



## **Opinion on implementation of recommendations of the European Commission against Racism and Intolerance**

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By a letter of 26 June 2017, I was contacted by the European Commission against Racism and Intolerance (ECRI) and asked for my opinion on implementation of the seventeen recommendations for the Czech Republic contained in the report of October 2015.<sup>1</sup>

Pursuant to Section 21b (d) of Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, the Defender shall contribute to promotion of the right to equal treatment of all persons regardless of their race or ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or world view, and to this end, the Defender shall provide for exchange of the available information with the relevant European entities. The present opinion is the outcome of the above statutory responsibility.

The opinion is based on the legal and factual status known to me as of 25 August 2017. The basis of the opinion consists of findings obtained from the received complaints, completed research and cooperation with other relevant entities (NGOs, experts on anti-discrimination law or administrative authorities).

### **Recommendation No. 1 – Ratification of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms**

The Government took no steps towards ratification of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

During the past period, I communicated about this issue with the Minister of Foreign Affairs and both Ministers for Human Rights, Equal Opportunities and Legislation.

Only the former Minister for Human Rights, Equal Opportunities and Legislation Mgr. Jiří Dienstbier was in favour of the ratification (favourable opinion of April 2016), his successor, JUDr. Jan Chvojka, maintains a more reserved opinion regarding the possible ratification (opinion of April 2017). The opinion of the Minister of Foreign Affairs is similarly reserved (opinion of March 2016).<sup>2</sup>

The arguments of the ministers against possible ratification of Protocol No. 12 can be summarised as follows:

- (1) indefinite nature and scope of the obligation to be adopted by the Parties to the Protocol;
- (2) insufficient ECtHR case-law clarifying the obligation, which makes the effect of ECtHR decision-making difficult to predict;
- (3) small number of states (9) which performed the ratification;

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1 The report is available in the Czech language at: [https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech\\_Republic/CZE-CbC-V-2015-035-CZE.pdf](https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech_Republic/CZE-CbC-V-2015-035-CZE.pdf) and in the English language at: [https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech\\_Republic/CZE-CbC-V-2015-035-ENG.pdf](https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech_Republic/CZE-CbC-V-2015-035-ENG.pdf).

2 The communication is included in File No. 76/2014/DIS/PPO.



- (4) ambiguity regarding the potential improvement in the level of protection of human rights in the Czech Republic.

Currently, I am in touch with the Minister of Justice and the Government Agent of the Czech Republic before the European Court for Human Rights regarding the possibility of ratification. Their assessment is vital for the matter at hand.

I will publish my own opinion regarding the possible ratification of Protocol No. 12 by the end of 2017.

### **Recommendation No. 2 – Amendment to the Criminal Code**

As far as I know, since 2015, when the ECRI issued its recommendations, several amendments to the Criminal Code were adopted,<sup>3</sup> none of which, however, brought any changes regarding the issue of hate crime. I also have no information of any such amendments being prepared in the near future.

The system of punishing hate-motivated violence under criminal law is still based on three pillars: motivation by hate is directly included in the basic body of the criminal offences;<sup>4</sup> for selected criminal offences<sup>5</sup>, motivation by hate is considered a special aggravating circumstance, which, if proven, shall automatically result in a stricter sentence; motivation by hate is considered a general aggravating circumstance<sup>6</sup> applicable if the criminal offence at hand does not include any special aggravating circumstances – the court imposes a sentence within the range of the base term of imprisonment, but in this, it takes the aggravating circumstances into consideration.

Further comments on the amendment of the Criminal Code are also included in paragraph 17 of the present opinion.

### **Recommendation No. 3 – Amendment to the Anti-Discrimination Act**

In its Policy Statement, the Government made a commitment to strengthen the protection of victims of discrimination (see par. 3.12).<sup>7</sup> Nonetheless, it did not submit any amendment to the Anti-Discrimination Act in the scope recommended by the ECRI in the monitored period.<sup>8</sup> To date, none of the ECRI recommendations have been adopted.

