



european network against racism

ENAR Shadow Report 2010-2011

ENAR SHADOW REPORT

**Racism and related discriminatory practices
in the Czech Republic**

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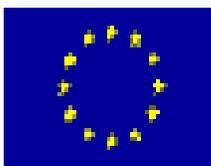
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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I. Executive summary

In the areas of anti-racism and anti-discrimination, no significant progress was made in the period covered by this report, March 2010-March 2011. On the contrary, as a consequence of a change of government and severe cuts to the social benefits system, anti-discrimination measures which were adopted previous to this time period, came to a halt. Therefore, the situation of vulnerable groups actually deteriorated. At both the political and institutional level we find a weakening interest in promoting and enforcing human rights. The ways that vulnerable groups are affected by these changes are detailed in the report and we suggest the following recommendations.

In the case of **employment** our key findings were that the legal framework for the employment of migrants has become more restrictive and continues to allow conditions for migrants' abuse in the labour process through not sanctioning employers who violate migrants' rights and not dealing with corruption and abuse in mediation agencies. High unemployment rates still affect Roma, particularly in socially excluded locations, where it's almost absolute.

- It is necessary for the state to come up with at least some examples of legal cases in which the mediators who abuse migrants in the employment process are punished.
- It is necessary to focus control on employers not migrants.
- It is necessary to abolish the concept of circular migration since it is anti-integration by its character.

In regard to **housing** the most important finding is that the legal and political measures for the planning and construction of social housing have been paralysed. The long-term lack of social housing has devastating consequences for Roma and other sections of the population who are suffering from poverty.

- A law on social housing should be drafted and adopted immediately to enable people who are socially disadvantaged to access financially affordable housing

The current system of **health** insurance increases health care costs, especially for migrant families and is profitable mainly for private insurance companies. There are no clear legal regulations around forced sterilisation in the Czech Republic and victims of forced sterilisation are denied collective compensation.

- The government should adopt clear legal regulations in case of forced sterilisation according to which all victims should receive financial compensation without necessity to go before the court.

- The current insurance system should be abolished and instead all migrants residing long-term in the CR should have public health insurance, especially migrant children.

In **education**, segregation is enforced and there was a total halt on inclusive education in 2010-2011 due to the new minister's lack of will to promote measures for the inclusion of Roma children in mainstream education. Due to this fact Roma children continue to be segregated into special (practical) schools.

- It is urgent to adopt measures to abolish the segregation of Roma children in education. The Ministry of Education should re-establish the activities of a platform of experts to implement the National Action Plan for Inclusive Education measures.

In the case of **criminal justice**, importantly the authorities sentenced the arsonists from Vítkov case¹ (an attack on the home of a Roma family) with the highest sentence possible but on the other hand they reduced the programme to fight extremism and were reluctant to investigate the circumstances of the rising tide of neo-Nazi protests.

- Sexual orientation should be included among criteria for determining hate crimes through making a new amendment to the criminal act.
- The Ministry of Interior should re-establish cooperation with NGOs fighting against extremism.
- Investigation of Police behaviour in Nový Bydžov and Krupka against anti-fascists should be reopened.

In the area of **access to goods and services** still there is no effective and financially acceptable path for objecting to discrimination.

- There should be more training programs to increase the financial literacy of persons from socially excluded locations such as those where mostly Roma live, to avoid huge household debts.

The **media** has a one sided approach to the representation of Roma and migrants, often failing to provide their side of the story and their individual perspectives.

- The media should focus more on the personal and individual side of the stories on minorities and enable minority members to gain a voice.

With regard to **political and legal developments** in anti-racism in 2010/2011, no progress has been made in the anti-discrimination agenda in terms of the lack of

¹ Rómea, *Vítkov arson verdict: 22 years for three defendants, 20 for the fourth*, http://www.romea.cz/english/index.php?id=detail&detail=2007_1973, accessed 24 September 2011

legal protection for victims and the need to enforce the existing law. The Office of the Ombudsman provides important help but it is limited by the law to only providing methodical help, it cannot engage in representing the citizens in the legal process.

- In order to enforce protection from discrimination, anti-discrimination law and the law on the Ombudsman should be amended to include class action and the possibility for the Ombudsman to issue recommendations in individual cases.
- A new law on free legal aid should be adopted.

In relation to migration and integration, the new amendment to the Act on Aliens has put further restrictions on the status of migrants without solving the existing problematic issues such as: the detention of migrants, the treatment of minors and the lack of possibility for migrants' political participation.

- Reduce detention period for migrants, which is currently up to 18 months.
- Prohibit detention of minors under all circumstances.
- Increase rights according to length of time spent legally in the Czech Republic (CR).
- Enable permanent resident migrants to participate politically.

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III. Introduction

This report covers the time period from March 2010 to March 2011. General elections were held on 28 and 29 May 2010 and significantly changed the landscape of the Czech political scene. Although the majority of votes went to the Czech Social Democratic Party, it had no coalition partner; therefore a right wing coalition was created with the Civic Democratic Party (CDP), and two completely new parties: TOP 09 and Public Affairs (Věci veřejné). The coalition immediately started promoting an austerity measures plan which significantly reduces the welfare state mechanisms and starts with cuts to the assistance provided to the most vulnerable such as the disabled, single mothers, families, etc. The whole atmosphere around the necessity to cut spending has created hostility towards some vulnerable groups such as Roma, drug addicts, homeless people, etc. who were seen by the parties, and partly by public, as the main cause of excessive spending.

It took five months for the new government to appoint the new Human Rights Commissioner after immediately sacking the highly respected and efficient previous Commissioner, Michael Kocáb. The new Commissioner, Monika Šimůnková, a lawyer and child protection expert, was appointed in February 2011. Šimůnková was almost completely unknown to governmental and non-governmental experts on human rights and her appointment was seen as a sign of disrespect from the new government towards the human rights agenda in general.

In the case of criminal justice, the authorities sentenced the arsonists from Vítkov case² with the highest possible sentence but, on the other hand, they reduced the programme to fight extremism and were reluctant to investigate the circumstances around the rising tide of neo-Nazi protests. With regard to political and legal developments in anti-racism in 2010/2011, no progress has been made in the anti-discrimination agenda. The Office of the Ombudsman is limited by the law to providing methodical help and, therefore, is not able to represent the victims in the legal process. In relation to migration and integration it was found that the new amendment to the Act on Aliens has created further restrictions on the status of migrants without solving the existing problematic issues such as detention of migrants, treatment of the minors and the lack of possibility for political participation.

The report begins with a description of the groups vulnerable to racism and moves on to outline the current situation with regard to racism and discrimination in various areas (e.g. health, employment, housing, media, education, etc.), and then turns to the political and legal developments and ends with conclusions and recommendations.

² Ibid.

IV. Communities vulnerable to racism and discrimination

The Roma continued to be the group most vulnerable to racism and discrimination in the CR (Czech Republic), as in 2009. The number of Roma living in the CR can only be estimated since the stigmatisation that they face stops them from declaring themselves as Roma. It is estimated that they account for 2.4%-3.3% of the whole population, which is 250 000-350 000 persons. However, in the census held in 2001, only 23 211 people declared that they spoke Romanes and only half of these declared themselves to be Roma and the case was similar in the 2011 census. According to a sociological survey, carried out in 2010 by the Ministry of Interior, 83% of the respondents in the CR see Roma as inadapted, 90% see them as “source of criminal acts” and those “who destroy and litter the environment”. Only 20% thought that Roma are victims of discrimination.³

Foreigners make up approximately 4% of the total population and 6% of the job market. The percentage of foreigners rose from 1993, when it was 0.75%, to 4.22% by the end of 2009.⁴ Therefore, the Czech Republic (CR) can be counted among the EU countries with a low percentage of foreigners. Third country nationals make up 68% of all foreigners while the rest are citizens of the EU, the European Economic Space, and Switzerland. Naturalised foreigners and second and third generation immigrants are not reported on statistically.⁵ Most foreigners are concentrated in Prague (11.9%) followed by Karlový Vary (6.4%) and Plzeň (4.8%).⁶ The highest numbers of immigrants come from the Ukraine (126 521), Slovakia (71 676), Vietnam (60 605), Russia (31 297) and Poland (18 328). (Czech Statistical Office – data up to 30 November 2010)⁷ Foreigners in the CR are mostly 25-39 years old and there are more men than women, although the number of women is slightly on the rise (currently 39.7%). 29.3% of foreigners registered with Job Office work in the manufacturing industry, followed by construction industry (20.3%), followed by repair of motor vehicles, motorcycles, and personal and household goods (10.6%), followed by professional, scientific and technical activities (6.8%) and followed by administrative and support services activities 5.9% (data for 2009).⁸ According to a Policy Paper by Baršová

³ STEM, Zpráva z výzkumu „Zmapování postojů veřejnosti v České republice k pravicově extremistickým, rasistickým a xenofobním myšlenkám a jejich šířitelům s ohledem na integraci menšin a cizinců.“, Ministerstvo vnitra ČR, listopad 2010, <http://www.mvcr.cz/clanek/bezpecnostni-hrozby-337414.aspx?q=Y2hudW09NA%3d%3d> accessed 20 August 2011

⁴ HORÁKOVÁ, M. Vývoj pracovních migrací v České Republice v období hospodářské recese. (Praha. VÚPSV, 2010). Online: http://praha.vupsv.cz/Fulltext/vz_320.pdf, accessed 5 December 2010, p.17

⁵ HORÁKOVÁ, M., BAREŠ, P. Intercultural Opening of the Labor Market and Employment Institutions in the Czech Republic. In *Moving Societies towards Integration*. (2010) Online: http://www.cizinci.cz/files/clanky/708/Moving_societies.pdf, accessed 5 December 2010, p.105-106.

⁶ HORÁKOVÁ, M. Vývoj pracovních migrací v České Republice v období hospodářské recese. (Praha. VÚPSV, 2010). Online: http://praha.vupsv.cz/Fulltext/vz_320.pdf, accessed 5 December 2010, p. 34

⁷ Ibid.

⁸ Ibid. p. 63.

and Barša,⁹ Czech immigration and integration policies are still predominantly administrative but not a public issue and hence are still relatively closed to public dialogue and inclusion in the agenda of standard political process. The positive aspect of this is a resulting lack of populist abuses of anti-immigration discourse but the negative side is the apparent lack of responsibility among citizens for migration and its consequences. According to a study by V. Günter,¹⁰ there is no public debate on integration in the Czech society because there is no debate about the character of the Czech society as such, about how it should be and under which conditions Czechs would be prepared to share social space.

