

CONSEIL DE L'EUROPE

COMITE DES MINISTRES

Resolution ResCMN(2006)2 on the implementation of the Framework Convention for the Protection of National Minorities by the Czech Republic

*(Adopted by the Committee of Ministers on 15 March 2006
at the 958th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by the Czech Republic on 18 December 1997;

Recalling that the Government of the Czech Republic transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 2 July 2004;

Having examined the Advisory Committee's second opinion on the Czech Republic, adopted on 24 February 2005, and the written comments of the Government of the Czech Republic, dated 18 July 2005;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of the Czech Republic:

a) Positive developments

Since the adoption of the Advisory Committee's first opinion in April 2001 and the Committee of Ministers' resolution in February 2002, the Czech Republic has pursued and diversified its action to protect persons belonging to national minorities, with the strategic objective of developing a genuine public policy in this field. An annual assessment of the situation is carried out by the Government's Council for National Minorities, with the participation of representatives of national minorities. Both representatives of national minorities and the authorities have confirmed that the protection of national minorities has developed positively in recent years.

In the legislative field, in accordance with the National Minorities Act of 2001, the authorities have adopted the measures necessary to supplement and clarify the legislation on protection of national minorities. For instance, the use of minority languages in relations with the administrative authorities, for topographical indications as well as teaching of, and in, minority languages is now governed by specific legislation. Similarly, Czech legislation contains provisions on the participation of representatives of national minorities in decision-making affecting them at the central, local and regional levels.

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

Progress has been noted as regards the adoption of sectoral legislation providing protection against discrimination and the drafting of a comprehensive law on equal treatment and protection against discrimination. Moreover, several measures have been taken in recent years to promote tolerance and respect for diversity and to improve interethnic dialogue.

The situation of the Roma has continued to be a priority of the government, and renewed impetus was recently given to governmental action in this area following the revision of the integration policy concept for the Roma. Numerous measures have been adopted to reduce the gap between Roma and the rest of the population in most fields, improve the public image of the Roma and to combat their marginalisation and social exclusion.

b) Issues of concern

Although significant advances have been made regarding the legislation on the protection of national minorities, shortcomings in the practical implementation of the relevant provisions have been reported, particularly at local level. In many cases, local authorities appear unwilling to take measures in favour of persons belonging to national minorities where the majority population is likely to have reservations about such steps. These shortcomings are also exacerbated by certain deficiencies in the legislation in question, particularly as regards the criteria for determining the geographical areas concerned by such measures and the procedures to be followed in order to benefit from them. The lack of reliable statistical data on persons belonging to national minorities also has a negative impact for the implementation of the relevant legislation.

Despite positive developments, there is still room for improvement in fields such as the use of minority languages in the public sphere, teaching of and in minority languages and participation of national minorities in public affairs, particularly at local level. Media access for persons belonging to national minorities and education reflecting their culture and traditions also require increased efforts.

Public perception of persons belonging to vulnerable groups, such as the Roma, remains problematic. The awareness-raising measures taken to enhance intercultural dialogue, including in the media, have had a limited impact, and instances of discrimination, intolerance and even violence against such persons are still reported. The fact that representatives of the public authorities, including law enforcement officers, are sometimes responsible for such behaviour remains a matter for concern.

The situation of the Roma is still a matter for concern in terms of both their equality and their effective participation in public life. The Roma continue to be discriminated against in a number of fields and to suffer from social exclusion and marginalisation. The many governmental initiatives to improve their situation in various respects have brought limited results. The difficulties they encounter in the spheres of employment and housing, the continuing isolation of Roma children within the education system, as well as allegations regarding cases of sterilisation of Roma women without their informed prior consent, should all be dealt with as a matter of priority.

2. Adopts the following recommendations in respect of the Czech Republic:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Ensure the effective implementation of the legislation relevant for the protection of national minorities in various fields, particularly by encouraging local and regional authorities to support the preservation and development of the essential elements of the identity of persons belonging to national minorities.
- Speed up the adoption of an anti-discrimination law and ensure its rapid implementation; ensure more effective monitoring of the situation in this sphere, using more varied means of data collection.

- Provide more appropriate solutions to the difficulties encountered by Roma in a number of fields, in consultation with them. Take further steps to eradicate the practice of isolation of Roma children within the education system and to ensure the proper handling, by the competent authorities, of allegations and complaints of cases of sterilisation of Roma women without their prior free and informed consent.
- Pursue the efforts to combat all incidents of intolerant or hostile police attitudes towards Roma and other vulnerable persons by developing more appropriate training and awareness-raising measures and ensuring more effective, impartial, independent monitoring of police activities. Take additional awareness-raising measures targeting the media, the judiciary and local authorities.
- Pay more attention to the use of minority languages in the media, in relations with administrative authorities and with regard to topographical indications.
- Reinforce the intercultural dimension of education and, with regard to the teaching of, and in, minority languages, ensure that the concrete situation of persons belonging to national minorities, their real needs and their demands are duly taken into account when implementing the new legislation on education.
- Enhance efforts to improve participation in public affairs by persons belonging to national minorities, particularly at local level, where it should be ensured that committees for national minorities are established wherever the legal conditions are fulfilled.