While drafting the amendment of the Anti-Discrimination Act in connection to transposing the directive on migrant workers, the Government had the opportunity to amend the

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3 Act No. 40/2009 Coll., the Criminal Code, as amended.

4 Violent criminal offences against a group of persons and against an individual, defamation of a nation, race, ethnic or another group of persons, incitement to hatred against a group of persons or to restriction of their rights and freedoms in the sense of Sections 352, 355 and 356 of the Criminal Code

5 For example, murder pursuant to Section 140 or bodily harm pursuant to Section 146 of the Criminal Code.

6 Section 42 (b) of the Criminal Code.

7 English version of the Policy Statement of the Government of 14 February 2014 is available at: <https://www.vlada.cz/en/media-centrum/dulezite-dokumenty/policy-statement-of-the-government-of-the-czech-republic-116171/>.

8 See paragraphs 12–16 of the ECRI report.



concept of shared burden of proof.<sup>9</sup> Two versions of the amendment were submitted to the Government (one with the legislation on burden of proof, one without) in December 2015. The Government decided to approve the amendment of Anti-Discrimination Act that did not include the change of the concept of burden of proof.

I still consider a change of the relevant legal regulation important. I pointed this out in my research report “Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice” (July 2015)<sup>10</sup>, and again for the Deputies in my annual reports for 2015 and 2016.<sup>11</sup>

#### **Recommendation No. 4 – Extension of the Competence of the Public Defender of Rights**

In 2014, the Government drew up an amendment to the Public Defender of Rights Act, which contained two new powers:

- the power to apply to the Constitutional Court to annul a law or its individual provisions on the grounds of them being at variance with the constitutional order,
- the power to file a “public action” in the area of discrimination, through which the Defender would seek to end discrimination and ensure remedy of the defective state of affairs (not satisfaction in money), but only in cases where infringement of the right to equal treatment or discrimination could affect a larger or indeterminate number of people and/or if they could seriously impact public interest.

The amendment was submitted to the Chamber of Deputies in January 2015 (parliamentary press No. 739). However, the Government did not get the adequate support needed to pass the law, not even among the coalition partner’s Deputies. Some Deputies submitted proposals for amendments that were contrary to the original sense of the amendment or jeopardised the independence of the Defender as an institution.<sup>12</sup> After two years of unsuccessful discussion on the act, the Government decided to withdraw the amendment. Discussion on the amendment was terminated in February 2017.

Minister for Human Rights, Equal Opportunities and Legislation JUDr. Jan Chvojka then submitted his own draft amendment of the Public Defender of Rights Act. This amendment was approved and promulgated in the Collection of Laws under No. 198/2017. With effect as of 1 January 2018, the amendment introduces a new competence of the Defender: monitoring the rights of persons with disabilities in the sense of Article 33(2) of the

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9 The amendment has been discussed in the Chamber of Deputies of the Parliament of the Czech Republic since December 2015 as parliamentary press No. 688.

10 The research report is available at [https://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyzkum/diskriminace\\_EN\\_fin.pdf](https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/diskriminace_EN_fin.pdf).

11 The annual reports are available at: [https://www.ochrance.cz/fileadmin/user\\_upload/zpravy\\_pro\\_poslaneckou\\_snemovnu/Reports/2015\\_annual\\_report.pdf](https://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Reports/2015_annual_report.pdf) and [https://www.ochrance.cz/fileadmin/user\\_upload/zpravy\\_pro\\_poslaneckou\\_snemovnu/Reports/2017/Annual\\_report\\_on\\_activities\\_in\\_2016.pdf](https://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Reports/2017/Annual_report_on_activities_in_2016.pdf)

12 See the Deputy Radka Maxová’s (ANO movement, one of the parties of the coalition) proposal that suggested embedding the right of the Chamber of Deputies to recall the Defender “in case they make serious error”.