Migrants of African descent in the CR represent a tiny fraction of the generally small population of migrants in the CR. According to the Czech Statistical Office there are 4288 people of African descent in the CR (in July 2011)¹¹, which means they represent 1% of all migrants who in turn represent cca. 4% of the whole population.

⁹ Baršová, A., Barša, P. *Česká republika jako přistěhovalecký stát.* (2006) Online: <http://www.iir.cz/upload/PolicyPapers/2006/pbarsabarsova2006CRjakoPristehovaleckaZeme.pdf> (accessed 10 November 2010), p.6.

¹⁰Günter, V. *Cizinci v ČR – přehledová studie.* (2007) Online: http://caat.cz/attachments/150_150_Vladislav_Gunter_Cizinci_v_CR.pdf, accessed 5 December 2010, p.10.

¹¹ Number of Foreigners in the Czech Republic. Online: [http://www.czso.cz/csu/cizinci.nsf/t/F400495140/\\$File/c01t01.pdf](http://www.czso.cz/csu/cizinci.nsf/t/F400495140/$File/c01t01.pdf), accessed 18 September 2011.

V. Racism and related discrimination in employment

VII.i Manifestations of racism and related discrimination in employment

The ongoing problem with the exploitation migrants in the labour force continued throughout the period of 2010/2011. The migrants are usually exploited by intermediary companies who tend to have a partner in the migrants' country of origin and collaborate with Czech authorities unable/unwilling to prosecute the practice. This happens in many branches of employment but is particularly widespread in forestry.

According to Pavel Čižinský, of the Organisation for Aid to Refugees (Organizace pro pomoc uprchlíkům - OPU), hundreds of workers were cheated, more than 70 of whom have turned to the OPU for help. The companies concerned owe CZK 2.5 million to those 70 workers, but Čižinský says the total amount of back wages owed to all of the workers is somewhere in the tens of millions of CZK crowns. He said the cheating of workers has been going on for three years and will evidently continue, as more Romanians are expected to be brought here for work this year.¹² Čižinský also says that the police are doing nothing about the allegations. The Lesy ČR company (The Czech Forests company), which manages state-owned forests, has distanced itself from the case. With regard to the contracts it has signed with subcontractors, the state enterprise claims that it cannot influence either the selection of workers or whether the firms pay them. "The company has no legal means or monitoring measures for that," Lesy ČR stated in a press release. According to the company, those who are really to blame are the employers and labour brokers who have violated the law.¹³

The situation of exploitation seems to be particularly difficult in the Pilsen region, where very often migrants do not get paid for their work and if they contact the appropriate authorities (mainly the Labour Office) to have their situation addressed, the investigation is later aborted because of the lack of evidence. The employers usually claim that they have never seen the migrant or that the person has not been working for them for a long time. Migrant workers often do not receive labour contracts, and, if they do, these contracts do not fulfil all legal requirements and are deemed invalid. Very often, the employer or the intermediary agency keeps double documentation. One set of documentation complies with the Czech law and the other is given to the migrant. When an inspector comes, the employer or the intermediary agency naturally presents the documents that comply with Czech legal standards. Migrants, however, do not

¹² Above n.9

¹³ Romea, *Dozens protest human trafficking in Czech forestry industry* http://www.romea.cz/english/index.php?id=detail&detail=2007_2297, accessed 22 August 2011.

receive these and when they need to defend themselves, all they have are worthless scraps of paper.¹⁴

Due to limitations and a total stoppage period (in 2009) of the issuing of labour visas, migrants were driven to change their purpose of stay to 'doing business', yet they are still working in the same positions as they used to. The difference, however, is that it is more difficult for them to extend their visas now, and the Labour Code does not cover them anymore. They work long hours of overtime, which often remains unpaid, and they are not entitled to be given protective equipment. Also, they have no holidays, and they must keep more complex documentation. As a result, more than ever, people work illegally.¹⁵

Discrimination of Roma in employment remains a significant problem mainly for Roma living in socially excluded places. According to available data, the unemployment rate among Roma is 57%¹⁶; in some socially excluded locations it reaches 90-100%.¹⁷ In the given period, no research was done to provide clear statistical data. Discrimination in employment represents the biggest part of the Ombudsman's agenda when it comes to the application of anti-discrimination law. In 2010, 26% of all complaints were related to discrimination in employment.¹⁸

Examples of NGO Good Practice

On the local level, in socially excluded locations, some **NGOs** carry out projects of supported employment including motivation programmes re-training and social entrepreneurship, in cooperation with the Agency for Social Inclusion and with local municipalities. Another example of the implementation of public services is a Roma activist's initiative 'Romea' in Děčín, who, together with local authorities, organise civil patrols, which take care of order and inter-community life in Boletice housing areas.¹⁹

VII.ii The political and legal context

¹⁴ Jelínková, M., Hánová, M., *Současná situace migrantů na Plzeňsku*, <http://migraceonline.cz/e-knihovna/?x=2269140>, accessed 22 August 2011.

¹⁵ Ibid.

¹⁶ Czech Republic: Improving Employment Chances of Roma, Report No. 46120 CZ, Human Development Sector Unit, World Bank 2008, http://siteresources.worldbank.org/ECAEXT/Resources/258598-1224622402506/CZ_Roma_Employment_Full_Report.pdf, accessed 14 August 2011.

¹⁷ Agentura pro sociální začleňování v romských lokalitách, <http://www.socialni-zaclenovani.cz/zamestnanost>, accessed 14 August 2011.

¹⁸ Veřejný ochránce práv, *Souhrnná zpráva o činnosti veřejného ochránce práv 2010*, str. 161, http://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Souhrnna_zprava_VOP_2010.pdf, accessed 18 August 2011

¹⁹ Romea.cz, *Romské hlídky mají úspěch, rozšiřují působnost*, http://www.romea.cz/index.php?id=detail&detail=2007_7927, accessed 20 August 2011.

In the area of discrimination in employment there were no further regulations adopted to enhance protection in the case of discrimination, or for the prevention of discrimination, in the given period. This is the case despite the continuous monitoring of discrimination and related legislation being the principle of the Concept of Roma Inclusion for 2009-2013, which was approved by the government in December 2009.²⁰

The Amendment to the Act on Aliens effective from 1 January 2011 approved of the Ministry of Interior's concept of so-called 'circular migration': It means that employers are allowed to bring in migrants for work but at the same time the state will do everything to prevent them from staying in the CR and encourage them to leave the country as soon as there is no need for their labour. Such a legal instrument can be used as a means to get rid of up to a hundred thousand third country nationals, mainly from the Ukraine, Vietnam, Russia, Moldova, Mongolia, etc. According to a letter sent to the Czech Senate by a number of NGOs, the concept is inhumane, anti-integration, and unrealistic, since the Gastarbeiter model did not succeed in Western Europe.²¹ The situation of pregnant migrant women is especially difficult since they get fired as soon as they become pregnant. Although taking such action is against the Labour Code, their chances of defending themselves are virtually non-existent.

²⁰Sociální revue, *Vláda schválila Koncepti romské integrace na období 2010 – 2013* (Sociální politika, 2009), <http://socialnirevue.cz/item/vlada-schvalila-koncepci-romske-integrace-na-obdobi-2010-2013>, accessed 20 August 2011

²¹Iniciativa za práva pracovních migrantů, *Dopis Senátu Parlamentu České Republiky k novele zákona o pobytu cizinců*, <http://www.zpravamigrantu.cz/index.php/tiskove-zpravy/76-dopis-senatorum>, accessed 22 August 2011

VI. Racism and related discrimination in housing

VI.i Manifestations of racism and related discrimination in housing

The key problem in this area remains socially excluded Roma locations (SEL). There have been no signs of de-ghettoisation in the given period. There 300-400 SELs in the CR,²² 30-40 of the enclaves are considered to be ghettos, where social exclusion became segregation and serious separation from the social surroundings. The main signs of the SELs are: low housing quality, insufficient infrastructure, poor services availability (related to lack of job opportunities), and high debts of the SELs inhabitants.²³ One of the priorities of the Concept of Roma Integration (2010-2013) is that the SELs must be urgently improved and restructured in the short term and eventually abolished in the long term when viable alternatives have been created. The social problems in SELs are often abused by nationalist and neo-Nazi groups. The governmental Agency for Social Inclusion of Roma Locations is active in 23 SELs, working to create local partnerships.

There is also a serious problem with both direct and indirect discrimination in the free housing market. Although housing is protected by anti-discrimination law, it is almost impossible to legally prove it. Even the Ombudsman criticised the practice of discrimination in housing based on ethnicity, sex, parenthood and citizenship. This type of discrimination happens in municipal allocations of housing. The Ombudsman warned about the “key and specific role that municipalities play and that fulfil numerous public goals including caring for the housing needs of their citizens”²⁴ and recommended so-called Ten Principles of Equal Access to Housing.²⁵ During 2010, based on recommendations by the Ombudsman, the Ministry of Local Development instructed municipalities to remove discriminatory criteria from the rules of allocation of municipality housing. All of the problems related to housing and the practical non-existence of the social housing as such, have a direct negative impact on family life in Roma communities. One example of such problems is the state bodies’ approach of removing children from their families and putting them in institutional care due to their parents’ poor quality housing, or lack of housing. Despite the fact that in 2006 and also in 2007, the European Court for Human Rights issued a verdict that such practice violates article 8 of the Convention on the Rights of Child (in

²²According to Martin Šimáček, the direktor of the Agency for Social Inclusion, in Romea, *Šimáček: Strategie boje proti sociálnímu vyloučení, kterou by po prázdninách měla projednat vláda, se nezaměřuje pouze na Romy*, http://www.romea.cz/index.php?id=detail&detail=2007_10267, accessed 20 August 2011.

²³ <http://www.socialni-zaclenovani.cz/oblasti-podpory-bydleni>, accessed 20 August 2011.

²⁴ Veřejný ochránce práv, *Souhrnná zpráva o činnosti veřejného ochránce práv 2010* (Kancelář veřejného ochránce práv, 2011), p. 168.

²⁵ Ibid.

the cases of Walls against the CR and Havelka against the CR),²⁶ there has still been no redress on the matter to date. According to the Czech Helsinki Committee Annual Report for 2010 the reasons for half of the children currently being removed from their families and put in institutions are social and housing.²⁷ Placing Roma children in institutional care is also criticised by international institutions, e.g. in the Report of the European Commission Commissioner for Human Rights, based on his visit to the CR on 17-19 November 2010. In January 2011, the Highest Court issued a general opinion according to which “the reasons to order institutional care for a child cannot be only material deprivation of the family, especially not poor housing conditions.”²⁸

Examples of NGO Good Practice

The NGO Centrom in Ostrava has a long-term project of supported housing for Roma who are in danger of social exclusion or are socially excluded. In 3 phases the project aims to gradually lead clients from supported housing to independent housing based on a regular contract.²⁹

There has not been much change in the situation of migrants when it comes to housing. There is not enough integration housing for those who receive international protection. Those migrants who are employed, study, or do business, meet with either a lack of willingness on the part of the Czech population to lease flats to foreigners or being forced to pay higher rents than Czechs do. In addition to that, the census does not cover people in hostels where migrants tend to live, hence not providing an accurate number of migrants in total.

