

# PARALLEL REPORT

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING THE CZECH REPUBLIC

To the Human Rights Council, within its Universal Periodic Review, for consideration at the 28th Session (6-17 November 2017).

Challenging Discrimination Promoting Equality

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The European Roma Rights Centre (ERRC)<sup>1</sup> submits this parallel report to highlight some key human rights concerns in the Czech Republic. The submission provides a factual base and recommendations on Roma for the key issues of education, forced and coercive sterilisation, and housing.

## EQUAL ACCESS TO QUALITY EDUCATION

1. Historically, two main issues have arisen in relation to equal access of Romani children to quality education in the Czech Republic: discriminatory placement into the inferior special education system for children with mental disabilities and segregation within the mainstream education system. These issues were also highlighted by several UN treaty bodies in their concluding observations, e.g.: UN HRC,<sup>2</sup> UN CERD<sup>3</sup> or UN CRC<sup>4</sup>. In September 2014, the European Commission initiated infringement proceedings against the Czech Republic for breaching the European Union's anti-discrimination laws due to ongoing discrimination of Romani children in education.<sup>5</sup>
2. Almost ten years have passed since the European Court of Human Rights (ECtHR) issued the judgment in *D.H. and Others v the Czech Republic*<sup>6</sup> holding that the legislation regulating the special education system for children with mental disabilities had a disproportionate negative impact on Romani children. However, even though some progress has finally been made towards inclusive education, the education system in the Czech Republic still cannot be considered to be free from discrimination especially in relation to Romani children and children with mental disabilities.
3. The education system in the Czech Republic consists of two parallel streams – “mainstream” and “special” education. The special education stream was created in order to provide education to those children believed to be unable to attend mainstream schools because of their physical, sensory or mental disabilities. To this day, the majority of children with mental disabilities or multiple disabilities are educated in the segregated schooling system. The core of the problem is the very existence of the special education system. This system denies all enrolled children their right to inclusive education, which recognises that all children are different and acknowledges that children with disabilities must be able to access the general education system, on an equal basis.<sup>7</sup>
4. After several amendments of the Act no. 561/2004 Coll. the School Act which did not bring any results and even exacerbated the existing problem, the Czech Parliament adopted some legislative changes which might potentially have a positive impact. One of the amendments of the School Act, effective since 1 September 2016, gradually abolishes curricula for pupils with mild mental disabilities and tries to substitute the past categorisation of children with support of their actual educational needs at mainstream schools. All pupils who are identified as being in need of supportive measures by the respective school advisory centres will be eligible to receive them. Schools will receive a financial contribution to cover the costs of the supportive measures directly from the regional authority without needing to file an application. This amendment should prevent situations where the schools lack the finances to provide pupils with special needs with supportive measures. However, the data of the Ministry of Education showed that, as of 3 September 2016, only 205 out of 18,000 pupils diagnosed with mild mental disabilities and attending

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<sup>1</sup> The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education.

<sup>2</sup> UN HRC, Concluding observations on the third periodic report of the Czech Republic, CCPR/C/CZE/CO/3, 22 August 2013, para. 10.

<sup>3</sup> UN CERD, Concluding observations on the combined tenth and eleventh periodic reports of the Czech Republic, CERD/C/CZE/CO/10-11, 25 September 2015, paras. 17-18.

<sup>4</sup> UN CRC, Consideration of reports submitted by States parties under article 44 of the Convention, CRC/C/CZE/CO/3-4, 04 August 2011, paras. 30, 61-62.

<sup>5</sup> ERRC, available at: <http://www.errc.org/article/errc-hopes-that-eus-proceedings-against-the-czech-republic-sends-a-strong-signal-to-all-member-states-that-discrimination-will-not-be-tolerated/4326>

<sup>6</sup> European Court of Human Rights, *D.H. and Others v. The Czech Republic* [GC], application no. 57325/00, judgment of 13 November 2007.