Convention on the Rights of Persons with Disabilities. Along with the new competence, funds will be allocated to the Office of the Public Defender of Rights from the State budget for salaries of 10 new employees.

I am convinced that implementing the institution of a “public action” (*actio popularis*) would very much help the effectiveness of the fight against discrimination (not only based on race or ethnicity). With her existing competence, the Defender is not as effective as envisaged under Recommendations (GPR) No. 2 and 7.

#### **Recommendation No. 5 – Collection of data on hate crime**

According to my information, statistic data on hate crime are still kept separately by the police, the Public Prosecutor’s Office, and the Ministry of Justice. There has not been any interconnection of the data collection systems<sup>13</sup> as requested by ECRI.

The Ministry of the Interior continues to issue reports on extremism (both quarterly and annually), and makes them publicly available on its website. However, it should be pointed out there has been criticism of their reports.<sup>14</sup>

I would also like to point out the fact that information on hateful incidents are systematically collected and released, via news reports on hate crime, by <sup>15</sup> IUSTITIA, a non-governmental non-profit organisation focused in the long term on aiding the victims of hate crime. It obtains its information from its field work, media, an online survey available at its website, its telephone line and through cooperation with other non-profit organisations and with the prosecuting bodies.

#### **Recommendation No. 6 – Steps to ensure that the term “inadaptable” is not used**

I am aware that the term ‘inadaptable’ is unfortunately used publicly in a pejorative sense, especially in relation to the Roma minority.

I have no information about governmental authorities taking any specific measures to avoid using this term in official capacity.

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13 See also the Ministry of the Interior. Department of Security Policy and Prevention of Criminality. *Report on Extremism in the Territory of the Czech Republic in 2016*. Prague 2017, p. 15 *et seq.*

14 For example, in its National Report on Monitoring of Hate Crimes from October 2016, Organizace pro pomoc uprchlíkům, z. s. (*Organization for Aid to Refugees*) states that “*The sources of information on hate crime in the Czech Republic are very limited. The reports issued by the Ministry of the Interior of the Czech Republic are focused on hate crime committed by members of extremist movements and therefore completely ignore criminal offences by persons who also commit similar crimes, but do not claim allegiance to any extremist group. This groundless narrowing of the issue to extremism, instead of comprehensive monitoring of hate crime, resulted in the non-existence of official data on the number, character, motifs and victims of hate crime in the Czech Republic.*”(available at: <https://www.opu.cz/cs/2016/11/narodni-zprava-o-monitoringu-trestnych-cinu-z-nenavisti/>).

15 Available at: <http://www.in-ius.cz/ke-stazeni/zprava-o-nasili-z-nenavisti/>.



### **Recommendation No. 7 – Action taken by CRTB in connection to incitement to hatred**

I refer to Council for Radio and Television Broadcasting's (CRTB) monitoring of the migrant crisis and analyses of broadcast focused on the topic of migration, carried out by CRTB among radio and television broadcasting providers in 2016.<sup>16</sup>

Regarding the complaints in which CRTB has somehow dealt with incitement to hatred or issues related to it in the past two years, I would like to point out an example where CRTB asked a provider for an explanation in connection with a controversial report "Iraqi Family Dislikes Flats".<sup>17</sup> CRTB accepted the explanation and did not take any other measures.

I am not aware of any cases where CRTB would, within administrative proceedings, impose a sanction in the form of a fine on a provider in connection to hateful language.