VI.ii The political and legal context

The social integration of socially excluded people is included in the Petr Nečas’s government programme declaration.³⁰ The institution responsible for combating social exclusion is the ‘Agency for Social Inclusion in Roma Localities’ (ASIRL). The Agency is not an independent institution but functions as a section of the government. Its activity is prolonged until 2012. At the same time the Act on

²⁶<http://www.poradna-prava.cz/folder05/Walovi-rozsudek.pdf>, <http://www.poradna-prava.cz/folder05/Havelkovi-rozsudek.pdf>, accessed 20 August 2011.

²⁷ Český helsinský výbor, *Zpráva o stavu lidských práv v ČR za rok 2010*, <http://helcom.cz/view.php?cislocianku=2011062002>, accessed 22 August 2011, p.10.

²⁸ http://www.nsoud.cz/JudikaturaNS_new/ns_web.nsf/web/Provarejnostamedia-Tiskovezpravy-Stanovisko_Nejvyssiho_soudu_v_Brne_k_narizovani_ustavni_vychovy_deti_soudy_z_duvodu_chudoby_ci_nevyhovujici_ch_bytovych_podminek~?openDocument&lng=CZ, accessed 20 August 2011.

²⁹ http://www.centrom.cz/index.php?option=com_content&view=category&layout=blog&id=1&Itemid=10, accessed 20 August 2011.

³⁰ Romea, *Programové prohlášení vlády dalo zelenou Agentuře pro sociální začleňování*, http://www.romea.cz/index.php?id=detail&detail=2007_8434, accessed 20 August 2011.

Agency was being prepared but the concrete amendment has not been created yet. Housing plays an important role in the Concept for Roma Integration 2010-2013, adopted in 2009. Its core principles are: re-structuring³¹ of socially excluded Roma locations, support for the availability of social housing for low-income Roma households, protection from discriminatory behaviour in the housing market, and prevention of the risk of loss of housing due to debts related to rent payments.³²

In June 2010, the government adopted the 'Principles of the Strategy to Combat Social Exclusion'. According to some experts who participated in the preparation of the Strategy, the preparation process was negatively influenced by austerity measures. Hence, a lot of suggestions were ignored for financial reasons but also because of the whole governmental objective of saving wherever possible. A Roma activist, Karel Holomek, wrote on his blog expressing his concern over whether the Strategy would be adopted or not due to the above mentioned reasons.³³

The absence of social housing in the CR was a marginal issue in the political discourse and was given no place in the government programme. The Concept of Social Housing submitted by the ASIRL in 2009 was never implemented. Hence, social housing practice is based on ad hoc pilot projects carried out by NGOs.

³¹ For example: create infrastructure, include children in regular schools, fight crime, and most of all improve quality of housing etc.

³² <http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Koncepce-romske-integrace-2010--2013.pdf>, accessed 20 August 2011.

³³ Romea, Šimáček: *Strategie boje proti sociálnímu vyloučení, kterou by po prázdninách měla projednat vláda, se nezaměřuje pouze na Romy*, http://www.romea.cz/index.php?id=detail&detail=2007_10267, accessed 20 August 2011.

VII. Racism and related discrimination in education

VII.i Manifestations of racism and related discrimination in education

One of the most serious forms of discrimination in the CR is the discrimination against Roma children in primary education. Despite conclusions by the ECHR from 2007 in the case of D.H. vs. CR,³⁴ which stated that there was discrimination and a violation of the right to education of the Roma children by placing them into so-called special (currently called practical) schools, a third, and in some municipalities one half, of Roma children receive education in these type of schools. Such schools are at the same time designed for the children with mild mental and physical disabilities.³⁵

In April 2010, the Ombudsman concluded that the disproportionately high number of Roma children who are placed in such schools based on recommendations of the school counselling institutions, without being diagnosed with mental disorders, is indirectly discriminatory. The representation of one third of Roma children in such schools constitutes discrimination.³⁶ Due to the segregation of Roma in education, the CR is continuously criticised by international institutions but, despite this, no efficient regulation has been adopted to remove this type of discrimination. The government adopted the National Action Plan of Inclusive Education (NAPIV) in March 2010 as a strategic document but in the given period it has not been implemented. In spring 2010 a working group, which included experts from academic and NGO circles, was established with the Ministry of Education. However when Nečas's government and the new Minister of Education, Josef Dobeš, were appointed the work on inclusive education became paralysed. The working group met only twice in the given period, and the second meeting, on 28 January 2011, was described as a farce.³⁷ In addition, Mr. Dobeš abolished the ministerial department dealing with inclusive education soon after he was appointed.³⁸

In December 2010, the Ombudsman expressed his view on discrimination in pre-school education, mainly in kindergartens: namely, that some children are discriminated against due to citizenship, health disabilities, place of permanent residence of parents, or their social and working status.³⁹

³⁴ <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=825443&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>, accessed 23 October 2011.

³⁵ Česká školní inspekce, *Tematická zpráva – Souhrnné poznatky z tematické kontrolní činnosti v bývalých zvláštních školách*, Praha, březen 2010, viz např. <http://spolecnedoskoly.cz/wp-content/uploads/tematicka-zprava-csi.pdf>, accessed 14 August 2011.

³⁶ *Stanovisko veřejného ochránce práv k podezření na diskriminaci romských dětí a žáků – z tematické kontrolní činnosti České školní inspekce na základních školách praktických*, 20.4.2010, <http://spolecnedoskoly.cz/wp-content/uploads/stanovisko-verejneho-ochrance-prav-k-diskriminaci-romskych-zaku.pdf>, accessed 14 August 2011.

³⁷ Pastorek, M. *Fraška na ministerstvu*, <http://www.inkluzce.cz/clanek-381/fraska-na-ministerstvu> accessed 20 August 2011.

³⁸ <http://aktualne.centrum.cz/domaci/spolecnost/clanek.phtml?id=701911>, accessed 20 August 2011.

³⁹ Doporučení veřejného ochránce práv k naplňování práva na rovné zacházení v přístupu k předškolnímu vzdělávání, Kancelář veřejného ochránce práv, 8 December 2010,

Examples of NGO Good Practice

An NGO called **Rytmus** provided schools and parents with counselling in the area of inclusive education. Their projects include the education of teachers, awareness raising programmes, and personal assistance for disadvantaged children. It also manages web pages related to issues of inclusive education. More at: www.rytmus.org, www.inkluze.cz

VII.ii The political and legal context

The Concept of Roma Integration also includes the removal of obstacles in regard to Roma children's access to education and the aim to abolish segregation in education. One part of this is making changes to the work of pedagogical and psychological centres (which have to diagnose a child with disorders in order for it to be placed in a special school) in terms of improving their diagnostic methods and their work with socially disadvantaged children. However, under the leadership of the new minister there were no regulations leading to implementation of the Concept on Roma Integration. In general during the term of Minister Dobeš, all work on inclusive education came to halt. In addition Minister Dobeš employed Mr. Ladislav Batora as his counsel. Mr. Batora used to be a candidate for the extreme right 'National Party', has cooperated with other extreme right groups, and is currently president of the ultra-conservative initiative called D.O.S.T. whose manifesto is based mainly on the denial of the principle of anti-discrimination. This appointment was heavily criticised by civil society but also by the Science Counsel of the Faculty of Philosophy of the Charles University.⁴⁰ Despite these protests, Mr. Batora was appointed as the head of the Personnel Department of the Ministry of Education in June 2011.

The situation for migrants has not changed dramatically in the given period. Although the so-called inclusive education of the Ministry of Education is focused more on Roma and disabled children, the concept also applies to multicultural education. In that sense, it is worrisome that some 50 experts stopped cooperating with the Ministry due to their lack of trust in the willingness of the newly appointed minister to implement the inclusion programs that were designed under the previous minister.⁴¹

Example of NGO Good Practice

http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Doporuceni/Doporuceni-skolky-orig.pdf, accessed 20 August 2011.

⁴⁰Romea, *Vědecká rada FFUK: Bátoru na ministerstvu školství nechceme*, http://www.romea.cz/index.php?id=detail&detail=2007_9532, accessed 20 August 2011.

⁴¹ Romea, *Otevřený dopis členů týmu NAPIV premiéru Nečasovi a ministru Dobešovi*, http://www.romea.cz/index.php?id=detail&detail=2007_9989, accessed 20 August 2011.

The NGO **Slovo 21** provides assistance and organises courses for Roma pupils and students who want to apply for college entrance exams. 70 students took part in the project from 6 districts and 7 cities across the CR, mostly to prepare for high school exams.

More at:

http://www.slovo21.cz/nove/index.php?option=com_content&view=article&id=62%3Asikhuv-odiader-u-se-dal&catid=35%3Aromske-projekty&Itemid=37&lang=en

VIII. Racism and related discrimination in health

VIII.i Manifestations of racism and related discrimination in health

As mentioned in the previous ENAR Report, some migrants are at a disadvantage when accessing the public health care system.⁴² Family members of Czech citizens who are third country nationals must pay for health care or have commercial insurance for the first two years of their stay as family members in the Czech Republic, while the family members of EU citizens have access to the public health care system immediately. Until migrants obtain permanent residence they participate in the public health care system as employees, but their family members have to obtain commercial insurance. However,

⁴²Muhič Dizdarevič, S., Valeš, F., *ENAR Shadow Report 2009-2010*, <http://cms.horus.be/files/99935/MediaArchive/publications/Czech%20Republic.pdf>, accessed 22 August 2011.

commercial insurance is voluntary for both parties, which, in some instances leads to companies not awarding health insurance.