<sup>7</sup> UNCHR, 'The right to education of persons with disabilities. Report of the Special Rapporteur on the Right to Education' (2007) UN Doc A/HRC/4/29, 9.

practical schools were transferred to mainstream schools.<sup>8</sup> In January 2017, the Ministry of Education published estimates that indicate that for academic year 2016/2017, Roma pupils account for 3.7% of all pupils at all elementary schools while they make up 30.9% of all pupils being taught according to curricula for children with mild mental disabilities.<sup>9</sup>

5. Another systemic change which could bring positive results is the amendment which will become effective from the academic year 2017/18 onwards. It provides a compulsory year of pre-school education free of charge. Furthermore, all children from four years of age will be entitled to pre-school education and from the academic year 2018/19 the threshold will be decreased to children who are three years of age.<sup>10</sup>
6. The issue of discrimination of Romani children enrolled in the special education system arose in one of the cases dealt with by the Czech Constitutional Court in 2015. The complainant claimed that he was subjected to discrimination due to the fact that he was enrolled in the special school because of his Roma ethnicity. The Czech Supreme Court rejected his claim by stating, surprisingly, that segregation only exists if the percentage of Romani pupils is above 50%. Even though the Constitutional Court subsequently dismissed the above-mentioned argumentation, it refused to overturn the decision thus failing to condemn the discriminatory special education system in the Czech Republic.<sup>11</sup>
7. In spite of the steps taken to address the problems related to the special education system, the Czech Republic does not pay sufficient attention to the segregation of Romani children in mainstream schools. This was confirmed by the Ministry of Education, who provided estimates showing that approximately every fourth Roma pupil is educated in segregated settings, i.e. schools in which Roma amount to 75-100% of pupils.<sup>12</sup>
8. The reasons behind the existence of segregated schools are many, including, among others, the way that catchment areas are drawn as well as discrimination during enrolment in elementary schools. In March 2017, the District Court Ostrava-Poruba ruled that a local elementary school discriminated against Romani children based on their ethnicity through the use of school-readiness testing as the enrolment criterion for the school. The Court was clear in stating that elementary schools which are regarded to be non-segregated, and offer a higher quality education, cannot prevent or regulate the enrolment of higher numbers of Romani children. Schools which deny Romani children's right to an equal education support further segregation as Romani children who are not enrolled have to attend segregated schools of a lower quality.<sup>13</sup>

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<sup>8</sup> The Ministry of Education Youth and Sports of the Czech Republic, available (in Czech), at: <http://www.msmt.cz/ministerstvo/novinar/zhruba-200-zaku-prejde-z-takzvaných-praktických-do-beznych>.

<sup>9</sup> The Ministry of Education Youth and Sports of the Czech Republic, available (in Czech), at: <http://www.msmt.cz/ministerstvo/novinar/vysledky-kvalifikovanych-odhadu-poctu-romskych-zaku-v-zs>.

<sup>10</sup> The Ministry of Education Youth and Sports of the Czech Republic, available (in Czech) at: <http://www.msmt.cz/ministerstvo/novinar/vlada-schvalila-novelu-skolskeho-zakona>.

<sup>11</sup> ERRC, available at: <http://www.errc.org/article/disappointing-constitutional-court-judgment-still-opens-opportunities-to-fight-segregation/4416>.

<sup>12</sup> The Ministry of Education Youth and Sports of the Czech Republic, available (in Czech) at: <http://www.msmt.cz/ministerstvo/novinar/vysledky-kvalifikovanych-odhadu-poctu-romskych-zaku-v-zs>.

<sup>13</sup> ERRC, available at: <http://www.errc.org/article/justice-served--romani-boys-denied-enrolment-in-school-win-case-in-czech-republic/4558>.

