

March 1998 session. The report prepared by the government contains information on, *inter alia*: the Charter of Fundamental Rights and Freedoms, as well as provisions in laws related to non-discrimination; protection of the rights of national minorities; legal provisions related to violence against a group or individual, defamation of a race, nation or conviction, incitement to national or racial hatred; criminal liability for racially-motivated crime; measures taken by the Ministry of the Interior and the Ministry of Justice to manage a rising trend towards racial violence, and a description of specific cases addressed through these measures; prohibited associations, parties and movements; equality before the law; freedom of movement and the right to citizenship; laws related to marriage, ownership and inheritance; the right to work, trade unions and workers' rights; social security and health services; education and training; equal participation in cultural activities; compensation through criminal and civil procedures; prevention of inter-ethnic conflict; education for national minorities; and the mandate and functions of the Council for Nationalities.

The Committee's concluding observations and comments (CERD/C/304/Add.47) acknowledged that the economic, political and social changes that are still taking place in the Czech Republic may affect the full enjoyment of economic, social and cultural rights of some segments of the population, especially those belonging to minority groups.

The Committee welcomed, *inter alia*: the policy of tolerance and openness towards minorities and its progressive implementation; the fact that international instruments on human rights and fundamental freedoms ratified by the state are directly applicable and take precedence over national legislation; the positive measures taken with regard to law reform to combat various forms of racial discrimination, including the introduction of a definition of racially motivated crime and the prohibition in the Criminal Code of racist organizations and publications, as well as the ratification of the Framework Convention for the Protection of National Minorities; the initiatives taken to prevent inter-ethnic conflicts, including the teaching of children and adolescents and public-awareness campaigns promoting tolerance and openness towards ethnic minorities; the establishment of the Council of Nationalities in 1994 as a governmental advisory body; the steps taken towards an affirmative action policy for the Roma community, including the establishment of an Inter-Ministerial Commission, and measures taken within the fields of education and employment; and the continuing growth in the number of NGOs, including associations of minorities.

The principal subjects of concern identified by the Committee included, *inter alia*: the persistence of racial hatred and acts of violence, particularly by "skinheads", towards persons belonging to minority groups, especially Roma and people of African or Asian origin; reports of anti-Semitic incidents; the recorded six-fold increase in racially motivated crimes between 1994 and 1996; the presence of a number of organizations and publications

which promote racist and xenophobic ideas, and information indicating that the government has not been sufficiently active in effectively countering racial violence against members of minority groups; information indicating that the number of charges and convictions, including those of "skinheads", is low relative to the number of abuses reported; the fact that perpetrators of racial crime are often lightly punished and that, in a number of cases, prosecutors have been reluctant to identify a racial motive; and the unnecessarily long proceedings and slow investigations of acts of racial crime, raising questions about judicial effectiveness.

The Committee also expressed concern over: reports of cases of harassment and of excessive use of force by the police against minorities, especially against members of the Roma community, indicating that there may be insufficient training provided to law enforcement officials regarding the provisions of the Convention; the fact that a political party represented in Parliament promotes racial discrimination and disseminates a magazine which promotes racist propaganda and ideas of racial superiority aimed at the ethnic minorities resident in the country; reports indicating discrimination against Roma in such areas as housing, transport and employment, and the absence of civil or administrative law provisions expressly outlawing discrimination in employment, education, housing and health care; the absence of an administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies; the denial of access to public places such as restaurants, pubs, discotheques and similar establishments by persons belonging to some ethnic minorities, especially Roma; and the marginalization of the Roma community in the field of education. Other issues of concern to the Committee included: the discriminatory effects of the 1993 law on the acquisition of Czech citizenship (Law No. 40/1990), especially vis-à-vis Roma; and the fact that there remain groups of the population for whom the question of citizenship has not yet been addressed in a satisfactory manner, including prisoners and minors and orphans in children's homes, many of whom are of Roma origin.

The Committee recommended that the government, *inter alia*:

- ♦ continue efforts to prevent and counter effectively attitudes and acts of racial violence against persons belonging to minority groups, mainly Roma, and persons of African or Asian origin;
- ♦ take additional measures to ensure an effective and timely handling of court cases of racially motivated crime and punishment of the perpetrators;
- ♦ give more attention to the activities of political parties and other organizations, as well as to media promoting racist propaganda and ideas of racial superiority;
- ♦ provide, in its next report, more specific statistical data on minority representation in local, regional and