

PERIODIC REPORT ON THE HONOURING OF STATUTORY OBLIGATIONS BY

CZECH REPUBLIC

CoE member State since **30 June 1993**

Number of CoE Conventions ratified (as of 30 May 2006): **97 (out of 199)**

Number of CoE Conventions signed (as of 30 May 2006): **12**

I. PLURALISTIC DEMOCRACY

A. FREE AND FAIR ELECTIONS

System of government: **parliamentary democracy**

Last presidential election: **28 February 2003**

Next presidential election: **2008**

Last general elections: **14-15 June 2002**

Next general elections: **June 2006**

B. LOCAL AND REGIONAL DEMOCRACY

Last municipal elections: **November 2002** in the district of Prague

Next municipal elections: **November 2006**

European Charter of Local Self-Government (see Section III)

Last **Congress of Local and Regional Authorities** monitoring report: May 2000, **Resolution 93 (2000)** and **Recommendation 77 (2000)** on local and regional democracy in the Czech Republic adopted on 25 May 2000

Last report by the **Steering Committee on Local and Regional Democracy** (CDLR):

Structure and operation of local and regional democracy: Czech Republic: Situation in 2004, adopted in May 2004:

The CDLR comprises representatives of the national ministries responsible for local and regional authorities. This study presents the legal and institutional framework of local and regional authorities in the Czech Republic as well as their operation, including their competencies and financial and human resources.

Extract of doc. CM/Monitor (2001) 3 revised 2, 23 April 2001: Declaration by the Committee of Ministers of 10 November 1994 / Compliance with member States' commitments: Progress achieved within the framework of the monitoring procedure on local democracy:

"Regions (*kraje*) were set up in the course of 2000 and many reforms, affecting most sectors of government, were introduced. Thirteen laws entered into force in 2000 in order to implement regionalisation or allow for its impact. The most important of these concern the organisation of regions, municipal organisation, district offices, transfer of State rights, obligations and assets to the regions, the City of Prague and budgetary regulations. The regional assemblies were elected on 12 November (albeit with a low turn-out of 30%); the assemblies have since elected their regional governors (*hejtman*).

The new regional departments (regional offices) have their own regional responsibilities but also wield a number of delegated State powers, which is why their directors must be appointed by the governor with the approval of the Minister of the Interior; this has created difficulties in regions where the elections were won by the opposition (8 out of 14 regions). District offices (*okres*) are due to be abolished in 2002, which presupposes that the regional authorities will be fully in place by that date. Not all the attributions of the districts will be transferred to the regional offices: most will be transferred to the municipal authorities, which will exercise them by proxy, for areas which remain to be defined in each region.

2001 is a year of transition when the assets corresponding to regional powers will be transferred to the regions. Pending such time as the regions' participation in the proceeds of certain national taxes and their own taxes have been defined, the regions will be financed from earmarked grants.

Other points have been left in abeyance. In particular, the law on the organisation of the regions only refers to the deliberative powers of the regional assemblies, but does not completely define the regions' "sphere of independent competence", which might arise out of other legislative provisions. Nor does it indicate the scope of the "delegated powers". We can only deduce from the previous structure that the delegated powers field will be the largest among the overall activities of the regional offices. Where the Czech Republic is concerned, the appended Table 3 gives an estimate based on announcements made while the reform was being prepared. In principle, the definition and content of these two spheres of competence will determine the system of regional financing and the volume of resources to be allocated to the regions. Nor does the law make the supervisory system very clear on the matter of delegated powers, for which intervention by the central authorities has certain limits (clearly defined in connection with individual decisions). We must therefore wait for the new institutions gradually to take up their duties to gain a clearer idea of the content of regionalisation in the Czech Republic.

Several other important laws will also have an impact on this reform: the appointment of an ombudsman, the law on access to information and the establishment of administrative courts (at the planning stage). However, the law on the public service has still not been

passed, despite years of preparation; having been approved by a minority government, it is coming up against political difficulties."

II. RULE OF LAW

A. VENICE COMMISSION

No specific opinion concerning the Czech Republic.

B. FUNCTIONING OF THE JUDICIARY

The first report «European Judicial systems 2002» adopted by the European Commission for the Efficiency of Justice (CEPEJ) has been presented to the Committee of Ministers of the Council of Europe on **19 January 2005**.

It is one of the first major achievements of the CEPEJ under the terms of reference given to by the Committee of Ministers. As a result of the replies to the questionnaire sent in by 40 member states, the CEPEJ had been able to carry out the first ever evaluation of European judicial systems on such a large scale. The Czech Republic is one of the countries having replied to the questionnaire.

C. THE FIGHT AGAINST CORRUPTION AND ORGANISED CRIME

Civil law convention on corruption signed on **7 November 2000**, ratified on **24 September 2003**

Criminal law Convention on corruption signed on **15 October 1999**, ratified on **8 September 2000**, **Additional Protocol** neither signed nor ratified

The Second Evaluation Round report on the Czech Republic was adopted in May 2006 but not yet made public.

Extract of: **First Evaluation Round: compliance report on the Czech Republic adopted by GRECO at its 22nd Plenary Meeting (Strasbourg, 14-18 March 2005):**

"Analysis:

It was recalled that GRECO in its Evaluation Report addressed 9 recommendations to the Czech Republic. Compliance with these recommendations is dealt with below.

Recommendation i.

GRECO recommended to combat not only the actuality of corruption but also to raise the awareness of the population on the dangers of corruption which may undermine the economic, social and political foundations of Czech society and give high priority to objective research on corruption in the country.

The authorities of the Czech Republic have reported that awareness raising concerning corruption is carried out by the Ministry of the Interior, mainly through public relations tools. The internet sites of the Ministry of the Interior contain the Government programme on the fight against corruption, various reports concerning corruption, codes of ethics, anti-corruption contracts and information on anti-corruption activities abroad. Moreover, the Information Service of the Ministry of the Interior provides information concerning corruption. In 2003 a series of films were produced on the topic of corruption, Radio programmes have been broadcast at national as well as regional levels on corruption, its imminent consequences, etc, and the public has been made aware of the "anticorruption telephone line" (974 832 222) and the e-mail address: (stiznosti@mvr.cz) available for reporting of suspicions of corruption by the public. Also the web pages of the Courts and the Prosecution Service provide internet links with regard to corruption and measures to be taken when a bribe is requested by a state official.

The authorities have also reported that every Ministry has established internal anti-corruption programmes, which are being regularly evaluated and updated. Some departments, such as the Customs and the Prison Service, where risks of corruption are considered critical, have established particular anti-corruption schemes. Most Ministries (Ministry of the Interior, Ministry of Justice, Ministry of Agriculture, Ministry of Environment, Ministry of Transport, Ministry of Finance, Ministry of Industry and Ministry of Labour and Social Affairs) have established their own systems for reporting corruption (telephone hot-lines or e-mail addresses) available to the public.

