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The Permanent Mission of the Czech Republic to the United Nations and other International Organisations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to a joint letter from the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Independent Expert on Minority Issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of 22 July 2013, it has the honour to enclose the response thereto.

The Permanent Mission of the Czech Republic avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration. *HP*

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Enclosure: 10 pages



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Responses to the questions of the UN Special Rapporteurs

Response to Question No. 1

We can confirm that the summary of incidents provided in the letter is accurate. As regards the statements of Mr Dufek and Mr Svoboda, we cannot provide further details since the matter is still being investigated, together with other events mentioned in the letter, by the Czech Republic Police and other authorities who seek to establish whether a crime or other violation of law was committed in this case.

Response to Question No. 2

Several complaints have been lodged in relation to the conduct of police officers during the demonstration. The complaints mentioned that the police failed to take adequate action against perpetrators of acts of racism. On the other hand, some complained that the police protects Roma offenders. Representatives of the Ministry of the Interior and of the Czech Republic Police, including the Minister of the Interior and the Police President, made an inspection visit to České Budějovice and Duchcov. The events and the steps taken by the police have been subjected to a thorough analysis and a series of measures have been taken to prevent future recurrence. Police patrols have been reinforced and a special investigation team was established to analyse audio and video recordings. Experts from the Department for Combating Organized Crime took part in the investigation. The deployment of riot units and conflict-prevention teams was also subjected to scrutiny.

Response to Question No. 3

Police experts in the South Bohemia region have set up a special team to analyse the large corpus of available data. The police already charged several people with crimes committed in relation to the trigger incidents and rallies. So far, the estimates available from České Budějovice indicate that criminal proceedings were launched against 38 people. Since the above mentioned team of experts has yet not finished analysing the data, the number of charges is still expected to increase. All proceedings are still in an initial investigation phase. In cooperation with its specialized teams, the Czech Republic Police will store and archive the relevant websites and internet discussions with racist and hate content. The investigation will then focus on tracking down originators of such content who may be charged with a crime. The Ministry of the Interior, together with the Czech Republic Police and the Ministry of Justice, will initiate negotiations with commercial internet service and content providers in order to eliminate neo-Nazi content on the internet.

Response to Question No. 4

The Czech Republic's legislation offers a wide range of legal instruments designed to protect and promote the rights of national minorities. Their legislative basis is the Charter of Fundamental Rights and Basic Freedoms, an integral part of the Czech constitutional system; the Charter guarantees the enjoyment of fundamental rights and basic freedoms to everyone without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national and social origin, affiliation with a national or ethnic minority, property, birth, or other status. Persons belonging to national minorities are guaranteed the right to actively participate in cultural, social and economic life and in public affairs, the right to use the language of their minority (including education in their own language), the right to

develop their own culture and traditions and the right to associate in national associations and political parties. Affiliation with a national minority may not be to anyone's detriment or lead to discrimination.

At the central government level, persons belonging to national minorities exercise their right to participate in affairs concerning them through the Government Council for National Minorities, an advisory body of the Czech Government for affairs concerning national minorities. The Council is composed of the representatives of national minorities, who account for at least one half of the Council members, and of the public administration representatives. The role of the Council is to monitor the way the Czech Republic honours its international obligations with respect to persons belonging to national minorities, expresses its opinion on bills, draft government decrees and measures concerning the rights of persons belonging to national minorities before their submission to the Government. It also recommends the Government, ministries and other administrative authorities measures to address the needs of persons belonging to national minorities, especially in the fields of education, culture and media, use of mother tongue and social and cultural life. The Council prepares for the Government comprehensive reports on the situation of national minorities on the territory of the Czech Republic, cooperates with local governments in the implementation of government policy relating to national minorities, and assists in the distribution of budgetary funds to support activities of persons belonging to national minorities.

At the local level, municipalities are required to establish a committee for national minorities if at least 10 per cent of citizens living in their municipal district declared that their nationality was other than Czech during the last census. Similarly, a region has to establish a committee for national minorities if at least 5 per cent of citizens living in the region declared that their nationality was other than Czech during the last census. At least one half of the committee's members must be persons belonging to national minorities. In municipalities where at least 10 per cent of citizens classify themselves as belonging to a national minority, these citizens may, through the committee, require that names of municipalities, parts thereof, streets and other public areas as well as signs identifying government and self-government authorities be written also in the language of their national minority.

