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**PERMANENT MISSION OF THE CZECH REPUBLIC
TO THE UNITED NATIONS, OSCE AND OTHER
INTERNATIONAL ORGANISATIONS
*in Vienna***

**OSCE Conference on Racism,
Xenophobia, and Discrimination
4 – 5 September 2003, Vienna**

Delegation of the Czech Republic

**Statement on the legislative changes adopted by the Czech Republic to combat
Racism, Xenophobia and Discrimination**

Distinguish Delegates, Ladies and Gentlemen,

Let me briefly introduce to you latest legislative changes adopted by the Czech Republic in order to strengthen the protection against racism and other forms of discrimination.

Until the adoption of the 2002 amendment to the Code of Civil Procedure, the burden of proof was shifted to the violator only in the case of gender-related discrimination in employment. The amendment broadened this reverse onus clause to cover discrimination in employment on the grounds of race or ethnic origin, religion, faith, appearance, disability, age and sexual orientation.

The reverse onus clause is even broader in cases of discrimination on racial or ethnic grounds, where the burden of proof is shifted to the violator also in areas such as health care and social welfare services, access to education and training, access to government contracts, membership in employee/employer unions and in professional and other associations, sale of goods in shops or the provision of services.

According to the amended Code of Civil Procedure as well as the new Code of Administrative Procedure introduced in 2002, a party seeking judicial protection against discrimination can be represented by a civic association. This is the very good example of participation of civil society in the process of protection against racism.

The legal safeguards against discrimination are strongest in the sphere of labour law. Beside the Labour Code, anti-discrimination clauses are included in the new Act to regulate the service of civil servants in administrative authorities and the remuneration of such servants and other employees of administrative authorities (Public Service Act) adopted in 2002. This legislation ensures the equal treatment of all civil servants and prohibits any discrimination in service relations on a number of grounds.

Another contribution to legal safeguards against discrimination will be the amendment to the Radio and Television Broadcasting Act prohibiting the broadcasting of advertisements and teleshopping programmes with elements of discrimination on the grounds of sex, race, colour, language, national or social origin or belonging to a national or ethnic minority.

Very useful changes have been made in the sphere of criminal law. In previous practice, the judicial interpretation of terms such as "race" or "racial" was in several isolated cases too narrow. As a result some attacks obviously motivated by racial hatred especially against persons belonging to the Roma community were not recognized as racial crimes. Accordingly the 2002 amendment to the Criminal Code broadened definitions of some crimes, including violence against a group or against an individual (Section 196), defamation of a nation, race and conviction (Section 198) and incitement to hatred for a group of persons or to restriction of their rights and freedoms (Section 198a), bodily harm (Section 221-224) and murder (Section 219), in order to provide protection against serious attacks motivated by hatred for an ethnic group.

It is important to emphasize that penalties for incitement to hatred for a group of persons or to restriction of their rights and freedoms are stricter if the crime is committed through the use of massmedia, including publicly accessible computer networks, i. g. Internet, or if the offender actively participates in activities of organizations promoting discrimination, violence or "racial, ethnic or religious non-freedom".

Thank you for Your attention.