



European Roma Rights Centre

Naphegy ter 8
1016 Budapest

Hungary

Tel: (36 1) 41 32 200

Fax: (36 1) 41 32 201

E-mail: office@errc.org

www.errc.org



Vzájemné Soužití

30. dubna 3

70200 Moravská Ostrava

Czech Republic

Tel/fax + (420) 596 130 715

E-mail: vzajemne.souziti@tiscali.cz

www.vzajemnesouziti.cz



Peacework Development Fund

Ječná 2, 120 00 Praha 2,
Czech Republic

Phone +420 774 895 444

E-mail: gwen@peacework.org

www.peacework.org



Centre on Housing Rights and Evictions

83 Rue de Montbrillant, Geneva, 1202,
Switzerland

Phone: (41-22) 734-1028;

Fax: (41-22) 733-1126

E-mail: cohre@cohre.org

<http://cohre.org>

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SUBMISSION
TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
(OHCHR)

FOR USE IN THE PREPARATION OF DOCUMENTATION FOR THE UNITED
NATIONS HUMAN RIGHTS COUNCIL

FIRST UNIVERSAL PERIODIC REVIEW

OF THE CZECH REPUBLIC

SUMMARY OF CONCERNS PRESENTED

Organisations Involved in this Submission:

- Centre on Housing Rights and Evictions (COHRE)
- European Roma Rights Centre (ERRC)
- Peacework Development Fund
- Vzájemné Soužití (Life Together)

1. This submission sets out in detail fundamental human rights concerns arising under international human rights law where Roma in the Czech Republic are concerned. It has been prepared to assist the Office of the High Commissioner for Human Rights (OHCHR) in providing documentation to the Human Rights Council on the occasion of that body's first assessment of the Czech Republic in the context of the Universal Periodic Review. The sole purpose of this document is to present documentation to the OHCHR in several areas of expertise of the submitting organisations. All of the submitting organisations have direct research and practitioner experience related to the human rights situation of Roma in the Czech Republic. The summary details of the submitting organisations are provided at the end of this document. Material included in the appended document implicates a number of provisions of international human rights law binding on the Czech Republic. These concerns include, in particular, the following:

2. The government of the Czech Republic has not complied with its obligations to respect, protect and fulfil for all individuals within its territory and subject to its jurisdiction the rights recognized under international human rights law, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The Czech government is obligated to bring discrimination to an end by all appropriate means, including

legislation, but the Czech legislature has yet to adopt a comprehensive anti-discrimination law, and most of the sectoral fields covered by the international human rights law ban on discrimination remain to date unprotected by any form of actionable domestic law ban on racial discrimination. In practice, Roma in the Czech Republic are regularly subjected to discrimination in almost all aspects of their lives. This is especially evident in the field of education, where officials consistently deny equal access to Romani children, placing them in alarming numbers in segregated, substandard schools and classes. In addition to the inherent harms flowing from this practice, the racial segregation of Romani children in the Czech school system virtually ensures that Roma will remain, for the foreseeable future, a systemically excluded underclass. Additionally, a growing number of Roma live in socially excluded locations characterised by substandard conditions on the edges of towns, segregated from the rest of the population. Recent acts by a number of local officials in the Czech Republic – frequently carried out with evident, explicit racial motivation -- have worsened this situation in a number of municipalities. No acts of the national government have been effective in countering racially segregating forces in the field of housing.

3. In recent years, a number of acts have been undertaken in the Czech Republic by both private individuals and state actors who have threatened the lives of Roma. In the face of these acts, Czech authorities have failed to undertake adequate protection measures to secure the lives of the persons concerned.

4. Research by independent human rights groups has revealed that Romani women have been subjected to coercive sterilisation in Czech hospitals for decades and as recently as 2004. Civil complaints for damages have been initiated by a number of victims concerned. The submitting organizations are aware of two cases in which monetary damages have been awarded to victims by courts, and another case in which a court ordered a written apology by the hospital concerned. Criminal charges have been filed by the Public Defender of Rights (“Ombudsman”) in a series of cases in which criminal law may have been infringed. Czech prosecutors have, however, dismissed all such complaints to date. There is a need for Czech lawmakers to adopt a comprehensive administrative remedy – based on practice in countries such as Sweden, where there has been comprehensive acknowledgement of such practices and remedy made available. The need for a comprehensive administrative remedy derives from reasons including but not necessarily limited to (i) the destruction of some hospital records; (ii) the poverty of the victims and high financial risk of civil claims; (iii) the fact that some cases may be older than the statute of limitations for civil remedy;¹ (iv) the difficulty of meeting civil evidentiary standards in cases of this kind. Czech lawmakers have not however yet indicated any willingness to provide such a mechanism and, as of now, appear intent on forcing victims to undergo the gruelling, financially risky and publicly humiliating procedures associated with civil lawsuit. In addition, silence on the part of high-ranking public officials on these matters has meant that, to date, the victims are regarded by the vast majority of the Czech public as pariah persons who are purported to have invited, profited from, or deserved the treatment to which they have been subjected.