## **FAILURE TO ADEQUATELY ADDRESS FORCED AND COERCIVE STERILISATION OF ROMANI WOMEN**

9. This section describes the current situation regarding the practice of coercive sterilisation of Romani women and the legal, policy and other obstacles in reaching an effective remedy for the victims. It aims to provide an update on the situation since 2012 when the Human Rights Council last reviewed the Czech Republic.<sup>14</sup> In the former Czechoslovakia, a Public Decree on Sterilization from 1971, in force from January 1972, enabled public authorities to take programmatic steps to encourage the sterilization of Romani women and women with disabilities placed in mental institutions in order to control their birth rate.<sup>15</sup>
10. Following the report of the Public Defender of Rights (Ombudsman) on his own investigation into the issue of forced sterilisation, published in December 2005,<sup>16</sup> Prime Minister Fisher expressed regret for the practice by individual doctors and hospitals in 2009,<sup>17</sup> but refused to acknowledge that this was a state-supported systematic practice and to consider compensation.<sup>18</sup>
11. Significant barriers to access to justice persist for the victims of coercive sterilisation in the Czech Republic. The primary challenge is that the three-year statute of limitation, dating from the moment of acknowledging the sterilisation occurred, prevents the majority of victims from now bringing civil claims for damages. Many women were sterilised during Communism when it was practically infeasible for citizens to sue the state.
12. To date there have been three court cases in which Romani women who suffered involuntary sterilisations received financial compensation. Two cases were considered by the European Court of Human Rights (and ended with friendly settlements)<sup>19</sup> and one case was decided by a domestic court.<sup>20</sup> These cases, however, are exceptions to the rule and confirm that obtaining compensation for involuntary sterilisation is not a straightforward procedure by which women can obtain redress for the violations they have suffered.
13. Up until 2013 the Czech Civil Code differentiated between the claims for so-called material and immaterial damages. In theory, it was possible for the victims of involuntary sterilisation to seek an official apology from the state through the Courts outside of the statute time-frame. However, a decision by the Supreme Court in 2008<sup>21</sup> and a 2014 Civil Code amendment,<sup>22</sup> abolished this option and rendered even a claim against the state to recognise the injustice bound by the statute of limitations as well.

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<sup>15</sup> ERRC, *Coercive and Cruel: Sterilisation and its Consequences for Romani Women in the Czech Republic (1966-2016)*, Budapest, 2016, available at: <http://www.errc.org/reports-and-advocacy-submissions/coercive-and-cruel-sterilisation-and-its-consequences-for-romani-women-in-the-czech-republic-1966-2016/4536>.

<sup>16</sup> Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures. JUDr. Otakar Motejl, Public Defender of Rights, Brno, 23 December 2005. Available at: <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/Public-defender-rights.pdf>.

<sup>17</sup> The Government of the Czech Republic, Resolution of the Government of the Czech Republic 1424, 23 November, 2009, available at: [http://racek.vlada.cz/usneseni/usneseni\\_webtest.nsf/0/6430E40ED2EFF39AC1257674004347C2/\\$FILE/1424%20uv091123.1424.pdf](http://racek.vlada.cz/usneseni/usneseni_webtest.nsf/0/6430E40ED2EFF39AC1257674004347C2/$FILE/1424%20uv091123.1424.pdf).

<sup>18</sup> Czech Radio, available (in Czech) at: [http://www.rozhlas.cz/zpravy/politika/\\_zprava/661506](http://www.rozhlas.cz/zpravy/politika/_zprava/661506).

<sup>19</sup> ECtHR, *V.C. v. Slovakia*, para. 110.

<sup>20</sup> League of Human Rights, Constitutional court rejected the claim of a sterilized woman who sought higher financial compensation, available at (in Czech): <http://llp.cz/2012/06/us-odmitl-stiznost-zeny-jez-chtela-vyssi-nahradu-za-sterilizaci/>.

<sup>21</sup> Supreme Court Judgment no. 31 Cdo 3161/2008 from 12 November 2008.

<sup>22</sup> Government of the Czech Republic, New Civil Code of the Czech Republic, available (in Czech) at: <http://obcanskyzakonik.justice.cz/>.

