In **the Czech Criminal Code, Act no. 40/2009 Coll**., a new criminal offence relating to racism and xenophobia has been laid down with effect as of 1 January 2022. The new criminal offence is titled Distribution of Work for Promoting a Movement Aiming at Suppression of Human Rights and Freedoms. It makes criminally punishable various conducts concerning symbols of movements aimed at suppression of human rights and freedoms, which proclaim prejudiced hatred.

The new provision reads (unofficial translation):

*Section 403a*

*Distribution of Work for Promoting a Movement Aiming at Suppression of Human Rights and Freedoms*

*(1) Whoever in larger extent produces, imports, exports, transits, offers, makes publicly available, arranges, puts into circulation, sells or otherwise obtains or creates for another person a work which depicts, displays or otherwise represent symbols, such as logos, flags, signs, uniforms and their parts, catchwords, statements, declarations, slogans and forms of greetings, representatives or speeches of the representatives of the movement referred to in Section 403 Subsection 1, will be sentenced to imprisonment for up to one year, to a pecuniary penalty or to confiscation of an item.*

*(2) An offender will be sentenced to imprisonment for one year to five years or to a pecuniary penalty, if he commits the act referred to in sub-section (1),*

*a) as a member of an organized group,*

*b) by press, film, radio, television, publicly accessible computer network or in another similarly effective way, or*

*c) with the intention to gain for himself or for another substantial profit.*

*(3) An offender shall be sentenced to imprisonment for one year to five years or a pecuniary penalty, if he commits the act referred to in sub-section (1) with the intention to gain for himself or for another substantial profit.*

It is linked to the previously existing criminal offence according to the Section 403 of the Criminal Code that reads (unofficial translation):

*Section 403*

*Establishment, Support and Promotion of Movements Aimed at Suppression of Human Rights and Freedoms*

*(1) Whoever establishes, promotes or supports movements that is provably aimed at suppression of human rights or that proclaims racial, ethnic, national, and religious or class hatred or hatred against another group of people, will be sentenced to imprisonment for one year to five years.*

*(2) An offender will be sentenced to imprisonment for three to ten years, if he*

*a) commits the act referred to in sub-section (1) by press, film, radio, television, publically accessible computer network or in another similarly effective way,*

*b) commits such an act as a member of an organized group,*

*c) commits such an act as a soldier, or*

*d) commits such an act during a state on national peril or a state of war.*

*(3) Preparation is criminal.*

Apart from the new Section 403a of the Criminal Code, no other relevant legislative amendments have been made to the pertaining provisions of the Czech Criminal law in 2022 or 2023.

Nevertheless, a possible more horizontal legislative amendment is subject to discussions at both the expert and the political level that would amend the pertaining criminal offences in order to cover more specifically also hatred, including hate speech, motivated by grounds other than race, ethnicity, nationality, political opinion, religion or class, which are already specifically covered by the relevant criminal offence. Results and outcomes of this discussion may not yet be foreseen.

In 2022, the Supreme Public Prosecutor’s Office (SPPO) worked further on implementation of the Prosecutors and Hate Crimes Training (PAHCT) Program pursuant to the Memorandum of understanding that the SPPO and the Judicial Academy agreed on with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in 2019. According to the report of the SPPO on its activities, 3 trainings on hate crime for public prosecutors at the district and regional level were to take place in 2022.

**Special trainings for the police officers specialized in combating hate crime and extremism**:

·         Special trainings for the public order police officers.

·         Special trainings for the public prosecutors specialized in combating hate crime.

·         Joint educational activities for the police officers and the public prosecutors.

·         Manuals for police officers – special ones for the public and criminal police units.

·         Manuals for public prosecutors.

·         Involvement of NGOS and International human rights organizations in the educational system for the police officers and public prosecutors.

·         Changes in the relevant police forms for reporting hate crimes (broader scale of minorities, emphasis on the bias motive).

·         Changes in the relevant police informational systems (emphasis on the bias motive).

·         New online application for the public for reporting online hate speech run by the Ministry of the Interior and the Police of the Czech Republic.

·         Close cooperation with commercial companies, internet service providers, and internet content providers.

·         Close cooperation with the European Commission and many relevant organizations and bodies within the framework of the European Commission.

·         Regular publication of the reports on hate crime and extremism.

·         Close cooperation between the Ministry of the Interior and the Police of the Czech Republic and the Czech Telecommunication Office on implementation of the TCO (Terrorist Content Online) regulation.

·         Close cooperation between Czech police officers and their partners abroad, cooperation with Europol on combating terrorist content online.

There is a government supported campaign to address and combat hate speech, called HateFree ([www.hatefree.cz](http://www.hatefree.cz/)).