The authorities have, moreover, reported that, in February 2005, the Ministry of the Interior launched two initiatives. Firstly, a "Central Internet Anti-Corruption Web Page" became fully operational. This centralised web page enables the public to file and process reports on suspected corruption by offering relevant links to responsible state authorities and by providing descriptions of criminal offences of corruption and advice on which law enforcement authority to approach. The launch of the web-site was accompanied by the publication of brochures and leaflets with the same content. Secondly, within the framework of the programme "Prevention of Corruptive Behaviour," a number of grants were made available to support civic activities aimed at informing the public about the phenomenon of corruption, establishing infrastructure for providing consultancy services and carrying out research. The grants shall be awarded to successful candidates on the basis of a competitive tender.

Finally, the authorities have referred to the Contact Information Centre of Victims of Corruption which *inter alia* aims to support scientific research on corruption and research carried out by an independent agency, "CVVM", which in February 2005 presented public perception research indicating that corruption was viewed as the second most serious problem (after unemployment) in the Czech Republic.

GRECO took note of the measures reported with regard to public awareness raising. The use of different forms of communication tools in order to increase public knowledge of corruption, its dangers and how to report suspicions thereof is commendable;

consequently, this part of the recommendation has been complied with. GRECO considers that some importance has been attached to research on corruption, however, more could be done in this respect.

GRECO concludes that recommendation i has been partly implemented.

Recommendations ii. and vi.

GRECO recommended adequate training and guidance to the officials applying special investigative techniques on the rules and conditions governing their use and ensure that special investigative techniques can be applied in the detection and investigation of serious corruption offences (recommendation ii).

GRECO recommended training in investigation for police forces engaged in the fight against corruption should be provided in early course (recommendation vi).

The authorities of the Czech Republic have reported that the content of these recommendations was included in the Government Programme on the Fight against Corruption. As a consequence, several educational/training activities have been implemented. The authorities have in particular referred to the Special Course of Operative Investigative Activity carried out by the Ministry of the Interior. This course contains theoretical and practical elements, it totals 304 hours, carried out through weekly sessions, lessons and correspondence studies. Topics, such as operational/investigative activity, law and criminal science are covered. This obligatory course is - since September 2002 - open to police officers employed at the Department for Detection of Corruption and Financial Crime ("UOKFK") of the Criminal Police. The graduates of the course should be able to carry out highly qualified and sophisticated police activity connected with operational-investigative activity while detecting, verifying and investigating serious financial crimes, mainly corruption, in a secret manner while using the provisions of Section 158b of the Criminal Procedure Act (operational investigative means and conditions for their application) and Section 23a of the Police Act (permission to use supportive operational investigative means). The course is held once a year and since 2002, some 75 police officers have participated.

The authorities have furthermore reported that the Ministry of the Interior has carried out training in co-operation with international organisations and other states in 2003: on the principles of integrity and Police ethics, which resulted in study materials of middle level police schools; on corruption in state administration, in which 45 officials of the Police, the Security Information Service and the Public Prosecution Service participated and, on Police ethics and the multicultural society in which 25 officials of the Police participated.

The authorities have also reported that the Office of the Prosecutor General is currently engaged in the preparation of an instruction of a general nature (under Section 12 of Public Prosecutor's Office Act) covering details for the use of operational/investigative means in relation to the investigation of offences relating to corruption, drug trafficking, counterfeiting, etc. The instruction was due to be finalised by the end of 2005. This

Office also intends to take measures for the involvement of public prosecutors in the training of police officers concerning criminal proceedings with regard to relevant international treaties relating to corruption.

GRECO welcomed the progress reported with regard to training of law enforcement staff engaged in the investigation of corruption offences. The introduction of obligatory training for such staff is particularly commendable. GRECO was pleased to learn that this training is repeated every year. It also welcomed the reported drafting of instructions by the Office of the Prosecutor General.

GRECO concludes that recommendations ii and vi have been implemented satisfactorily.

Recommendation iii.

GRECO recommended that the Government Programme for Combating Corruption in the Czech Republic should be revised thoroughly so that (i) the body/ies in charge of its implementation and co-ordination with other relevant authorities are clearly identified, (ii) a series of very specific and measurable objectives and the detailed steps required to achieve them are indicated and (iii) awareness of this Programme is increased both throughout Czech public institutions (particularly those concerned with its implementation) and the public at large.

The authorities of the Czech Republic have reported that the Minister of the Interior has been given the overall responsibility to co-ordinate the Government's anti-corruption measures and to report annually on the progress made (Decree of the Government of the Czech Republic No. 473 of 19 May 2003). In performing this task the Ministry of the Interior has established an interdepartmental co-ordination commission for the fight against corruption, consisting of representatives of every Ministry, all departmental anti-corruption co-ordinators, the Security Information Service, the Office of the Government, the Office of the Prosecutor General, the Supreme Audit Authority, the Office for Protection of Competitions, the Office for Surveying, Mapping and Cadastre and representatives of Transparency International. The Committee, which meets regularly (one to three times per year), has the overall objective to define the priorities of the anti-corruption policy of the Government and to report on the measures implemented in the fight against corruption.

The authorities have submitted the up-dated Government Programme on the Fight against Corruption which includes a series of very specific and measurable objectives as well as detailed steps required to achieve the objectives; Section A deals with legislation, Section B with organisational measures and Section C with the area of international co-operation. Each part of the programme includes the formulation of an objective, the authority in charge of the implementation and the deadline for the implementation.

GRECO took note of the information provided. It was of the opinion that the first part of recommendation (i) has been implemented as the overall authority of the Anti-corruption programme has been given to the Ministry of the Interior and that various bodies in

charge of the implementation have been identified. Furthermore, the second part of recommendation (ii) has been implemented as specific and measurable objectives as well as the detailed steps required to achieve these objectives have been indicated in the updated programme. With regard to the awareness of the Programme (iii), GRECO was satisfied with the authorities' reply as detailed under Recommendation i.

GRECO concludes that recommendation iii has been implemented satisfactorily

Recommendation iv.

GRECO recommended to facilitate the reporting of suspicions of corruption cases by individuals, and the setting up of appropriate and effective victim and witness protection programmes.

The authorities of the Czech Republic have reported that most of the Departments (Ministry of Interior, Ministry of Justice, Ministry of Agriculture, Ministry of Environment, Ministry of Transportation, Ministry of Finance, Ministry of Industry and Ministry of Labour and Social Affairs) have established special telephone "hotlines" or e-mail addresses where citizens can contact the authorities in cases of suspicion of corruption.