14. Furthermore, the Act on Equal Treatment and on Legal Means of Protection against Discrimination (the Anti-discrimination Act)<sup>23</sup> from 2009, does not allow for *actio popularis*, which would have permitted lodging complaints with higher numbers of victims or with unknown victims of involuntary sterilisation.<sup>24</sup> In 2014, the Minister of Human Rights established an inter-ministerial working group entrusted with preparing legislation on a compensation mechanism.<sup>25</sup> In 2015, this working group adopted a piece of draft legislation, calling for the Ministry of Health to establish an independent expert committee which would review the individual claims of involuntarily sterilised people and advise the Ministry on appropriate remedies.<sup>26</sup> In September 2015 the government rejected adopting this law without stating official reasons.<sup>27</sup>
15. In February 2016 during the UN CEDAW Session, the Czech government delegation made an argument that the only effective remedy was the Czech courts, but the CEDAW was not persuaded and upheld its resolute criticism for the lack of an effective ex-gratia compensation mechanism.<sup>28</sup>
16. In December 2015, the ERRC and the League of Human Rights submitted a third-party intervention in a new involuntary sterilisation case communicated by the European Court of Human Rights.<sup>29</sup> Moreover, they also submitted a joint individual complaint on behalf of six affected Romani women to the UN CEDAW in February 2016.<sup>30</sup>

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<sup>23</sup> Parliament of the Czech Republic, Antidiscrimination Act 198/2009 of 17 June 2009, available (in Czech) at: [http://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/pravni\\_predpisy/Antidiskriminacni\\_zakon.pdf](http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/pravni_predpisy/Antidiskriminacni_zakon.pdf).

<sup>24</sup> European Roma Rights Centre, Czech Republic: Country Profile 2011-2012, p. 12. The Czech Civil Procedure Code provides for the entitlement of associations to engage in judicial proceedings, available at: <http://www.errc.org/cms/upload/file/czech-republic-country-profile-2011-2012.pdf>

<sup>25</sup> Romea, Czech Human Rights Minister drafting law to compensate, available at: <http://www.romea.cz/en/news/czech/czech-human-rights-minister-drafting-law-to-compensate-illegally-sterilized-women>. In 2009 and 2012, the Czech Government's Human Rights Council passed resolutions recommending that the Czech Government should introduce a mechanism for adequate financial redress of victims of involuntary sterilisation. The Council's recommendations however were never debated in the Czech Parliament. See: Human Rights Council, Recommendation related to the sterilization of women executed in the Czech Republic in breach with the law, 2012, available at (in Czech): <http://www.vlada.cz/cz/ppov/rfp/cinnost-rady/zasedani-rady/zasedani-rady-dne-17--unora-2012-98737/>.

<sup>26</sup> Human Rights Council of the Government of the Czech Republic, Draft Law of the Compensation for Illegally Sterilised Persons, February 2015, available (in Czech) at <https://apps.odok.cz/kpl-detail?pid=KORN9UYE4ZVB>.

<sup>27</sup> Romea.cz, Government Rejects Bill to Compensate Victims of Illegal Sterilisation, 1 October 2015, available at: <http://www.romea.cz/en/news/czech/czech-government-rejects-bill-to-compensate-victims-of-illegal-sterilizations>.

<sup>28</sup> UN CEDAW, Concluding Observation, Czech Republic, 7 March, 2016, available at: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CZE/CEDAW\\_C\\_CZE\\_CO\\_6\\_21660\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CZE/CEDAW_C_CZE_CO_6_21660_E.pdf).

<sup>29</sup> ERRC and League of Human Rights, *Maděrová v Czech Republic*, third-party intervention, 8 December 2015, available at: <http://www.errc.org/article/mad%C4%95rova-v-czech-republic-third-party-intervention-pending/4436>.

<sup>30</sup> Romea.cz, Czech Government Should Stop Gambling with the Country's Reputation – the Fight for Forced Sterilisation is not over, 4 November 2015, available at: <http://www.romea.cz/en/features-and-commentary/analyses/marek-Szilvási-czech-government-should-stop-gambling-with-the-country-s-reputation-the-fight-for-compensation-for-forced>.