All migrants who are not employees have no access to public health system before obtaining permanent residence, (which means for the first five years). This policy was criticised by the Ombudsman (officially known as the Public Defender of Rights) and NGOs. This rule also applies to children. The ProAlt Initiative wants to draw attention to the fact that commercial health insurance is disadvantageous for migrants (since the insurance terms exclude them from coverage for a great deal of medical care), disadvantageous for health care facilities (since care provided to "insured" migrants will not necessarily be reimbursed), and, finally, disadvantageous for the public budget as well (the majority of migrants who are the most ill, such as children born with congenital defects, eventually have their care covered by the state for humanitarian reasons). On the other hand, commercial insurance is very advantageous for the insurance companies, as migrants have no choice but to buy their products or be denied residency.⁴³

The Roma victims of forced sterilisation in the CR have not yet received compensation from the Czech government, although the Ombudsman demanded systematic regulations for compensation in 2005. In November 2009, the government expressed "its regret because of individual mistakes committed",⁴⁴ but no compensation mechanism has been established. Thus, victims are forced to undergo legal proceedings demanding compensation for health damages individually. In October 2010, CEDAW criticised the fact that victims have not been compensated yet.⁴⁵ The Commissioner of the Council of Europe also criticised the government in his report on his visit in November 2010 because, as he stated, the victims were not provided with efficient legal means to achieve compensation and he asked for clear legal regulation on informed consent in relation to medical operations to be adopted by June 2011 at the latest.

VIII.ii The political and legal context

The newly appointed government of the Prime Minister Mr. Nečas, approved, in August, a particular legislative arrangement for commercial health insurers, but on a third reading the lower house suddenly approved a completely different piece of legislation on the issue without giving any explanation or rationale. The

⁴³ ProAlt Press Release, Czech Group to Protest Corruption in Foreigners' Health Insurance, http://www.romea.cz/english/index.php?id=detail&detail=2007_2074, accessed 22 August 2011

⁴⁴ Muhič Dizdarevič, S., Valeš, F., *ENAR Czech Republic Shadow Report 2009-2010*, <http://cms.horus.be/files/99935/MediaArchive/publications/Czech%20Republic.pdf>, accessed 22 August 2011.

⁴⁵ CEDAW, *Concluding observations of the Committee on the Elimination of Discrimination against Women, Czech Republic*, http://www.llp.cz/files/file/k%20tiskovk%C3%A1m/CEDAW_Concluding_observations.PDF, accessed 20 August 2011.

"comprehensive care" legislation approved by the lower house does not address all of the unacceptable loopholes in existing law (with respect to payments for elective health care procedures), but it evidently inflates the cost of insuring foreigners six fold. The sudden change of the character of legislation, which is extremely disadvantageous for migrants and runs completely contrary to what NGOs demanded (that all migrants are included into the public health care system), led some to speculate about corruption and irregular lobbying by insurance companies. They are currently the only ones profiting from the new legislation.⁴⁶ The new legislation, in effect from 1 January 2011, not only does not expand access to public health care but it forces migrants to expand their private commercial insurance, which means six fold increase for each migrant and 24 fold increase for a four member family. At the same time, the insurance has to be paid for two years in advance. This negative trend was criticised also by the Czech Helsinki Committee in its Annual Report on the State of Human Rights in the Czech Republic.⁴⁷

It is particularly worrisome that in the Pilsen region the Aliens Police require health care facilities to breach the law of confidentiality and report migrants without insurance directly to the police, upon which their residence permit may be revoked. This has also led to migrants avoiding going to hospitals, as hospitals also follow this practice.⁴⁸

⁴⁶ Ibid.

⁴⁷ Český helsinský výbor, *Zpráva o stavu lidských práv v ČR za rok 2010*, <http://helcom.cz/view.php?cislocianku=2011062002>, accessed 22 August 2011.

⁴⁸ Jelínková, M., Hánová, M., *Současná situace migrantů na Plzeňsku*, <http://migraceonline.cz/e-knihovna/?x=2269140>, accessed 22 Aug

IX. Racism and related discrimination in criminal justice

IX.i Manifestations of racism and related discrimination in criminal justice

IX.i.i Policing and ethnic profiling

Ethnic profiling in the CR is not systematically monitored and does not feature in public discourse. It is thought to happen mainly in case of Roma and it is most obvious in the penitentiary system and institutional care for the children. The estimate is that approximately 30% of the prison population is Roma, although they represent only 2% of general population. The Czech Helsinki Committee (CHC) criticised lack of attention given to the subject of ethnic profiling. In its Annual Report the CHC says: "Continuous ignoring of institutional discrimination causes a lack of analysis of the causes (primary and secondary) and lack of strategies to overcome it."⁴⁹

IX.i.ii Racist violence and crime

Neo-Nazi movements were the most important players in the given period when it comes to hate crimes. Their ideology in this context is based mainly on anti-Gypsism and abuse of the subjects of social exclusion in relation to Roma. The neo-Nazi movements' activities were reduced in the given period most probably due to state measures adopted to suppress their activities. On 27 May 2010 the Constitutional Court rejected the complaint by the Workers Party (Dělnická strana) as obviously baseless. The Party lodged a constitutional complaint arguing they should not have been abolished. The complaint was lodged against the Highest Administrative Court decision to abolish the Party in February 2010.⁵⁰ On 20 October 2010 the District Court in Ostrava reached a verdict condemning an arson attack on Roma family in Vítkov.⁵¹ In March 2011 the verdict was confirmed by the High Court in Olomouc. The four arsonists, belonging to an active neo-Nazi movement, were found guilty of throwing three Molotov cocktails into the house where a Roma family lived in April 2009. The court saw their act as attempted murder motivated by hatred, and all four received an exceptional punishment of imprisonment of 20-22 years. In addition they are to compensate the victims with 17 million CZK (cca. 680 000 EUR). The final verdict was broadcasted by the Czech TV directly, which increased the preventative function of the criminal proceeding. To everybody's surprise, the Czech president Mr. Klaus expressed his dissatisfaction with the verdict and proclaimed that

⁴⁹ Český helsinský výbor, *Zpráva o stavu lidských práv v ČR za rok 2010*, <http://helcom.cz/view.php?cislocclanku=2011062002>, accessed 22 August 2011, p.8.

⁵⁰ Muhič Dizdarevič, S., Valeš, F., *ENAR Shadow Report 2009-2010*, <http://cms.horus.be/files/99935/MediaArchive/publications/Czech%20Republic.pdf>, accessed 22 August 2011.

⁵¹ For the details of this attack, see *ibid.*

punishments were “unusually high”.⁵² The CHC saw the president’s statement as “irresponsible and short-sighted.”⁵³ In reaction to the verdict 14 NGOs addressed the Attorney General’s Office to re-open other cases of arson attacks, which were adjourned in the past, or not investigated at all.⁵⁴

The beginning of 2011 saw a return of neo-Nazis into public space in a gathering with a strong anti-Gypsy subtext. The gathering was organised by the Workers Party of Social Justice. However the worst role was not played by the neo-Nazis but by the public administration and the police. On 12 March 2011, the neo-Nazi gathering was organised in Nový Bydžov, and was directly related to the statement made by the mayor of Pavel Louda who said in November 2010 “The Gypsies raped, and the municipality prepared measures to tackle that.” The statement was based on the principle of collective guilt. The mayor also said “the rape was the last straw leading to the establishment of repressive measures. We will carry them out although I and my colleagues are under threat of court proceedings, since our absurd state will see it as discrimination against poor Gypsies.”⁵⁵ “The Gypsies are all over our city, they bother people, steal, and rape. The time that a decent citizen spends working, Gypsies spend lying on benches happily chatting with each other.”⁵⁶ In relation to such statements in mid February a meeting of mayors was organised where they demanded that social benefits for Roma be changed. The NGOs criticised the statement, e.g. the CHC Chair of Board, Ms. Anna Šabatová, said in the magazine Deník Referendum that “similar measures are against the legal framework and none of it can lead to a better co-existence between the Roma, who live on the outskirts of our society, and the majority. On the contrary, such steps would lead to a deterioration of the co-existence.”⁵⁷

IX.i.iii Counter terrorism

This topic is irrelevant in the CR, where no counter terrorism initiatives have been carried out.

⁵² IHNET.cz, *Klaus ke kauze Vítkov: Tresty pro žháře jsou nečekaně vysoké*, <http://zpravy.ihned.cz/cesko/c1-47368100-klaus-ke-kauze-vitkov-tresty-pro-zhare-jsou-necekane-vysoke>, accessed 20 August 2011.

⁵³ Český helsinský výbor, *Zpráva o stavu lidských práv v ČR za rok 2010*, <http://helcom.cz/view.php?cislocianku=2011062002>, accessed 22 August 2011, p. 32.

⁵⁴ Romea, *Neziskovky vyzývají Nejvyšší státní zatupitelství, aby nechalo došetřit odložené žhářské útoky*, http://www.romea.cz/index.php?id=detail&detail=2007_9079, accessed 20 August 2011

⁵⁵ Romea, *Starosta Nového Bydžova chce řešit kriminalitu na principu kolektivní viny Romů*, http://www.romea.cz/index.php?id=detail&detail=2007_9013, accessed 20 August 2011

⁵⁶ Romea, *Právník k výrokům starosty Bydžova: Pokud někdo rozlišuje lidi na tzv. slušné občany a cikány, pak je to podněcování k rasové nenávisti*, http://www.romea.cz/index.php?id=detail&detail=2007_9316, accessed 20. August 2011.

⁵⁷ Deník Referendum, *Šabatová: Zastupitelé měst a obcí chtějí problémy s Romy řešit protiústavně*, <http://denikreferendum.cz/clanek/9014-sabatova-zastupitele-mest-a-obci-chteji-problemy-s-romy-resit-protiustavne>, accessed 20. August 2011

IX.ii The political and legal context

Legal regulations tackling hate crimes are included in the Czech legal code mainly in the Act nr.40/2009 Col., Criminal Code. The Criminal Code includes a rather complex regulations tackling criminal proceeding against racist and xenophobic crimes. Full implementation of the EU Framework on Racism and Xenophobia was prepared in the first half of 2011, with amendments to the Criminal Code and Criminal Order. However, there was no previous public discussion on the amendments, hence sexual orientation as a motive for criminal acts out of hatred has still not been taken into account.

The Ministry of Interior is responsible for fighting hate crimes within its Strategy of Combat against Extremism, adopted in 2009. According to the Ministry's Report on Extremism in the CR in 2010,⁵⁸ there were 252 hate crimes committed in 2010. The NGO's (Amnesty International, In IUSTITIA, and Romea) criticised the Report, mainly for the fact that the ethnic or social status of the offenders is recorded but not the motive, particularly not the motive of anti-Gypsism.⁵⁹ Cooperation between the Ministry and the NGOs within the group called Task Force C (advisory body to the Ministry of Interior) was reduced from the beginning of 2011. The NGO Romea terminated its cooperation with the Ministry in July 2011 because it was criticised by the Ministry for publishing critical comments about the Ministry on its information portal www.romea.cz.⁶⁰ In the period covered by this report we still do not find the beginning of systematic data collection related to hate crimes. We do not even find subjects of ethnic profiling or institutional discrimination in public discourse.