Recently, there has been the case of the report "Muslim Women Swimming in a Pool Dressed" broadcasted by the same provider as in the case of the above mentioned report. CRTB decided to initiate, *ex officio*, infraction proceedings for possible violation of the principles of objectivity and balance.<sup>18</sup> The CRTB Chairman commented on this case in the sense that the report was on the verge of incitement to hatred<sup>19,20</sup>

### **Recommendation No. 8 – Focus of the Campaign Against Racism and Hate Violence**

Campaign Against Racism and Hate Violence (the Campaign), led by the Agency for Social Inclusion with the Office of the Government of the Czech Republic, was originally planned to be carried out between the years 2014 and 2016. In the end, it was prolonged until April of 2017. In connection to the end of the Campaign, the current Minister for Human Rights, Equal Opportunities and Legislation commented that it would be followed by several months of evaluation of the Campaign and work on the assignment of a new project.<sup>21</sup>

As one of the main parts of the Campaign, the Agency mentioned educational activities for schools and the police, propagation of good practice in socially excluded areas (trainings on communication of topics of concerning social inclusion for mayors and other

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16 Available at <http://www.rtv.cz/cz/static/prehledy/analyzy-vysilani/index.htm>.

17 The report mentioned an Iraqi family that moved to the Czech Republic, and, among other things, included a statement by one of the members of the family, in which they allegedly compared the town flats they were offered to a whitewashed cow house. The provider then faced criticism for manipulative translation, adding judging comments, and presenting opinions as facts.

18 Section 31 (3) of Act No. 231/2001 Coll., on operation of radio and television broadcasting and on amendment to other laws, as amended

19 The report informed of Muslim women swimming in one of the water parks near Prague. According to CRTB, it violated its obligation to inform objectively and in a balanced way by suggesting a specific pre-defined opinion on the events to the viewers that the women were swimming in the aquapark in their regular clothing, not in so called burkini. In the context of other information, the potential hygienic hazards of clothed women swimming were constructed, and such women were presented to the viewers as potentially problematic and something to be feared.

20 See also: [http://www.lidovky.cz/prima-dostane-za-reportaz-o-burkinach-pokutu-fn5-zpravvy-domov.aspx?c=A170810\\_110744\\_in\\_domov\\_rsa](http://www.lidovky.cz/prima-dostane-za-reportaz-o-burkinach-pokutu-fn5-zpravvy-domov.aspx?c=A170810_110744_in_domov_rsa).

21 See also: [http://zpravvy.idnes.cz/chvojka-potvrdil-konec-hatefree-culture-fd7-domaci.aspx?c=A170207\\_165525\\_domaci\\_jol](http://zpravvy.idnes.cz/chvojka-potvrdil-konec-hatefree-culture-fd7-domaci.aspx?c=A170207_165525_domaci_jol).



representatives of municipalities, local organisations and associations), and a nationwide campaign against hate violence (HateFree Culture).

The most prominent feature of the Campaign was undoubtedly the HateFree Culture media campaign implemented via a website,<sup>22</sup> a Facebook page was also established with a certain form of directed discussion under the posts shared, along with so called HateFree zones.<sup>23</sup> It must be added that the Campaign was not spared of various forms of attacks from the public.<sup>24</sup>

I do not think (based on the information from the Agency's website and posts on the media campaign website and Facebook group) that the Campaign primarily focused on any vulnerable group (Roma or other). It would be better to ask the Agency directly, as it implemented the project, but I presume that the wider focus is the result of the fact that (compared to the past) the marginalisation of other groups (including migrants, foreigners and human rights activists) grew in the past few years.

### **Recommendation No. 9 – A year of compulsory preschool education**

The first year of compulsory pre-school education starts on 1 September 2017. It was introduced by an amendment to the Schools Act No. 178/2016 Coll. This is a big step in the exercise of the right to education of children, especially children from the Roma minority.

It is too soon to evaluate the impact of this individual change on the Roma community yet. From the field workers, I hear news that Roma parents do not have sufficient information on the compulsory education in kindergartens. Ministry of Education, Youth and Sports underestimated raising the awareness among vulnerable groups of citizens. I have therefore distributed my own information leaflet in the Czech and Roma languages to Roma and pro-Roma associations and the governmental Agency for Social Inclusion.<sup>25</sup> There was also a report in the media,<sup>26</sup> in which the management of a school stressed the possibility of individual education to Roma mothers at the enrolment.<sup>27</sup> I advised the Czech Schools Inspectorate to focus on monitoring of performance of the compulsory pre-school education during 2017/2018 school year straight away. It accepted my recommendation and incorporated it in its Plan of Inspection Activity.