## HOUSING

17. A significant part of the Roma population in the Czech Republic lives in social exclusion in inadequate housing and is unable to access the Czech housing market due to discrimination. The Strategy for combating social exclusion for the period 2011-15 estimates 80,000 to 100,000 of Roma are living in social exclusion.<sup>31</sup> According to the same document, almost one third of the overall Roma population lives in a socially excluded environment.<sup>32</sup> According to the 2015 report, *Analysis of Socially Excluded areas in the Czech Republic*, the number of socially excluded localities is over 600 and has doubled over the past decade.<sup>33</sup> Based on the UNDP Roma regional survey from 2011, a high number of Romani families live in inadequate housing conditions<sup>34</sup> with poor access to social and public services.<sup>35</sup> Additionally, a 2016 report from the Fundamental Rights Agency (FRA) indicates that 42% of the Roma people surveyed suffer from living in areas contaminated by polluted water, smoke or dust.<sup>36</sup>
18. People in social exclusion often face obscure rules and discriminatory practices in accessing municipal housing. Once individuals or families enter private or municipal substandard hostels they are de facto denied from municipal housing. As a result of often inadequate housing conditions in substandard hostels, Roma families with children suffer from hepatitis A, bacillary dysentery, bed bugs or scabies.<sup>37</sup> The number of people living in substandard hostel housing has significantly increased from 11,027 persons in 2008 to 27,000 persons in 2014.<sup>38</sup>
19. Testing carried out by the Ombudsperson in 2012-13 confirmed discriminatory practices towards Roma in the rental market based on their ethnicity.<sup>39</sup> The 2013 governmental housing report has also confirmed that Roma cannot access the Czech housing market as a result of their ethnicity and lower economic status.<sup>40</sup>
20. In October 2015, the government adopted the Social Housing Concept of the Czech Republic 2015-2025.<sup>41</sup> The concept should have served as a basis for a social housing law which would oblige municipalities to devote a certain percentage of their housing facilities to those in social need. The original

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<sup>31</sup> Government's Agency for Social Inclusion, Strategy for Combating Social Exclusion for the Period 2011 -2015, available (in Czech), at: <http://www.socialni-zaclenovani.cz/dokumenty/strategie-boje-proti-socialnimu-vylouceniu>.

<sup>32</sup> Government of the Czech Republic, Strategy for Combating Social Exclusion up for the Period 2011-2015, p. 6, available (in Czech) at: <http://www.socialni-zaclenovani.cz/dokumenty/strategie-boje-proti-socialnimu-vylouceniu>.

<sup>33</sup> GAC, Analysis of Socially Excluded Areas in the Czech Republic, 2015, available (in Czech), available at: [http://www.gac.cz/userfiles/File/nase\\_prace\\_vystupy/Analyza\\_socialne\\_vyloucenych\\_lokalit\\_GAC.pdf](http://www.gac.cz/userfiles/File/nase_prace_vystupy/Analyza_socialne_vyloucenych_lokalit_GAC.pdf).

<sup>34</sup> UNDP, The Housing Situation of Roma Communities: Regional Roma Survey 2011, p. 31-32, available at: <http://www.undp.org/content/dam/albania/docs/misc/The%20housing%20situation%20of%20Roma%20communities>

<sup>35</sup> UNDP, The Housing Situation of Roma Communities: Regional Roma Survey 2011, p. 51. available at: <http://www.undp.org/content/dam/albania/docs/misc/The%20housing%20situation%20of%20Roma%20communities>

<sup>36</sup> Fundamental Rights Agency, available at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings-p-34>.

<sup>37</sup> GAC, Analysis of Socially Excluded Areas in the Czech Republic, 2015, available (in Czech), available at: [http://www.gac.cz/userfiles/File/nase\\_prace\\_vystupy/Analyza\\_socialne\\_vyloucenych\\_lokalit\\_GAC.pdf](http://www.gac.cz/userfiles/File/nase_prace_vystupy/Analyza_socialne_vyloucenych_lokalit_GAC.pdf) p. 69.

<sup>38</sup> Ibid S. 69, available at: [http://www.gac.cz/userfiles/File/nase\\_prace\\_vystupy/Analyza\\_socialne\\_vyloucenych\\_lokalit\\_GAC.pdf](http://www.gac.cz/userfiles/File/nase_prace_vystupy/Analyza_socialne_vyloucenych_lokalit_GAC.pdf).