Persons belonging to a national minority have the right to have their name and surname written in their minority language in their registry documents and in their personal ID documents. They have the right to use national minority language before the court and when dealing with other administrative authorities; the court or authority must provide an interpreter. In municipalities where a national minority committee has been established, they have the right to receive education in their minority language, provided that a sufficiently large group has expressed their interest in such education. If the number of interested pupils is lower than required to open an extra class, some classes may be taught in two languages, subject to the consent of the school founding authority.

Issues related to the Roma community are addressed by the Government Council for Roma Community Affairs, a special advisory body whose role is to integrate and coordinate activities of the ministries and government and local government authorities in relation to the Roma. The Council presents to the Government information, documentation and proposals of measures to ensure a full and decent life for the Roma in the Czech society. It expresses its opinion on bills, draft government decrees and measures for the protection and development of the Roma minority before their submission to the Government. The Council is composed of the public administration and self-administration representatives and the representatives of the

Roma minority who account for at least one half of the council members. On an annual basis, the Council presents to the Government a summary report on the situation of Roma minority in the Czech Republic. At the local level, it cooperates with local government authorities on practical issues related to Roma integration and it is responsible for the distribution of funds to support Roma integration and to combat their social exclusion.

The key government policy document in this respect is the Roma Integration Policy Concept for 2010 – 2013. The concept addresses the main issues of the life of Roma and proposes measures to improve their situation and to even up their chances and initial disadvantages. It reflects the cultural needs of Roma communities: proposed measures aim to promote research of Roma culture, language and history, to put Roma culture in the context of the culture of the Czech society as a whole and to preserve the memory of the Roma Holocaust victims. The concept also addresses the issue of social exclusion: the measures proposed focus on social care, education, employment policy, housing and healthcare. The document also covers the security situation of Roma and includes measures to combat extremism and prevent crime. To implement the Policy Concept, the Government has set up a network of regional Roma affairs coordinators who coordinate the implementation of Roma integration measures at the level of municipalities. They work together with Roma advisors and offer them guidance in integration activities within a municipality. The Policy Concept has recently been updated for the period 2014 – 2020.

In 2008, the Agency for Social Inclusion was established as a part of the Human Rights Section of the Office of the Czech Republic Government, headed by the Government Commissioner for Human Rights. The aim of the Agency is to improve life in socially excluded Roma neighbourhoods, to prevent their spreading and to help their inhabitants fully integrate in the society, including their equal access to education, housing, healthcare, employment, social care services and security. The Agency is composed of a team of experts who generate models for social work and integration and help put them into practice, provide consulting and assistance to the municipalities. Municipalities may use Agency's services in community planning and in meeting the needs of their citizens. Through the Agency, they may also learn about examples of good practice, establish local partnerships with non-governmental organisations, authorities, schools, the Czech Republic Police and other entities to work together on projects of municipal development and integration. The Agency may assist them in applying for grants for such projects from the European Structural Funds. Since its establishment, the Agency has worked with 33 municipalities and neighbourhoods.

Protection against racist violence is ensured by criminal law. Racist attacks are mostly classified as crimes of violence against a group of people or an individual, dangerous threats, dangerous pursuit, defamation of nation, race, ethnic or other group, incitement to hatred against a group of people and incitement to actions restricting their rights and freedoms. The most severe acts against national, ethnic or other groups are punishable as crimes against humanity, such as genocide, attack against humanity, apartheid, discrimination of a group of people, persecution of the population, establishment, support and promotion of movements aimed at suppressing human rights and freedoms and expressing sympathies for such movements. In many crimes, racist motivation is included in a broader definition of the crime and leads to a higher penalty. This is the case of murder, bodily harm, torture and other cruel, inhuman or degrading treatment, deprivation and restriction of personal freedom, abduction, extortion, damage to property and abuse of power by public officials. In addition to these crimes explicitly involving racist violence, racist motivation is considered an aggravating circumstance in all other crimes and leads to higher penalties. This means that any crime