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22 <https://www.hatefree.cz/>; a so called 'hatebot' was established on the website to disprove the most common hoaxes (scaremongering) with the help of statements by experts in the field; real stories of people from minorities, interviews, and various analyses are also published there.

23 Various places (cafés, clubs, and theatres) created a sort of hate free network and declared their own negative attitude towards these phenomena.

24 As an example, I can mention the series of vulgar, hateful comments left under the Facebook posts or attacks on HateFree zones in April 2016, when the perpetrators graffitied the places with various threatening signs and Nazi symbols.

25 <https://www.ochrance.cz/diskriminace/aktuality-z-diskriminace/aktuality-z-diskriminace-2017/na-den-tumen-andre-skola-te-odmarel-nenechte-se-ve-skole-odbyt/>.

26 <http://www.ceskatelevize.cz/ct24/domaci/2095520-povinny-rok-skolky-je-dulezity-hlavne-pro-deti-z-ghett-jejich-rodicum-se-dojizdet>.

27 Pursuant to Section 34b of the Schools Act.



### **Recommendation No. 10 – Roma integration strategy**

The Government approved the Roma Integration Strategy for the years 2015 – 2020 (the Strategy), which takes into account the recommendations by ECRI, i.e. focuses on elimination of discrimination in education, employment, healthcare and housing. The Council of the Government for Roma Community Affairs office acted as the coordinator of the Strategy formation, while a significant part of the Council of the Government for Roma Community Affairs is made up from Roma representatives. We can therefore say that Roma people took part in the Strategy making. In October 2016, the Government also approved the Methodology for Monitoring and Evaluation of the Roma Integration Strategy until 2020 as a step toward the actual fulfilment of the Strategy.

### **Recommendation No. 11 – Relocating asylum integration centres to places where where beneficiaries of international protection may have better chances to integrate**

Relocation of the asylum integration centres did not occur. The state of affairs is the same as in 2015, when ECRI issued its recommendations.

### **Recommendation No. 12 – Reducing number of Roma pupils via modern diagnostic methods**

<sup>28</sup>In 2014 and 2015<sup>29</sup>, I informed the Council of Europe Committee of Ministers that the integration measures in education implemented in 2011 – 2013 had been mostly for the benefit of non-Roma children. Therefore, I welcomed the 2015 amendment to the Schools Act, which introduced the obligatory one-year pre-school education commencing from 2016.

While it is too soon to evaluate its impact (see recommendation No. 9), I have been informed of certain obstacles to the implementation of the supportive measures in practice (lack of teaching assistants). I have long criticised the overlapping of the staff of school counselling facilities and special schools (conflict of interests). I have pointed out that municipalities do not adequately address the parents, which leads to creation of schools attended by Roma children only (the white flight phenomenon). I have requested the Czech Schools Inspectorate to penalise spatial segregation in education. I have recommended that primary schools abandon unreasonable uniform testing of children upon the children's registration for the first grade.

Regarding the usage of diagnostic tools in school counselling practice, it is too expert a matter that I cannot comment on.

I addressed this issue in more detailed in my Summary Report on Protection Against Discrimination for 2015 (page 35)<sup>30</sup> and in the Summary Report for this year (pages 26 – 28).<sup>31</sup>

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28 [https://www.ochrance.cz/fileadmin/user\\_upload/ESO/58-2015-VOP-PPO-D-Opinion\\_EN.pdf](https://www.ochrance.cz/fileadmin/user_upload/ESO/58-2015-VOP-PPO-D-Opinion_EN.pdf).