Regardless of the verdict in the Vítkov arson attack case it is not possible to see the state bodies' reaction to hate crime as ideal. In this period, it is especially disappointing that an attempt at pogrom in Janov in November 2008 remained unsolved. In January 2011, the District Court in Most found a perpetrator of attack on Ondřej Čákl, an activist of the NGO Tolerance and Civil Society, 'not guilty' due to a lack of evidence. The CHC reacted to this with the statement that "it means total failure of the bodies involved in criminal proceedings, mainly the Czech Police and general attorney in investigating violence committed by neo-Nazi movements..."⁶¹

⁵⁸ <http://www.mvcr.cz/clanek/extremismus-vyrocní-zpravy-o-extremismu-a-strategie-boje-proti-extremismu.aspx> , accessed 20 August 2011.

⁵⁹ AI, In IUSTITIA, Romea, Tisková zpráva: Vychází zpráva o extremismu, NNO ji přijímají s rozpaky, <http://www.in-ius.cz/aktuality/vychazi-zprava-o-extremismu-nno-ji-prijimaji-s-rozpaky.html>, accessed 20 August 2011.

⁶⁰ Balážová, J, Kostlán, F, Ryšavý, Z, *Sdružení ROMEA přerušilo spolupráci s ministerstvem vnitra. Nelíbí se mu změna přístupu k boji proti extremismu.* http://www.romea.cz/sdruzeniromea/index.php?option=com_content&view=article&id=106%3Asdrueni-romea-peruilo-spolupraci-s-ministerstvem-vnitra-nelibi-se-mu-zmna-jeho-pistupu-v-boji-proti-extremismu&catid=34%3Atiskove-zpravy&Itemid=53&lang=cs, accessed 20 August 2011.

⁶¹ Český helsinský výbor, *Stanovisko ČHV k rozsudku Mosteckého soudu k násilností v Janově*, <http://www.helcom.cz/view.php?cisloclanku=2011010601>, accessed 20. August 2011.

At a gathering of neo-Nazis in Nový Bydžov on 12 March 2011 the police brutally dispersed a peaceful blockade of the neo-Nazi march, organised by the NGOs within an initiative called “Nový Bydžov is not Alone” and supported by the Green Party and ex-Minister for Human Rights, Michael Kocáb.⁶² Despite critique of the brutal police act,⁶³ the police were found not guilty of wrong-doing. In fact, the same brutal attack was repeated at the beginning of April 2011 in Krupka in the Teplice region where, in addition, the police attacked members of religious services, i.e. a religious gathering, including a physical attack on a Christian minister.⁶⁴

⁶²Romea, *Nový Bydžov: lidská práva pod kopyty koní*, http://www.romea.cz/index.php?id=detail&detail=2007_9501, accessed 20 August 2011.

⁶³Např. stanovisko Českého helsinského výboru, CHC, *Stanovisko – Nový Bydžov*, <http://www.helcom.cz/view.php?cisloclanku=2011031701>, accessed 20 August 2011

X. Racism and related discrimination in access to goods and services

X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector

Data on access to goods and services do not exist. However, such cases happen mainly to Roma in the situation of access to bars, clubs, restaurants, etc. As an example and the only available documented case, we may quote the following case, which also shows how slow and difficult it is to prove discrimination in this area.

A long-lasting dispute between a Czech bar owner and three Roma people whom the bar staff refused to serve nine years ago, ended in an out-of-court settlement, on the 13 April 2010, according to which the bar owner will pay compensation of 20,000 crowns to each of the Roma persons. The owner, J.O., is also to cover a part of the court expenses for the complainants. Czech courts have dealt with the case for several years. The Roma persons lodged the lawsuit because they considered owner's approach to them discriminatory. In 2005, the regional court in Ostrava, north Moravia, upheld their complaint and ordered that the owner to pay 50,000 crowns in compensation to each of them. The owner appealed the verdict and the High Court in Olomouc in 2007 lowered the compensation sum to 5,000 crowns. The Roma persons appealed the verdict and the Supreme Court returned the case to the High Court for a new discussion. The two parties in the dispute finally reached out-of-court agreement. The three Roma people had visited the bar in July 2001 but the staff refused to serve them saying they did not have the required club cards. However, shortly after they left the bar, their acquaintances, who are not Roma, entered the bar and were served without having any club cards. None of the guests had club cards, as the police found out on the spot.⁶⁵

Examples of NGO Good Practice:

We were not able to find any examples of NGO best practices directly related to this area.

⁶⁵ The Prague Daily Monitor, *Bar Owner Compensates Three Roma for Refusing to Serve Them*, [http://www.icare.to/news.php?en/2010-04#BAR_OWNER_COMPENSATES_THREE_ROMA_FOR_REFUSING_TO_SERVE_THEM_\(Czech_Rep.\)](http://www.icare.to/news.php?en/2010-04#BAR_OWNER_COMPENSATES_THREE_ROMA_FOR_REFUSING_TO_SERVE_THEM_(Czech_Rep.)), accessed 22 August 2011.

X.ii The political and legal context

The agenda of access to goods and services is regulated by Act Nr. 634/1992 Coll. on Customers Protection and Act Nr. 198/2000 Coll. on Equal Treatment and Legal Means for Protection against Discrimination and on Changes of other Acts (Anti-discrimination law). However this framework does not appear to have been used in current legal practice to specifically tackle denial of access to goods and services based on racism.

Although there are no NGOs dealing with this particular type of discrimination, it is possible to say it is included indirectly in the agenda of NGOs dealing with discrimination. There was no NGO specifically dedicated to discrimination in access to goods and services in the given period. This issue is covered by NGOs dealing with general customer protection but thus this support lacks the specialised background on the targeting of minorities in this area. NGOs dealing with discrimination against Roma and migrants possibly also deal with this indirectly but there are no known projects dealing with cases of discrimination in this field.

XI. Racism and related discrimination in the media

XI.i Manifestations of racism and related discrimination in the media, including the internet

The media in the Czech Republic has undergone significant development in the area of reporting on discrimination and extremism. In the 1990s, such reporting was almost exclusively about “skinheads”, but today the term “neo-Nazis” is commonly used. The problem of discrimination is also not made light of as often today as it used to be. However, there are ongoing problems: a lack of investigative reporting, stereotyping of minorities, and a lack of opportunity for ordinary members of minority groups to express their views on issues.

The media report very occasionally and briefly on individual activities and projects, language courses, cultural events or multicultural festivals, or problems connected to the economic downturn. Information about integration usually fails to appear in the media. The main integration and migration issues that have been recognised in the analysis were regarding access to the labour market, languages and the socio-cultural orientation of immigrants, the human rights dimension, migration as a security concern or even security threat, and the need for better immigration control. Apparently the question of integration remains off the agenda both on the political level and in media discourse.⁶⁶

The Czech internet daily Deník.cz and its Havířov edition, havirovsky.denik.cz, have crossed way over the line. An article on the problems of children hospitalised with jaundice in Havířov, appeared under the truly eye-catching headline: “Havířov infection unit full of little Gypsies with jaundice once again” (“Havířovská infekce je zase plná malých cikáňat se žloutenkou”). A similar headline ran over the same article on the nationwide Deník.cz server but was changed after about two hours to “Havířov infection unit is full of Roma children again.”⁶⁷

The slogan, which featured on the controversial billboards erected by the Czech Social Democrats (ČSSD) in Most, was changed after public protests. The original slogan -“Why should I regret being the majority nationality in my homeland? One state, one set of rules!” – was replaced and, instead, the local mayoral candidate Karel Novotný addressed voters with the slogan “The same rules for all.”⁶⁸

⁶⁶ Babická, K., *Study on the National Policy Frame for the Integration of Newcomers*, <http://www.migrationonline.cz/e-library/?x=2292005>, accessed 22 August 2011.

⁶⁷ Ryšavý, Z., *Commentary: Neo-Nazi vulgarities increase in mainstream Czech media*, http://www.romea.cz/english/index.php?id=detail&detail=2007_1931, accessed 22 August 2011.

⁶⁸ Czech News Agency, *Czech Soc Dems in Most to change billboard slogan from 15 words to four*, http://www.romea.cz/english/index.php?id=detail&detail=2007_1924, accessed 22 August 2011.

In social media, a particularly obvious example of racism is a group called "Parents who leave their own child behind to burn do not deserve millions of crowns, but prison." This group was created in reaction the court verdict on the aforementioned arson attack on a Roma family in Vítkov.⁶⁹ The founders of this Facebook "event" state that "We demand the same punishment for Natálka's parents in the Vítkov case!", meaning that they believe that the parents (victims of the attack) and not just the arsonists should be punished. All three founders of this group, and they are not alone, are obviously committing the crime of libel, but more importantly, they are cynically lying in order to malign the Roma and justify the attempted burning to death of a Roma family by insinuating that Roma parents left their child in the house during an arson attack, were away in a bar, or preferred to save their possessions instead of saving their daughter.⁷⁰

In March 2011 a new website was launched endorsing the international neo-Nazi organisation, Blood and Honour (BH), and the militant terrorist group, Combat 18 (C18). The last website run by the Czech promoters of BH, who call themselves 'Blood and Honour Division Bohemia', was reportedly blocked by the US Federal Bureau of Investigation (the FBI) three years ago.⁷¹

In October 2010, the District Court in Písek, Czech Republic, sentenced Jiří Gaudin, the author of a study entitled "The Final Solution to the Gypsy Question", to a 14-month prison sentence, suspended for two years. Gaudin had faced up to three years in prison for inciting racial hatred. Until this year, Gaudin had been a member of the leadership of the ultra-nationalist 'National Party'. The release of his study on "The Final Solution to the Gypsy Question" was celebrated in April 2009 by 20 members and promoters of the National Party at Lety, the site of a Nazi concentration camp for Roma during the Second World War.⁷²

Although the number and visibility of Muslims in the CR are low, the ex-Czech Social Democratic Party (CSSD) leader, ex-prime minister and ex-social democrat presidential candidate Miloš Zeman expressed his views on Islam by saying that "The enemy" (of the West) "is anti-civilisation spreading from North Africa to Indonesia. Two billion people live in it and it's financed partly by oil trade and partly by drug trade." Criminal charges were raised against him before the district court in Prague on 30 June 2011.⁷³

⁶⁹ On which the District Court in Ostrava reached a verdict on 20 October 2010 condemning the arson attack 20 October 2010

⁷⁰ Kostlán, F, Czech Facebook and the Vítkov arson sentence, http://www.romea.cz/english/index.php?id=detail&detail=2007_1980, accessed 22 August 2011.

⁷¹ Czech Press Agency, Neo-Nazi organisation Blood and Honour launches new website in the Czech Republic, http://www.romea.cz/english/index.php?id=detail&detail=2007_2304, accessed 22 August 2011.