committed with racist or similar motivation will be punished more severely by the court, to show that such crime is particularly reprehensible. Starting from 2012, legal entities can also be prosecuted for many of these crimes. Civic associations that seek to suppress or restrict personal, political and other freedoms of citizens on the basis of their nationality, gender, race, origin, political or other opinion, religious affiliation and social status, to incite hatred and intolerance for these reasons, to promote violence and to otherwise violate the Czech Republic's Constitution, laws and regulations are prohibited and any association that engages in such activities will be dissolved. Similarly, political parties and movements who breach the Constitution, the laws or regulations, who seek to undermine the democratic foundations of the state or whose programme or activities represent a threat to morality, public order or rights and freedoms of citizens, must not engage in political activity and may be dissolved by the court, as was the case of "Dělnická strana" (the Workers' Party) in 2010.

Apart from prosecuting individual acts of extremism, the Czech Republic annually prepares the Policy Concept for the Fight against Extremism and an annual report on its implementation is presented to the Parliament. The report provides information about the development of extremism in the Czech Republic in the given year and proposes measures for the year to come. The Policy Concept contains not only repressive measures but also measures to prevent emergence and spreading of extremism, including educational activities for children and youth. Elimination of crime with racist, national and religious motives is also a goal set out in the Crime Prevention Strategy for 2012 – 2015. In addition to the prevention of racism and xenophobia, the Strategy also promotes peaceful coexistence of majority society with ethnic minorities, in order to reduce occurrence of extremist attitudes and conduct.

Victims of all crimes, racially motivated or not, have access to the system of assistance and support, guaranteed by the new Crime Victims Act. Victims have the right to professional support, in some cases provided free of charge, the right to be informed and assisted during the criminal proceedings and the right to a protection of personal privacy in order to avoid secondary victimization. Victims are also entitled to financial aid from the state to cope with the difficult social situation caused by the crime. Public officials dealing with the protection of the rights of minorities (staff of public authorities, police officers ...) are offered a number of courses and seminars on this topic, and on the topic of victim protection in general.

Less serious cases of discrimination that do not meet the definition of a crime are considered unlawful under the Antidiscrimination Act. The Antidiscrimination Act, in force since 2009, guarantees the right to equal treatment and protection against discrimination. It covers the following forms of discrimination: discrimination on the grounds of race, ethnic origin, nationality, gender, sexual orientation, age, disability, religious affiliation, belief and worldview. It targets discrimination in the following fields: right to employment and access to employment or other gainful activity, relationships arising from employment and other dependent activities, remuneration, social security, social advantages, healthcare, education and access to goods and services such as housing insofar as they are publicly available. The Act addresses direct and indirect discrimination, harassment, persecution and instruction and incitement to discrimination. On the other hand, the Act states that unequal treatment is not considered discriminatory insofar as it pursues a legitimate goal, provided that the steps taken to achieve such goal are proportionate and necessary. Each person is guaranteed the right to equal treatment and non-discrimination in legal relations. Everyone whose rights have been violated as a result of discrimination may go to court and require the other party to stop the discriminatory treatment, to address the consequences of the discriminatory treatment and to

provide adequate compensation. If the compensation provided is not adequate, the discriminated person has the right to financial compensation for non-pecuniary damage.

Another authority combating discrimination at the national level is the Public Defender of Rights. The Public Defender should help enforce the right to equal treatment, provide guidance to victims of discrimination in defending their rights, do research and issue reports and recommendations in relation to discrimination. His work consists mainly of counselling and spreading of information. The website of the Public Defender's office provides basic information on issues related to discrimination, gives advice on how to defend oneself and issues recommendations and legal opinions on specific cases of discrimination.

Response to Question No. 5

The Ministry of the Interior and the Czech Republic Police have taken a number of preventive measures. They closely monitor forthcoming extremist events. Every planned assembly has to be announced to the municipal authority of the given municipality; the municipal authority may prohibit the assembly within 3 working days from the date of the announcement. The assembly may be banned for the reason that it is likely to promote denial or restriction of personal, political or other rights of individuals on the basis of their nationality, gender, race, origin, political and other views, religious affiliation and social status, to incite hatred and intolerance, and is likely to lead to violence and gross abuses or other violations of the Constitution, laws and regulations. Another reason to forbid the assembly may be that a different group has already announced an assembly with the same date and venue and the organizers have not reached an agreement as to necessary harmonization of both events. In such cases, the municipal authority tries to mediate such agreement and proposes alternative venues and dates with regard to local conditions and protection of public order. The above circumstances may be a reason to dissolve an assembly already in progress, regardless of whether or not it has been prohibited. This applies also to assemblies that have not been announced in advance. If the participants disobey police orders to disperse, the police may take steps against them. Disobedience of police orders, as well as conduct obstructing the exercise of the right of peaceful assembly, is punishable by a fine. More serious offences such as attacks against participants of other assemblies or against police officers and other people may be regarded as a crime.