29 [https://www.ochrance.cz/fileadmin/user\\_upload/ESO/16-2015-DIS-PPO-D-Opinion\\_EN.pdf](https://www.ochrance.cz/fileadmin/user_upload/ESO/16-2015-DIS-PPO-D-Opinion_EN.pdf).

30 [http://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyrocní\\_zpravy/2015-DIS-annual-report.pdf](http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyrocní_zpravy/2015-DIS-annual-report.pdf).

31 [https://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyrocní\\_zpravy/2016-DIS-annual-report.pdf](https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyrocní_zpravy/2016-DIS-annual-report.pdf).



### **Recommendation No. 13 – Law on social housing**

The Government approved the draft law on social housing only in March 2017. The draft is now in the Chamber of Deputies in the first reading. Considering that the discussion on the draft has been interrupted twice already, it is clear that it is not possible to approve it before the parliamentary election in October 2017. Although the Government committed to prepare the act in its Policy Statement, the draft act arouses controversy throughout the political spectre. Therefore, we cannot assume that it will be passed easily in both lower and upper chambers of the Parliament any time soon.

The Public Defender of Rights has been promoting adoption of a law on social housing in the long term. I generally welcome the draft law mentioned, as I agree that the State could combat the “business with poverty” (where people in a dire financial situation are forced to dwell in inappropriate, run-down premises for unreasonable prices) and the formation of segregated neighbourhoods by offering accessible and adequate housing. However, apart from dealing with social housing, the proposed legal regulation withdraws benefits for attaining and maintaining housing from lower middle class people, without any compensation, as a result of which they may end up requiring assistance in material need. The withdrawal of benefits from lower middle class people might make the process of passing the law on social housing more difficult.

I disagree with the submitted draft under which only people who have no assets at all, or who sell all their assets in order to increase their income, qualify for social housing or housing allowance (for example, they sell an old car or spend a financial cushion saved for their funeral, etc.). In addition, they will have to wait six months after selling their things before they become entitled to social housing because the adverse property situation is required to persist for at least six months. In my opinion, if determination of social and property situation is indeed necessary, it should be less strict than the determination of material need.

It is for the above reason that I made a number of basic comments on the above-mentioned draft law.

ECRI urged the governmental authorities to make extensive consultations, including with the Roma community, prior to the preparation of law on social housing. In 2015, when ECRI formulated this recommendation, the working groups (including representatives of non-governmental organisations for aid to Roma people) were dissolved, and the preparation of the Concept of Social Housing in the Czech Republic for the period 2015 – 2015 was carried out by a small group of the Ministry of Labour and Social Affairs workers. The Concept preceded the draft law on social housing. I am not aware that the Ministry of Labour and Social Affairs would extensively consult the prepared Concept and later the draft law (outside the commentary procedure) since the issue of the ECRI recommendation; the debates in the working groups took place mostly in 2014.





**Recommendation No. 14 – Steps to be taken to end the practice of subsidising exorbitant rent for sub-standard accommodation in hostels and dormitories**

The way to eliminate the unsuitable hostels would be the introduction of an effective social housing system; however, this is still in the distant future in the Czech Republic (see the previous point).

The legislature fights the overpriced rents (or “housing fee”) in the inappropriate hostels and dormitories by introducing stricter conditions for receiving a contribution towards housing for its recipients (particularly people living in hostels).

In the period between January 2015 and the end of May 2017, it held that a person living in a hostel could get a contribution towards housing only with the municipality’s approval. Municipalities who wanted to get rid of the problematic hostels in their territory had the option of forcing their citizens who lived there to move out, without having to systemically deal with the unfavourable housing situation. Part of the public and a number of non-governmental organizations have opposed this change of the legal regulation. I have expressed my serious objections as well. In the end, the Ministry of the Interior issued a methodological guideline according to which the municipality’s approval was only a recommendation, i.e. the authority for assistance in material need was not obliged to follow it. There has been a legislative change since June (abolition of the municipality’s approval); however, the municipality’s recommendation remained as a condition for granting the contribution towards housing to persons living in hostels in their cadastral area.<sup>32</sup>

Another example of stricter conditions for contributions towards housing lies in the fact that the contribution no longer covers 100% of the standard housing costs,<sup>33</sup> but only 80% of the standard housing costs.<sup>34</sup> Its maximum amount has been lowered.

