefits based on proper school attendance of children) and pointed out that from 1st January 2012 a new law should come into force which enables the municipalities to regulate gambling and legislative proposals, which would enable the municipalities to regulate the operation of pawn shops and scrap metal purchase centers.

The Minister of Labour and Social Affairs promised the mayors of towns and municipalities in the Šluknov area resources for creation of 100 jobs in community service, which will be divided between the municipalities and towns based on previous demands submitted to the Ministry of Labour and Social Services.

On Wednesday 21st September 2011 the government adopted the conceptual document Strategy of Combatting Social Exclusion for the Period 2011-2015, which was submitted by the Commissioner for Human Rights and its preparation was coordinated by the Agency for Social Inclusion. The Strategy contains a number of concrete measures, which will have an important effect on the situation in the Šluknov area in the coming years.

The summary of all proposed measures to solve the situation in the Šluknov area and other socially excluded localities can be found here:

<http://www.socialni-zaclenovani.cz/dokumenty/strategie-boje-proti-socialnimu-vyloucení/strategy-for-combating-social-exclusion-for-the-period-2011-2015/download>

The activity of the Section of Human Rights of the Office of the Government in the Šluknov area.

The Agency for Social Inclusion, which is one of the departments of the Office of the Government and is part of the Section of Human Rights led by the Commissioner for Human Rights Monika Šimůnková, operates in the Šluknov area. The Commissioner for Human Rights repeatedly visited the towns Rumburk and Varnsdorf, to explore the situation in the

area. She met the mayors of Rumburk, Šluknov and Varnsdorf and was present at one of the public demonstrations. The Commissioner repeatedly pointed out that the social problems in Šluknov must not be abused for publicity gain by the right side extremists.¹

The Section performed the following measures in the Šluknov area:

Varnsdorf

On Saturday 27th August 2011 the Director of the Agency took part in a heated public discussion with the town inhabitants, where he explained the need of long-term preventive measures and tried to contribute to the calming of the situation. The initiator of the public discussion was the mayor; also present were the representatives of city departments and the police.

The representative of the Agency monitored the course of the demonstration on Saturday 3rd September 2011 and the situation at the hostel Sport on 4th September 2011.

At the end of August (31st August 2011) a workgroup led by the Agency and the mayor started its operation. All executives from the town hall, police and NGOs are among the members of the workgroup. The group prepared proposals for increased security in the vicinity of the socially excluded localities.

The Agency's proposals included the following priorities:

- 1.) The town's housing policy (decision about the direction of all housing capacities);
- 2.) Town's support of NGOs, submission of an Integrated Operational Program – creation of a low-threshold facility for children and youth;
- 3.) Systemization of pre-school and school education of the Roma;
- 4.) Cooperation of the government body for social and legal protection of children (OSPOD), schools and the police;
- 5.) Crime Prevention Assistants, Community Policing;
- 6.) Incorporation of the "10%" condition into the town contracts, creation of the social company;
- 7.) Regulation of scrap metal collection facilities – a town directive;
- 8.) Directive on regulation of gambling clubs;
- 9.) Publicity, communication with the public and its involvement.

New, stricter housing rules have been adopted at the TGM hostel, satellite antennas are being removed. The town council dissolved the contract, which the town had concluded with the owner of the hostel Sport, about providing crisis housing for the town inhabitants. The town

¹<http://www.vlada.cz/cz/ppov/zmocnenec-vlady-pro-lidska-prava/aktuality/zmocnenkyne-vlady-pro-lidska-prava-varuji-pred-zneuzitim-problemu-na-severu-cech-extremisty-87263/>

has introduced the system of coupons for the payment of social benefits in cases when the rules are broken.

Security measures were recommended: Community policing and hiring of crime prevention assistants. The Ministry of the Interior offered funding of a camera system and assistants and other measures, if need be.

The town prepared an application for the camera system and creation of a police station near the Sport hostel; however, it rejected the crime prevention assistants. The town itself increased the number of police officers of the municipal police from 14 to 21. The town also submitted an application to receive a grant to provide field work in 2012. The workgroup had disagreements and the town consequently requested that the proposals would be discussed at meetings without the representatives of the Agency. The operation of the workgroup is entirely discontinued since then.

On 30th November 2011 a meeting took place between the town council and the director of the Agency. The town confirmed its interest in further cooperation with the Agency. Discussions about further operation of the workgroup were postponed to the town council meeting in January 2012.

Rumburk

At the end of August 2011 a meeting took place between the Commissioner for Human Rights, director of the Agency and the mayor, who was told by both to distance himself from extremist groups and demonstrations.

The director of the Agency proposed to the town council to create a similar workgroup as in Varnsdorf and the proposal was sent to the town council in a letter calling for quick response. However the workgroup has not yet been established. An initiative of NGOs is preparing an opening of a preschool club for children from socially disadvantaged environment.

The Agency has supported a NGO, which provides a social rehabilitation social service in the preparation of its project Purchase and Reconstruction of Property with Facilities for Social Rehabilitation Social Service.

Šluknov

The Agency is involved in the operation of a workgroup of education workers and NGOs. A local consultant cooperated with town workers on a project of crime prevention and on preparation of the Plan of Crime Prevention. The Local Charity was assisted during the preparation of an application for a grant for field work, registration of the service Social Activation Services for Families with Children and during property purchase.

The Agency dealt with the owner of the housing development in Šluknov and the development administrator and the owner stopped the moving of a large number of socially weak persons.

However, no other offers of cooperation and measure implementation were approved by the town mayor. On the contrary, the mayor criticizes the cooperation with the Agency and has no interest in further cooperation.

Further actions

During February 2012 the Agency will finish its research “Analysis of Migration Trends in the Šluknov Area”, which analyses the nature of migration of persons in the area. The research shows that contrary to previous statements the large part of the migration is the inter-region migration, not the uncontrollable influx of a large number of persons from other parts of the country. The research also analyses in detail the social situation of people in individual towns and proposes measures to solve the main problems.

Its results will be presented at the earliest meeting of the Association for Development of the Šluknov Area, which will discuss additional objectives of the Agency in the area for the year 2012.

5. Please indicate which measures your Government has adopted or intends to implement to ensure the personal safety of members of the Roma community.

The deteriorated security situation in the Šluknov area was discussed by the State Security Council on 23rd August 2011. The Prime Minister ordered the Minister of the Interior and the Police President to reinforce the police force with the special security unit. The reinforcement didn't have any personal or budget limits at that moment. As a result 50 police officers came into the region and will remain there as long as needed.

The Prime Minister also initiated a proposal in the state budget draft for next year (2012) to increase the chapters of the Ministry of the Interior by 700 million CZK to increase the number of police officers.

The police officers maintained security in the streets, where people complained about the deteriorated security situation. Together with other policemen they also ensured the safety of inhabitants of the hostels during the hateful demonstrations. This was especially the case in Varnsdorf, where hundreds of people repeatedly demonstrated under the windows of the hostel inhabited by the socially weak persons, comprised mainly of the Roma.

The town Varnsdorf prepared an application for the camera system and creation of a police station near the Sport hostel and increased the number of police officers of the municipal police from 14 to 21.

Based on the order of the Police President a special security unit was created at the beginning of 2012 in response to the social unrest in the Šluknov area. Its headquarters are in the police education center in Teplice. Members of this unit will in the quit periods patrol in the Teplice, Ústí and Most areas. The unit will comprise of 170 members. First ten will begin service in February 2012, by April there will be 50 members and within a year and a half the unit will be at full strength. The unit will replace current reinforcements from Prague, Brno and Ostrava in Varnsdorf.