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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Independent Expert on minority issues; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

REFERENCE: AL Assembly & Association (2010-1) Minorities (2005-4) G/SO 214 (78-15)
CZE 3/2013

22 July 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Independent Expert on minority issues; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolution 15/21, 16/6, and 16/33.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **repeated attacks targeting Roma communities in the cities of Ceske Budejovice and Duchcov by far-right groups.**

According to the information received:

On 29 May 2013, an anti-Roma demonstration was reportedly convened in Duchcov and gathered 500 people. Furthermore, the organisers M Jan Dufek and M Jindrich Svoboda allegedly called for the murder of the Roma. The police is said to have intervened to prevent the demonstrators from reaching the quarters inhabited by Roma.

On 22 June, a peaceful assembly called Čikhatar het/Z bahna ven was organised in support and with the presence of Roma. A counter gathering was called by neo-Nazi groups under the leadership of Dělnická strana sociální spravedlnosti (DSSS). Violence erupted and the police was allegedly forced to engage with the demonstrators.

On 29 June, an assembly was held in the Máj housing estate of Ceske Budejovice to resolve conflicts between Roma and non-Roma residents. Sources report that a parallel gathering was organised in the main square, Premysl Otakar II, by neo-Nazi groups and that around 5:30 pm it headed towards the Máj. The police

allegedly intervened only once small groups of neo-Nazis had reached the Roma. There were reportedly 10 people injured due to the violence that ensued.

On 6 July, a further anti-Roma gathering allegedly emerged. The initial group gathered in the main square and was this time reportedly prevented to leave it in direction of the Máj estate. Another formation of neo-Nazis met up directly at the estate and the police is said to have intervened to prevent them from attacking the Roma.

There are further reports that far-right organisations have called for mass demonstrations against Roma throughout the country on 24 August.

While noting some protection measures taken by the police, grave concerns are expressed over their insufficiency as the reported escalation of violence targeting Roma communities has confirmed.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the circumstances with a view to ensuring that the rights of this group of alleged victims are protected in accordance with the fundamental principles as set forth in the UN International Covenant on Civil and Political Rights and in the International Convention on the Elimination of all forms of Racial Discrimination to which your country is a Party.

In this connection, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR) and in particular to article 20, paragraph 2, that states: “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”; and the International Convention on the Elimination of All Forms of Racial Discrimination, in particular Article 4, stating that:

“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall

recognize participation in such organizations or activities as an offence punishable by law”.

We also wish to draw the attention of your Excellency’s Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1.1 of the Declaration provides that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”. This provision should be understood to require the prevention of any acts of violence and the protection of minorities from any form of physical attack against individuals, communities, their property and places of worship. Article 1.2 also provides that “States shall adopt appropriate legislative and other measures to achieve those ends.” The Declaration stipulates in Article 4 (1) that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.”

Furthermore, we wish to bring to the attention of your Excellency’s Government the decision of the European Court of Human Rights from 9 July 2013 in *Vona v. Hungary* which concluded that the dissolution of anti-Roma and anti-Semitic association and movement by the Hungarian government did not violate Article 11 of the European Convention of Human Rights. In the Court’s reasoning it underlined that the decision to disband the association and movement was in no way disproportionate and that, on the contrary, if the state had not taken such a decision it might have been perceived that they acquiesced with the activities of the association and movement or in any case facilitated them.

In relation to the peaceful assemblies organized by Roma, we would also like to refer your Excellency's Government to article 21 of the ICCPR, which provides that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

We would also like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In addition, we would like to refer to the thematic report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/27), in which he stressed that “States have a positive obligation to actively protect peaceful assemblies. Such obligation includes the protection of participants of peaceful assemblies from individuals or groups of individuals, including agents provocateurs and counter-demonstrators, who aim at disrupting or dispersing such assemblies” (para. 33). In this connection, the Special Rapporteur called upon States to “ensure that the rights to freedom of peaceful assembly and of association are enjoyed by everyone and any registered or unregistered entities, including women; youth; indigenous peoples, persons with disabilities, persons belonging to minority groups or groups at risk, including those victims of discrimination because of their sexual orientation and gender identity, non-nationals, as well as activists advocating economic, social, and cultural rights” (para. 84(b)).

Moreover, since it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate?
2. Have complaints been lodged with regard to the incidents mentioned?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries or any criminal charges to the perpetrators in relation to these incidents. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide details of any legislation and policy that exists to protect and promote the rights of persons belonging to ethnic minorities.
5. Have any measures been taken to prevent any escalation of the reported violence? Has your Excellency’s Government taken any specific action in regard to the planned national demonstration of 24 August 2013?
6. Please indicate what further protective measures will be taken to ensure the physical and psychological safety of Roma in the exercise of their right to freedom of peaceful assembly?

We would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency’s Government to take all necessary measures to prevent further violence by far right groups, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai
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of association

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