Moreover, as of June of this year, designated municipal authorities can, upon the municipality’s request, issue a general measure identifying “areas with higher occurrence of socially undesirable phenomena”.<sup>35</sup> The authority for assistance in material need will not provide the people moving into such areas with the contribution towards housing, even though it could have devastating consequences for them. Some municipalities have already declared that they will designate streets, whose new residents will not receive the contribution towards housing from the authority for assistance in material need.

I believe that rather than making the conditions for the poorest stricter, the State should seek a systemic solution to the absence of social housing. Cities that voluntarily created their own systems of social housing report their success. Let me point out the example of Rapid Re-Housing, the pilot project of the city of Brno. Unfortunately, most municipalities in the Czech Republic are not interested in actively seeking a solution to the issue of the lack of

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32 Section 33(6) of Act No. 111/2006 Coll., the on assistance in material need, as amended.

33 The standard housing costs were set by the Regulation of the Government No. 449/2016 Coll., which, for the purposes of the contribution towards housing from the State income-support for 2017, sets the costs comparable to rent, sums that are included for solid fuels and sums of standard costs of housing.

34 Between the beginning of 2015 and the end of May 2017, it was 90% of the standard housing costs.

35 Section 33d of the Assistance in Material Need Act.



social housing in its territories, and it is therefore necessary to define such obligations by law.

**Recommendation No. 15 – Conflicts between the Defender and her deputy (change in legislation)**

In the monitored period, the Government did not submit any amendment to the Public Defender of Rights Act that would lay down a different manner of voting between the Defender and her deputy. I believe that a different manner of voting would ensure that there would not be any factual conflicts between the Defender and her deputy as there are now.

**Recommendation No. 16 – Relocation of the pig farm away from the Roma Holocaust site in Lety**

Several Governments have discussed the purchase of the pig farm at the memorial site in Lety u Písku. The current Prime Minister stated that his cabinet would like to “follow the negotiations through”. The latest news on the purchase negotiations with AGPI, who owns the pig farm, is that the two parties agreed on a price, and the State will buy it. According to the news server ROMEA.cz, the purchase contract should be concluded in September this year.<sup>36</sup>

I sincerely hope that the purchase of the pig farm will reach a successful end. After many years, it is necessary to finally honour the memory of the victims in a dignified manner and in the place where hundreds of Roma, most of whom were children, died during the Second World War.

**Recommendation No. 17 – Grounds of sexual orientation and gender identity in the Criminal Code**

Last year, the Ministry of Justice initiated an amendment of the Criminal Code (parliamentary press No. 886), which should have brought a change regarding the protection of sexual minorities. Among other things, defamation<sup>37</sup> and incitement to hatred<sup>38</sup> on the grounds of sexual orientation or gender identity was expected to newly constitute a crime. Along with incitement to hatred, incitement to violence against individuals or groups for, among other things, their sexual orientation or gender identity was envisaged as a crime, too. In the end, the proposal of such changes was left out from the amendment during the commentary procedure. I am not familiar with further reasons why.

In Brno, on 29 August 2017

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36 English version available at: <http://www.romea.cz/en/news/czech/czech-company-accepts-state-offer-to-buy-pig-farm-on-roma-genocide-site>.

37 pursuant to Section 355 of the Criminal Code

38 pursuant to Section 356 of the Criminal Code



Mgr. Anna Šabatová, Ph.D., signed  
Public Defender of Rights  
(the document bears electronic signature)