In order to further strengthen the fight against corruption, the Ministry of the Interior (through the instruction of the Director of Security Policy Department No. 16 of 24 June 2003) has established the Contact Information Centre for Victims of Corruption. The objectives of the Centre are to offer consultations via contact telephone line and e-mail, to monitor and support the scientific research on corruption, to monitor and support activities of NGO's engaged in the fight against corruption, to co-operate actively with the Department of Internal Audit and Supervision and the Department of Press and Public Relations of the Ministry of the Interior as well as with the Section of Submissions in the Office of the Minister of the Interior, which is the operator of the telephone line and e-mail address concerned. The Centre shall also co-operate actively with other departments of the Ministry of the Interior and relevant NGO's concerning matters such as drafting of legislation, education and training of state employees. In 2003, the Centre received more than 20 submissions concerning corruption, most of which via e-mail.

As far as witness protection is concerned, its standards are assured in accordance with the Law on Police (No. 283/1991) and the Law on Special Witness Protection in connection with Criminal Proceedings (No. 137/2001). Pursuant to both laws, the protection of witnesses is ensured in the form of personal protection. In cases where the well-being of a witness or his/her close relative is endangered and where no reliable protection may be assured by other means, resort shall be had to a measure whereby the identity of a witness and his/her appearance in criminal proceedings shall be kept confidential (so-called "concealed witness"). Other possibilities to ensure witness protection include the change of a witness's identity, his/her relocation (together with household members), as well as assisted integration into a new environment. A number of amendments to the latter law are currently being prepared to allow for a relocation of a witness into a foreign country,

special protection of witnesses in connection with criminal proceedings abroad and participation of witnesses in proceedings held before international tribunals or courts. The authorities of the Czech Republic have further stated that a certain amount of state funds had been allocated for special victim and witness protection programmes in 2005.

GRECO took note of the information provided. It was of the opinion that appropriate measures have been put in place to facilitate the reporting of potential corruption offences by individuals. GRECO was further satisfied that current legislation contains safeguards as regards witness and victim protection.

GRECO concludes that recommendation iv has been implemented satisfactorily.

Recommendation v.

GRECO recommended that there should be some streamlining and rationalisation of the functions of the operational and the investigative police and early completion of the merging of the functions of the operational and the investigative police.

The authorities of the Czech Republic have reported that on 1 January 2002 an amendment to the Criminal Procedure Code came into effect, and as a result, several departments of the Criminal Police were merged and became the Service of Criminal Police and Investigations (SKPV). In addition, by decision of the Minister of the Interior (15 March 2003), the Department for Detecting Corruption and Financial Crime of the Service of the Criminal Police and Investigation (ÚOKFK) was established as a new Department. The reasons for this establishment were that corruption and other serious crime, such as money laundering, organised crime and terrorism are considered as great dangers to the democratic and financial systems of the Czech Republic, which calls for good co-ordination within the police as well as particular methods and operational–investigation tools.

GRECO concludes that recommendation v has been implemented satisfactorily.

Recommendation vii.

GRECO recommended that priority should be given to the work of the Unit for Combating Corruption and Serious Crime, increasing its human and technical resources.

The authorities of the Czech Republic have reported that the organisational changes described above (cf. recommendation v.) and the creation of the Department for Detection of Illegal Proceeds and Tax Criminality, have enabled the division of competencies in combating financial crime, including corruption, as well as the specialisation of current employees of the ÚOKFK. Moreover, the authorities claim that the material resources have reached an adequate level. As a result the efficiency of the Police has been enhanced without increasing the number of staff. The statistics provided by the authorities of the Czech Republic confirm that, in 2002-2003, the number of

investigated cases of corrupt behaviour had grown by 115 percent, whereas the number of staff had slightly decreased: from 48 to 45.

In the light of the information provided, GRECO accepts that the organisational changes and the technical improvements could be considered as sufficient to comply with the intention of recommendation vii. It expresses a hope that the ÚOKFK shall be able to maintain the dynamics achieved over the past few years.

GRECO concludes that recommendation vii has been dealt with in a satisfactory manner.

Recommendation viii.

GRECO recommended that the role of the Ombudsman institution should be strengthened in preventing and combating corruption and raise effectively public awareness of this role of the Ombudsman institution.

The authorities of the Czech Republic have stated that the Ombudsman has an implicit mandate to fight corruption but is not systematically involved in the fight against this phenomenon. The Ombudsman has a role to contribute to the fight against corruption when examining complaints concerning mal-administration in public service. The Ombudsman increases public awareness as regards the dangers of corruption, promotes good governance and ethics in the civil service, discloses defects of internal control of state departments, contributes to transparency, opens disciplinary proceedings and reports corruption offences to the law enforcement system.

The authorities have added that, since 1999, the Ombudsman has come across reasonable suspicions of corruption in four cases and submitted one of these cases to the Prosecution Service.

The authorities have shown that the Ombudsman is very active in participating in events which contribute to the awareness of this Institution (conferences, media contacts and public debates, etc)

GRECO took note of the information provided, which adds some elements to the description of the role of the Ombudsman.

GRECO concludes that recommendation viii has been dealt with in a satisfactory manner.

Recommendation ix.

GRECO recommended that the system of immunities of members of Parliament be reconsidered in such a way as to provide for specific and objective criteria to be applied in determining whether procedural immunity (inviolability) should be lifted; the GET also recommended the Czech authorities to reconsider the fact that the system in place precludes prosecution after the suspect of a criminal offence ceases to be a member of Parliament.

The authorities of the Czech Republic have reported that a proposal for amending the Constitution with a view to limiting the immunities of Parliamentarians (Representatives and Senators), was voted down by Parliament in January 2005.

GRECO noted that the limitation of Parliamentarians' immunities have been considered by Parliament. However, recommendation ix also concerns procedural aspects of the lifting of immunities, which have apparently not been dealt with.

GRECO concludes that recommendation ix has been partly implemented.

Conclusions

In view of the above, GRECO concludes that the Czech Republic has implemented satisfactorily or dealt with in a satisfactory manner the vast majority of the recommendations contained in the First Round Evaluation Report. Recommendations ii, iii, iv, v and vi have been implemented satisfactorily. Recommendations vii and viii have been dealt with in a satisfactory manner. Recommendations i and ix have been partly implemented."

GRECO invites the Head of the delegation of the Czech Republic to submit additional information regarding the implementation of recommendations i and ix by 30 September 2006."