⁷² Romea, *Suspended Sentence of "The Final Solution of the Gypsy Question"*, [\(Czech Rep.\)">http://www.icare.to/news.php?en/2010-10#SUSPENDED_SENTENCE_FOR_CZECH_AUTHOR_OF_"THE_FINAL_SOLUTION_TO_THE_GYPSY_QUESTION"\(Czech Rep.\)](http://www.icare.to/news.php?en/2010-10#SUSPENDED_SENTENCE_FOR_CZECH_AUTHOR_OF_), accessed 22 August 2011.

⁷³ Lidové noviny, *Islám je anticivilisace, míní Zeman*, http://www.lidovky.cz/islam-je-nepratelska-anticivilisace-kvuli-vztahu-k-zenam-mini-zeman-1gf-/ln_domov.asp?c=A110707_153002_In_domov_ogo, accessed 22 August 2011.

Examples of NGO Good Practice

Kumar Vishwanathan, chair of **the Life Together association**, has helped the Vítkov family from the beginning and has commented on their situation in the media. He has maintained contact with the family and repeatedly objected to the haranguing of the family that was carried out by the Mayor of Vítkov, who publicly indicated that the father's lifestyle might have been a contributing factor to the crime. In the end, some media, for the first time ever, even provided readers and viewers with the opportunity for insight into the victims' point of view.

XII. Political and legal developments in anti-racism and anti-discrimination

There are several areas in which direct and indirect discrimination occur. The issues related to discrimination are subjectively perceived as pressing by the majority of people. According to a public opinion poll agency STEM,⁷⁴ two thirds of Czech citizens see discrimination in the CR as a big problem. Last year it was half of the population. Also, the number of those who think that discrimination is on the rise increased, compared to last year. According to this poll, people think the most dangerous type of discrimination is discrimination against age (47%), health condition or disability (20%), race or nationality (14%) and sex (9%). Also, a new amendment to the Voting Act continues to exclude migrants with permanent residence from elections on a local level.⁷⁵

The Czech Helsinki Committee (CHC) has sent an open letter responding to public statements made by Czech Ombudsman (who also serves as the Equality Body) Varvařovský, in which he impugned the country's anti-discrimination law. The statements were published on 31 January and 5 February in the newspaper Lidové noviny. The CHC believes the ombudsman's statements have endangered the general confidence in, and credibility of, that office. The open letter says: "The message that you personally doubt whether discrimination is even occurring on a large scale in the Czech Republic is very striking. It is incorrect, and in the case of an ombudsman, unprofessional, to generally construe the level of discrimination from statistical data, such as the number of complaints filed with the ombudsman, without comparing that data with data from other sources."⁷⁶

In general, policies in the area of racism and discrimination were influenced by the controversial approach of the government. After Nečas's government was appointed, the activities of the Human Rights Section of the Government were paralysed for a few months. As already mentioned, M. Kocab was removed from his position of Human Rights Commissioner in August 2010 and, despite NGO critiques, the new commissioner was only appointed in February 2011. In August 2010, an ultra-conservative Roman Joch was appointed as the Prime minister's advisor on human rights.⁷⁷ Also in August 2010, 30 NGOs asked the government to keep the post of Human Rights Commissioner and criticised the lack of

⁷⁴ STEM, <http://www.stem.cz/clanek/2185>, accessed 24 October 2011.

⁷⁵ Český helsinský výbor, *Zpráva o stavu lidských práv v ČR za rok 2010*, <http://helcom.cz/view.php?cisloclanku=2011062002>, accessed 22 August 2011.

⁷⁶ Czech Helsinki Committee, *Ombudsman's Statements Risk Reducing Public Confidence*, http://www.romea.cz/english/index.php?id=detail&detail=2007_2164, accessed 22 August 2011. The Ombudsman's response can be found here (in Czech only): <http://helcom.cz/view.php?cisloclanku=2011030101>, accessed 22 August 2011.

⁷⁷ Deník Referendum, *Premiérovým poradcem v oblasti lidských práv bude Roman Joch*, <http://www.denikreferendum.cz/clanek/5210-premierovym-poradcem-v-oblasti-lidskych-prav-bude-roman-joch>, accessed 25 August 2011.

importance it gives to human rights.⁷⁸ Since the government did not appoint the Commissioner during a six month period, the NGOs feared it might lead to the abolishing of the post as such.

Anti-discrimination legislation has seen little progress in this period. From 1 January 2010 the role of Equality Body is carried out by the Ombudsman. He dealt with 176 discrimination cases; and in 29 of these he concluded that there was discrimination, and provided legal analysis and methodical recommendations for further legal procedure.⁷⁹ Anti-discrimination law has not changed particularly when it comes to the strengthening the Ombudsman's authority in issuing recommendations for remedies in individual cases.

Protection in cases of discrimination and hate violence is de facto very limited due to the financial costs of court proceedings and the uncertainty of results (since there is lack of judicial decisions in this matter) and the uncertainty of the length of the process itself. One of the biggest obstacles is the lack of uniform regulations for free legal aid, and the CR was criticised for this reason in the ECRI Report from 2009. The proposal for amendments on free legal aid was prepared in February 2011 but until now there is no actual amendment proposed for adoption. According to available information no complaints were filed before the court related to protection from discrimination based on anti-discrimination law on the basis of the EU Race Equality Directive. According to the findings of the MIGPOL group published in their report entitled "Developing Anti-Discrimination Law in Europe, The 27 EU Member States Compared", the Czech Republic's anti-discrimination acts cover more than the EU Directives, as they cover work and employment relations, access to employment, self-employment and occupation, health care, education, social security and social protection, and services including housing for all grounds in the same scope.⁸⁰

Concerning definition of discrimination, the law implements the Directive very well. However the legal definition of prohibited acts, which are seen as discriminatory, does not suffice for effectively suppressing discrimination neither in regard to its preventive nor remedial form. The law does not envisage specific means of protection against discrimination but only refers to the standard means of protection which are already existing in the legal code. Hence protection against discrimination is covered by protection of personal complaints. At the same time the legal code does not recognise the system of access to free legal aid, therefore court protection against discrimination is too expensive for victims of discrimination and carries a risk of failure. Discrimination is only rarely dealt

⁷⁸Deník Referendum, *Lidskoprávní sdružení kritizují vládu, aktivista Holomek Jocha*, <http://www.denikreferendum.cz/clanek/5722-lidskopravni-sdruzeni-kritizuji-vladu-aktivista-holomek-jocha>, accessed 25 August 2011.

⁷⁹Rok 2010 z pohledu ochránce – víc šetření, víc vlastních iniciativ, <http://www.ochrance.cz/tiskove-zpravy/tiskove-zpravy-2011/rok-2010-z-pohledu-ochrance-vic-setreni-vic-vlastnich-iniciativ/>, accessed 25 August 2011.

⁸⁰http://www.migpolgroup.com/public/docs/180.DevelopingAntiDiscinEurope_Comparativeanalysis_IV_EN_1.09.pdf, accessed 8 September 2011. p 42.

with by the general Czech courts, therefore there is no comprehensive unified judiciary practice of the higher courts in this matter, and hence the chances of success in court cases are low. The introduction of a legal definition of discrimination is a really substantial change but since it does not also include clear and available means to combat discrimination, it is necessary to see its implementation as an important matter for the years to come. Taking into consideration the costs of court proceedings and uncertainty of success, there was no complaints filed before the court based on anti-discrimination law in the given period. Authors have conducted interviews on this matter with NGO lawyers dealing with discrimination from Counselling Centre for Citizenship, Civil and Human Rights.⁸¹

⁸¹ <http://www.poradna-prava.cz/en>, accessed 24 October 2011.

XIII. Migration and integration

Contrary to recommendations in the previous ENAR CR Report, the rules defining conditions for migrants' stay and living in the CR change at such pace that even the experts have difficulties in following them. The situation became even less transparent in the period covered by this report. The most important change lies in the change of the Act on Residency of Aliens (nr. 427/2010 Col., which amends the Act nr. 326/1999, Col.) effective from January 2011 and which completely ignored recommendations by NGO experts. The Act significantly weakened the already weak position of migrants as previously described in part in the sections on health and employment above and also as partly outlined below, although it also brought some positive regulations, too.

The authority to decide on residence including long-term visas was transferred from the Aliens Police to the Ministry of Interior's Department of Asylum and Migration Policy (DAMP). Working on integration and permanent visa agendas, the DAMP concentrates all of the power in one place and is, in general, less geographically available than the Aliens Police stations.⁸²

On 1 January, the new amendment introduced the right to review rejections or an obligation to provide a written explanation for long-term visa permission, which is certainly positive. Another positive change lies in new obligations to provide and sign a protocol when migrants apply for long-term visas at the Czech embassies. Until now, there was no record of how the interviews were conducted.

According to a Letter addressed to the Senate by almost all NGOs and initiatives active in the field of migration, the biggest human rights problem is prolongation of the period of detention in the case of administratively detained migrants from 6 to 18 months. Although they have not committed a crime, the migrants will be kept in detention camps for a longer time period without any obvious reason.⁸³

Another problem brought about by the amendment is that newly arrived migrants are obliged to personally appear before the state authority and cannot send or authorise someone else to do it. This is seen by NGOs as unnecessary harassment and a denial of the standard rights that other citizens have. The MI's argument was that the idea was to sever ties to representatives of migrants who often abuse them. But, as NGOs point out, the problem with representatives is not when applying or acquiring visas, it is when a representative abuses his/her authorisation to cancel visas in which case a migrant becomes illegal without even knowing it. Paradoxically in such cases the MI doesn't want to hear about

⁸²Pořízek, P., *Novinky ve vízovém procesu po 1. lednu 2011*, <http://migraceonline.cz/e-knihovna/?x=2282782>, accessed 22 August 2011.