<sup>39</sup> Czech Ombudsperson, Press statements, available (in Czech), at: <http://www.ochrance.cz/aktualne/tiskove-zpravy-2015/pripad-testovani-reality-kancelari-je-vice-nez-2-roky-stary/>; <http://www.ochrance.cz/aktualne/tiskove-zpravy-2015/chybuje-verejna-ochrankyne-prav-tim-ze-poukazuje-na-nezakonny-postup-reality-kancela/>

<sup>40</sup> Romea., Czech gov't report finds Roma cannot access ordinary housing, available at: <http://www.romea.cz/en/news/czech/czech-gov-t-report-finds-roma-cannot-access-ordinary-housing>.

<sup>41</sup> The Ministry of Labour and Social Affairs of the Czech Republic, available at: <http://www.mpsv.cz/cs/22524>.

concept was based on the European Typology of Homelessness and Housing Exclusion (ETHOS) definition that covers a wide range of groups and would have been applicable even to individual and families whose housing expenditure exceed 40% of their income.<sup>42</sup> The concept would have covered a large number of Roma families in a socially excluded environment and was planned to come into force in January 2017.<sup>43</sup>

21. The first draft of the social housing law was introduced in September 2016 and was met with positive responses from NGOs. According to the Salvation Army and the Platform for Social Housing, the draft was one of the best proposed laws produced in the last decade with only minor reservations from their side. The draft version met fully or partially 13 out of 15 areas identified by the Platform for Social Housing as a key for an effective social housing policy reform.<sup>44</sup>
22. Despite the positive feedback, the first draft of the social housing law was significantly amended. As a result, a new legislation proposal was introduced in February 2017 by the Ministry of Regional Development of the Czech Republic,<sup>45</sup> but this version meets only seven out of 15 of the vital areas for effective reform identified by the Platform for Social Housing. The new proposal does not ensure equal access to housing as previously planned.<sup>46</sup> It can be foreseen that the current proposal will, among other negative consequences, result in the ongoing institutionalization of children who are taken by authorities due to their poor living conditions in instances where municipalities have failed to provide adequate housing.<sup>47</sup> The practice of children being taken into state care because of poverty disproportionately affects the Roma population.<sup>48</sup> The current proposal also fails to provide any measure that would prevent the geographic segregation of Roma in the future.

## RECOMMENDATIONS

23. The ERRC makes the following recommendations regarding **equal access to quality education** to the Czech Government:
  - i. Take steps to completely disassemble the special education system and ensure the realisation of the right to inclusive education for all children by taking concrete and targeted legislative and administrative steps within a reasonable timeframe to achieve these goals.
  - ii. Thoroughly monitor and evaluate the newly adopted reforms and their impact on the most vulnerable groups – Roma and children with mental disabilities.
  - iii. All legislative and policy changes should be accompanied by the allocation of necessary financial resources to fully implement measures to end the provision of segregated education and ensure that all mainstream education is accessible to all children, including Romani children and children

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<sup>42</sup> The Ministry of Labour and Social Affairs of the Czech Republic, available (in Czech) at: [http://www.mpsv.cz/files/clanky/27267/Koncepce\\_socialniho\\_bydleni\\_CR\\_2015-2025.pdf](http://www.mpsv.cz/files/clanky/27267/Koncepce_socialniho_bydleni_CR_2015-2025.pdf), p.16.

<sup>43</sup> The Ministry of Labour and Social Affairs of the Czech Republic, available (in Czech) at: [http://www.mpsv.cz/files/clanky/27269/Tiskova\\_zprava.pdf](http://www.mpsv.cz/files/clanky/27269/Tiskova_zprava.pdf).

<sup>44</sup> Have your home initiative, available (in Czech) at <http://www.mitsvujdomov.cz/dobry-zakon>.

<sup>45</sup> Romea, Czech Regional Development Minister reluctantly supports social housing law, available at: <http://www.romea.cz/en/news/czech/czech-regional-development-minister-reluctantly-supports-social-housing-law>.