The right to prohibit or dissolve an assembly rests with municipal authorities; however, the Ministry of the Interior and the Czech Republic Police offer municipalities their maximum possible support and cooperation on problems related to assemblies. The Ministry of the Interior has issued a "Manual for municipal authorities to implement the Peaceful Assembly Act". The manual summarizes laws and regulations concerning peaceful assembly and offers model solutions to problems that may arise during assemblies. In 2009, governmental and non-governmental organizations jointly issued a handbook "Uninvited Guests" ("Nezvaní hosté"), describing the situation of extremist and neo-Nazi organisations in the Czech Republic, sharing experience with their rallies and other activities and giving advice on how to cope with such phenomena. Both manuals were distributed among regional and municipal offices and are also available on the internet. When an assembly involving potential security risks is announced, the Czech Republic Police works together with respective municipal authorities to take appropriate security measures, such as increasing the number of police patrols or involving minority liaison officers, conflict-prevention teams and crime prevention assistants. Municipal authorities may also use the guidance of the Agency for Social Inclusion which provides, inter-alia, examples of good practice.

To give some specific examples, the assembly in České Budějovice planned for 14 September 2013 was banned by the Municipal Office because there were grounds to believe that the assembly would incite hatred against Roma; the ban was even upheld by the court. Similarly, assemblies which were to take place in Duchcov on 17 August 2013 were prohibited because they collided with other previously announced assemblies promoting support for the Roma. On 24 August 2013, five extremist rallies were announced in five Czech cities, one of which was banned because it collided with a previously announced assembly. Some other assemblies promoting support for the Roma were also announced in some of these cities. Eventually, five announced and one unannounced assembly took place on 24 August 2013.

The Ministry of the Interior runs special programmes to prevent escalation of violence in socially excluded neighbourhoods, attacks against the Roma and crime in general. One of the pillars of the Crime Prevention Strategy of the Czech Republic for 2012 – 2015 is the prevention of crime in local communities; it is a comprehensive system of measures aiming to improve conditions in neighbourhoods where there is a high risk of people engaging in a crime or becoming its victims as a result of economic and social problems. Measures taken within these programmes are comprehensive and have short-term as well as long-term practical impacts; they are based on partnership and multidisciplinary approach and combine support, prevention, education and repressive measures. One typical example of such programme is the Programme for the prevention of crime and extremism – “Dawn” (“Úsvit”), running since 2009 and aimed at the improvement of public order and security in socially excluded neighbourhoods. The programme combines some successful and time-tested measures such as crime prevention assistants (assistants of the municipal police recruited from among the unemployed or people having difficulties to find a job in the given socially excluded neighbourhood), Roma mentors (social workers providing assistance to Romas who have been ordered to do community service by the court, in order to make sure that they do not get into prison because of avoiding community service), prevention of running into debt, basic financial education, training of municipal police and Czech Republic Police officers for work in socially excluded neighbourhoods and ethnically different communities. Another well-tested measure is the use of technologies to improve security situation in such neighbourhoods (e.g. CCTV systems, security doors, bars etc. in shared areas of the house). The programme includes social street work projects, supports education and employment of long-term unemployed people as well as free-time activities for children and youth. There are currently 130 crime prevention assistants working in 43 municipalities in the Czech Republic.