⁸³*Dopis Senátu Parlamentu České Republiky k novele zákona o pobytu cizinců*, <http://www.zpravamigrantu.cz/index.php/tiskove-zpravy/76-dopis-senatorum>, accessed 22 August 2011

the personal presence of migrants, although this is the situation when cancelling representation would make the most sense.⁸⁴ The long term visa duration has been shortened from one year to six months by the new amendment.⁸⁵ Although the new amendment still allows for both unaccompanied and accompanied minors to be detained, the positive change lies in the new regulation: which obliges the police to appoint a guardian to an unaccompanied minor immediately and within a defined time limit (which was not the case before). The other improvement lies in the regulation resulting from the amendment which shortens the period of detention of minors with families to 90 days (previously in some cases it was up to 180 days) and which forces the police to consider the real conditions facing the minors in case of their repatriation (until now, if the CR had a readmission agreement with a country, minors could be repatriated automatically regardless of the poor conditions they might encounter there).⁸⁶

The Visapoint electronic system of visa applications, which was introduced in 2009, improved access to information about all types of visas issued at the Czech embassies. At the same time the system is criticised for creating a de facto additional instrument for migration management since it operates based on quotas, which are not stated by any legal act: instead they are set by various regulations such as governmental directives, etc. Therefore, the system of quota set through the Visapoint, stands apart from the comprehensive system of migration management and can have negative effects on some other policies, such as migrants employment policy.⁸⁷

It is necessary to mention that the CR has been criticised by the Fundamental Rights Agency (FRA) for offering phallometric tests to international protection applicants who claimed they were gay. Although the testing could happen only with applicants' consent it was seen as degrading and essentially controversial sexuological method of determining sexual orientation. The FRA summarized its arguments as follows: "...firstly, the practice raises doubts in light of Article 3 of the ECHR, which prohibits torture and inhuman or degrading treatment; secondly, it raises doubts as to its compatibility with Article 8 of the Convention, since this procedure touches upon 'a most intimate part of an individual's private life'; finally, the practice of 'phallometry' cannot be defended on the basis that it is only performed with the explicit consent of the person concerned."⁸⁸ After criticism by the FRA, the Ministry denies that the practice is being implemented and the NGOs have received no further cases from international protection applicants.

⁸⁴Ibid.

⁸⁵See footnote 28.

⁸⁶ Jeřábková, Z., *The Detention of Minors in the Czech Republic*, <http://www.migrationonline.cz/e-library/?x=2275321>, accessed 22 August 2011.

⁸⁷ Český helsinský výbor, *Zpráva o stavu lidských práv v ČR za rok 2010*, <http://helcom.cz/view.php?cisloclanku=2011062002>, accessed 22 August 2011.

⁸⁸ European Union Agency for Fundamental Rights, *The Practice of "phallometric testing" for gay asylum seekers*, http://fra.europa.eu/fraWebsite/news_and_events/infocus10_0912_en.htm, accessed 21 September 2011.

The MIPEX III study results found that the Czech Republic improving its standing, mainly because it finally adopted the Anti-discrimination law. However, we should keep in mind that the study measures only policies (where the CR is continuously criticised for the lack of policies enabling the political participation of migrants), which is certainly relevant, but not their implementation. Therefore in our view it should address more issues such as irregular employment and abuse of migrants in industries and lack of public health access, to name just a few.

Example of NGO Best Practice

The Association for Integration and Migration (SIMI) has implemented a project called '**Let's give Migrants a Chance**' which will run from January 1, 2011 – June 30, 2012. It focuses mainly on the elementary school population in Prague and Central Bohemia, where it organises 13 workshops carried out both by the SIMI experts and by migrants themselves, who tell the students about their own first-hand experience. Afterwards, multicultural evenings are organised for parents, students and neighbours to get to know selected cultures through dance, music, cuisine, etc.

XIV. National recommendations

Employment

- It is necessary for the state to come up with at least some examples of legal cases in which the mediators who abuse migrants in the employment process are punished.
- Control must be focussed on employers and not migrants. It is necessary to abolish the concept of circular migration since it is anti-integration by its character.

Housing

- The law on social housing should be immediately adopted to enable socially disadvantaged persons' to access financially available housing.

Education

- It is urgent to adopt measures to abolish the segregation of Roma children in education. The Ministry of Education should re-establish activities with a platform of experts working on the implementation of the NAPIV measures.

Health

- The government should adopt clear legal regulations around forced sterilisation and according to which all victims should receive financial compensation without having to go to court.
- All migrants should have access to the public health care system, based on their legally set contributions to it.
- All children should immediately be able to be insured through the public health care system.

Criminal justice

- Sexual orientation should be included among criteria to determine hate crimes by new amendment to criminal acts.
- The Ministry of Interior should re-establish cooperation with NGOs in fighting against extremism.
- The investigation into police behaviour towards anti-fascists in Nový Bydžov and Krupka should be reopened.

Access to goods and services

- There should be more training programs to increase the financial literacy of people from socially excluded locations, where mostly Roma live, in order to avoid huge household debts.

Media

- The media should focus more on the individual perspective of the stories on minorities and enable minority members to gain a voice.

General

Anti racism and anti discrimination

- In order to enforce protection from discrimination, anti-discrimination law and the law on the Ombudsman should be amended to include class action and the possibility for the Ombudsman to issue recommendations in individual cases.
- A new law on free legal aid should be adopted.

Migration and Integration

- The detention period for migrants must be reduced: currently it can be up to 18 months.
- Detention of minors should be prohibited under all circumstances.
- Rights should increase according to the length of time spent legally in the CR.
- The political participation of migrants who are permanent residents should be enabled.

XV. Conclusion

The institutional framework for the human rights agenda weakened significantly in the given period. The Human Rights Commissioner was removed from the government and it took almost half a year to appoint a new one, who was unknown to experts and activists, and during the given period has done nothing significant in the area of racism. In addition to this, in the period when the post of the Human Rights Commissioner was vacant, the Prime Minister chose a person who publically proclaims that he doesn't believe in the concept of human rights and discrimination, as his advisor. During the same time frame the Governmental Human Rights Commission held no meetings at all, whereas it used to meet regularly before the changes. Implementation of the previously adopted anti-discrimination measures has stopped entirely.

The new Residency Act of Aliens, which again changed conditions for residency and job permits, was adopted and became effective from 1 January 2011. Although heavily criticised by civil society, the amendments saw further restrictions on the status of migrants without solving any of the issues which were problematic before the act came into force. This means, in particular, worse health care conditions, longer detention periods, shorter validity of residence permits and concentration of all power related to the migration agenda into one department of the Ministry of the Interior, namely the Department for Asylum and Migration Policy.

The issue of social exclusion, among the most pressing issues in the CR, has not been dealt with efficiently in the given period. On the contrary, new socially excluded locations emerged and the problems of the inhabitants of such locations actually worsened. Currently, in the period following our report the absence of efficient policy of social inclusion is resulting in a rise in extreme right activism, including violent acts.

The response of civil society included grass root movements, such as the leftist ProAlt initiative, and also a constant effort is being made to warn people about the deteriorating situation in regard to racism. It is necessary to mention that most non-governmental associations are financed by the State, or by the ESF but through the Czech state institutions, which limits their ability to criticise governmental policies. In the case of the amendment to the Aliens Act, for example, NGOs suggestions were almost completely ignored. For the same reason, which is a lack of partnership between citizens and NGOs, some 50 experts terminated their cooperation with the new Minister of Education due to his lack of willingness to implement the principles of inclusive education adopted under the previous government.

In general, the possibilities for individuals to fight against racism and discrimination are currently very low in the CR. Although legal principles have been established, they are not implemented in practice.

Bibliography

AI, In IUSTITIA, Romea, Tisková zpráva: Vychází zpráva o extremismu, NNO ji přijímají s rozpaký, <http://www.in-ius.cz/aktuality/vychazi-zprava-o-extremismu-nno-ji-prijimaji-s-rozpaký.html>, accessed 20 August 2011.

Babická, K., *Study on the National Policy Frame for the Integration of Newcomers*, <http://www.migrationonline.cz/e-library/?x=2292005>, accessed 22 August 2011.

Balážová, J, Kostlán, F, Ryšavý, Z, *Sdružení ROMEA přerušilo spolupráci s ministerstvem vnitra. Nelíbí se mu změna přístupu k boji proti extremismu.* http://www.romea.cz/sdruzeniromea/index.php?option=com_content&view=article&id=106%3Asdrueni-romea-peruilo-spolupraci-s-ministerstvem-vnitra-nelibi-se-mu-zmna-jeho-pistupu-v-boji-proti-extremismu&catid=34%3Atiskove-zpravy&Itemid=53&lang=cs, accessed 20 August 2011.

Baršová, A., Barša, P. *Česká republika jako přistěhovalecký stát.* (2006) Online: <http://www.iir.cz/upload/PolicyPapers/2006/pbarsabarsova2006CRjakoPristehovaleckaZeme.pdf>, accessed 10 November 2010, p.6.

CEDAW, *Concluding observations of the Committee on the Elimination of Discrimination against Women, Czech Republic*, http://www.llp.cz/_files/file/k%20tiskovk%C3%A1m/CEDAW_Concluding_observations.PDF, accessed 20 August 2011.

Česká školní inspekce, *Tématická zpráva – Souhrnné poznatky z tématické kontrolní činnosti v bývalých zvláštních školách*, Praha, březen 2010, viz např. <http://spolecnedoskoly.cz/wp-content/uploads/tematicka-zprava-csi.pdf>, accessed 14 August 2011.

Český helsinský výbor, CHC, *Stanovisko – Nový Bydžov*, <http://www.helcom.cz/view.php?cisloclanku=2011031701>, accessed 20 August 2011.

Český helsinský výbor, *Stanovisko ČHV k rozsudku Mosteckého soudu k násilností v Janově*, <http://www.helcom.cz/view.php?cisloclanku=2011010601>, accessed 20 August 2011.

Český helsinský výbor, *Zpráva o stavu lidských práv v ČR za rok 2010*, <http://helcom.cz/view.php?cisloclanku=2011062002>, accessed 22 August 2011.

Consumer Protection Act, Nr. 634/1992 Coll.

Czech Helsinki Committee, *Ombudsman's Statements Risk Reducing Public Confidence*, http://www.romea.cz/english/index.php?id=detail&detail=2007_2164,

accessed 22 August 2011.

Czech News Agency, *Czech Soc Dems in Most to change billboard slogan from 15 words to four*, http://www.romea.cz/english/index.php?id=detail&detail=2007_1924, accessed 22 August 2011.

Czech Press Agency, *Neo-Nazi organisation Blood and Honour launches new website in the Czech Republic*, http://www.romea.cz/english/index.php?id=detail&detail=2007_2304, accessed 22 August 2011.

Czech Republic: Improving Employment Chances of Roma, Report No. 46120 CZ, Human Development Sector Unit, World Bank 2008, http://siteresources.worldbank.org/ECAEXT/Resources/258598-1224622402506/CZ_Roma_Employment_Full_Report.pdf, accessed 14 August 2011.

Deník Referendum, *Lidskoprávní sdružení kritizují vládu, aktivista Holomek Jocha*, <http://www.denikreferendum.cz/clanek/5722-lidskopravni-sdruzeni-kritizuji-vladu-aktivista-holomek-jocha>, accessed 25 August 2011.