<sup>46</sup> The Platform for Social Housing, available (in Czech) at [http://www.socialnibydleni.org/sites/default/files/publicFiles/SOUBORY/2017/02/23/10-28-44/stanovisko\\_psb\\_k\\_zakonu\\_o\\_sb\\_verze\\_170110.pdf](http://www.socialnibydleni.org/sites/default/files/publicFiles/SOUBORY/2017/02/23/10-28-44/stanovisko_psb_k_zakonu_o_sb_verze_170110.pdf).

<sup>47</sup> Romea, Have your home: With no obligation for municipalities to secure social housing, the ones in need might never receive it, available (in Czech) at: <http://www.romea.cz/cz/zpravodajstvi/domaci/mit-svuj-domov-bez-povinnosti-obce-zajistit-socialni-bydleni-se-potrebni-bydleni-nedockaji>.

<sup>48</sup> ERRC, available at: <http://www.errc.org/cms/upload/file/life-sentence-20-june-2011.pdf>.



with mental disabilities. The Government should also ensure adequate human resources with proper education and training to facilitate the effective implementation of the reforms.

- iv. End the segregation of Romani children in mainstream ethnically homogenous schools. To achieve this aim, the municipalities should consider, where appropriate, re-drawing catchment areas and adopt concrete plans of desegregation.

24. ERRC makes the following recommendations regarding failure to adequately address **forced and coercive sterilisation of Romani women** to the Czech Government:

### **Access to Justice**

- i. Grant compensation to all victims of coercive sterilisation in the Czech Republic irrespective of the date of sterilisation, or the victim's ethnicity, nationality or age;
- ii. Ensure that the three-year statute of limitation, dating from the moment of sterilisation, will not prevent victims from bringing civil claims for damages;
- iii. Ensure that all victims of involuntary sterilisation are provided with free legal aid and all potential litigation costs are covered;
- iv. Amend/abolish problematic provisions of the Specific Medical Services Act concerning informed consent to sterilisation.

### **Transparency**

- i. Make sure that any Commission for compensation will contain independent expert representatives along with representatives of ministries and health services;
- ii. Appoint an independent committee to conduct research into the full extent of harm caused by the practice of involuntary sterilisation, and support ongoing outreach to all potential applicants for compensation;
- iii. Establish clear procedural guidelines for following up on complaints of rights violations and strengthen administrative accountability mechanisms in hospitals.

### **Compensation**

- i. Secure access to non-monetary forms of compensation such as artificial fertilisation, rehabilitation, etc.

### **Accountability**

- i. Assign the Czech Foreign Ministry to undertake negotiations with the Slovak Government to provide redress for women sterilised in Slovakia prior to 1991.

25. The ERRC makes the following recommendations regarding **housing** to the Czech Government:

- i. Reduce the number of people living in social exclusion, in particular the Roma population as it has suffered in the past from segregationist policies which have resulted in diminished life opportunities, unequal access to quality education, to housing, and to the labour market for the Roma population.
- ii. Ensure that any evictions that do take place are a means of last resort, and are carried out in accordance with both national and international law, including ensuring that those evicted have access to effective remedies against forced eviction;

- iii. Adopt adequate social housing policies without further delay, with clear measures preventing any future segregation, namely; adopt legal provisions for social housing, which would detail the role of the state and municipalities, intended target groups and minimal standards of social housing;
- iv. Ensure funding schemes for the provision, reconstruction or construction of new social housing premises, in adequate scale and under conditions which meet the expectations of municipalities and civil society;
- v. Ensure vulnerable Roma do not lose their eligibility for social housing. Test the use of socially-innovative measures, specifically housing-led approaches, and social rent agencies. Introduce eligibility criteria that could be met by vulnerable Roma; and
- vi. Develop and implement policies to address the vulnerabilities of persons with disabilities, children, young people and others leaving institutional care; such policies should take into consideration individual needs and characteristics, ensure the provision of reasonable accommodations where necessary, targeted to ensure social inclusion.