D. THE FIGHT AGAINST MONEY LAUNDERING

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990 ratified on **19 November 1996**

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the financing of terrorism (revised) neither signed nor ratified

PC-R-EV(2002)8Summ (28 June 2002): Second round evaluation report on the Czech Republic: summary

“1. A PC-R-EV team of examiners, accompanied by a colleague from the Financial Action Task Force (FATF) visited the Czech Republic between 8-11 October 2001. This visit took place in the framework of the second round evaluation. Its aim was to take stock of developments since the first round evaluation (i.e. May 1998 in the case of the Czech Republic), and to assess the effectiveness of the anti-money laundering system in practice.

2. There have been no significant changes in the types of criminal activities considered to be the major sources of illegal proceeds. However, the criminal activity in the economic field has become increasingly sophisticated and specialised, some banks being at the same time infiltrated by criminals. The latter take advantage of the developed financial infrastructure including the securities market and the unlimited use of cash payments.

Limits on cash transactions are not envisaged by the Czech authorities for the time being. On the other hand, new bearer passbooks cannot be issued and the examiners were advised that from 1st January 2003, only total withdrawal will be allowed and this will be subject to identification requirement.

3. The government strategy on combating organised crime of 1997 was assessed and updated accordingly in October 2000. Targeting the revenues of crime are an element of this renewed strategy. Recognising the importance of having an effective anti-money laundering regime, the Czech government also approved in April 2000 a written document analysing the effectiveness of the domestic anti-money laundering regime. This document requires the adoption / implementation of a number of measures considered crucial to better address money laundering issues (reversal of the burden of proof, confiscation, limitation of cash transactions, central files of account holders, specialisation of the police etc.). The government accordingly introduced legal amendments, on the basis of recommendations from the EU (the Czech Republic applied for EU membership) and from the PC-R-EV first evaluation round, but also based on the national experience deriving from the implementation of existing legislation. One important element of the recent changes was the amendment of Act No. 61/1996 (the Anti-Money Laundering Act), effective on 1st August 2000. Furthermore, the government enacted a so-called "Euroamendment" to the Criminal Code which comprises a new body of crime of the criminal offence of legalisation of proceeds from criminal activity (Section 252 a). This new amendment will enter into force on 1st July 2002. Other recently decided amendments include those to the Criminal Procedure Code and to regulations related to the economic environment of the Czech Republic.

4. The capacity of the Czech Republic to cooperate internationally was further enhanced with additional bilateral agreements between the FAU and foreign counterparts, and with assets-sharing agreements with the US and Canada. All international conventions ratified by the Czech Republic are directly applicable in the country.

5. The basic provisions criminalizing money laundering at the time of the visit are the same as those in force during the first round evaluation (Sections 251, 251a and 252). Their weaknesses therefore remain (e.g. inconsistency with the definition of laundering provided by Act 61/1996; self laundering is not covered; the concept of "thing" is too narrow and too far from the Strasbourg Convention definition of proceeds and property). The new provisions of Sections 252 and 252a expected in July 2002 would bring some improvements on the previous position: laundering of "own proceeds" would appear now to be covered with the deletion of the words "enables another person" from Section 251a; the concept of "thing" in Section 252a would be supplemented with less tangible products of crime; the penalty for negligent money laundering would be increased. It remained unclear to the evaluation team why the Czech authorities have not spelled out in the Euroamendment clearly that the Czech Republic can exercise jurisdiction in a money laundering case where the predicate offence is committed abroad. The physical elements of the offence remain based on the concealment. It remains debatable whether the "acquisition, possession or use" of laundered proceeds really are covered in the new money laundering legislation. Likewise, the mental element in Sections 252 and 252a has

not been revisited. Presumably the full rigours of knowledge standard remain. The two offences seem to be either intentional or negligent.

6. Finally, the statistics available show few prosecutions under the Section 251a - which, in any event, appears not just to cover money laundering. A fresh criminal offence, based clearly on the terms of the Strasbourg convention and clarifying all previous ambiguities would be far more helpful for the fight against money laundering. Additional practical measures, such as guidelines, would help the police, prosecution and judges to make a better use of the existing provisions.

7. This second round evaluation confirmed both in theory and practice that confiscation is still an alternative to punishment rather than a systematic measure targeting the proceeds of crime. As a matter of fact, the application of confiscating measures is left to the court's discretion and figures concerning the frequency of confiscation and the amounts concerned are not available. On the other hand, the recent creation of a Proceeds from Crime Department within the police, and the first positive results obtained by this Department in terms of seizures are encouraging. The prosecutors and the judges need to be as committed to this agenda as the new department. There needs to be a concerted and agreed approach to the importance of the confiscation agenda by police, prosecutors and judges backed up by an enabling legal regime which will ensure significant disruptive confiscation orders of the direct and indirect proceeds of crime.

8. The Law 61/1996 was amended and the preventive regime against the use of the financial sector for money laundering was improved to a large extent (e.g. the concept of "suspicious transactions" was introduced; move from "contact persons" to "money laundering compliance officers, extension of the record keeping requirement to documentation on transactions, requirement to identify "third persons", rules on professional secrecy etc.). Clear anti-money laundering responsibilities and supervisory powers were granted to the Czech National Bank, the Securities Commission, and the Cooperative Savings Unions regulatory bodies. The means of the FAU were enhanced, and training was developed. The current system could be further improved with the introduction of a clear requirement to identify beneficial owners and with a better and more systematic feedback from the FAU to reporting entities. The supervision over the financial sector could also be strengthened in various ways: rigorous on- and off-site controls, sanctions in case of non-observance of the requirements etc. Some sectors considered as vulnerable should be subject to closer attention.

9. As regards the FAU, the recent recruitment of additional analysts has increased its working capacity in this field. The computerisation of work was improved too with adequate software made available and the FAU has now access to the main relevant databases (including those of the police, tax administration and Customs). All this was needed if one considers the rather modest performance of the FAU in recent years. Out of 956, 1699 and 1920 STRs received in 1998, 1999 and 2000 respectively, only a – comparatively - limited number of complaints were lodged (37 in 1998, 47 in 1999 and 103 in 2000). International cooperation and collaboration with the financial sector is considered satisfactory. The FAU is also actively involved in provide training and raising

awareness of the private sector and other authorities' staff. The evaluation team was concerned about the staffing of the FAU's Legal and Inspection Department: its four staff are insufficient to carry out all on and off-site controls falling within its jurisdiction in the Czech Republic. Consequently, the staffing of the Department needs to be reconsidered. For the time being, the FAU does still not consider using liaison law enforcement personnel to assist it in the operational field.