Deník Referendum, *Premiérovým poradcem v oblasti lidských práv bude Roman Joch*, <http://www.denikreferendum.cz/clanek/5210-premierovym-poradcem-v-oblasti-lidskych-prav-bude-roman-joch>, accessed 25 August 2011.

Deník Referendum, *Šabatová: Zastupitelé měst a obcí chtějí problémy s Romy řešit protiústavně*, <http://denikreferendum.cz/clanek/9014-sabatova-zastupitele-mest-a-obci-chteji-problemy-s-romy-resit-protiustavne>, accessed 20. August 2011.

Doporučení veřejného ochránce práv k naplňování práva na rovné zacházení v přístupu k předškolnímu vzdělávání, Kancelář veřejného ochránce práv, 8 December 2010, http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Doporučení/Doporučení-skolky-orig.pdf, accessed 20 August 2011.

ECRI Report on Czech Republic (fourth monitoring cycle), 2009, http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/czech_republic/CZE-CbC-IV-2009-030-ENG.pdf, accessed 24 October 2011

Equal Treatment and Legal Means of Protection Against Discrimination, also Amending Certain Other Acts (Act on Anti-Discrimination) No 198/2009 Coll. <http://www.mvcr.cz/clanek/sbirka-zakonu.aspx>, accessed 24 October 2011.

Günter, V. *Cizinci v ČR – přehledová studie.* (2007) Online: http://caat.cz/attachments/150_150_Vladislav_Gunter_Cizinci_v_CR.pdf, accessed 5 December 2010, p.10.

Horáková, M. *Vývoj pracovních migrací v České Republice v období hospodářské recese.* (Praha. VÚPSV, 2010)

Horáková, M., Bareš, P. Intercultural Opening of the Labor Market and Employment Institutions in the Czech Republic. In *Moving Societies towards Integration.* (2010)

Ihned.cz, *Klaus ke kauze Vítkov: Tresty pro žháře jsou nečekaně vysoké* <http://zpravy.ihned.cz/c1-47368100-klaus-ke-kauze-vitkov-tresty-pro-zhare-jsou-necekane-vysoke>, accessed 15 September 2011.

Iniciativa za práva pracovních migrantů, *Dopis Senátu Parlamentu České Republiky k novele zákona o pobytu cizinců*, <http://www.zpravamigrantu.cz/index.php/tiskove-pravy/76-dopis-senatorum>, accessed 22 August 2011

Jelínková, M., Hánová, M., *Současná situace migrantů na Plzeňsku*, <http://migraceonline.cz/e-knihovna/?x=2269140>, accessed 22 August 2011

Jeřábková, Z., *The Detention of Minors in the Czech Republic*, <http://www.migrationonline.cz/e-library/?x=2275321>, accessed 22 August 2011

Kancelář veřejného ochránce práv, *Rok 2010 z pohledu ochránce – víc šetření, víc vlastních iniciativ*, <http://www.ochrance.cz/tiskove-zpravy/tiskove-zpravy-2011/rok-2010-z-pohledu-ochrance-vic-setreni-vic-vlastnich-iniciativ/>, accessed 25 August 2011.

Koncepce romské integrace (2010-2013), <http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Koncepce-romske-integrace-2010---2013.pdf>, accessed 22 August 2011.

Kostlán, F, *Czech Facebook and the Vítkov arson sentence*, http://www.romea.cz/english/index.php?id=detail&detail=2007_1980, accessed 22 August 2011.

Křesťan Dnes, *ROMEIA: Policie v Krupce rozehnala bohoslužbu stovek Romů*, <http://cs.christiantoday.com/article/romea-police-v-krupce-rozehnala-bohoslužbu-stovek-romu/18127.htm>, accessed 20 August 2011.

Lidové noviny, *Islám je anticivilizace, míní Zeman*, <http://www.lidovky.cz/islam->

[je-nepratelaska-anticivilizace-kvuli-vztahu-k-zenam-mini-zeman-1gf-
/In_domov.asp?c=A110707_153002_In_domov_ogo](#), accessed 22 August 2011.

Ministerstvo vnitra ČR, Zpráva o problematice extremismu na území ČR v roce 2010, <http://www.mvcr.cz/clanek/extremismus-vyrocní-zpravy-o-extremismu-a-strategie-boje-proti-extremismu.aspx>, accessed 20 August 2011.

Muhič Dizdarevič, S., Valeš, F., *ENAR Shadow Report 2009-2010*, <http://cms.horus.be/files/99935/MediaArchive/publications/Czech%20Republic.pdf>, accessed 22 August 2011.

Pastorek, M. *Fraška na ministerstvu*, <http://www.inkluze.cz/clanek-381/fraska-na-ministerstvu> accessed 20 August 2011.

Požížek, P., *Novinky ve vízovém procesu po 1. lednu 2011*, <http://migraceonline.cz/e-knihovna/?x=2282782>, accessed 22 August 2011.

ProAlt Press Release, Czech Group to Protest Corruption in Foreigners' Health Insurance, http://www.romea.cz/english/index.php?id=detail&detail=2007_2074, accessed 22 August 2011.

Romea, *Dozens protest human trafficking in Czech forestry industry* http://www.romea.cz/english/index.php?id=detail&detail=2007_2297, accessed 22 August 2011

Romea, *Neziskovky vyzývají Nejvyšší státní zátupitelství, aby nechalo došetřit odložené žhářské útoky*, http://www.romea.cz/index.php?id=detail&detail=2007_9079, accessed 20 August 2011.

Romea, *Nový Bydžov: lidská práva pod kopyty koní*, http://www.romea.cz/index.php?id=detail&detail=2007_9501, accessed 20 August 2011.

Romea, *Otevřený dopis členů týmu NAPIV premiéru Nečasovi a ministru Dobešovi*, http://www.romea.cz/index.php?id=detail&detail=2007_9989, accessed 20 August 2011.

Romea, *Právník k výrokům starosty Bydžova: Pokud někdo rozlišuje lidi na tzv. slušné občany a cikány, pak je to podněcování k rasové nenávisti*, http://www.romea.cz/index.php?id=detail&detail=2007_9316, accessed 20 August 2011.

Romea, *Programové prohlášení vlády dalo zelenou Agentuře pro sociální začleňování*, http://www.romea.cz/index.php?id=detail&detail=2007_8434, accessed 20 August 2011

Romea, *Starosta Nového Bydžova chce řešit kriminalitu na principu kolektivní viny Romů*, http://www.romea.cz/index.php?id=detail&detail=2007_9013, accessed 20 August 2011

Romea, *Suspended Sentence of "The Final Solution of the Gypsy Question"*, Romea, *Šimáček: Strategie boje proti sociálnímu vyloučení, kterou by po prázdninách měla projednat vláda, se nezaměřuje pouze na Romy*, http://www.romea.cz/index.php?id=detail&detail=2007_10267, accessed 20 August 2011

Romea, *Šimáček: Strategie boje proti sociálnímu vyloučení, kterou by po prázdninách měla projednat vláda, se nezaměřuje pouze na Romy*, http://www.romea.cz/index.php?id=detail&detail=2007_10267, accessed 20 August 2011.

Romea, *Vědecká rada FFUK: Bátoru na ministerstvu školství nechceme*, http://www.romea.cz/index.php?id=detail&detail=2007_9532, accessed 20 August 2011.

Romea, *Vítkov arson verdict: 22 years for three defendants, 20 for the fourth*, http://www.romea.cz/english/index.php?id=detail&detail=2007_1973, accessed 24 September 2011.

Romea.cz, *Romské hlídky mají úspěch, rozšiřují působnost*, http://www.romea.cz/index.php?id=detail&detail=2007_7927, accessed 20 August 2011.

Sociální revue, *Vláda schválila Koncepti romské integrace na období 2010 – 2013* (Sociální politika, 2009), <http://socialnirevue.cz/item/vlada-schvalila-koncepci-romske-integrace-na-obdobi-2010-2013>, accessed 20 August 2011.

Stanovisko veřejného ochránce práv k podezření na diskriminaci romských dětí a žáků – z tématické kontrolní činnosti České školní inspekce na základních školách praktických, 20.4.2010, <http://spolecnedoskoly.cz/wp-content/uploads/stanovisko-verejneho-ochrance-prav-k-diskriminaci-romskych-zaku.pdf>, accessed 14 August 2011.

STEM, *Zpráva z výzkumu „Zmapování postojů veřejnosti v České republice k pravicově extremistickým, rasistickým a xenofobním myšlenkám a jejich šířitelům s ohledem na integraci menšin a cizinců.“*, Ministerstvo vnitra ČR, listopad 2010, <http://www.mvcr.cz/clanek/bezpecnostni-hrozby-337414.aspx?q=Y2hudW09NA%3d%3d>

STEM, *Od loňska výrazně vzrostl podíl občanů, kteří považují diskriminaci v naší zemi za velký problém*, <http://www.stem.cz/clanek/2185>, accessed 24 October 2011

The Government of Czech Republic, The Report on Human Rights in Czech Republic 2010, http://www.vlada.cz/assets/ppov/rlp/dokumenty/zpravy-lidska-prava-cr/Zprava-LP-2010_cz.pdf, accessed 29 August 2011.

The Prague Daily Monitor, *Bar Owner Compensates Three Roma for Refusing to Serve Them*, [http://www.icare.to/news.php?en/2010-04#BAR_OWNER_COMPENSATES_THREE_ROMA_FOR_REFUSING_TO_SERVE_THEM_\(Czech_Rep.\)](http://www.icare.to/news.php?en/2010-04#BAR_OWNER_COMPENSATES_THREE_ROMA_FOR_REFUSING_TO_SERVE_THEM_(Czech_Rep.)), accessed 22 August 2011.

Veřejný ochránce práv, Souhrnná zpráva o činnosti veřejného ochránce práv 2010, str. 161, http://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Souhrnna_zprava_VOP_2010.pdf, accessed 18 August 2011.

Zpráva Thomase Hammarberga, komisaře Rady Evropy pro lidská práva, z návštěvy České republiky uskutečněné ve dnech 17.-19. listopadu 2010, <http://www.vlada.cz/cz/ppov/rlp/aktuality/komisar-rady-evropy-pro-lidska-prava-navstivil-cr-82461/>, accessed 29 August 2011 .

Annex 1: List of abbreviations and terminology

CHC – Czech Helsinki Committee

CR – Czech Republic

ECHR – European Court of Human Rights

ECRI - European Commission against Racism and Intolerance

ERRC – European Roma Rights Centre

FRA – Fundamental Rights Agency

MI – Ministry of the Interior

NAPIV - National Action Plan of Inclusive Education

NGO – Non-Governmental Organisation

SEL – Socially Excluded Location

TCN – Third Country National

MIGPOL – Migration Policy Group