Within the Crime Prevention Programme, the city of České Budějovice implemented 57 prevention projects between 1997 and 2012 (32 social prevention projects, 13 awareness-raising and educational projects and 12 situational crime prevention projects). Duchcov municipality had 7 prevention projects funded under the Programme between 2003 – 2013 (4 social prevention projects and 3 situational crime prevention projects). Following the recent events, the Interior Ministry has offered both municipalities new subsidies for the year 2013; the municipalities could apply for subsidies for crime prevention projects until 23 August 2013. Both municipalities were interested in crime prevention assistants; four new assistants will start working in problem neighbourhoods in each town this September/October. The city of České Budějovice was also interested in social prevention projects and in the training of municipal police and Czech Republic Police officers for work in socially excluded neighbourhoods. Duchcov municipality plans to launch a security awareness survey; based on the results, it wants to develop new security and public order policies. Preventive programmes should continue in 2014 and both municipalities expressed their interest in situational crime prevention measures for that year. The Agency for Social Inclusion currently prepares an

analysis of the security and social situation at the Máj housing estate in České Budějovice; its results should be made public in the course of September.

Following the escalation of social unrest in Šluknov region between July and November 2011, the Government assessed the steps taken by public authorities to address the situation and, in August 2012, adopted measures allowing for more efficient and coordinated action of public authorities in such cases and for speedier help to regions affected by growing tension. These measures included the establishment of a working group to deal with situation of social unrest. The group is led by the Czech Government Human Rights Commissioner and its members are Deputy Ministers of Social Affairs, of Education, Youth and Sports, of Regional Development, of the Interior and of Industry and Trade, and representatives of the Agency for Social Inclusion. The group has elaborated a plan for joint action in cases of rising social tensions and for measures to be taken by individual ministries. The plan is to monitor the situation on site, assess the information received and propose concrete measures to be taken by central authorities in cooperation with local governments. For example, the central authorities will provide consulting and guidance to local governments and local administrative authorities and, to ensure crime prevention, the Czech Republic Police will use their minority liaison officers and crime prevention coordinators. Other measures include increased funding for free-time activities of children and young people, assistant teachers, school psychologists, as well as the use of new instruments of active employment policy, support for social and legal protection of children, enhanced social services and social work. Part of the measures is also an effort to find opportunities for the use of structural funds and other resources for activities such as social housing, social enterprise, etc. Following the recent events, the Working Group met urgently on 1 August 2013 with the participation of the Prime Minister and the Minister of the Interior, and adopted eight measures in the field of long-term social integration and prevention that should help prevent the recurrence of such unrest. The measures include e.g. enhanced social street work, active employment policy, prevention of running into debt and basic financial education. Some special measures will be taken to address the way the Roma are perceived by majority society and to prevent the spreading of stereotypes and false information contributing to the development of negative attitudes, racism and intolerance (e.g. stereotypes about the approach of the Roma to work, their living on welfare, etc.)

In addition, the Government prepares a campaign against racism and hate violence coordinated by the Czech Government Human Rights Commissioner and the Agency for Social Inclusion. The campaign targets mainly children and young people and uses modern means of communication such as the internet and social networks and communities. Its goal is to create an active community of people who fight against racism in an inventive and educative way. The accompanying activities will focus on school education in problem regions and awareness-raising among public officials and local governments. One of the aims of the campaign will also be to spread examples of good practice among the relevant entities. The campaign will be supported by surveys, e.g. on the topic of usury. The campaign should start off in 2013. It is planned for three years and will cost EUR 1.44 million.

Response to Question No. 6

As follows from the response to question No. 4, the fundamental right of peaceful assembly is guaranteed under the same conditions to everyone without regard to gender, race or colour of skin, i.e. also to the Roma. In accordance with the Charter of Fundamental Rights and Basic Freedoms, every Roma may organize a peaceful assembly provided that the assembly meets

the requirements set out by law, i.e. that it is announced to public authorities in advance and that it does not harm or endanger the rights of others or a public interest. A peaceful assembly of the Roma is protected in the same way as any other peaceful assembly, which includes protection against the assemblies of people who seek to prevent the event from taking place or to attack its participants in any way. Persons attacking participants of assemblies organized by the Roma would most probably be liable to a more severe punishment because of their racist motivation. Laws and regulations related to the right of peaceful assembly as described in the response to question No. 5 apply also to violations of the right of the Roma to peaceful assembly. The Czech Republic Police has its above described, time-tested measures and procedures to ensure security for any Roma exercising their right of peaceful assembly. All these procedures have been rehearsed during the police exercises (e.g. the riot police exercises) and previous experience has proved their efficiency.