10. Despite the recent creation of specialised prosecution sections and greater specialisation of the police to deal with economic crime cases including money laundering (see also above, the Proceeds from Crime Department), the work of the prosecution and police remains difficult in these fields. Various secrecy provisions and limits on the use of special investigative techniques undermine the overall investigative capacities. At the same time, there is a need for more targeted training in economic crimes and money laundering. All these factors are likely to make the repressive authorities prefer to initiate fraud-related cases, instead of money laundering cases, and to prefer focusing on the predicate offence. As a consequence, there has been no money laundering case since the first round evaluation. These problems need to be addressed.

11. The Czech Republic has adopted a number of measures since the first round evaluation. By addressing the issues above, the Czech Republic can improve the fight against money laundering and make the regime to combat it more effective."

III. PROTECTION OF HUMAN RIGHTS

A. ACTIVITIES OF THE COMMISSIONER FOR HUMAN RIGHTS

First report on the Czech Republic published in **October 2003** following a visit to the country in **February 2003**.

Extract of: **Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights on his visit to the Czech Republic, 24-26 February 2003, for the attention of the Committee of Ministers and the Parliamentary Assembly:**

"Conclusions and recommendations

As a democracy upholding human rights, the Czech Republic has resolutely lived up to its European destiny. But while the Czech authorities deserve praise for the considerable efforts which they have made regarding protection of human rights, certain problems persist and must be solved. In order to sustain their firm resolve and assist them in the pursuit of their goals, the Commissioner, in accordance with Article 8 of Resolution (99) 50, makes the following recommendations:

- Adopt the bill for the general anti-discrimination law and provide the necessary resources for the proper functioning of the body which is to enforce it; look into the possibility of ratifying Protocol No. 12 to the European Convention prohibiting all forms of discrimination;

- Concerning the Roma/Gypsy community, make additional co-ordinated efforts under a comprehensive plan for access to employment, education and housing; ensure that conscientious enquiries are initiated by the prosecuting authorities against the perpetrators of acts of violence with racial connotations, whether public officials or individuals, and that where appropriate these enquiries lead to appropriate sanctions;
- Examine, with a view to its repeal, the strict regime of detention for illegal immigrants; transfer all the children held in a detention centre for aliens in the process of removal from the Czech Republic, and their parents, to reception centres; take care that this situation does not recur in future;
- Amend the Constitutional Court Act so that there is no arbitrary obstruction of access to the Court (see judgments in the cases of *Beles and others v. Czech R.* and *Zvolsky and Zvolska v. Czech R.*);
- Reconsider the arrangement whereby prisoners are required to defray the expenses attaching to their prison sentence, particularly in order that their social rehabilitation is not prejudiced by over-indebtedness;
- Adopt a national strategy to fight trafficking in human beings, to comprise measures for the protection of victims regardless of nationality (testimony, right to social assistance, rehabilitation), specific training courses for the police and security forces, and closer collaboration with the NGOs specialising in this field; harmonise the Penal Code with the requirements of the Additional Protocol to the United Nations Convention against transnational organised crime to prevent, suppress and punish trafficking in persons, especially women and children, so that the ratification of the protocol may take place speedily;
- Secure better protection and assistance to victims of domestic violence through legislative measures and the opening of shelters;
- Introduce a special procedure before a specialised chamber for labour litigation;
- Ratify the third protocol to the European Social Charter providing for a system of collective complaints, and the revised European Social Charter;
- Aid the work of the Government Commissioner for Human Rights by granting him more resources; ensure that adequate material and human resources are allocated to the Ombudsman upon the forthcoming extension of his mandate giving him authority in the supervision of psychiatric institutions."

Extract of: **Follow-up report on the Czech Republic (2003 – 2005): Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights: For the attention of the Committee of Ministers and the Parliamentary Assembly** [CommDH (2006) 15, 29 March 2006]:

"Introduction

The Commissioner for Human Rights, Mr. Alvaro Gil-Robles, visited the Czech Republic in February 2003 on the invitation of the Czech Government. In the resulting Report, the Commissioner identified a number of concerns and made a series of recommendations to improve the country's effective respect for Human Rights. The issues addressed by the Commissioner included anti-discrimination measures, the situation of the Roma/Gypsy community, asylum, the functioning of the judicial system, the situation of certain vulnerable groups (notably victims of trafficking in human beings, victims of domestic violence and persons suffering from mental disorders) and social rights and freedoms to form and join trade unions, the resources of the Public Defender of Rights (ombudsman) and of the National Human Rights' Commissioner. The Commissioner reiterates his gratitude to the Government of the Czech Republic for their co-operation at the time of the visit, and again, on the occasion of the follow-up visit conducted by members of his Office from 10-12 January 2006.

The purpose of this report is to examine the manner in which the Czech authorities have implemented the recommendations made by the Commissioner in his 2003 report. This report follows the order of the main recommendations and does not, as a matter of principle, aim to address any issues other than those included in the recommendations of the first report.

This report is based on information gathered during the follow-up visit, reports provided by human rights experts, local and international NGOs, inter-governmental organisations and other public sources. The Commissioner would like to stress, once again, his satisfaction at the complete co-operation obtained from the Czech authorities at all stages of the procedure.

Racism, Xenophobia and Anti-discrimination

[...]

Conclusions

The Commissioner welcomes the Government's recognition of the need to strengthen the prevention of racism and to change attitudes towards minorities and persons of foreign origin.

The Commissioner regrets, however, that the long-awaited anti-discrimination legislation, approved by the Government and by the Chamber of Deputies, has not yet been enacted. He recalls that affirmative action can be, under certain circumstances, an effective tool for addressing long-standing discrimination. Indeed, the European Convention on Human Rights and EU anti-discrimination Directives are widely interpreted as allowing special measures, as long as they are proportional and are not prolonged beyond the time necessary for their targets have been reached.

Moreover, the adoption of the legislation recommended by the Commissioner, would have established a comprehensive framework for combating all forms of discrimination, creating procedural tools for filing complaints in case of treatment prohibited by law empowering the Public Defender of Rights to deal with such cases and obtain redress for the victims.

Finally, the Commissioner can only note with regret that the Czech authorities have not taken the necessary steps to ratify Protocol No. 12 to the ECHR, which in the meantime has entered into force in those member States which are Parties to it. In view of the above, the Commissioner continues to urge the Czech Government to pursue its efforts to obtain the enactment of the anti-discrimination legislation and the speedy ratification of Protocol No. 12 to the European Convention on Human Rights.

The situation of the Roma/Gypsy Community

The general situation of the Roma/Gypsy community

[...]

Conclusions

The Commissioner welcomes the priorities proposed by the Czech authorities in their 4th updated (latest) version of the "Roma Integration Policy Concept", approved in May 2005 as well as in the National Action Plan on Social Inclusion 2004-2006. He views positively the focus on integration of Roma/Gypsy communities, the efforts to close the gap between socially excluded Roma and mainstream Czech society and the support offered to Roma culture and language. The Commissioner notes an increased awareness among the authorities and society about the difficulties and needs of Roma/Gypsies. However, in spite of a number of achievements, the initiatives taken have had so far a limited effect in reducing social exclusion of large sectors of the Roma/Gypsy population.