¹ Czech courts have not ruled consistently on what, precisely, the statute of limitations for civil remedies in such cases is.

5. Related to Point 4 above, some the victims of coercive sterilisation are Czech citizens or permanent residents who have been coercively sterilised in Slovakia (coercive sterilisation having been carried out by both Czech and Slovak doctors, both during the Czechoslovak period, as well as after it). Czech officials have been repeatedly urged to raise these matters with their Slovak counterparts, in order to provide justice for persons harmed in Slovakia, who are currently under Czech jurisdiction. Thus far, there are no apparent efforts by Czech officials to act on these matters.

6. As set out in the appended document, extensive empirical evidence indicates a system-wide failure in the Czech Republic to ensure rights of equality in administrative and judicial matters crucial for the realisation of fundamental human rights.

7. The continuing failure to remedy extreme exclusion driven by efforts by the State Party to deprive Czechoslovak Roma residing in the Czech Republic of Czech citizenship at the time of the break-up of Czechoslovakia, and the failure subsequently to adequately remedy these government-led acts of exclusion, raises concerns as to whether all persons in the Czech Republic enjoy adequate recognition as persons before the law.

8. Recently adopted Czech laws in the field of housing constitute an open invitation to municipal and private landlords and others to arbitrarily invade the privacy of any tenant. Roma, a particularly disadvantaged group in the Czech Republic, are routinely subjected to invasive actions by landlords, as detailed below. In addition, patterns and practices of arbitrary removal of children from the care of their biological parents and their remand into state or other alternate care call seriously into question the compliance of the Czech Republic with international human rights law.

9. The Czech government has failed to meet its obligations to guarantee that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In recent years and continuing to the present, there has been near-total impunity for racial discrimination against the Roma, as well as for those who would frustrate the Roma in their efforts to realize the right to equality. These concerns comprise both (i) the specific concern of failure to adopt adequate law banning racial and other forms of discrimination, as well as (ii) the fact that the State Party has tolerated and in some cases actively promoted the extreme, systemic exclusion of Roma.

10. These regular, systemic human rights abuses against the Roma in the Czech Republic are aggravated by the fact that anti-Romani hate speech is a regular part of public discourse in the Czech Republic. Anti-Romani statements are a standard and often unquestioned part of public life in the Czech Republic, and officials as high-ranking as the Prime Minister, the President, Senators (including members of the Senate's Human Rights Committee), other members of the cabinet, and many local officials have either made anti-Romani statements or failed to counteract speech acts denigrating the dignity of the Roma. This sets the tone for an environment in which Internet chat rooms and other public fora are flooded with anti-Romani invective. Individuals are rarely if ever held accountable in cases in which anti-Romani statements are at issue.

11. Furthermore, the Czech authorities continue to fail to provide Roma and human rights defenders with adequate protection against racially motivated violence perpetrated by members and sympathisers of nationalist-extremist movements and vigilante groups.

12. In the appended document, the submitting organisations present their concerns in the following areas:

- Racism against Roma in the Czech Republic
- Failure to Give Effect to the International Law Ban on Racial Discrimination
- Coercive Sterilisation of Romani Women
- Racial Segregation in the Field of Housing, Including Pattern and Practice of Forcible Eviction of Roma
- Failure to Address Racial Segregation in Education
- Exclusion from Employment
- Other Concerns: (1) The Continuing Effects of the 1993 Act on Citizenship in Driving the Exclusion of Roma in the Czech Republic and (2) Systematically Discriminatory Practice of Removing Romani Children from the Care of their Biological Parents and Placing Them in State Care.

13. Finally, please note that the matters included here have been the subject of extensive commentary by UN Treaty Bodies; during the period 2006-2007, the Czech Republic has been reviewed by the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women, and the Human Rights Committee. Details of Concluding Observations by those bodies are included in the relevant thematic sections of the attached document.

We are grateful in advance for your careful attention to the concerns set out herein.