Specifically on Roma minority issues:

**Extent and impact of systemic racism and effective legal, policy and institutional measures that address racism beyond a summation of individualized acts** (paragraph 20):

**Strategy for Roma Integration 2021-2030 is the strategic document managed by the Office of the Governmemt identifying** specific objective *Antigypsyism* aim at reducing the level of antigypsyism/discrimination against Roma. The objective sets specific measures, which put emphasize on strengthening the monitoring of the discrimination, prejudice, hate speech against Roma and education about this issue. Significant cooperation in fulfilling the measures is taking place with the Ministry of Interior and the Police of the Czech Republic. One of the measure aims to adopt the definition of antigypsyism, as the specific form of racism against Roma, in strategic documents of the Czech Republic dealing with the Roma integration.

Moreover, the discrimination of Roma is being monitored by the Government Council for Roma Minority Affairs and its working bodies. The Government of the Czech Republic established in 2022 the function of the Government Commissioner for Roma Minority Affairs, who became the vice-chair of the Council.

**The Concept of the Fight Against Extremism and Prejudicial Hatred** and its Action Plans (managed by the Ministry of Interior) is the strategic document identifying several objectives related to combating racism and discrimination, including discrimination against Roma.

One of the example of good practice is the existence of so-called liaison officers for minorities, who plays significant role in the relations between police and minority groups (including Roma). Their role, among others, is to build mutual trust between police and minorities. Liaison officers for minorities works at regional directorates of the Police of the Czech Republic.

**Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020**

and **Action Plan to the Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020**,

Prohibition of discrimination is in the Czech Republic included in the Charter of Fundamental Rights and Freedoms. Further the prohibition of discrimination is included in Anti-discrimination Act – this Act, adopted in 2009, and should ensure protection against discrimination in Czech Republic including the discrimination based on the race or ethnicity.

Specific assessment of the legislation above was not carried by the Office of the Government or other Ministries in the period 2022-2023. However, anti-discrimination legislation is evaluated as part of reporting to individual monitoring committees within the UN, such as CERD.

The institution that deals with the evaluation of the functionality of the legislative framework for non-discrimination on a permanent basis is the Equality Body (the Ombudsman).

**Hate speech, incitement to racial discrimination, hostility and violence**; (preambular paragraph 6):

**Strategy for Roma Integration 2021-2030 is the strategic document managed by the Office of the Government identifying** specific objective *Antigypsyism* aim at reducing the level of antigypsyism/discrimination against Roma. The objective sets specific measures, which put emphasize on strengthening the monitoring of the discrimination, prejudice, hate speech against Roma. Significant cooperation in fulfilling the measures is taking place with the Ministry of Interior and the Police of the Czech Republic. One of the measure aims to adopt the definition of antigypsyism, as the specific form of racism against Roma, in strategic documents of the Czech Republic dealing with the Roma integration.

Moreover, the discrimination of Roma is being monitored by the Government Council for Roma Minority Affairs and its working bodies, the Government of the Czech Republic established in 2022 the function of the Government Commissioner for Roma Minority Affairs, who became the vice-chair of the Council.

In period 2019-2021 the **Ombudsman** monitors the number of complaints alleging discrimination on the grounds of Roma ethnicity.

**Report on Extremism and Prejudicial Hatred** annually monitors the number of hate crimes against Roma.

**The Strategy for Roma Integration 2021-2030** identifies specific objective aiming at establishing working group, which would analyse the possibility of monitoring cases claiming discrimination against Roma which have been brought before courts.

**Racism, racial discrimination, xenophobia and related intolerance targeting migrants and refugee**s (preambular paragraphs 9 and 10):

**Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020**

and **Action Plan to the Strategy for the Work of the Police of the Czech Republic in Relation to Minorities until 2020**,

Furthermore, in order to target help more specifically to Ukrainian Roma, Ministry of Interior introduced program to help particularly vulnerable persons and groups of persons entering the territory of the Czech Republic due to a different socio-cultural environment in connection with the security situation in Ukraine and ensuring related measures. The financial support was intended to cover basic needs, particularly provision of accommodation. The program was introduced based on the Government Resolution no 284 adopted on 6th April 2022.

On 20th May 2022 the Government Council for Roma Minority Affairs, the advisory and initiative body of the Government, discussed at its meeting the situation of Ukrainian Roma resulting in the adoption of the resolution no 1/2022 in which the Council recommended to Government Commissioner for Human Rights to establish a working group on the needs of particularly vulnerable groups of refugees. This working group was established in May 2022 and consisted of representatives of the Ministry of Interior, Ministry of Labour and Social Affairs, Ministry of Regional Development, Administration of the Refugee Facilities, regional Roma coordinators, NGOs and other relevant institutions. The Council in its resolution recommended to the Government to ensure equal access for all applicants in the process of temporary protection application submission, to proactively ascertain an actual applicants date of entrance to the Schengen area, to ensure the possibility of administrative and judicial review of declined temporary protection applications, to ensure sufficient accommodation capacity as well as provision of transparent information about the accommodation capacity and lastly to ensure the provision of social services to all refugees including the access to the health care and social services and education to children. Additionally, the Council recommended to the Government to initiate negotiations with UNHCR about the offered financial support intended to strengthen the capacities in the assistance for Ukrainian refugees, including the capacities of Regional Assistance Centres for Help and assistance to Ukraine.