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Strasbourg
November 19, 2008

Honourable Members of the Deputy Chamber of the Parliament of the Czech Republic,

We, the undersigned Members of the European Parliament, are writing to you to raise our concern regarding the fact that the Czech Republic has not yet adopted the EU anti-discrimination legislation.

As you know, based on Article 13 of the Treaty of Amsterdam, in 2000 the Council of the European Union adopted Directive 2000/43/EC implementing the principle of equal treatment and Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation between persons irrespective of racial or ethnic origin. This EC legislation was adopted eight years ago with a view to tackling discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation. This legislation has had a major impact in raising the level of protection against discrimination for people throughout the EU in those Member States where it was adopted and transposed into domestic legislation.

While several of the Member States have been in the process of transposing these rules into national law, and the need for additional efforts to ensure effective implementation and enforcement of the legislation has been formulated, the Czech Republic, also a Member State since May 1 2004, has not made even the first step. The Directive 2000/43/EC, for instance, has not been transposed into laws on social protection, healthcare and access to healthcare, education and access to education, into legislation governing social advantages, into laws on access to goods and services and consumer protection, on access to housing, and the Anti-discrimination body meeting the requirements of the Art. 13 of the "Race" Directive has not been established in the Czech Republic either.

We are fully aware that the Czech Republic has ratified all the instruments for combating discrimination in the two main international human rights systems, the United Nations and the Council of Europe as well as the International Convention on the Elimination of All Forms of Racial Discrimination, and that the country is also a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

We are also aware of the fact that a number of pieces of Czech legislation - for example the Charter of Fundamental Rights - cover important rights. For instance, a general antidiscrimination clause in Article 3 of the Charter expressly prohibits discrimination with respect to basic rights and freedoms on a number of grounds given in an open-ended list.

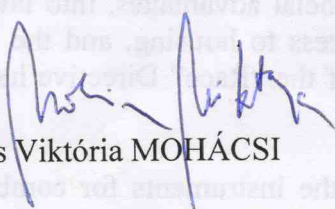
Still, there are a number of aspects of the existing system which are not in line with the EU Directives. Among them:

- Lack of definitions of forms of discrimination (direct discrimination, indirect discrimination, harassment and victimisation);
- Certain fields completely lacking anti-discrimination provisions (for example social security, access to health, access and conditions of self-employment);
- The lack of a consistent system of sanctions;
- The lack of an institutional framework (an independent body to assist victims of discrimination has not been established and there is no existing body providing this assistance, conducting research or with the capacity to issue recommendations.)
- The lack of burden of proof.

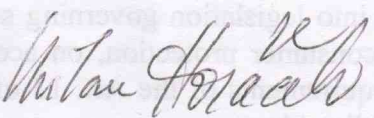
Honourable Members of the Deputy Chamber of the Parliament! In view of the upcoming Czech EU presidency, on the one hand, and, given the ever more worrying rise of xenophobia and racially-motivated bias and crime in Europe on the other, we appeal to you to reconsider your position about the need and the timeliness of the adoption of a comprehensive anti-discrimination legislation in the Czech Republic and take steps to adopt both the Racial Equality Directive, 2000/43/EC, and Employment Equality Directive, 2000/78/EC.

Related to the issue raised in this letter, considering the judgment of the European Court of Human Rights of one year ago in the case of *D.H. and others v. the Czech Republic* in which the Grand Chamber of the Court made a landmark decision advancing anti-discrimination jurisprudence in Europe by ruling that the segregation of Romani students in special remedial schools is a form of unlawful discrimination, we would also highly welcome any and all efforts made by you in the future, in particular during the upcoming Czech EU presidency, to set a positive example for other Member States in the area of use of best practices in the non-discrimination field and, even more importantly, in desegregating existing ghetto schools.


With full respect,
Yours sincerely



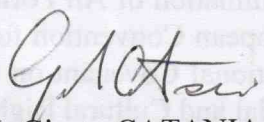
Ms Viktória MOHÁCSI



Mr Milan HORÁČEK

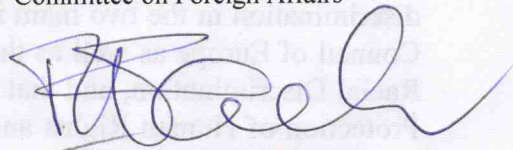


Mr Libor ROUČEK
Vice-Chairman of the
Committee on Foreign Affairs

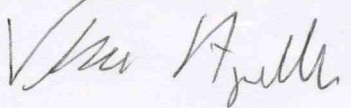


Mr Giusto CATANIA
Vice-Chairman of the
LIBE Committee

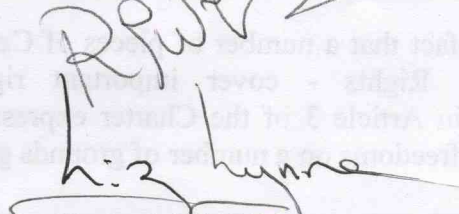
Ms Renate WEBER



Mr Richard FALBR



Mr Vittorio AGNOLETTO



Ms Elizabeth LYNNE
Vice-Chairwoman of the Employment
and Social Affairs Committee