Furthermore, increased funding has had little impact in reducing negative trends in the social and economic sphere. The Commissioner urges the Czech authorities to increase efforts in this area, support successful programmes and initiatives, particularly those actively involving members of the Roma/Gypsy communities, ensure effective co-ordination and simplify access to funding. The Commissioner considers that regional and local authorities should be closely associated to the implementation of policies against social exclusion and invites the Government to establish effective instruments of co-operation, co-ordination and supervision to that end.

Access to education

[...]

Conclusions

In spite of the efforts made to increase the number of preparatory classes and assistant teachers for Roma pupils, the situation still remains of concern. As the Commissioner recommended in his final report on the situation of the Roma, Sinti, and Travellers in Europe, where segregated education still exists in one form or another, it must be replaced by regular integrated education and, where appropriate, prohibited through legislation. The Commissioner calls upon the Czech authorities, therefore, to pursue their efforts in this direction and make greater resources available for the provision of pre-school education, language training and school assistant training in order to ensure the success of efforts to fully integrate Roma pupils into the regular school system.

Access to housing

[...]

Conclusions

The Commissioner shares the view that the ghettoisation of certain Roma communities represents a serious social challenge. Effective mechanisms must be created to prevent socially insensitive procedures on the part of towns and municipalities when handling housing needs. In particular, the Czech authorities should intervene more actively in situations where implementation of housing projects for the Roma is hampered by local authorities.

Moreover, anti-discrimination legislation in the field of private and public housing must be enacted or strengthened, while special measures must be taken to ensure that seemingly neutral allocation criteria do not negatively affect Roma populations.

Access to employment

[...]

Conclusions

The Commissioner welcomes the National Employment Action Plan for 2004-2006, and in particular, the variety of measures designed to integrate Roma, and other disadvantaged groups, into the labour market. Deficiencies in educational levels, caused by unequal access to education, must be remedied through training and retraining programmes. However, in light of the continuing high unemployment of Roma, the Commissioner urges an effective practical implementation of the new legislation providing for protection against discrimination in employment.

Violence towards the Roma/Gypsy community

[...]

Conclusions

The Commissioner is confident that the measures taken by the Czech authorities will facilitate increased reporting of hate crimes, notably by members of the Roma/Gypsy communities. There is increased recognition among police and prosecutors of the racial or ethnical motivations of certain criminal deeds and it is to be hoped that the relatively large number of police investigations in this area leads to additional prosecutions and to the imposition of sanctions which are proportionate to the gravity of this type of crime and sufficiently dissuasive for the future.

Allegations of forced sterilization of Roma women

[...]

Conclusions

The Commissioner welcomes the investigation and the report issued by the Czech Public Defender of Rights on forced sterilization, containing his findings and proposals for change. He notes that the Public Defender of Rights confirmed the existence of this practice and that a Court has declared it illegal in a recent case. The Commissioner draws attention to the recommendations he made in October 2003, which deal with legislation, access to medical files, improvement of health care and setting up mechanisms to offer redress to victims. These recommendations may be of use to the Czech Government when reviewing their own legislation and directives on the subject.

The detention of irregular migrants and asylum seekers

[...]

Conclusions

The Commissioner welcomes the efforts made by the Czech authorities to improve the material situation in centres hosting asylum seekers and the creation of new centres for unaccompanied minors, refugees and families. He notes with satisfaction that the running of detention centres has been transferred from the Police to a specialised agency and that children below 15 are not sent to detention centres and attend ordinary school. The Commissioner continues to urge the Czech authorities to abolish the strict detention regime and to further reduce the maximum detention period of irregular migrants, particularly for those between 15 and 18 years of age.

The Judicial System

Access to the Constitutional Court

[...]

Conclusions

The Commissioner commends the amendment to the Constitutional Court Act, thereby removing the arbitrary obstruction of access to this Court and the active stance taken by this Court to remedy the excessive length of judicial proceedings. He notes that legislative measures now provide for effective remedies to accelerate judicial proceedings. The Commissioner invites the Czech Government to pursue its efforts to reduce judicial delays, a problem affecting many member States of the Council of Europe. In particular, consideration could be given to the possibility of re-organising and reinforcing the Court's registries with a view to allowing judges to concentrate on the exercise of their judicial functions.

Prisons

[...]

Conclusions

The Commissioner welcomes the changes to the legislation which no longer require prisoners, in ordinary circumstances, to defray the expenses of their prison term.

The situation of certain vulnerable groups

Victims of trafficking in human beings

[...]

Conclusions

The Czech Republic has taken strong steps to combat trafficking in human beings. The Commissioner welcomes the changes introduced in the Criminal Code to broaden the definition of trafficking and the efforts to overcome initial difficulties in its application. The setting up of a clear structure to deal consistently with issues relating to human trafficking, and the establishment of a protection programme, are significant steps forward. Co-operation with NGOs is also to be praised. The Commissioner encourages the regular evaluation of the results obtained through the measures taken.

Victims of domestic violence

[...]

Conclusions

The Commissioner notes that the Czech Criminal Code now provides for a specific criminal offence of domestic violence and for severe sanctions against perpetrators of this offence. The introduction of interdisciplinary teams in the detection and prosecution of domestic violence is a positive development. The creation of special police units constitutes also a positive step. It is very much to be hoped that the legislative measures

elaborated by the interdepartmental working group on domestic violence will soon be in force and that the Czech authorities should continue to strive to meet the demand for additional space in shelter homes.

Persons suffering from mental disorders

[...]

Conclusions

The promotion of the rights of persons suffering from disabilities, whether physical or mental, must remain a continuous goal and long-term policy in all member states of the Council of Europe. The Commissioner welcomes the new powers given to the Public Defender of Rights to strengthen the protection of persons deprived of their liberty – including the mentally disabled and ill – against torture or inhuman or degrading treatment or punishment. He takes note with satisfaction that the Public Defender of Rights is already active in this area and that additional means have been allocated to his Office for the proper exercise of these new functions. The Commissioner urges the authorities to consider setting up community-based alternatives to residential care in psychiatric and social care institutions. Regulations clearly banning the use of cage-beds should be introduced.

Social rights and the freedom to form and join trade unions

[...]

Conclusions

The Commissioner reiterates his recommendation that the Czech Republic ratify the third protocol to the European Social Charter on collective complaints, as approved by the Czech Government and authorised by Parliament.

The Public Defender of Rights and Government Commissioner for Human Rights

[...]

