

Document #2028191

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Annual Report 2019 - Czech Republic [EUR 01/2098/2020]

Parliament failed to ratify the Council of Europe Convention on preventing and combating violence against women. The Ministry of Social Affairs proposed a new law on housing benefits that may put many at risk of homelessness. Concerns over the use of discriminatory speech targeting migrants and Roma persisted.

Background

In April, May, June and November, large-scale protests were held with hundreds of thousands taking to the streets across the country. These were organized by the same group and were triggered by fears over the government's interference with the judiciary, and during the assemblies earlier in the year also the lack of action to tackle the climate crisis.

In August, the Committee on the Elimination of Racial Discrimination (CERD) criticized the discrimination of Roma in access to economic, social and cultural rights, as well as racist rhetoric of politicians, including mayors and members of Parliament and the government. The Committee also highlighted the prevalence of racially motivated attacks targeting Roma, Jews, migrants and minority rights activists.

Parliament failed to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), despite reports that only a small number of perpetrators are brought to justice.

Economic, social and cultural rights

In February, the European Commission noted that the Czech Republic lacked affordable and quality social housing; and that homelessness and levels of personal debt were increasing.

In June, the Ministry of Social Affairs presented a draft law on housing benefits, introducing stricter eligibility criteria, which would exclude those living in residential hotels. NGOs working in housing warned that the law would effectively put benefits at risk for thousands of families.

Discrimination - Roma

Housing

In March, the Regional Authority of Central Bohemia ruled unlawful a municipal decree in the town of Kladno, which had declared several areas, many of them inhabited by Roma, as “zones of socially undesirable behaviour”. The decree had been adopted in line with a 2017 amendment to welfare legislation, which prevents the residents of such “zones” from claiming some housing benefits. The Regional Office held that the decree failed to adequately specify the locations and declared entire town districts as “zones.” The practice of declaring the “zones” was criticized as discriminatory by the CERD Committee in August.

However, dozens of other municipalities with a significant Roma population, including Ústí nad Labem, Most, Karviná, and Ostrava-South, continued to declare areas within their territories as “zones” despite calls by international human rights monitoring bodies to promote access of Roma to adequate housing and to combat discriminatory practices in this sector.

Education

In August, the CERD Committee expressed concerns over the prevalence of segregated schools where the large majority of pupils are Roma.

In September, the Committee of Ministers of the Council of Europe reviewed the measures taken to address the discriminatory segregation of Roma pupils in schools and classes for pupils with mental disabilities (following the continued failure to implement the judgment in *D.H. and Others v. Czech Republic*). Whilst welcoming some reforms, the Committee noted with concern that Roma children remained continuously over-represented in programmes for children with mild mental disabilities. According to government figures, while the proportion of Roma among pupils in primary schools in 2018/2019 was 3.7%, the proportion of Roma among pupils educated under reduced educational programmes in the 2018/2019 school year is 29.1 %.

In October, the Ministry of Education limited the support available for pupils with special educational needs by restricting the number of teaching assistants to one per class. It also gave schools the retrogressive option of running separate classes for pupils with learning and behavioural issues. A number of NGOs expressed concerns that these moves would increase segregation of Roma in schools.

Discrimination - lesbian, gay, bisexual, transgender and intersex people (LGBTI)

In March, Parliament discussed a draft amendment to the Civil Code that would introduce the possibility of marriage for same-sex couples, replacing the existing legislation that allows same-sex couples to enter civil partnerships. A counter-proposal

by a group of MPs sought to enshrine protection for “traditional marriage” between a man and woman in the Constitution. Neither proposal had been voted on by the end of the year...

Refugees and asylum-seekers

The Czech Republic continued to detain some asylum-seekers, including children, who are subject to a transfer order under the EU’s asylum system.

The government continued to refuse to participate in any relocation efforts within the EU. The European Commission brought a case against the Czech Republic to the European Court of Justice in 2017 for a refusal to participate in the EU’s Emergency Relocation Scheme which sets mandatory refugee relocation quotas, which was still pending at the end of the year.

The Public Defender of Human Rights had previously criticized the authorities’ treatment of a group of Chinese asylum-seekers on both procedural and substantive grounds. In 2017, 78 Chinese citizens had applied for asylum on grounds of religious persecution, but as many as 70 of these applications were rejected in 2018. In September, the Supreme Administrative Court returned three cases of the rejected asylum-seekers to the migration office for a new assessment.

Arms Trade

Concerns remained over continuing arms transfers to the Saudi Arabia/United Arab Emirate-led coalition. There is a substantial risk of them being used to commit or facilitate serious violations of international human rights and humanitarian law in the Yemen conflict.

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Report on the human rights situation covering 2019



Country:

Czech Republic

Source:

AI – Amnesty International (</en/source/10960.html>)

Original link:

<https://www.amnesty.org/en/countries/europe-and-central-asia/czech-republic/report-czech-republic/> (<https://www.amnesty.org/en/countries/europe-and-central-asia/czech-republic/report-czech-republic/>)

Document type:

Periodical Report

Language:

English

Published:

16 April 2020

Document ID:

2028191

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