Conclusions

The Commissioner welcomes the active role played by the Government Commissioner for Human Rights of the Czech Republic and the adequate staffing of his office."

B. EUROPEAN CONVENTION ON HUMAN RIGHTS

ECHR ratified on 18 March 1992

“Reservation contained in the instrument of ratification of the Czech and Slovak Federal Republic, deposited on 18 March 1992, and in a Note Verbale from the Federal Ministry of Foreign Affairs, dated 13 March 1992, and handed to the Secretary General at the time of deposit of the instrument of ratification - Or. Cze./Engl. - and confirmed at the time of accession of the Czech Republic to the Council of Europe, on 30 June 1993, and by letter from the Ministry of Foreign Affairs, dated 23 July 1993, registered at the Secretariat General on 2 August 1993 -

During the ceremony of accession to the Council of Europe, the Minister of Foreign Affairs of the Czech Republic declared that the reservation made by the Czech and Slovak Federal Republic to Articles 5 and 6 of the Convention will remain applicable. The reservation reads as follows:

"The Czech and Slovak Federal Republic in accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms [Article 57 since the entry into force of the Protocol No 11] makes a reservation in respect of Articles 5 and 6 to the effect that those articles shall not hinder to impose disciplinary penitentiary measures in accordance with Article 17 of the Act No. 76/1959 of Collection of Laws, on Certain Service Conditions of Soldiers."

The terms of section 17 of the Law on certain conditions of service of members of the armed forces, No. 76/1959 in the Compendium of Legislation, are as follows:

Section 17

Texte transmitted by Note Verbale from the Permanent Representation, dated 8 April 1992, registered at the Secretariat General on the same day -

Disciplinary Sanctions

1. Disciplinary sanctions shall comprise: a reprimand, penalties for petty offences, custodial penalties, demotion by one rank, and in the case of non-commissioned officers, reduction to the ranks.
2. Disciplinary custodial penalties shall comprise: confinement after duty, light imprisonment and house arrest.
3. The maximum duration of a disciplinary custodial penalty shall be 21 days.

Period covered: 1/1/1993 -

The preceding statement concerns Article(s): 5, 6”

Protocol No. 6 ratified on **18 March 1992**

Protocol No. 12 signed on **4 November 2000**

Protocol No. 13 ratified on **2 July 2004**

Protocol No. 14 ratified on **19 May 2006**

Number of judgments delivered against the Czech Republic in 2005: **33** (out of a total of 1105)

Resolutions adopted by the Committee of Ministers in 2005: **0**

Resolutions adopted by the Committee of Ministers in 2006 (as of 10 April 2006): **0**

C. EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)

Convention and additional protocols 1 and 2 ratified on **7 September 1995**

Last country visit: **March - April 2006**

Press release of 12 April 2006:

“A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a visit to the Czech Republic from 27 March to 7 April 2006. It was the Committee's third periodic visit to the Czech Republic.

The visit provided an opportunity to assess the progress made since the previous visit in April 2002. The CPT's delegation focused on the treatment and regime of prisoners sentenced to life imprisonment, and of other prisoners placed in special high security units. It also examined the situation of prisoners on remand. A further area of interest was the treatment of patients in psychiatric hospitals and of social care home residents, special attention being paid to the use of net beds and other means of restraint. The delegation examined the conditions of detention in a number of police stations and explored whether the fundamental safeguards of the right of notification, right of access to a lawyer and right of access to a doctor were functioning in a satisfactory and timely manner.

In the course of the visit, the CPT's delegation met with Ivo HARTMANN, deputy Minister of Justice, Marián HOŠEK, deputy Minister of Labour and Social Affairs, Miloslav KOUDELNÝ, deputy Minister of Interior, and Michal VÍT, deputy Minister of Health, as well as Luděk KULA, Director General of the Prison Service and other senior officials from relevant Ministries and Services. The delegation also met with Otakar MOTEJL, the National Ombudsman, and with Svatopluk KARÁSEK, the Government Commissioner for Human Rights, as well as with representatives of Czech civil society.

At the end of the visit the delegation presented its preliminary conclusions to the Czech authorities.

The visit was carried out by the following members of the CPT:

- Aleš BUTALA, Head of the delegation (Slovenian)
- Ladislav GETLÍK (Slovak)
- Pétur HAUKSSON (Icelander)
- Renate KICKER (Austrian)
- Isolde KIEBER (Liechtenstein)

They were supported by Hugh CHETWYND, Head of Unit, and Marco LEIDEKKER of the CPT's Secretariat, and assisted by three experts: James MacKEITH, Consultant Forensic Psychiatrist (United Kingdom), Alan MITCHELL, Former Head of Health Care, Scottish Prison Service (United Kingdom) and Jurgen VAN POECKE, Director of Youth detention centre “De Grubbe”, Everberg (Belgium).

The delegation visited the following places:

Establishments under the authority of the Ministry of Interior

Brno region

- Brno District Police Station

Liberec region

- Liberec District Police Station, Liberec
- Jablonec Police Station
- Jičín District Police Station

Ostrava region

- Masná District Police Station, Ostrava
- Strma Municipal Police Station, Ostrava

Plzeň region

- Dobřany Police Station

Prague region

- Kongresová Police Headquarters, Prague
- Hybernska Police Station, Prague
- Vysehradská Police Station, Prague

Establishments under the authority of the Ministry of Justice

- Liberec Prison
- Mírov Prison
- Ostrava Prison
- Valdice Prison

The delegation also interviewed certain patients at Brno Prison Hospital, as well as some recently arrived remand prisoners at Prague-Pankrác and Prague-Ruzyně Prisons.

Establishments under the authority of the Ministry of Health

- Brno Psychiatric Hospital
- Dobřany Psychiatric Hospital
- Anti Alcoholic Detention Unit, Ostrava Municipal Hospital

Establishments falling under the authority of the Ministry of Labour and Social Affairs

- Střelice Social Care Home”

Publication of the last report: **March 2004**

Press releases:

"12.03.2004 - The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has published today the report on its visit to the Czech Republic in April 2002, together with the Czech Government's response. These documents have been made public with the agreement of the Czech authorities.

During this visit, the CPT's delegation reviewed measures taken by the Czech authorities in response to the recommendations made by the Committee after the 1997 visit, in particular as regards the safeguards offered to persons detained by the police. Issues tackled for the first time in the Czech Republic included the conditions of stay in holding facilities for foreigners, as well as the treatment of psychiatric patients.

14.04.2005 - In a follow-up response published today with its agreement, the Czech Government provides additional information concerning the implementation of recommendations of the European Committee for the prevention of torture (CPT) after a visit to the Czech Republic in April 2002. In its visit report, the CPT focussed on the safeguards offered to persons detained by the police and examined, for the first time in the Czech Republic, the conditions of stay in holding facilities for foreigners, as well as the treatment of psychiatric patients.

Building on its initial response, which covered the period 2003, the Czech Government indicates the steps taken in the year 2004 to further implement the CPT's recommendations and highlights planned action for the future.

20.03.2006 - In a second follow-up response published today with its agreement, the Czech Government provides additional information concerning the implementation of recommendations made by the European Committee for the prevention of torture (CPT) after its visit to the Czech Republic in April 2002. The CPT visit report focused on the safeguards offered to persons detained by the police and examined, for the first time in the Czech Republic, the conditions of stay in holding facilities for foreigners, as well as the treatment of psychiatric patients.

Building on its initial response and the first follow-up response, which cover the years 2003 and 2004, the Czech Government indicates the steps taken in 2005 to further implement the CPT's recommendations and highlights planned action for the future."

Next country visit: unknown

D. EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT

European Charter of Local Self-Government ratified on **7 May 1999**

E. FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Convention signed on **28 April 1995**, ratified on **18 December 1997**, entered into force on **1 April 1998**

Last opinion by the Advisory Committee adopted in **February 2005**
[ACFC/INF/OP/II(2005)002]

"Summary:

Since the adoption of the Advisory Committee's first Opinion in April 2001 and of the Committee of Ministers' Resolution in February 2002, the Czech Republic has taken new commendable measures to improve the protection of national minorities. These measures demonstrate the authorities' commitment to establish a genuine public policy in the field. Positive developments are noted at the legislative level, in particular as regards the use of

minority languages in the public sphere, as well as in the field of education. As regards practice, increased efforts have been made in most of the relevant sectors, with particular accent on the situation of the Roma. Additional measures have been also taken to improve inter-ethnic dialogue.

Difficulties persist, however, in the implementation of certain parts of the relevant legislation, notably at the local level. In addition to the unsatisfactory involvement of local authorities, there are reported difficulties with regard to the identification of the geographical areas concerned by such measures, as well as shortcomings in terms of participation of minority representatives. Further efforts should also be taken to strengthen prevention of, and fight against, intolerance and discrimination.

The situation of the Roma, which continues to be a matter of concern, requires more resolute action by the authorities. Priority should be given in this action to the considerable difficulties faced by the Roma in fields such as housing and employment, as well as to the educational situation of Roma children, and to the allegations of sterilisation of Roma women without their prior free and informed consent."

Last CM resolution on the implementation of the Framework Convention:
ResCMN(2006)2

Next State report foreseen: date unknown

F. EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Convention signed on **9 November 2000** but not ratified

Last biennial report of the Secretary General to the Parliamentary Assembly: **3 September 2005**

G. EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)

Last report by ECRI: the Third report on the Czech Republic was adopted on 5 December 2003 and made public on **8 June 2004**.

Extract of doc. **CRI(2004)22:**

"Executive summary:

Since the publication of ECRI's second report on the Czech Republic on 18 June 1999, progress has been made in a number of the fields highlighted in the report.

In 2000, the Czech Government adopted a Concept on Roma Integration providing a framework for efforts to improve the situation of Roma. Different measures have been implemented to improve the situation of Roma communities, including a number of

successful initiatives such as zero-grade classes and teaching assistants. Amendments to the Czech Citizenship Law facilitated the acquisition of citizenship by Roma who have been long-term residents on Czech territory. The Cabinet has approved a draft comprehensive anti-discrimination law which is expected to come before Parliament in 2004. Measures have also been taken to address the problem of racially motivated violence, including steps to improve implementation of criminal law provisions. Moreover a national strategy on policing minorities has been developed to improve relations with minority communities.

A number of recommendations made in ECRI's second report, however, have not, or not fully, been implemented, notably as concerns the issue of combating discrimination and inequality at the local level, an issue which is of special concern to ECRI. There have been few detectable improvements in the situation of Roma whose marginalisation from mainstream society continues to take physical form through their ghettoisation into substandard housing complexes on the outskirts of cities. Many Roma children also continue to be sent to special schools for the mentally disabled and a disproportionately high number are removed from their families and placed in state institutions or foster care. Racially motivated violence and ill-treatment of Roma by police, including of children, continue to be problems of concern. Furthermore, ECRI raises a number of issues as regards asylum seekers and migrants, such as the concerning issue of the detention of children.

ECRI recommends in this report that the Czech authorities take further action in a number of fields. It calls, *inter alia*, for additional means to be put in place to combat discrimination at the local level and to ensure that local authorities implement policies aimed at improving the integration of Roma into Czech society. ECRI recommends urgent measures to prevent further evictions in the sphere of housing and to re-integrate Roma communities into mainstream society, including measures aimed at placing Roma children into regular schools. It also recommends the swift adoption of the draft anti-discrimination law and the provision of free legal aid to victims of discrimination without means. ECRI encourages the Czech authorities to take further measures to combat racially motivated violence, including the more effective implementation of criminal law provisions. ECRI furthermore urges the authorities to take firm action to counter the problem of police ill-treatment of members of minority groups. ECRI also formulates recommendations aimed at ensuring the rights of asylum seekers and migrants."

H. SOCIAL RIGHTS

European Social Charter of 1961 signed on **27 May 1992**, ratified on **3 November 1999**, entered into force on **3 December 1999**

European social Charter (revised) signed on **4 November 2000**, but not ratified

Additional Protocol to the European Social Charter Providing for a System of Collective Complaints signed on **26 February 2002**, but not ratified

No collective complaint against the Czech Republic.

Every year the states parties submit a report indicating how they implement the Charter in law and in practice. Each report concerns some of the accepted provisions of the Charter: in odd years the report concerns the «hard core» provisions (Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20; States must have accepted at least 6 of these 9 Articles); in even years half of the other provisions.

Third report on the implementation of the European Social Charter submitted by the Government of the Czech Republic (for the period from 1 January 2003 to 31 December 2004: Articles «hard core» 1, 5, 6, 12 13, 16, 19) on 28 June 2005

Third report on the implementation of the European Social Charter submitted by the Government of the Czech Republic (for the period from 1 January 2003 to 31 December 2004: Articles 1, 5, 6, 12 13, 16, 19) on 7 November 2005

[RAP/Cha/CZ/III(2005)ADD]

I. PARLIAMENTARY ASSEMBLY

Recommendation 1338 (1997) on the obligations and commitments of the Czech Republic as a member state adopted by the Assembly on 22 September 1997 (See Doc. 7898, report by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteurs: MM. Jurgens and Sinka) and closing the **monitoring procedure**.

Post-monitoring dialogue with the Czech Republic concluded in October 2004